

Regular Meeting
City Hall, Marysville, Kansas-December 27, 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: Frye, Keating, Snellings, Beikman, Goracke, Price, Behrens, and Throm. A quorum was present.

The minutes from the December 13, 2022, regular meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried 8-0 voice vote.

PUBLIC STATEMENT:

JEANNIE THOMAS. Mayor Barnes conveyed condolences to the Thomas family at the passing of Jeannie Thomas, former City Clerk, and long-time employee of the City of Marysville.

COUNTRY CLUB LAKE. Mayor Barnes read a statement to the public:

The City of Marysville operated and maintained the public park known as the Country Club Lake for 50, 60, 70 years as its own property and resource. The City Council will be considering whether to file an action in District Court to quiet title to preserve this public park and cut off any claims against the City's ownership. The City of Marysville claims ownership through prescription or adverse possession and its continued use of the land for the last 50, 60, 70 years for park purposes.

The City of Marysville invested in fisheries and the water itself. Without public access, the funding for the stocking of the fish and water aeration systems itself would perhaps come to an end.

The City of Marysville had multiple meetings with adjoining landowners who dispute the use and ownership by the City for over the last 50, 60, 70 years. The list of demands from adjoining land owners was reviewed by the Parks and Recreation Committee but later pulled by the adjoining land owners.

The City did request an opportunity to meet with the adjoining land owners at the lake not at city hall. The meeting proposed would have included the Mayor, City Administrator and the adjoining property owners denied that request and lawyered up.

The ordinance in question directs the city attorney's office to clear title and establish fixed boundaries for future generations to enjoy the park without threat and intimidation. In the event that ownership of any piece or any portion of the public park remains uncertain, the ordinance authorizes the City Attorney's office to use the City's home rule powers to make sure that the park boundaries are established. The goal is to have the park boundaries established for future generations and allow the public to continue its use of the premises for fishing and canoeing.

PUBLIC COMMENTS:

1. **CITY PROPERTY UPKEEP.** Donna Alwin, Ward 1 said the City does not take care of its properties. She mentioned the Ferry Park and access to the Big Blue River for fishing and Lions Park, among others. Donna said she did not think the City should take over any more property.

BUSINESS AND DISCUSSION ITEMS:

1. **ECONOMIC DEVELOPMENT REQUEST 1507 SOUTH ST.** Richard and Sindy Snyder previously requested the Council extend their Economic Development at 1507 South Street to be completed by November 24. The project was not completed until after December 9. Because the project was not completed within the allotted time frame the Council needed to approve the payment of the Economic Development funds for the demolition CM Frye moved to pay for the demolition up to \$2,500, CM Beikman seconded. Motion carried 8-0.
2. **COUNTRY CLUB LAKE.** Kris Schrater 1040 Pony Express Highway. Kris presented to Council his opinions on accessing the Country Club Lake through his property and condemnation of his property. The Governing Body discussed this issue with him.
3. **COUNTRY CLUB LAKE.** Debra Schrater 1040 Pony Express Highway. Debra presented to the Council her opinions on accessing the Country Club Lake through her property and condemnation of her property. The Governing Body discussed this issue with her.
4. **COUNTRY CLUB LAKE.** Vallery Prell, 1042 Pony Express Highway. Vallery presented to Council her opinions on accessing the Country Club Lake through her property and condemnation of her property. The Governing Body discussed this issue with her.
5. **COUNTRY CLUB LAKE.** Steve Prell, 1042 Pony Express Highway. Steve presented to Council his opinions on accessing the Country Club Lake through his property and condemnation of his property. The Governing Body discussed this issue with him.
6. **ORDINANCE NO. 1916-PERSONNEL POLICY AND EMPLOYEE BENEFITS. AN ORDINANCE AMENDING ARTICLE FOUR (4) OF THE ADMINISTRATION SECTION OF THE 2020 CODE OF THE CITY OF MARYSVILLE, WITH REVISIONS AS ADOPTED BY ORDINANCE NO. 1902** was presented. This ordinance will repeal and replace the Personnel Policies and Guidelines. CM Frye moved; CM Throm seconded to approve Ordinance No. 1916. Motion carried with an 8-0 roll call vote.

