

Regular Meeting
City Hall, Marysville, Kansas-June 24, 2019

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 Grund 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: Pippia, Graham, Hughes, Frye, Schroller, Throm and Barnes. A quorum was present.

The minutes from the June 10th regular meeting were presented for approval. CM Boss submitted printed amendments as she was not present at the meeting. CM Throm moved, CM Schroller seconded to approve the minutes as amended. Motion carried by 7-0 voice vote.

The minutes from the June 13th special meeting were presented for approval. CM Throm moved, CM Frye seconded to approve the minutes as presented. Motion carried by a 7-0 voice vote.

Mayor Grund requested the governing body address the chair and wait to be recognized to speak in an attempt to speed up the meetings.

PUBLIC COMMENTS:

- 1. JENNY SCHELL, DITCH ON 11TH ROAD.** A resident Jenny Schell, 1236 11th Road asked the city to improve the ditch by her property. The city reshaped the ditch in previous years to improve the runoff water on 11th Road South. Because the ditch is now more sloped and the water has eroded the area it is no longer possible to mow the ditch. Jenny would like the city to find a permanent solution to the unsightly weeds and tall grass. Mayor Grund suggested spraying the area once a year with a chemical (Round-up) to control the grass and weeds. CM Frye stated the removal of grass would cause more erosion. CM Frye suggested the area be rip rapped to hold the soil and remove the need to mow the ditch. CM Hughes asked if the city should consult an expert, so the city would only need to fix the ditch once. CM Hughes suggested speaking with the engineer that designed the ditch. Consensus of council was CA St. John check with the engineer to review the plan for rip rap and proceed with the repair.

CM Boss entered the council chamber at 7:12 p.m.

BUSINESS AND DISCUSSION ITEMS:

- 1. ELLEN BARBER, MARSHALL COUNTY PARTNERSHIP FOR GROWTH.** Ellen Barber from Partnership for Growth gave an update on economic incentives in Marshall County. Ellen reported she filled out an important grant application for Network Kansas which did fail, but the organization asked Partnership for Growth to apply again. Ellen submitted a list of grants available locally and from the State of Kansas to help businesses get started in Marshall County. Ellen said she has worked with Partnership for Growth for 3 ½ years encouraging business in Marshall County. Mayor Grund asked the Council if Ellen should be the first person a new business should approach when investigating establishing a business in Marysville. Mayor Grund did not feel city hall staff has time to handle these inquiries. Mayor Grund had encouraged Ellen to address the governing body before the city budget was set for 2020, also stating the city gives \$8,000 to the Chamber of Commerce, \$15,000 to Marysville Main Street,

but only \$1,000 to Partnership for Growth. Mayor Grund said the funding would be discussed at the next budget workshop. Mayor Grund stated if the city would like Ellen to be the first contact for new business in Marysville, the city should increase the funding to Partnership for Growth. Ellen would like the city to put the incentives, she has compiled that are available to Marysville residents and businesses, on the city website. Mayor Grund asked Ellen to put more information with the incentives, such as who may use each incentive and what requirements are needed to qualify, before the incentives are posted on the website. Mayor Grund reported at a Partnership for Growth board meeting she attended, the organization is asking the city to establish an estimate of costs for infrastructure improvements needed to and within their business park. Consensus of council was CA St. John should establish an estimate for curb and gutter, streets and infrastructure improvements for the Partnership for Growth's business park. CM Boss stated the Planning and Zoning Commission was also looking at developing the business park at the municipal airport initially proposed several years ago. Mayor Grund asked Ellen if an independent housing complex was still being considered on Keystone Road. Ellen replied the developer was interested. CM Frye said he was loathed to say that the city should put more out there when the city can't support the infrastructure the city already has out there.

