

Regular Meeting  
City Hall, Marysville, Kansas-August 28, 2023

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 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, Goracke, Price, Behrens, and Throm. A quorum was present. CM Beikman was absent.

The minutes from the August 14<sup>th</sup> regular meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

**NOTICES AND HEARINGS:**

1. **REVENUE NEUTRAL RATE.** At 7:01 p.m. Mayor Barnes opened the public hearing. The Revenue Neutral Rate set by the Marshall County Clerk was set at 63.866 mills for the 2024 budget. The proposed budget of the City of Marysville will require a levy of property tax rate exceeding the Revenue Neutral Rate. The proposed property tax levy rate will be 68.631 mills. No public comments were presented. Mayor Barnes closed the hearing. CM Throm moved to approve Resolution 2023-43 *A RESOLUTION OF THE CITY OF MARYSVILLE, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE*, CM Snellings seconded. Motion carried with a 7-0 roll call vote.
2. **2024 BUDGET HEARING.** At 7:02 p.m. Mayor Barnes opened the public hearing. The proposed budget authority for 2024 was set at \$11,236,736 and the requested Ad Valorem Tax is \$2,484,424. No public comments were presented. Mayor Barnes closed the hearing. CM Throm moved to approve the 2024 Budget; CM Behrens seconded. Motion passed unanimously. The Budget Certificate was signed by the Governing Body.

**PUBLIC COMMENTS:**

1. **VERNITA PEEKS.** Vernita Peeks, Ward 1 addressed the Council asking them to speak into the microphones because it was difficult to hear in the audience. Vernita also addressed the Council concerning the product and method Marshall County Sports and Recreation used when spraying the weeds along the west fence at Feldhausen Field which abuts her property.

**BUSINESS AND DISCUSSION ITEMS:**

1. **NUISANCE VEHICLE POLICY AND PROCEDURES.** CA McNish presented a vehicle policy and procedures to abate nuisance vehicles located in the City. The procedures are based on state statute K.S.A. 8-1102. After discussion by Council CM Throm moved, CM Snellings seconded to approve the Nuisance Vehicle Policy and Procedures A-98. Motion carried unanimously.
2. **ORDINANCE 1921 STANDARD TRAFFIC ORDINANCE.** *AN ORDINANCE AMENDING SECTION 14-101 OF THE 2020 CODE OF THE CITY OF MARYSVILLE, KANSAS INCORPORATING 2023 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES.* CM Throm moved; CM Frye seconded to approve Ordinance 1921 incorporating the 2023 Standard Traffic Ordinance for Kansas Cities. Motion carried unanimously.
3. **ORDINANCE 1922 UNIFORM OFFENCE CODE.** *AN ORDINANCE AMENDING SECTION 11-101 OF THE 2020 CODE OF THE CITY OF MARYSVILLE, KANSAS INCORPORATING 2023 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES.* CM Throm moved to approve the

Ordinance 1922 incorporating the 2023 Uniform Public Offence Code for Kansas Cities; CM Behrens seconded. Motion carried unanimously.

