

Regular Meeting
City Hall, Marysville, Kansas-September 12, 2022

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 Administer St. John and City Clerk Holle were also present.

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

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

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

PUBLIC COMMENTS:

1. **STORAGE CONTAINERS.** Doug Ungerer 1307 Alston addressed the Council requesting the Governing Body reconsider the use of storage containers in the City.
2. **GRAVEL DASH COMMITTEE.** Mark Hoffman thanked the City employees for helping facilitate the Gravel Dash. Also, he thanked the local citizens who helped make the event a success. CM Frye said many people outside our City are amazed at what Marysville has to offer.
3. **SPRING STREET.** Robert and Nicole Woodard, who own a business in the Industrial Park thanked the City for the improvements that were made on Spring Street at the entrance to the Industrial Park. They also thanked Tension Envelope for allowing the City access through their driveway during the project and Inline Construction for their efficient and quality street repair.

BUSINESS AND DISCUSSION ITEMS:

1. **MHS HOMECOMING PARADE.** A request from the Marysville High School Student Council to block Broadway from 12th Street to 8th Street for the Homecoming Parade where the parade will turn south on 8th Street and the floats will be taken to the City Park. MHS is also asking for 12th Street from Broadway to Walnut and Walnut from 10th to 12th reserved for the parade lineup. The parade will be October 7th at 2:00 p.m. The MHS Student Council would like to use the speaker system and golf carts and UTVs to be used to help line up the parade. CM Keating moved CM Goracke seconded to close the streets, allow golf carts and UTVs to help line up the parade and use of the speaker system. Motion carried 5-3 with CM Throm, CM Behrens, and CM Frye voting no.
2. **TRAIL LIFE AND HERITAGE GIRLS LAKE REQUEST.** Kevin Throm representing these two groups asked the City to suspend Standard Public Offense Code Sec. 10.6 on September 15th, 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. Kevin 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. Kevin noted PC Simpson approved the event. Police tape will mark the boundaries. There will be numerous leaders to supervise the attendees and to help ensure safety. CM Beikman moved, CM Behrens seconded to suspend the code on September 15 from 5:30 to 8:00 p.m. at Country Club Lake. Motion carried 7-0-1 vote. CM Throm abstained.

3. **BLACK SQUIRREL 50TH ANNIVERSARY.** Members of the Black Squirrel Committee addressed the Council about the plans for the October 22nd 50th Anniversary Celebration. The Committee is requesting Broadway be closed from 5th Street to 13th Street from 10:00 a.m. through 4:30 p.m. 10th Street intersection will remain open for traffic. Broadway from 9th to 10th will continue to be closed from 4:30 p.m. through 6:15 p.m. Wagon Wheel will extend their premises to sell alcohol. There will be events on Broadway from 9:00 a.m. until 6:00 p.m. The Committee asks to use the downtown speaker system and will arrange for porta potties. The City will bring extra trash cans and picnic tables. The Committee requests the City allow consumption of alcohol on Broadway from 5th Street to 10th Street. CM Throm moved, CM Snellings seconded to allow consumption of alcohol on Broadway from 5th Street to 10th Street from 11:00 a.m. to 6:00 p.m. Motion carried unanimously. CM Throm moved, CM Snellings seconded to close Broadway from 5th to 10th Street from 10:00 a.m. to 6:15 p.m. and Broadway from 10th to 13th Street from 10:00 a.m. to 4:30 p.m. Motion carried unanimously.
4. **CLOSING HEDRIX CLASS REUNION.** Scott Sandstrom a representative of the Class of 2007 is requesting the City close Hedrix Avenue on September 24th from 7:00 p.m. to 12:00 a.m. The reunion participants will play games on the blocked street and ask to be allowed to consume alcohol in the barricaded area. CM Frye moved to allow consumption alcohol in the barricaded area on Hedrix Avenue on September 24th from 7:00 p.m. to 12:00 a.m. CM Goracke seconded. Motion carried unanimously.
5. **ORDINANCE NO. 1910 REZONING 1196 PONY EXPRESS HIGHWAY.** The Planning and Zoning Commission held a hearing on August 11th and recommended rezoning a tract of land at 1196 Pony Express Highway from I-3 to C-3. Ordinance 1910 was presented. *AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND THE UNIFIED LAND DEVELOPMENT CODE BY REZONING A TRACT OF LAND DESCRIBED IN SECTION 1 HEREIN FROM I-3 HEAVY INDUSTRIAL DISTRICT TO C-3 COMMERCIAL HIGHWAY DISTRICT WITHIN THE ZONING LIMITS OF THE CITY OF MARYSVILLE, KANSAS.* CM Throm moved, CM Goracke seconded to approve Ordinance No. 1910. Motion carried 8-0 voice vote.
6. **ORDINANCE NO. 1911 REZONING 510 CAROLINA.** The Planning and Zoning Commission held a hearing on August 11th and recommended rezoning a tract of land at 510 Carolina Street from C-2 to I-1. Ordinance 1911 was presented. *AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND THE UNIFIED LAND DEVELOPMENT CODE BY REZONING A TRACT OF LAND DESCRIBED IN SECTION 1 HEREIN FROM C-2 GENERAL COMMERCIAL DISTRICT TO I-1 RESTRICTED LIGHT INDUSTRIAL DISTRICT WITHIN THE ZONING LIMITS OF THE CITY OF MARYSVILLE, KANSAS.* CM Throm moved, CM Snellings seconded to approve Ordinance No. 1911. Motion carried 8-0 voice vote

