

Rescheduled Regular Meeting
City Hall, Marysville, Kansas-December 13, 2022

Members of the Governing Body of the City of Marysville were called to order in a rescheduled regular session at 7:30 p.m. on the date and place noted above with Mayor Barnes in the chair. City Administer 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, Beikman, Goracke, Price, Behrens, and Throm. A quorum was present. Council members Keating and Snellings were absent.

The minutes from the November 28th regular meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried by 6-0 voice vote.

PUBLIC COMMENTS:

- 1. INTERMODAL CONTAINERS.** Vicky Gross, 301 Carolina, Ward 3 addressed the Council concerning intermodal containers to be placed in residential areas of the city. Vicky reported the Planning and Zoning Commission has been asked by Council for the last 5 years about intermodal container usage and the P&Z Commission does not recommend the use of intermodal containers in Marysville. Vicky said, “the Planning and Zoning Commission is concerned with the living conditions and growth of Marysville.” Vicky asked the Council to listen to their recommendations. CM Frye responded he thought it could be “good idea” to allow intermodal containers if the regulations are properly structured. Vicky and CM Frye said the regulations regarding intermodal containers should be applied fairly and consistently across the City.
- 2. WELCOME SIGN ON S 10TH STREET.** Karen Hughes, 969 Jayhawk Road, Ward 2 addressed the Council asking the welcome sign on the east side of south 10th Street and the Black Squirrel sign on the west side of south remain in place.
- 3. INTERMODAL CONTAINERS.** Karen Hughes also addressed the Council suggesting more research be done before a text amendment to the ULDC is considered and the intermodal containers should only be considered as accessory buildings on a lot not a main structure.

BUSINESS AND DISCUSSION ITEMS:

- 1. KOESTER HOUSE MUSEUM.** Sharon Kessinger representing the Koester House Museum Foundation put a request in the agenda for the City to repair the heating system in the Museum. She also requested the City develop and print a maintenance schedule for the Museum. A request for a water line on the west side of the property was included. CA St. John reported the plumbers are currently working on the heating at the Museum.
- 2. INTERMODAL CONTAINERS.** As requested by the Council, the P&Z Commission presented regulations for changes to the ULDC if intermodal containers are allowed in the City. Council discussed the regulations from the P&Z Commission regarding intermodal containers. The intent of P&Z would be to allow intermodal containers in R-1, R-2 and R-3 as an accessory building only and be a use permitted upon review. The containers in industrial and commercial zones would have different regulations. The changes to the ULDC would require a public hearing and several procedural steps would need to be followed. CM Price moved to accept the regulations for the intermodal containers as written by the P&Z Commission and to move forward with the change to the ULDC, CM Beikman seconded. Motion carried 4-2 with CM Behrens and CM Throm voting no.

3. **KOESTER BLOCK LEASES.** The Koester Block Advisory Board met and suggested the rent for the businesses in the Koester Block be raised by \$25 per month and the apartment rent raised by \$50 per month. The rents have not been raised since 2012. Council asked the leases to be written for one year, the rent would be evaluated earlier in the year in 2023 and a late penalty charged for rent not paid on time. CM Frye moved to raise the rent by \$25 per month at all properties in the Koester Block except the apartment which will be increased by \$50 per month. There will be a 5% penalty assessed on all rent not paid on time. CM Throm seconded. Motion carried 5-1 with CM Beikman voting no. The rents for 2023 will be as follows: 901 Broadway, (Reflections) \$645 per month; 905 Broadway, (Pony Express Tanning & Trading Co.) \$400 per month; 907 Broadway, (H & R Block) \$400 per month; 909 Broadway, (A Cut Above) \$325 per month; 911 Broadway, (South Hill Pottery) \$200; 913 Broadway, (The Main Dish) \$200 per month, 908 Elm, (Las Cabanas) \$725; 909 ½ Broadway (Apartment) \$550.
4. **PERSONNEL POLICY CHANGES.** As requested by Council the holidays were adjusted in E-3 section of the proposed Personnel Policy Handbook to add Christmas Eve and birthdays as city holidays. Birthdays are considered as a personal holiday with no overtime to be paid on a birthday holiday in any department and the employee would not be scheduled to work that day. This policy change will be approved when the entire handbook is approved at the next meeting.
5. **PERSONAL PROTECTIVE EQUIPMENT.** An addition to the Personnel Handbook was presented as suggested by KMIT and the Safety Committee. This policy outlines the City's intent to define and require personal protective equipment for employee safety. The Council agreed to adding the PPE policy to the Personnel Policy which will be approved as a whole at the next meeting.

NOTICES AND HEARINGS:

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

1. CMB License renewals for 2023 are as follows: Astro 3 Theatre; Bite Me BBQ; Casey's General Store; CJ Express; CJ Express #2; Dollar General; Pizza Hut; Wal-Mart.
2. Varney & Associates Engagement Letter for year 2 of their contract to complete the 2022 audit.
3. City Clerk's Report for November showed \$23,394.94 collected in receipts with a like amount being deposited with the City Treasurer.
4. Cash balances in funds as of November 30, 2022, were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through November 2022 showed unadjusted accumulated revenues in the General Fund of \$2,787,498 or 108% of budget; Water Revenue Fund, \$832,851 or 93% of budget, Sewer Revenue Fund, \$1,103,658 or 144% of budget. Unadjusted statement of expenditures in the General Fund totaled \$2,727,870 or 94% of budget, Water Revenue Fund, \$890,460 or 66% of budget, and Sewer Revenue Fund, \$905,300 or 84% of budget.