4. **HOMEcomings PARADE REQUESTS.** Marysville High School Student Council asked to hold a Homecoming Parade Friday, September 15<sup>th</sup> at 2:00 p.m. The parade will line up on Broadway from 14<sup>th</sup> to 13<sup>th</sup> and 14<sup>th</sup> Street south to Walnut Street. The parade will proceed down Broadway from 13<sup>th</sup> Street to 6<sup>th</sup> Street. The floats will then move to City Park. CM Frye moved; CM Throm seconded to close Broadway from 14<sup>th</sup> Street to 6<sup>th</sup> Street for the Homecoming Parade, Motion carried unanimously.
5. **UNITED BANK HOMEcomings TAILGATE REQUESTS.** United Bank & Trust requests the use of the City Park September 15<sup>th</sup> for a community tailgate for Homecoming. UB&T would like the City to block the two entrances on 10<sup>th</sup> Street to the park and at the Y from 8<sup>th</sup> Street. CM Price moved, CM Goracke seconded to approve closing the east side of City Park for the annual United Bank & Trust Homecomings Tailgate. Motion carried unanimously.
6. **ALLEY CLOSURE 503 N 14<sup>TH</sup>.** Jeff Sandstrom from Olmsted Auctions would like to close the east half of the alley north of 503 N 14<sup>th</sup> Street for an auction. The auction will be on September 30<sup>th</sup> and they would like to close the alley from 7:00 a.m. to 3:00 p.m. CM Price moved; CM Throm seconded to close the alley on September 30<sup>th</sup> from 7:00 a.m. to 3:00 p.m. Motion carried unanimously.
7. **HEDRIX AVENUE CLOSING.** Interim Director of Chamber Main Street Wayne Kruse asked to have Hedrix Avenue closed on Friday, September 8<sup>th</sup> for the spaghetti dinner the Marysville U.P. Depot Preservation Society will serve in conjunction with the Pony Express Gravel Dash. CM Throm moved; CM Price seconded to approve closing Hedrix Avenue on September 8<sup>th</sup> to allow for the spaghetti meal. Motion carried unanimously.
8. **LANDOLL 60<sup>TH</sup> ANNIVERSARY ALCOHOL SALES IN PARK.** Wayne Kruse President of MCAC asked to close the City Park on Thursday, October 12<sup>th</sup> to bring in food vendors and bands previous to and following the free concert Landoll Company is hosting in the Landoll Family Sports Complex. Landoll Company is celebrating their 60<sup>th</sup> Anniversary. MCAC would also like to sell alcohol in a barricaded area in the park from 5:00 p.m. to 10:00 p.m. CM Throm moved, CM Goracke seconded to close the City Park from 5:00 p.m. to 10:00 p.m. on October 12<sup>th</sup>; allow sales and consumption of alcohol in the barricaded area. Motion carried unanimously. It was noted extra restrooms may be required.
9. **KOESTER HOUSE MUSEUM HEAT.** Sharon Kessinger and the Koester House Advisory Board asked the City to repair the heating system upstairs in the museum by fall. The heat has been repaired in the bottom floor and one room upstairs. Council consensus was to allow the Koester Foundation to pay for and hire an engineer to conduct a study of the HVAC and heating system in the Museum with the possible use of mini splits. The City will get quotes to repair the water lines in the ceiling to the radiators. Sharon asked the Council to appoint enough citizens to fill the Koester Museum Advisory Board.
10. **LEAGUE OF KANSAS MUNICIPALITY VOTING DELEGATES.** The City needs to appoint two voting delegates to vote at the LKM Conference October 9<sup>th</sup>. CM Keating moved, CM Snellings seconded to appoint CM Behrens and Mayor Barnes as the voting delegates. Motion carried unanimously.

**11. CITY EMPLOYEE HEALTH INSURANCE.** Blue Cross and Blue Shield of Kansas notified the City they will no longer allow the City employees to be covered under the current health care plan. Several options were presented. 1000/25 Gold with a \$1,000 deductible and a \$6,600 max out of pocket (double for family) for a monthly premium of \$41,791.49; 1500/25 Gold with a \$1,500 deductible and a \$4,950 max out of pocket (double for family) for a monthly premium of \$41,363.01; 2000/25 Gold with a \$2000 deductible and a \$6,000 max of out of pocket for a monthly premium of \$40,788.40. CM Behrens moved; CM Throm seconded to purchase the BlueCare Gold 1500/25 plan. Motion carried unanimously.

**HEARINGS:**

- 1. RESOLUTION 2023-44 NUISANCE AT 510 OAK STREET.** BI Ralph presented pictures and the Notice of Violation for 510 Oak Street owned by John R and Brenda K Edwards/Edwards Quarry and Trucking. John or Brenda did not request a hearing, nor did they appear on August 14, 2023. CM Price moved, CM Throm seconded to approve Resolution 2023-44 setting a deadline of September 8, 2023, for the owner to abate the nuisance. Following September 8, 2023, the City will abate the nuisance and assess the costs to John and Brenda Edwards/Edwards Quarry and Trucking. Motion carried unanimously.
- 2. RESOLUTION 2023-45 NUISANCE AT 401 WALNUT STREET.** BI Ralph presented pictures and the Notice of Violation for 401 Walnut Street owned by Linda Jorgenson. Linda did not request a hearing, nor did she appear on July 24, 2023. CM Throm moved, CM Snellings seconded to approve Resolution 2023-45 setting a deadline of September 8, 2023, for the owner to abate the nuisance. Following September 8, 2023, the City will abate the nuisance and assess the costs to Linda Jorgenson. Motion carried unanimously.
- 3. RESOLUTION 2023-46 NUISANCE AT 1206 JENKINS STREET.** BI Ralph presented pictures and the Notice of Violation for 1206 Jenkins Street owned by Justin D. and Donna J Chappell. Justin or Donna did not request a hearing, nor did they appear on June 26, 2023. CM Throm moved, CM Goracke seconded to approve Resolution 2023-46 setting a deadline of September 8, 2023, for the owner to abate the nuisance. Following September 8, 2023, the City will abate the nuisance and assess the costs to Justin and Donna Chappell. Motion carried unanimously.
- 4. RESOLUTION 2023-47 NUISANCE AT 509 N 14th STREET.** BI Ralph presented pictures and the Notice of Violation (red Pontiac) at 509 N 14<sup>th</sup> Street owned by Steven M. Kling. Steven did not request a hearing, nor did he appear on July 10, 2023. CM Behrens moved, CM Snellings seconded to approve Resolution 2023-47 setting a deadline of September 8, 2023, for the owner to abate the nuisance. Following September 8, 2023, the City will abate the nuisance and assess the costs to Steven Kling. Motion carried unanimously.
- 5. RESOLUTION 2023-48 NUISANCE AT 509 N 14th STREET.** BI Ralph presented pictures and the Notice of Violation (white Ford pickup) at 509 N 14<sup>th</sup> Street property owned by Steven M. Kling. Steven did not request a hearing, nor did he appear on August 28, 2023. CM Behrens moved, CM Throm seconded to approve Resolution 2023-48 setting a deadline of September 8, 2023, for the owner to abate the nuisance. Following September 8, 2023, the City will abate the nuisance and assess the costs to Steven Kling. Motion carried unanimously.