NOTICES AND HEARINGS:

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

1. City Clerk's Report for July showed \$104,340.27 collected in receipts with a like amount being deposited with the City Treasurer.
2. Cash balances in funds as of August 31, 2022, were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through August 2022 showed unadjusted accumulated revenues in the General Fund of \$2,397,020 or 92% of budget; Water Revenue Fund, \$569,328 or 64% of budget, Sewer Revenue Fund, \$906,555 or 118% of budget. Unadjusted statement of expenditures in the General Fund totaled \$1,954,573 or 67% of budget, Water Revenue Fund, \$656,193 or 48% of budget, and Sewer Revenue Fund, \$763,355 or 71% of budget.
3. Municipal Judge's Report for July showed \$2,581.42 being deposited with the City Treasurer and \$247.50 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3780

1. Claims against the funds of the City were submitted for Council consideration as follows:
General Fund, \$163,287.26; Water Revenue Fund, \$25,644.08; Sewage Revenue Fund, \$22,778.85; Street & Highway, \$18,643.02; Sewer Replacement Fund, \$41,628.40; Economic Development Fund, \$2,500.00; Library Revolving Fund, \$11,154.53; Swim Pool Sales Tax, \$12,597.80; Koester Block Maintenance, \$1,925.19; Employee Benefits, \$17,771.77; Transient Guest Tax, \$24.89; Municipal Equipment Reserve, \$24,839.10; Sales Tax Improvements, \$82.72; making a total of \$342,877.61.
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 Beikman seconded to approve the appropriations ordinance totaling \$342,877.61.
3. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3780.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **INFILL LOT MAP.** CA St. John presented a suggested map for the Infill Lot program with Marshall County. If implemented by the County, the program will reimburse property tax on new home builds appraised at \$300,000 or less built on infill lots where infrastructure is already in place. CM Goracke moved to approve the Infill Lot Map, CM Throm seconded. Motion carried unanimously.
2. **COST SHARE PROGRAM GRANT 7TH STREET CORRIDOR.** CA St. John presented an estimate and preliminary design for the 7th Street Corridor from Carolina to Calhoun Street. This would be a divided street with a 10-foot-wide trail in the center. The estimated cost of the project would be \$1.1 million, and the City share would be approximately \$300,000. After much discussion, CM Keating moved, CM Goracke seconded to apply for the grant. Motion carried unanimously. The Street Committee will meet with the Blue River Rail Trail and the UP-Depot

Preservation Society to discuss the upgrades to the 7th Street Corridor and the trail north of Highway 36.

- 3. NATIONAL FITNESS CAMPAIGN GRANT.** CA St. John presented a grant opportunity to construct an outdoor body weight training facility. The grant is \$50,000 and the City's cost would be an additional \$140,000. The Council discussed the facility and the maintenance of this type of facility. They also discussed community participation to raise the money. The Council asked CA St. John to gather more information.
- 4. FINANCIALS.** CA St. John updated the Governing Body on the status of General Fund, Water Revenue Fund, Sewer Revenue Fund and Sales Tax Improvement Fund. A Capital Projects report was also included.

STANDING COMMITTEE REPORTS:

STREET:

- 1. SPRING STREET OPEN.** The project on Spring Street is complete and the intersection to the Industrial Park was opened today.
- 2. FRANK MARSHALL DRIVE PROJECT.** The street project on Frank Marshall Drive is scheduled to begin on Monday, September 19th.
- 3. HALL BROTHERS 16TH STREET PROJECT.** Council asked if the City had been informed when Hall Brothers would mill and overlay 16th Street. The City has not been contacted by Hall Brothers.
- 4. 16TH STREET.** It was discussed there has been no time set for Hall Brothers to the mill and overlay 16th Street.