CONSENT AGENDA. The Consent Agenda was presented for consideration. CM Keating asked to remove number 5 Partnership for Growth membership. CM Price asked to remove number 6 State of Kansas Fishing Access Agreement. CM Price moved, CM Frye seconded to remove items number 5 and 6 from the Consent Agenda. Motion carried unanimously. CM Throm moved; CM Keating seconded to approve the Consent Agenda items 1 through 4. Motion carried 7-1 with CM Throm voting no. CM Keating moved, CM Snellings seconded to increase the membership in Partnership for Growth to the gold level for \$5,000 for 2023. Motion carried unanimously. CM Price moved, CM Goracke seconded to move the State of Kansas Fishing Access Agreement to the 2nd meeting in January to allow for more time to research the Country Club Lake access. Motion carried unanimously. The Consent Agenda consisted of the following:

1. Contract renewal Marysville Ambulance for 2023 at \$172,188.
2. Agreement renewal Marysville Chamber and Main Street for 2023 at \$20,000.

3. Infill Housing Property Tax Rebate Interlocal Agreement with Marshall County to expire December 31, 2025.
4. Neighborhood Revitalization Tax Rebate Interlocal Agreement with Marshall County to expire December 31, 2025.
5. Membership renewal Partnership For Growth at the Silver Level for 2023 for \$2,500. Changed to Gold Level at \$5,000.
6. Fishing Access Agreement renewal Country Club Lake with the Kansas Department of Wildlife and Parks Community Fisheries Assistance Program to expire December 31, 2027.

APPROPRIATIONS ORDINANCE NO. 3787

1. Claims against the funds of the City were submitted for Council consideration as follows:
General Fund, \$88,523.38; Water Revenue Fund, \$66,719.41; Sewage Revenue Fund, \$42,798.04; Sewage Replacement Fund, \$39,525.00; Special Improvement Fund, \$139.27; Library Revolving, \$10,947.36; Swim Pool Sales Tax, \$9.86; Koester Block Maintenance, \$660.27; Employee Benefit Fund, \$29,162.48; Transient Guest Tax, \$1,215.31; Municipal Equipment Reserve, \$7,047.25; Sales Tax Improvements, \$60,886.54; making a total of \$347,634.17.
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 \$347,634.17. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3787.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **2023 WAGE SCALE PROPOSAL.** CA St. John presented a 2023 wage scale with the 6.6% changes from the COLA increase. CA St. John raised the maximum side of the range higher than the 6.6% to reflect changes made in earlier years and not adjusted for. CM Throm moved to accept the 2023 wage scale, CM Goracke seconded. Motion carried unanimously.
2. **LOCAL GOVERNMENT DAY.** CA St. John asked if any council members would like to attend Local Government Day at the Topeka Capital on Wednesday, January 25. This is the City's opportunity to speak with our state Senators and Representatives.

STANDING COMMITTEE REPORTS:

STREET:

WATER & WASTEWATER:

1. **WATERLINE BREAKS.** CM Throm asked if there had been many waterline breaks in the cold weather. He was told the City had fixed several that occurred before the last storm, but not many leaks yet since the cold front.

**PARKS & RECREATION:
CEMETERY & AIRPORT:**

POLICE & FIRE:

1. **BATHROOM REMODEL AT POLICE DEPARTMENT.** CM Throm asked how far along the remodel at the Police Department was. CA St. John said they were working there today and the goal was to have the project completed by the end of the year.

ADMINISTRATION & FINANCE:

1. **NUISANCE REMOVAL COMPLETION.** CM Price said he had several complaints about the City starting a nuisance removal process on a property and then not following through. CM Snellings agreed and said the Economic Development at 1507 South Street was not inspected on time. CA St. John said the penalty on the Economic Development demolitions is monetary and if completion is not on time the payments are withheld. Nuisances are handled differently and if the nuisances are not removed the City removes the nuisance and charges the citizen.

APPOINTMENTS: Mayor Barnes presented the following appointments for consideration: Convention & Tourism, Elizabeth O’Roke, January 1, 2023, thru December 31, 2025; CM Throm moved, CM Snellings seconded to approve O’Roke to the C&T Committee. Motion carried unanimously.

Municipal Judge, John McNish, January 1, 2023 thru December 31, 2023; City Prosecutor, Megan Voracek, January 1, 2023 thru December 31, 2023; Fire Department: Fire Chief, Don Ballman; Deputy Chief, Joe Pils; Asst. Chief, Alex Rombeck, January 1, 2023 thru December 31, 2023. CM Throm moved to approve the Mayor’s appointments, CM Behrens seconded. Motion carried 7-0-1 with CM Price abstaining.