6. **RESOLUTION 2023-49 NUISANCE AT 407 N 12th STREET.** BI Ralph presented pictures and the Notice of Violation (Chrysler Van) at 407 N 12<sup>th</sup> Street owned by Janet Wecker and occupied by Morgan Heberlein. Janet or Morgan did not request a hearing, nor did they appear on July 10, 2023. CM Frye moved, CM Goracke seconded to approve Resolution 2023-49 setting a deadline of September 8, 2023, for the owner to abate the nuisance. Following September 8, 2023, the City will abate the nuisance and assess the costs to Janet Wecker. Motion carried unanimously.
7. **RESOLUTION 2023-50 NUISANCE AT 407 N 12th STREET.** BI Ralph presented pictures and the Notice of Violation (white Dodge pickup) at 407 N 12<sup>th</sup> Street property owned by Janet Wecker and occupied by Morgan Heberlein. Janet or Morgan did not request a hearing, nor did they appear on July 10, 2023. CM Throm moved, CM Behrens seconded to approve Resolution 2023-50 setting a deadline of September 8, 2023, for the owner to abate the nuisance. Following September 8, 2023, the City will abate the nuisance and assess the costs to Janet Wecker. Motion carried unanimously.

*CM Keating left the council chamber at 8:17 p.m.*

**AGENDA.** The Consent Agenda was presented for consideration. CM Throm moved; CM Snellings seconded to approve the Consent Agenda. Motion carried 6-0. The Consent Agenda consisted of the following:

1. Convention and Tourism funding request: membership to Kansas Society of Association Executives for the remainder of 2023 \$50.00 and 2024 \$150.00.

*CM Keating entered the council chamber at 8:18 p.m.*

#### **APPROPRIATIONS ORDINANCE NO. 3804**

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$88,397.25; Water Revenue Fund, \$54,250.69; Sewage Revenue Fund, \$24,098.37; Library Revolving Fund, \$6,528.10; Swim Pool Sales Tax, \$12,736.88; Koester Block Maintenance, \$1,054.72; Employee Benefit, \$30,651.23; Transient Guest Tax, \$3,570.31; Sales Tax Improvements, \$33,377.68 making a total of \$254,665.23.
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 \$254,665.23.
3. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3804.

#### **STAFF REPORTS:**

#### **POLICE:**

1. **2024 DODGE DURANGO.** Police Chief Simpson presented a quote from Nemaha Valley Motors of Seneca for a 2024 Dodge Durango for \$41,310.00. There is a limited time frame to order vehicles for delivery in 2024. This vehicle will need to be uplifted at KaComm after arrival. The police

vehicle is in the 2024 budget. This vehicle will be paid for from the Municipal Equipment Reserve Fund which is a non-budgeted fund and the General Fund, Police Department will reimburse the Municipal Equipment Reserve Fund for the purchase. Neither Honeyman Ford or Nordhus Motors could guarantee availability. CM Throm moved; CM Price seconded to approve the purchase of the 2024 Dodge Durango from Nemaha Valley Motors for \$41,310.00. Motion carried unanimously. The uplifting will be bid and paid for in 2024. The current cost of uplifting from KaComm is \$11,500.00.

2. **POLICE UTV PURCHASE.** PC Simpson requested the purchase of a 2024 Polaris Ranger Crew XP 1000 Northstar Premium uplifted with emergency lights. The Ranger is in the 2024 budget but due to a 240-day delivery date PC Simpson would like to order the vehicle now. The bid for the Ranger plus uplifting and freight from Polaris Government & Defense is \$44,734.78. CM Behrens moved; CM Price seconded to purchase the 2024 Polaris from Polaris Government & Defense. Motion carried unanimously. The Ranger will be paid from the Municipal Equipment Reserve Fund and reimbursed from the General Fund, Police Department.

#### **CITY ADMINISTRATOR:**

1. **EMPLOYEE PICNIC.** The employee picnic will be Saturday, September 23 at 4:00 p.m. in the City Park. All Council Members and their families are encouraged to attend.

