

Regular Meeting  
City Hall, Marysville, Kansas-September 26, 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 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: Keating, Frye, Snellings, Price, Behrens, and Throm. Council members Beikman and Goracke were absent. A quorum was present.

The minutes from the September 12, 2022, regular meeting were presented for approval. CM Throm moved; CM Keating seconded to approve the minutes as amended. Motion carried 6-0 voice vote.

**PUBLIC COMMENTS:**

1. **MORGAN HEBERLEIN JUNK VEHICLE.** Morgan Heberlein residing at 407 N. 12<sup>th</sup> Street has a 2005 Dodge Ram which is not tagged and does not run. He asked the council for an extension to repair the vehicle. CM Price moved, CM Throm seconded to allow the repairs to be made and the vehicle tagged by October 26. Motion carried unanimously.

**BUSINESS AND DISCUSSION ITEMS:**

1. **HOMEcomings TAILGATE CLOSE 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 10<sup>th</sup> 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 7, 2022. CM Throm moved to allow United Bank and Trust to reserve the City Park on October 7, 2022, for a tailgate and to block the street, CM Keating seconded. Motion carried unanimously.
2. **BLACK SQUIRREL PLACEMENT.** Three Black Squirrel Statue placements were presented by Mandy Cook. The squirrel which was originally placed at the Visitors Center at 10<sup>th</sup> and Center will be moved east of the door at 617 Broadway where the Chamber/Main Street currently is located. The squirrel that was destroyed in the June storm in front of Pepsi will be re-built and installed at 602 Center in its original location. The squirrel location for the Kessinger Family that was originally approved to be located on S 10<sup>th</sup> Street in the driveway area on the east side of the Koester Museum will now be located near the Santa House on S 9<sup>th</sup> Street. CM Throm moved to allow the squirrel statues to be located on City property. CM Snellings seconded the motion. Motion carried unanimously.
3. **ORDINANCE NO. 1912 UTVS AMENDED.** CC Holle included in the agenda an amended ordinance concerning UTVs and MUTs. The amendment added a high visibility flag which would extend one foot over the canopy and stipulated the registration tag should be attached to the rear driver's side of the vehicle. These amendments will take place January 1, 2023. CM Throm moved to approve Ordinance 1912 amending the UTV ordinance, CM Frye seconded the motion. Motion passed 6-0 voice vote.
4. **FURNACE REPLACEMENT BOY SCOUT CABIN.** The City received 2 bids to replace the furnace at the Boy Scout Cabin as follows: Acme Plumbing 60,000 BTU 95% efficiency Tempstar \$2,075.03; Ott Electric 88,000 BTU 96% efficiency Merit \$3,150.00. CM Throm

moved to accept the low bid from Acme Plumbing for \$2,075.03, CM Keating seconded. Motion carried unanimously.

- 5. INTERMODAL CONTAINERS.** CC Holle included in the agenda minutes from Council's previous discussion on intermodal containers in April and June 2021 as well as the recommendation from the Planning and Zoning Commission at that time. After Council discussion, it was determined to send the ordinance to allow containers in the City for review to the Planning and Zoning Commission. The Council would like regulations to include the containers as accessory buildings with setbacks and current regulations in place. Also discussed was a requirement to have a roof that sheds water with "roof" defined in the ordinance. The container would need to be painted to blend into their surroundings. There would be a time limit set specifically for completing each project. The Council would like the P&Z Commission to review the ordinance and send the completed ordinance to the Council by January 1, 2023.

*CM Beikman entered the Council Chamber at 7:20 p.m.*

- 6. ALCOHOL CONSUMPTION CITY PARK.** The City Employees and Governing Body would like permission to consume alcohol in the City Park near the picnic shelters for an employee picnic and awards gathering. The City will not purchase the alcohol. CM Keating moved; CM Snellings seconded to approve the consumption request in City Park on October 1 from 4:00 to 7:00 in the barricaded area. Motion carried 7-0.

**CONSENT AGENDA.** The Consent Agenda was presented for consideration. CM Throm moved; CM Keating seconded to approve the Consent Agenda. Motion carried 7-0. The Consent Agenda consisted of the following:

1. Convention and Tourism request totaling \$4,000.00 as follows: second half artist fees for the Black Squirrel statues \$4,000.00.

**APPROPRIATIONS ORDINANCE NO. 3781**

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$128,606.55; Water Revenue Fund, \$51,075.17; Sewage Revenue Fund, \$28,743.93; Street & Highway, \$480.61; Sewer Replacement, \$4,400.00; Bond & Interest Account #1, \$1,500.00; Special Improvement Fund, \$97,200.00; Economic Development, \$4,672.00; Library Revolving, \$6,933.36; Library, \$11,506.62; Swim Pool Sales Tax, \$552.18; Koester Block Maintenance, \$816.81; Employee Benefit Fund, \$31,802.15; Transient Guest Tax, \$1,181.90; Municipal Equipment Reserve, \$10,753.00; Sales Tax Improvements, \$126,510.28; making a total of \$506,734.56.
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 Keating seconded to approve the appropriations ordinance totaling \$506,734.56. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3781.

