

Regular Meeting  
City Hall, Marysville, Kansas-September 27, 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, City Attorney McNish and City Clerk Holle were also present.

After the Pledge of Allegiance, roll call was answered by the following council members: Pippia, Frye, Schroller, Hughes, Beikman, Behrens and Throm. A quorum was present. CM Price was absent.

The minutes from the September 13<sup>th</sup> regular meeting were presented for approval. CM Frye moved; CM Pippia seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

The minutes from the September 20<sup>th</sup> special meeting were presented for approval. CM Behrens moved, CM Pippia seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

**CITY ATTORNEY:** City Attorney McNish addressed the public stating: The City's refusal to comment publicly on personnel matters related to the position of Chief of Police aligns with its long-standing policy and practice of the City not to comment on personnel matters in public session. As such, the City's lack of public comment on this matter should not be construed to infer any specific information related to personnel matters related to the Chief of Police or any other City employee. The private lives of any city employee are respected through long-standing practice of employee confidentiality.

The City encourages all employees to utilize the City's well-established administrative processes and grievance procedures to address personnel concerns. This policy is distributed to all of the City of Marysville employees. The Chief of Police, like any non-elected employee of the City of Marysville, is entitled to address personnel issues through this grievance process.

The Governing Body is committed to continuing to ensure that the position of Chief of Police as well as the Police Department as a whole operates in accordance with the City's mission for the department and in line with the community's policing goals and standards. The Governing Body thanks the former Chief for his years of service to the community and wishes him the best in his future endeavors.

**PUBLIC COMMENTS:**

- 1. JAMIE ANDERSON.** Jamie Anderson, 1203 Park Place, Ward 1, spoke to the City Council and asked several questions regarding Ordinance #1900, Charter Ordinance #9 and policies in the Police Department and the City. Mayor Barnes said some of the changes to code were because if there were a lot of appointed positions and the mayor changed, the mayor could appoint all new people. There have been several code changes which stripped some of the powers of the mayor, including the powers to appoint certain employees. The City Code was changed in 2011. This change makes more of a pyramid style chain of command. City Attorney McNish said he was asked to draft Ordinance #1900 to clear up any confusion or misgivings, "it is a polite way of saying that there was a strong desire of certain employees to keep under the pre-2011, and so to clarify it, make it crystal clear about the hierarchy and the chain of command" it was written. City Attorney McNish also said employee matters are done in a manner not to publicly harass, embarrass the employee. It is done in a confidential manner.

Jamie asked if the City Council had approved the new policies the Police Department implemented in December, and she was informed the Council has never seen or approved the policies. The Council did approve a grant for the Police Department to begin the CALEA process. CA St. John addressed if an audit of the police department was necessary. CA St. John said in any department when there is a leadership change, he thinks there should be an audit. If there is an audit of the Police Department the Council will decide who will conduct the audit.

- 2. SUPPORT FOR TODD ACKERMAN AND CITY POLICY DISCUSSION.** Several people expressed support for Todd Ackerman and questioned some of the City Code. The people who spoke are: Rex Estes, 700 Calhoun, Ward 2; Sandy Schmitz, 1309 N 13<sup>th</sup> St, Ward 2; Jada Ackerman, 1200 Park Place, Ward 2; Gina Miller, 1104 Zelpha Dr, Ward 1; Angela Sutton, not a resident; Mert Ott, not a resident; Amanda Rials, 1200 Otoe, Ward 2; Mike Nelms, 1411 Jenkins, Ward 1; Linda Weber, not a resident; Jeremy Henderson, 200 S 10<sup>th</sup> St, Ward 4; Beth Benkendorf, not a resident; Patrick Smith, 1408 N 13<sup>th</sup> St, Ward 1.

#### **BUSINESS AND DISCUSSION ITEMS:**

CM Frye asked if the Council could have a discussion with a terminated employee. CA McNish said he needs to file a grievance to get the communication with the council. No action was taken.

- 1. ALCOHOL CONSUMPTION CITY PARK CLASS REUNION.** Stacie Mayor a representative of the Class of '81 asked to set-up a tailgate tent in the City Park near the old Simons Auditorium location during the Homecoming festivities on October 1 for a gathering of their Class of '81 reunion. They will provide a barricaded area and would like permission to consume alcohol on City property. CM Throm moved to approve the request for alcohol consumption in City Park, CM Pippia seconded. Motion carried unanimously.
- 2. CLASS OF '81 STREET CLOSING ON HEDRIX.** Stacie Mayor a representative of the Class of '81 is asking permission to close Hedrix Avenue at the intersection of Alston for an outdoor gathering in front of the Old Union Pacific Depot on Saturday, October 2 for their Class reunion. CM Throm moved to allow Hedrix Street at the Alston Street intersection in front of the Historic UP Depot to be closed on October 2, 2021, CM Frye seconded. Motion carried unanimously.
- 3. MHS HOMECOMING PARADE REQUEST.** Patrick Smith Student Council Representative brought the request asking the City block Broadway for the Homecoming Parade from 12<sup>th</sup> Street west to 8<sup>th</sup> Street where the parade will turn south on 8<sup>th</sup> Street and continue to the City Park. Parking will be restricted on 12<sup>th</sup> Street north of Walnut Street for the parade line-up. The Student Council also requested the use of golf carts and UTVs in the parade. CM Frye moved to block Broadway for the parade and the parking restrictions on 12<sup>th</sup> Street and allow the use of golf carts and UTVs, CM Throm seconded. Motion carried unanimously.