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

##### **STREET:**

1. **11<sup>TH</sup> ROAD.** CM Throm asked about 11<sup>th</sup> Road south. The engineering has not been completed by CES and most of the easements are not signed.
2. **12<sup>TH</sup> ROAD.** CM Throm asked about the engineering on 12<sup>th</sup> Road and Keystone Road. BG Consultants has not completed the preliminary engineering.
3. **ASHBURY LANE.** CM Frye reported Ashbury Lane has several large areas with concrete failure.
4. **AIRPORT ROAD.** CM Price reported there is a large piece of Airport Road missing. Looks like something gouged the street. Also, the catch basin on that road should be added to the list to refurbish.
5. **10<sup>TH</sup> & CENTER STREET CATCH BASIN.** CM Frye said the catch basin at 10<sup>th</sup> & Center looks good after the Street Department repaired it.
6. **JAYHAWK ROAD.** CM Goracke reported that the people on Jayhawk Road liked the millings. The City will observe how they do in the winter.

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

1. **STORM DRAIN NEAR NORDHUS MOTORS ON CENTER STREET.** CM Price asked if the engineering has been done on the storm drain near Nordhus Motors. The engineering has not been completed.
2. **STORM DRAIN ON S 6<sup>TH</sup> STREET.** CM Throm asked if there was any progress on the storm drain on S 6<sup>th</sup> and Koester Street. The Street Department is waiting for the backhoe to be repaired.

3. **LAGOON PROJECT.** CM Throm asked when the lagoon project would start. BG Consultants are setting up the pre-construction meeting now.
4. **WELL MEASUREMENTS.** CM Throm asked when there will be a report on the well measurements. CA St. John reported Sargent Drilling is here today.
5. **WATER TOWER INSPECTION.** The 17<sup>th</sup> Street water tower will be drained Tuesday for inspection.

**PARKS & RECREATION:**

**CEMETERY/AIRPORT:**

**POLICE AND FIRE:**

**ADMINISTRATION AND FINANCE:**

1. **KOESTER BLOCK MEETING.** CM Snellings suggested the Admin and Finance Committee meet previous to a meeting of the Koester Block Board.

**APPOINTMENTS:** Koester House Museum Board-*Sharon Phillips and Rory Clark September 2023 through December 2025* CM Throm moved; CM Frye seconded to approve the Mayor's appointment. Motion carried unanimously.

*CM Beikman entered the council chamber at 8:43 p.m.*

**CITY ATTORNEY:**

**EXECUTIVE SESSION:** At 8:44 p.m. CM Keating moved to recess in executive session to discuss personnel matter of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception KSA 75-4319 (b) (1). This session will include the Mayor, City Council, City Attorney, and the City Administrator. The open meeting will resume in the city council chamber at 8:50 p.m. CM Throm seconded. Motion carried 8-0. At 8:50 p.m. the council reconvened. Mayor Barnes reported no binding action was taken during the executive session and the regular session was continuing.

At 8:51 p.m. CM Keating moved to recess into executive session for consultation with an attorney on matters deemed privileged in an attorney-client relationship about litigation or claims against the city to K.S.A. 75-4319 (b) (2). This meeting will include the Mayor, City Council, City Attorney and City Administrator. The open meeting will resume in the city council chamber at 9:00 p.m. CM Beikman seconded. Motion carried 8-0. At 9:00 p.m. the council reconvened. Mayor Barnes reported no binding action taken during the executive session and the regular session was continuing.

At 9:00 p.m. CM Keating moved to recess in executive session to discuss personnel matter of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception KSA 75-4319 (b) (1). This session will include the Mayor, City Council, and the City Attorney. The open meeting will resume in the city council chamber at 9:10 p.m. CM Snellings seconded. Motion carried 8-0. At 9:10 p.m.

the council reconvened. Mayor Barnes reported no binding action was taken during the executive session and the regular session was continuing.

**RESIGNATION.** CA St. John announced his resignation. His last day will be October 6, 2023. He has taken a job in a different city.

**ROUND TABLE DISCUSSION:**

1. **KANSAS TOURISM GRANT.** CM Frye reported Kansas Tourism presented a \$10,000 grant to Chamber Main Street and Convention & Tourism to build a visitor website for Marysville.
2. **BURNING TRASH.** CM Frye said someone was burning trash at midnight Sunday.
3. **WIDEN 10<sup>TH</sup> & CENTER CORNER.** CM Beikman reported there was a traffic incident at the 10<sup>th</sup> and Center Street stoplight with a semi and several vehicles. The corner needs to be widened.
4. **THANK YOU, AUSTIN ST. JOHN.** Mayor Barnes thanked Austin for his time here at the City and wished him luck in his new adventure.

There being no further business, at 9:21 p.m. CM Throm moved to adjourn, CM Price seconded. Motion carried unanimously.

Cindy Holle  
City Clerk