

Regular Meeting
City Hall, Marysville, Kansas-September 13, 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: Frye, Schroller, Hughes, Beikman, Price, Behrens and Throm. CM Pippia was absent. A quorum was present.

The minutes from the August 23rd regular meeting were presented for approval. CM Throm moved, CM Behrens seconded to approve the minutes. Motion carried by 7-0 voice vote.

The minutes from the August 31st special meeting were presented for approval. CM Price moved to approve the minutes as presented. CM Behrens seconded. Motion carried 6-1. CM Beikman voted no.

The minutes from the September 10th special meeting were presented for approval. CM Price moved to approve the minutes as presented. CM Behrens seconded. Motion carried 6-1. CM Beikman voted no.

PUBLIC HEARING:

RESOLUTION 2021-20 AUTHORIZING COMPLETION OF APPLICATION TO KDHE REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE LAGOONS AND WETLANDS. In accordance with a Notice published on August 5th 2021 in the Marysville Advocate, a newspaper of general circulation in the City, a public hearing was held by the Governing Body relating to a proposed loan in an amount not to exceed \$3,787,400 (the “Loan”) to be taken by the City from the Kansas Public Water Pollution Control Revolving Fund (the “Fund”) administered by the Kansas Department of Health and Environment (“KDHE”) pursuant to K.S.A. 1988 Supp. 65-3321 through 65-3329, *et seq.* Proceeds of the Loan would be used by the City to finance certain modifications and improvements (the “Project”) to the City’s wastewater treatment and collection system (the “System”).

A record of persons attending the public hearing and a transcript of summary of the proceedings at the public hearing are on file with the City Clerk.

Mayor Barnes informed those present of the issues involved in the Governing Body making a decision whether to proceed with the Loan process, including entering into a loan agreement (the “Loan Agreement”) with KDHE to fund the Project. Information regarding the scope of the Project, the proposed Loan repayment terms, the covenants proposed to be contained in the Loan Agreement and other relevant matters were discussed by the Mayor Barnes and consultants to the City.

Members of the public were permitted to make statements and ask questions of the Governing Body and the City’s consultants. After all present were given an opportunity to speak and ask questions, the Mayor closed the public hearing. No members of the public were present.

CM Throm moved, CM Behrens seconded to have the Mayor sign the Applicant Assurance of Public Participation for Kansas Water Pollution Control Revolving Fund Projects. Motion carried unanimously.

CM Throm moved, CM Behrens seconded to have Mayor Barnes sign the Certification for Cost and Effectiveness KWPCRF Project No. C20 3041-01. Motion carried unanimously.

CM Throm moved, CM Behrens seconded to have Mayor Barnes sign the Certification Regarding Lobbying. Motion carried unanimously.

CM Throm moved, CM Behrens seconded to approve Resolution 2021-20 *AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND*. Motion carried unanimously.

PUBLIC COMMENTS:

- 1. SUPPORT FOR TODD ACKERMAN.** The following people addressed the council in support of Todd Ackerman: Jada Ackerman, 1200 Park Place, Ward 2; Noah Ackerman, 1200 Park Place, Ward 2; Tyson Anderson, 1203 Park Place, Ward 1; Sandy Schmitz, 1309 N 13th St, Ward 2; Dean Thomas, Rural Marysville; Michelle Whitesell, 1604 Calhoun, Ward 1; Kyle Goracke 1307 May, Ward 1; Maria Seematter, 1102 Elm, Ward 4; Taylor Douglas, 901 N 10th St, Ward 2; Jennifer Craig, Home City; Jamie Anderson, 1203 Park Place, Ward 1; Rick Shain, 1301 Alston, Ward 4; Debbie Henderson, 1508 Park Place, Ward 1; Kate Tommer, 905 N 9th St, Ward 2; Lori Douglas, 901 N 10th St, Ward 2; Michelle Mintzmyer, Washington; Hank Brucker, 1200 Debbie Lane, Ward 1; Michaela Schell, Rural Marysville; Doug Ryan, 1404 N 14th St, Ward 1.
- 2. THE WALL THAT HEALS.** Dean Thomas reported the Wall That Heals brought between 8,000 and 9,000 people to Marysville.
- 3. FLOWER REIMBURSEMENT.** Diane Schroller spoke to the Council as a volunteer. She reported Beth Skinner and Laura Richter had spent \$411 for flowers in Marysville. Diane asked the Council to consider reimbursing them for their purchases. Council will discuss the reimbursement at the next council meeting.