CITY ATTORNEY:

1. **ORDINANCE NO. 1917.** City Attorney McNish presented Ordinance No., 1917 Quiet Title or Condemnation of the Country Club Lake. *AN ORDINANCE AUTHORIZING LEGAL ACTION TO SEEK DECLARATORY JUDGMENT AND PETITION IN QUIET TITLE AND IN ADDITION TO AND IN THE ALTERNATIVE, PROVIDING FOR THE CONDEMNATION AND APPROPRIATION OF PROPERTY RIGHTS FOR PUBLIC PARK AND RECREATIONAL PURPOSES, TO PROTECT AND PRESERVE THE MARYSVILLE PUBLIC LAKE AND ITS FISHERIES, AND SUCH OTHER PUBLIC PURPOSES AS ARE AUTHORIZED BY LAW.* CA McNish explained the surveying and legal descriptions in the ordinance. He reported the City has hired an additional attorney from Wichita (Jay Fowler) who is a good negotiator to try to solve the lake issue peacefully. CA McNish reported he has been in contact with the Prell’s attorney Vernon Jarboe from Topeka, but Jarboe told McNish he does not represent the Schraters. As discussed at length earlier in the meeting no agreement has been reached. CM Price asked to have Eli Sprinkle from Kansas Department of Wildlife and Parks and Jay Fowler in attendance at the second meeting in January. CM Beikman moved to table Ordinance No. 1917 until a later date when the Council will ask for it to be presented, CM Goracke seconded. Motion carried unanimously.

2. **CHARTER ORDINANCE NO. 24.** City Attorney McNish presented Charter Ordinance No, 24 repealing Charter Ordinance No. 21 and replacing it with Charter Ordinance No. 24 increasing court costs to \$100 and dedicating \$7.50 to a special non-budgeted fund. In Section 2 of this ordinance a change was made so that all future changes in court costs can be made with a regular ordinance. CM Throm moved to approve Charter Ordinance No. 24 to increase court costs to \$100, CM Snellings seconded. Motion carried unanimously.
3. **MURPHY PROPERTY TAX SALE.** CA McNish said the tax sale of the property at 206 N 10th Street has been completed for \$50,029 which will cover the demolition costs and the abstracts. It does not cover the legal costs. The confirmation of the sale will be on January 3, 2023, and he will discuss with the Marshall County Treasurer how soon the funds can be distributed.

EXECUTIVE SESSION:

ROUND TABLE DISCUSSION:

1. **AGREEMENTS.** CM Frye asked if the City has more old agreements in files like the lake that might need to be reviewed. He also mentioned there are some local organizations that would like to help with projects in the City and he wondered if there was a standard agreement the City uses for these organizations.
2. **COUNTRY CLUB LAKE.** CA McNish reported the Country Club Lake was a WPA project and the policy was never to give someone a free gift. This was 70 or 80 years ago, and we never know all the answers.
3. **RECYCLING.** CM Price pointed out the letter from Marshall County in the info packet. The Council discussed the changes to the program and the City would like to be included in the new program. Marshall County will give the City more details with the new program which starts March 1.
4. **KOESTER HOUSE MUSEUM HEAT.** Mayor Barnes asked what has been completed with the radiators at the Koester Museum. CA St. John reported there were leaks in all the radiators that had not been replaced. The water has been turned off and the Museum was winterized. Electric heaters are used at this time to heat the museum. The City is currently looking for more radiators to replace the broken radiators. CM Beikman asked about changing the heat to central heat. It was discussed that might not be historical.

At 10:26 p.m. CM Throm moved to recess this meeting until Thursday, December 29 at 5:00 p.m., CM Behrens seconded. Motion carried unanimously.

Members of the Governing Body of the City of Marysville were called to order in an adjourned session at 5:00 p.m. on December 29 at the City Hall 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, Keating, Snellings, Beikman, Goracke, Price, Behrens, and Throm. A quorum was present.

APPROPRIATIONS ORDINANCE NO. 3788

- 1 Claims against the funds of the City were submitted for Council consideration as follows:
General Fund, \$95,483.16; Water Revenue Fund, \$11,907.07; Sewage Revenue Fund, \$9,528.18; Special Improvement Fund, \$546.27; Industrial, \$5000.00; Economic Development, \$2,500.00; Library Revolving, \$6,526.57; Swim Pool Sales Tax, \$248.37; Koester Block Maintenance, \$7,760.29; Employee Benefit Fund, \$9,107.95; Transient Guest Tax, \$370.42; Sales Tax Improvements, \$41.36; making a total of \$149,019.64.

- 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 Price seconded to approve the appropriations ordinance totaling \$149,019.64. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3788.

Cindy Holle
City Clerk