- 4. MARYSVILLE BEREAN CHURCH DRAINAGE TUBE.** Shane Edwards, a deacon at the Marysville Berean Church, asked to put an extension on the tube that is under 20<sup>th</sup> Street which drains water from the north into the natural waterway. The church would like to expand its parking lot and would need to put a tube which will be covered with dirt for the expansion. Several Council Members questioned the need for a water drainage study and if the size and angle of the proposed tube will cause eroding issues especially with Frank Marshall Drive and the tubes on Jenkins Street. CA St. John said he would recommend the church do a water drainage study. The discussion is about the changes the church will make to redirect water and could cause water to back-up and cause erosion. This change will benefit their property and should therefore be the church's responsibility. Adding a 36-inch tube, 60 foot long will make the water move faster and will not let the water disperse slowly into the ground. The church will be changing the drainage on their property for their benefit, but it may cause problems for the existing streets and drainage tubes. CM Frye suggested the City put in a larger drainage pipe under 20<sup>th</sup> Street to slow the water down and allow for future expansion at the airport. Shane stated he thought maybe the box culvert would be the best option. The City will research pricing and options.
- 5. 50<sup>th</sup> ANNIVERSARY OF ADOPTING BLACK SQUIRREL MASCOT.** Wayne Kruse representing a group of people who would like to celebrate the 50<sup>th</sup> anniversary of the City adopting the Black Squirrel mascot. This celebration will be held all year long and will have the finale in October of 2022. The group will bring suggestions to the Council next month. CM Behrens will represent the City Council on the committee and CM Schroller will also serve on the committee but will no longer be on the City Council. C & T would like to sell more black squirrels to increase the number from 34 statues to 50 statues. Some of the current statues are being updated and clear coated to be completed by October 28, 2021.
- 6. 2021 BLACK SQUIRREL NIGHT.** Kate Tommer Executive Director of the Chamber/Main Street asked the City to block Broadway from 10<sup>th</sup> Street west to 6<sup>th</sup> Street for the Black Squirrel Night festivities which will be Thursday, October 28<sup>th</sup>. They will place a trailer in front of United Bank and Trust at 9<sup>th</sup> and Broadway for the Costume Contest. The City will provide trash receptacles. The City will serve coffee and donuts as has been the tradition for 49 years. The Footloose Dancers will dance at 6:00 and the Costume Contest will be held at 7:00. CM Throm moved to approve the Black Squirrel Night requests, CM Behrens seconded. Motion carried unanimously.
- 7. FLOWER REIMBURSEMENT.** Beth Skinner presented receipts totaling \$261.15 she had accumulated from flower and shrub purchases she had made during the Spring and Summer of 2021 for the Pony Plaza. There was \$104 left in the budget for flowers for 2021. CM Hughes moved to reimburse all \$261.15, CM Pippia seconded. Motion carried 6-0-1 with CM Schroller abstaining due to a conflict of interest.
- 8. ANTHONY ESCALANTE REQUESTS INCLUSION IN THE ROZ PROGRAM.** Anthony Escalante a police officer asked to be included in the ROZ (Rural Opportunity Zone) program.

The City will reimburse up to \$1,500 to the State of Kansas to repay his student loans for up to 5 years if he works for the City. CM Frye moved to contribute up to \$1,500 per year for 5 years to the State of Kansas for the ROZ program for Anthony Escalante, CM Throm seconded. 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. Rachel Massoth requests to serve alcohol at a wedding rehearsal dinner on October 1 and a wedding reception October 2 at the Lee Dam Art Center.
2. Marysville Mutual Insurance requests to serve alcohol at a Christmas Party, December 10.
3. C&T request for funds Constant Contact Annual Renewal \$588; Adobe Creative Suites Annual Renewal \$599.88 (1/2 will be reimbursed to the City by Chamber/Main Street); request to pay Marysville Advocate \$225.00 for a welcome ad for The Wall That Heals and Boss Nationals.

#### **APPROPRIATIONS ORDINANCE NO. 3756**

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$94,436.11; Water Revenue Fund, \$54,330.65; Sewage Revenue Fund, \$27,729.63; Street & Highway, \$14,479.17; Special Improvement, \$6,700.00; Library Revolving, \$8,558.75; Library, \$16,529.46; Library Employee Benefit, \$5,746.70; Swimming Pool Sales Tax, \$116.43; Koester Block Maintenance, \$1,805.42; Employee Benefit Fund, \$30,844.34; Transient Guest Tax, \$533.31; Sales Tax Improvements, \$37,159.82; Water Utility Reserve, \$145,279.90; making a total of \$444,249.69.
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 \$444,249.69. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3756.