BUSINESS AND DISCUSSION ITEMS:

- 1. UNITED BANK HOMECOMING TAILGATE OCTOBER 1 AT CITY PARK.** Nick Wolf from the United Bank & Trust requests the City Park be reserved for a Homecoming Tailgate. The bank would like the north entrance to the park on 10th Street and in front of the Park restrooms be blocked. United Bank & Trust's tailgate will be from 4 p.m. – 8 p.m. on Friday, October 1, 2021. CM Throm moved to allow United Bank and Trust to reserve the City Park on October 1, 2021, for a tailgate and to block the street, CM Frye seconded. Motion carried unanimously.
- 2. VOTING DELEGATES AT THE LEAGUE OF KANSAS MUNICIPALITIES CONFERENCE.** Due to covid, only CA St. John will be attending the LKM Conference October 9, 10 and 11. CM Behrens moved to appoint CA St. John as the voting delegate for the City, CM Frye seconded. Motion passed unanimously.

3. **DRYER FOR THE FIRE DEPARTMENT.** An estimate of \$10,721 from Commercial Laundry Sales & Service for a dryer for the Fire Department was presented. CM Price moved to purchase the dryer system including freight, CM Behrens seconded. Motion carried unanimously.
4. **DESIGN AND ENGINEERING AGREEMENT WITH BG CONSULTANTS.** Thaniel Monaco an engineer from BG Consultants presented the engineering agreement to design the Wastewater Lagoon/Wetland Treatment, Wetland Lift Station & Headworks Screening Improvements project. CM Price moved, CM Throm seconded to approve the engineering agreement with BG Consultants costing \$260,000 for design engineering and \$215,000 for construction part-time engineering contingent on the City receiving grant funds and the City Attorney's review of the agreement. Motion carried unanimously.

NOTICES AND HEARINGS:

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

1. Alcohol consumption at Lee Dam Art Center graduation party May 13, 2022-Susan Craig.
2. Alcohol consumption at Lee Dam Art Center artist reception October 3, 2021-MCAC.
3. Alcohol consumption at Lee Dam Art Center Dueling Divas/Divos Nov 23, 2012-MCAC.
4. City Clerk's Report for August showed \$100,398.62 collected in receipts with a like amount being deposited with the City Treasurer.
5. Cash balances in funds as of August 31, 2021, were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through August 2021 showed unadjusted accumulated revenues in the General Fund of \$2,248,483 or 88% of budget; Water Revenue Fund, \$579,388 or 65% of budget, Sewer Revenue Fund, \$525,704 or 69% of budget. Unadjusted statement of expenditures in the General Fund totaled \$1,937,892 or 59% of budget, Water Revenue Fund, \$831,152 or 52% of budget, and Sewer Revenue Fund, \$568,299 or 57% of budget.
6. Municipal Judge's Report for July showed \$1,283.33 being deposited with the City Treasurer and \$188.00 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3755

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$167,595.59; Water Revenue Fund, \$43,616.56; Sewage Revenue Fund, \$11,406.58; Sewer Replacement, \$65,424.03; Special Improvement Fund, \$40,750.00; Economic Development Fund, \$2,500.00; Library Revolving Fund, \$12,927.62; Swim Pool Sales Tax \$23,403.22; Koester Block Maintenance, \$1,629.96; Employee Benefit, \$15,630.45; Transient

Guest Tax, \$2,181.20; Municipal Equipment Reserve, \$37,700.00; Sales Tax Improvements, \$117,966.33; making a total of \$542,731.54.