PARKS & RECREATION:

- 1. COMMITTEE MEETING ABOUT POOL.** CM Goracke reported that the Parks & Rec Committee met concerning the pool operations in 2022 and recommendations for 2023. The wages will need to be decided in November and if there will be any changes to the handbook. This will allow the City to train and hire lifeguards early in the year. Also, it was recommended there be up to 3 days of training prior to the opening of the pool.
- 2. COUNTRY CLUB LAKE.** The committee also met with Steve and Vallery Prell and Kris Schrater concerning their property next to the Country Club Lake. It was stated the City has a utility and public access easement of 30 feet from the pins next to the lake. The Prell's and the Schrater's withdrew their proposals presented to the Council earlier. Mayor Barnes requested the City install "No Littering" signs and "Public Access Fishing" signs at the lake. It was commented the City should leave some taller grass around the edges of the lake for bait fish habitat.
- 3. LEGION BALLFIELD.** CM Snellings reported there is a hole by the light pole installed at Feldhausen Field that needs to be filled before soccer season.

POLICE & FIRE:

- 1. MARIJUANA PENALTIES.** The Police and Fire Committee met with CA McNish to discuss the aligning of the crime classification and the fines with state statute. The state has reduced its

classification to a Misdemeanor B from a Misdemeanor A. CA McNish will present an ordinance with the changes to the sentencing guidelines at the next meeting.

2. **EXPANSION UTV ORDINANCE.** The Police and Fire Committee met and discussed adding golf carts to the UTV Ordinance. The consensus was to leave the ordinance alone except to add a requirement to attach a high visibility flag to the vehicle and to require the City registration sticker be displayed on the driver's side rear of the vehicle. CM Frye moved, CM Keating seconded to add the high visibility flag and place the sticker on the driver's side rear. Motion carried unanimously. An ordinance will be brought to Council with these amendments. The amendments will take effect January 1, 2023.
3. **GRAVEL DASH THANK YOU.** CM Frye thanked the Police Department for their help during the Gravel Dash.

ADMINISTRATION & FINANCE:

1. **ECONOMIC DEVELOPMENT.** CM Throm said people were putting trash in the loads to the landfill. The Economic Development Ordinance states for reimbursement the City must have proof of disposal and the trash should not be included. The ordinance states structural material. A statement as follow was approved and the applications will be updated to make the intent clear. *It has been brought to our attention there has been bags of trash, old appliances, computers, furnaces, and air conditioners included in the loads of structural materials taken to the landfill for the Economic Development Reimbursement. The ordinance specifically state the City needs proof the structural materials are disposed of properly and the owner will be reimbursed for the cost of dumping these materials. The structural materials must go directly to the CD (construction demolition) pit at the landfill, (The structural material is handled separately and cannot be disposed of in a trash truck.) All extra items need to be sorted out of the loads and the City does not reimburse the cost to dispose of these items. The City will include a statement on the applications indicating the City reimburses for the structural materials only and the labor for demolition will be reimbursed if a contractor is hired.*

APPOINTMENTS:

CITY ATTORNEY:

EXECUTIVE SESSION:

At 9:05 p.m. CM Goracke moved to recess in executive session to discuss personnel matters 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, the City Council, and the City Administrator. The open meeting will resume in the city council chamber at 9:25 p.m. CM Price seconded. Motion carried 8-0. At 9:25 p.m. council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

ROUND TABLE DISCUSSION:

1. **INTERMODAL STORAGE CONTAINERS.** CM Frye asked the file from past discussions about the intermodal storage containers be included in the agenda for the next meeting.
2. **COMPLIMENTS ON THE CITY.** CM Frye said he heard lots of great comments about Marysville during the Gravel Dash.
3. **LINDSBORG DAYCARE.** CM Keating said the trip some of the Council and City Staff along with a representative from the hospital, USD #364, Valley Vet and the Advocate to see the new daycare facility in Lindsborg was very informative.
4. **12th ROAD HWY 36 TO TIMBER CREEK DRIVE.** CM Keating stated he thought the City should consider a larger street project to save mobilization. He suggested 12th Road, Hwy 36 to Timber Creek Drive, Keystone Road from 11th Terrace to 11th Road and the remainder of 11th Road. CM Keating also remarked he spoke with a County Commissioner who said the County may help fund the road. CM Frye said if we split up the road improvements to different areas of the city more people feel like they are receiving benefits from their tax dollars.
5. **N 8TH STREET TO JAYHAWK RD.** CM Snellings said the City should improve the road from the end of the pavement on N 8th Street to Jayhawk Rd. next. The Street Committee will meet to discuss N 7th Street and the trail and also a large road project.
6. **N 8th STREET DITCH.** CM Price stated the ditches on N 8th Street and Jayhawk Road need to be cleaned.
7. **LINDSBORG.** Mayor Barnes said the trip to Lindborg's Daycare Center was informative and the City should tailor a daycare center in Marysville to our specific needs.

There being no further business, at 9:19 p.m. CM Frye moved to adjourn, CM Price seconded. Motion carried unanimously.

Cindy Holle
City Clerk