#### **STAFF REPORTS:**

##### **CITY ADMINISTRATOR:**

1. **GPS TRACKING DEVICES.** CA St. John researched the cost to put GPS tracking devices in the City's 33 vehicles. Verizon is the City's current cell phone carrier, and they offer a program. Verizon is also the carrier the Marshall County Sheriff and Dispatchers use to track vehicles. These devices can track vehicles manufactured in 1996 and later. CM Frye moved, CM Throm seconded to purchase the GPS tracking system on the street sweeper. Motion failed 3-4 with CM Behrens, CM Pippia, CM Hughes and CM Schroller voting no. CM Behrens moved, CM Pippia seconded to purchase the GPS tracking system on the street sweeper and the 6 police vehicles on

a 1-year contract. This program will cost \$1,256.40 per year. Motion carried 4-3 with CM Hughes, CM Schroller and CM Frye voting no. Staff will check with the Fire Department if they could use this system.

- 2. PROJECT UPDATES.** CA St. John said the Airport Project is underway and they will start stabilizing the sub-base. Inline has notified the residents on 11<sup>th</sup> Road the project will begin soon. Inline is also starting to pour the concrete valley gutter and the driveway/parking lot at the new Fire Station and will pour concrete on Hartley Ridge. Deep Creek is finished with the water line project and has left town. The light poles have arrived at Feldhausen Field and Musco Lighting and Hanover Electric is beginning that project.

#### **STANDING COMMITTEE REPORTS:**

##### **STREET:**

- 1. CHIP AND SEAL COMPLETED.** CA St. John reported the chip and seal routes for this year have been completed.

##### **WATER & WASTEWATER:**

##### **PARKS & RECREATION:**

- 1. ACCIDENT IN THE PARK.** CM Schroller asked if there had been a City vehicle involved in an accident in the park. CA St. John reported a rotten pole had fallen on a City truck but there was no damage to the truck and Evergy is replacing the pole.

##### **CEMETERY & AIRPORT:**

- 1. HELIPAD CLOSED.** CM Frye stated the helipad at the airport was closed and asked if the City had an alternate plan. CA St. John said the city crew had added lights for emergency landings on the new runway for the helicopters. The Airport project will be completed in a relatively short time. The concrete curing will take several weeks.
- 2. RESTROOM FLOORS.** Mayor Barnes said new stools had been installed in the Airport Building and the floor tile is curling and in bad shape. It was suggested to remove the tile and put down an epoxy floor.
- 3. FLAG POLES IN THE CEMETERY.** The flag poles have been installed at the City Cemetery and the Legion Committee is going to sell more.

##### **POLICE & FIRE:**

- 1. FIRE CHIEF REPORT.** CM Hughes said the first meeting in October it is written in City Code the Fire Chief should report to the Council the condition of the fire equipment.

- 2. WATERLINE AT THE NEW FIRE STATION.** The water line into the new Fire Station has been installed. The cost was about \$7,000.

**ADMINISTRATION & FINANCE:**

- 1. DONATING BLOOD.** CM Frye asked if the City had a policy to allow employees to donate blood during working hours. The City will look at a policy to allow employees to donate blood.
- 2. POOL REPORT.** CM Schroller asked when the pool report would be completed. She was told it would be done soon.

**APPOINTMENTS:**

**CITY ATTORNEY:**

At 9:36 p.m. CM Pippia moved, CM Throm seconded to recess in executive session for consultation with attorneys on matters deemed privileged in an attorney-client relationship about litigation or claims against the city K.S.A. 75-4319 (b) (2) and 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, City Council, the City Administrator, and the City Attorneys. The open meeting will resume in the city council chamber at 10:06 p.m. Motion carried 7-0. At 10:06 p.m. council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

At 10:07 p.m. CM Pippia moved, CM Behrens seconded to recess in executive session for consultation with attorneys on matters deemed privileged in an attorney-client relationship about litigation or claims against the city K.S.A. 75-4319 (b) (2) and 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, City Council, the City Administrator, and the City Attorneys. The open meeting will resume in the city council chamber at 10:22 p.m. Motion carried 7-0. At 10:22 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. PROPERTY 410 CAROLINA.** CM Behrens asked if there had been a nuisance sent to Danny Childers at 410 Carolina, the property has accumulated lots of junk.
- 2. THANK YOU, COUNCIL.** Mayor Barnes thanked the Council for serving on the council and their dedication during these difficult times.
- 3. ORDINANCE CHANGES.** CM Beikman asked how you rescind an ordinance. CA McNish replied if you are referring to Ordinance 1900 or the 2011 changes to the chain of command you need to write a new ordinance and approve it like any other ordinance.

There being no further business, at 10:29 p.m. CM Frye moved to adjourn, CM Pippia seconded. Motion carried 7-0.

Cindy Holle  
City Clerk