2. An appropriations ordinance was introduced and considered to honor claims against the funds of the City as audited by the Finance Committee. CM Frye moved, CM Throm seconded to approve the appropriations ordinance totaling \$542,731.54.
3. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3755.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **AUDITOR PROPOSALS 2021-2023.** CA St. John presented audit service proposals from three accounting firms: James Gordon and Associates, Shipley CPA, and Varney and Associates. CM Schroller moved, CM Frye seconded to hire Varney and Associates for 2021-\$13,500; 2021-\$13,500; 2023-\$13,500. An additional \$4,000 will be charged in years a single audit is needed. Motion carried 6-1 with CM Throm voting no.
2. **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. **STREET SEALING.** CM Throm asked when street sealing would start. CA St. John said possibly Wednesday. CM Price asked why this had not been done sooner. CM Throm said it is too late now because the asphalt is too cold for the oil to seep into the micro cracks. CM Throm said in the future the sealing needs to be completed before Labor Day.
2. **STREET SWEEPER.** CM Hughes asked where the street sweeper had run lately as he had complaints from the residents on N 9th and N 10th who said the sweeper had not cleaned their streets this year. CM Schroller asked to see a schedule or map to verify the routes. CM Price suggested the City find some technology to track the routes of the street sweeper and improve efficiency.
3. **FRANK MARSHALL DRIVE.** The City is in the process of having Frank Marshall Drive engineered and the improvements will be scheduled next year.
4. **400 BLOCK OF ALSTON.** CM Frye said the transition from brick to concrete at the 400 block of Alston is very rough for bicycles.

5. **DUST ON 12TH ROAD AND KEYSTONE.** CM Frye said he had received complaints about the dust on 12th Road and Keystone. The roads in that area are Marysville Township roads and the Township applied the rock.
6. **LARGE HOLE ON ELM.** CM Schroller reported a large hole in the street near 1006 Elm Street.

WATER & WASTEWATER:

1. **DEEP CREEK.** CM Throm asked if Deep Creek was done with the water project. CA St. John said they were finishing the individual connections and should be done soon. CM Price said we have residents who have been on our meter pit list for 7 years and asked if Deep Creek would have time to install some of the meter pits.

PARKS & RECREATION:

1. **LIBRARY PROGRAMS.** CM Schroller said she had attended some of the Library Board meetings and she passed out flyers of many of the programs they offer and a copy of their financial statement.
2. **DISC GOLF.** CM Beikman asked if it was legal to throw discs across a street and if the course in the City Park still had a basket which requires throwing a disc across the street. CA St. John said there is one basket in the Park which requires a disc to be thrown across the street in the Park, but the streets in the park are access roads not dedicated streets. CA St. John also said whoever throws the disc is liable if something is damaged.

CEMETERY & AIRPORT:

1. **DILAPIDATED HANGER.** CM Beikman asked if the dilapidated hangar at the Airport has been repaired or removed. The code enforcer will inspect.

POLICE & FIRE:

1. **CONCRETE DRIVE FIRE STATION.** CM Schroller asked when the concrete would be poured at the new Fire Station. It should be this month before it gets too cold.

ADMINISTRATION & FINANCE:

1. **FLAGS AT HALF MAST.** CM Schroller said the flag at Pony Statue Park was not at half-mast at the beginning of the 911 ceremony. It was changed later in the morning.
2. **HEALTH OFFICER.** CM Schroller asked if Dr. Rice was interested in the Health Officer position. Mayor Barnes said he had called the clinic but had not received a return call.

APPOINTMENTS:

1. Planning Commission-Vicky Gross, 1st Term; Martin Nordhus, 3rd Term; Shelby Temps, 2nd Term.
2. Zoning Board of Appeals-Mary Kueny, 2nd Term; Bob Thompson, 3rd Term; Vicky Gross, 2nd Term.

CITY ATTORNEY:

EXECUTIVE SESSION: At 8:29 p.m. CM Frye 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:

1. **WALL THAT HEALS.** CM Schroller reported there were approximately 8,900 people who attended, and the volunteers were great.
2. **CONDOLENCES TO TODD FRYE.** CM Beikman expressed the City's condolences to Todd Frye as his father has passed away.
3. **GRASS ON BROADWAY.** CM Throm reported the new grass looks good where the buildings on Broadway have been demolished.
4. **CHARLIE FRIEDRICHS WALL.** CA St. John told Charlie Friedrichs he needs to address the wall to his building on Broadway and the bricks on the front of the building.

There being no further business, at 8:50 p.m. CM Frye moved to adjourn, CM Hughes seconded. Motion carried unanimously.

Cindy Holle
City Clerk