**STAFF REPORTS:**

**ADMINISTRATOR:**

**STANDING COMMITTEE REPORTS:**

**STREET:**

1. **16<sup>th</sup> STREET IMPROVEMENTS.** CM Price asked if the City knows when Hall Brothers will mill and overlay 16<sup>th</sup> Street. CA St. John said the City has not been given a date. CM Price said the hole in the street near Debbie Lane is causing people to lose limbs and debris headed to the dump. Citizens should pick up the debris if they drop it.
2. **INLINE CONSTRUCTION PROJECTS.** CM Throm asked if Inline Construction had completed the projects the City had hired them for this year. CA St. John said the curb and gutter projects were done, the 17<sup>th</sup> and Spring project was completed, the storm sewer on Carolina was completed and they are beginning work on Frank Marshall Drive.
3. **SIDEWALK NEAR TENNIS COURTS.** CM Throm said the sidewalk near the tennis courts has been poured by the City Crew. CM Keating said the City should plan a project to improve the parking lot on the north side of the tennis courts.
4. **SIDEWALK ON 200 BLOCK OF N 10<sup>TH</sup> STREET.** CM Frye suggested the City ask the property owners to take care of the sidewalk along the property on N 10<sup>th</sup> Street because many school children use the sidewalk to go to and from school.
5. **TITLE WORK ON 205 N 10<sup>TH</sup> STREET.** CA McNish reported he had the title work done on the property at 205 N 10<sup>th</sup> Street and he should finish the paperwork soon.
6. **COMMISSIONERS MEETING ATTENDANCE.** Mayor Barnes reported he and CA St. John had attended the Marshall County Commissioner's meeting to discuss 11<sup>th</sup> Road, Keystone Road and 12<sup>th</sup> Road improvements. The Commissioners made no decision.

**WATER & WASTEWATER:**

1. **STORM DRAIN HWY 36 NEAR NORDHUS MOTORS.** CM Throm said the City has been trying to solve the problem of the catch basin overflowing into Highway 36 near the 14<sup>th</sup> Street intersection. The water pressure blows the metal catch basin out of the cement and water flows across the highway. He suggested the City hire a company to fix the problem.

**PARKS & RECREATION:**

1. **POOL REPAIRS.** CM Behrens asked if the pool repairs were done. CA St. John said the pool company he contacted would repair the hole in the deep end with Diamond Brite and replace the missing tiles as well as the sand filters. The company inspected the entire pool and will repair issues as needed. The City crews are winterizing the pool.

**CEMETERY & AIRPORT:**

1. **TAXIWAY.** CM Frye said the connections to the off ramps from the taxiway are rough.

**POLICE & FIRE:**

1. **BIKE AND PEDESTRIAN SAFETY.** CM Frye asked if the Police Department could present a pedestrian and bike safety program at the schools.
2. **COURT COSTS.** CA McNish presented a list of the state statutes regarding the municipal court costs that are charges and sent into the State of Kansas. The City currently charges \$85.00 and \$22.50 of the total is sent to the State. CA McNish said the court costs could be increased and the extra fees could be put into a special account for the City to use for local programs.

**ADMINISTRATION & FINANCE:**

**APPOINTMENTS:**

**CITY ATTORNEY:**

1. **FINES FOR MARIJUANA ORD NO. 1913.** City Attorney McNish presented Ordinance No. 1913 which will amend the penalty regarding marijuana from a Class A felony charge to a Class B misdemeanor to mirror Kansas statutes. CM Frye moved, CM Throm seconded to approve Ordinance 1913. Motion carried 7-0 roll call vote.
2. **FEMA LOTS.** CA McNish said he had researched removing the open space FEMA lots in Marysville to make them available for sale to the public. The laws regarding the buyout lots are preempted by federal law. The U.S. Congress would need to create an exemption to allow for these lots to be removed from FEMA regulations.

**EXECUTIVE SESSION:** At 8:00 p.m. CM Price moved to recess in executive session for consultation with an attorney on matters deemed privileged in an attorney-client relationship about litigation or claims against the city exception KSA 75-4319 (b) (2). AND to discuss possible acquisition of real estate exception KSA 75-4319 (b) (6). This session will include the Mayor, the City Council, the City Attorney, and the City Administrator. The open meeting will resume in the city council chamber at 8:20 p.m. CM Throm seconded. Motion carried 7-0. At 8:20 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. **4-H LEADERSHIP AWARD.** CM Snellings said she has a person who would like to help kids earn a leadership award. Staff will check what the kids could do in local government.
2. **TENNIS COURT THANK YOU.** CM Beikman asked the City to send thank you notes to Chad and Joy Kramer for their donation of the tennis courts and to the company that built them.

There being no further business, at 8:24 p.m. CM Frye moved to adjourn, CM Price seconded. Motion carried unanimously.

Cindy Holle  
City Clerk