5. The Municipal Judge's Report for November showed \$4,644.59 being deposited with the City Treasurer and \$235.00 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3786

1. Claims against the funds of the City were submitted for Council consideration as follows:
General Fund, \$128,894.56; Water Revenue Fund, \$24,091.69; Sewage Revenue Fund, \$15,655.53; Airport Revolving Fund, \$20,385.00; Economic Development Fund, \$1,573.50; Library Revolving Fund, \$6,981.31; Swim Pool Sales Tax, \$2,807.41; Koester Block Maintenance, \$4,659.56; Employee Benefits, \$39,126.26; Transient Guest Tax, \$5,269.72; Sales Tax Improvements, \$220,693.39; making a total of \$470,137.93.
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 \$470,137.93.
3. Motion to approve the appropriations ordinance carried by 6-0 roll call vote. City Clerk Holle assigned Ordinance No. 3786.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **GATEWAY WELCOME SIGN.** CA St. John said he had met with KDOT about the placement of the wayfinding signs and the welcome sign. KDOT had some concerns with the placement of some of the wayfinding signs and CES will update plans to accommodate those concerns. KDOT would not approve the placement of the new welcome sign on S 10th Street in the same location as the current welcome sign. After Council discussion, CM Throm moved, CM Behrens seconded to place the new welcome sign on the west side of 10th Street and north of Jackson on City property and move the "Black Squirrel City" sign to the entrance of the City Park. Lighting options will be researched. Motion carried unanimously.
2. **VACATION BUYBACK POLICY.** CA St. John presented a vacation buyback policy. It incorporates minimum usage of vacation with vacation buyback allowed once a year and a requirement to keep a minimum number of hours in the employee's vacation account. CA St. John reported the employees were not in favor of the policy. CM Throm moved, CM Beikman seconded to approve the Vacation Buyback Policy. Motion failed 1-5 with CM Frye, CM Goracke, CM Price, CM Behrens and CM Throm voting no.
3. **12TH ROAD/KEYSTONE RFP.** CA St. John included an engineering RFP for the proposed 12th Road and Keystone Road projects. The engineering firms suggested the City hire a geotechnical company to take samples of the road base. CA St. John said TerraCon has done the core sampling in Marysville on several projects. TerraCon said the sampling would consist of 5 samples on Keystone Rd east of 11th Rd to 11th Terrace and 7 samples on 12th Rd south of Highway 36 and Timber Creek Dr and would cost \$11,500 if the City did the traffic control. This includes testing the core samples. CM Throm asked the samples be taken from the sides of the road not the center. CM Price asked the City to get written permission from the Marysville Township who owns

portions of these roads. The core samples will be 10 feet deep. CA St. John asked to break the RFP into 4 project phases for bids. The main project will be from Highway 36 south on 12th Rd to Hometown Lumber's driveway, Project A will be from Hometown Lumber's driveway to Kiowa Rd, Project B will be from Kiowa Rd to Timber Creek Dr and Project C will be from 11th Terrace west to 11th Rd. CM Price moved, CM Behrens seconded to hire TerraCon to complete geo-tech core samples for \$11,500 with the City supplying traffic control. Motion carried unanimously.

4. **2023 COST OF LIVING RAISES.** CA St. John presented the CPI (Consumer Price Index) from 2021 and 2022, 7.3% and 7.4% respectively. He presented a spreadsheet with several options. After discussion CM Frye moved, CM Throm seconded to give 6.6% cost of living raises to the employees for 2023. Motion carried unanimously.
5. **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. We have several projects to complete by the year end.
6. **MUNICIPAL WATER CONSERVATION PLAN.** CA St. John presented an amended Municipal Water Conservation Plan. This plan added some additional management conservation practices. CM Behrens moved, CM Throm seconded to approve the new Municipal Water Conservation Plan A-95 and to repeal policy A-93. Motion carried unanimously.

STANDING COMMITTEE REPORTS:

STREET:

1. **11TH ROAD SOUTH.** CM Throm wants the City to go out for bid on the 11th Rd project in January and to put an end date of Thanksgiving for the project completion.

WATER/WASTEWATER:

1. **LAGOON PROJECT.** CA St. John said BG Consultants was here last week and looked at the old force main pipe which could be reused at least as a casing for the new project to cross the river. KDHE would like the City to design the new lagoon as an 8.8 acres site and BG Consultants will use that recommendation in their plans. At the Council request CA St. John will ask Thaniel from BG Consultants to come and give a progress report to the Council at the 2nd meeting in January.

PARKS & RECREATION:

1. **ENTRANCE GATES AT LAKEVIEW.** CM Throm asked for the gates to be locked at Feldhausen Field and Lakeview Complex as the parks are not used at this time. He also asked about the door on the shed at Lakeview by the batting cage.
2. **LIGHTS ON THE TRAIL IN CITY PARK.** CM Throm reported the lights on the trail through the City Parks south of Walnut Street go on and off intermittently.
3. **LIGHTS ON BROADWAY.** Mayor Barnes said there are some decorative lights on Broadway that need to be replaced.

ADMINISTRATION & FINANCE:

APPOINTMENTS:

CITY ATTORNEY:

EXECUTIVE SESSION: At 9:48 p.m. CM Goracke 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). 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 10:00 p.m. CM Throm seconded. Motion carried 6-0. At 10:00 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. DAYCARE CENTER.** CM Frye asked how the Daycare Center was progressing. CA St. John said the steering committee was handling the arrangements. There will be a public meeting January 11, 2023 at Landoll Lanes at 6:00 p.m. and everyone is encouraged to attend. City Attorney McNish said he is working on bi-laws and a 501C status.

There being no further business, at 10:02 p.m. CM Behrens moved to adjourn, CM Frye seconded. Motion carried unanimously.

Cindy Holle
City Clerk