2. **KATHY UNGERER, POOL MANAGER.** Kathy Ungerer, pool manager presented to the council an update of the operations at the pool this year. Kathy said she is following the pool policies as established in the adopted pool manual. Kathy asked if the noon lap swim should begin again this year when swim team practice is completed for the season. The noon lap swim will be from 11:00 a.m. – 12:30 p.m. Council consensus is to be open for mid-day lap swim. Kathy asked if the council had decided when the pool should close for the season. Kathy said it takes 7 guards and a manager to run the pool. Consensus of council was the pool should remain open as long as possible if there is staff and chemical available. Kathy said the pool will remain open daily until school starts on August 15. After that, the pool will be open on weekends from 1:00 p.m.-5:00 p.m. if staffing is available, from August 24 through September 7. Kathy listed maintenance issues that will need to be addressed before the pool opens next year. CM Frye said he has heard more good comments about the pool this year than previously.
3. **OTT ELECTRIC, HVAC BID AT THE POLICE STATION.** Scott Lindeen, owner of Ott Electric was not present at the meeting but asked the council to reconsider his bid for the HVAC system at the Police Station. The bid was presented at the June 10 meeting and the council rejected it because it was the only bid received. Mayor Grund noted that she had met with Scott and he shared that he had followed the instructions and had given the city a “good bid” and felt he was not treated fairly as it was not in his control no one else bid. The bid from Ott Electric had been made public, so he felt it was unfair to bid again. Mayor Grund stated the city has accepted single bids previously on other projects once they had been made public and included in the agenda packet. CM Boss stated in the future if only one bid is received the City should not open the bid. CM Frye questioned the precedent the council was setting changing the decisions from meeting to meeting. CM Pippia, CM Throm, CM Barnes and CM Hughes spoke in favor of reconsidering the bid. CM Pippia moved to accept the bid from Ott Electric for a Lennox 95% single stage furnace/2 stage 16 seer a/c, single phase 240V including labor and materials for

\$15,782.50, CM Hughes seconded. Motion carried with a 5-3 voice vote. CM Boss, CM Schroller and CM Frye voting no.

4. **TENNIS COURT IMPROVEMENTS.** CA St. John reported that Mary Kessinger-Wassom had asked the council to wait until the July 8th meeting to make a decision on tennis court improvements in the City Park so she could attend the meeting. At the June 10 meeting the discussion was tabled until the June 24 meeting. Mayor Grund noted that Pro Track's proposal dated June 21, 2019 was valid for 60 days. CM Frye moved, CM Pippia seconded to table the discussion until the July 8 meeting. Motion carried with a 6-2 voice vote. CM Throm and CM Schroller voted no.
5. **ORDINANCE #1875 MAXIMUM SPEED LIMIT - N 7TH CALHOUN TO NORTH.** CM Frye moved to approve Ordinance #1875 to reduce the speed to 20 mph on N 7th Street from Calhoun to North Street, CM Throm seconded. Motion passed unanimously.

NOTICES AND HEARINGS: CM Boss reported the Planning Commission had met Thursday, June 20 to discuss the overlay district for Kramer Oil. The Planning Commission approved the district to allow a bulk propane business. Mayor Grund said the text amendment to change the use permitted upon review for towers and antennas would be published as it was also approved at the Planning Commission meeting. Council asked CI Richardson to report to the council at the July 8 meeting about public meetings and safety precautions taken applicable to the bulk propane business.

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

1. Sunflower Credit Union-Street Closing from Broadway to the alley between Broadway and Elm July 3 to shoot fireworks to celebrate opening their new building.
2. Class of 1994 –alcohol consumption at the Lee Dam Art Center August 10 from 5:00 p.m. to midnight.
3. Class of 1969—alcohol consumption at City Park September 13 from 3:00 p.m. to 7:00 p.m. The class will barricade off the restricted consumption area for class members and their guests. The city will provide the barricades.

APPROPRIATIONS ORDINANCE NO. 3701

1. Claims against the funds of the city were submitted for Council consideration as follows: General Fund, \$85,326.34; Water Revenue Fund, \$56,051.63; Sewage Revenue Fund, \$51,686.70; Special Improvements, \$499.99; Library Revolving, \$10,135.20; Library, \$62,958.62; Library Employee Benefits, \$20,277.71; Swim Pool Sales Tax \$24,997.93; Koester Block Maintenance, \$3,210.85; Employee Benefit Fund, \$31,561.43; Transient Guest Tax, \$2,095.35; Sales Tax Improvements, \$37,184.48; making a total of \$385,986.23.
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 Schroller seconded to approve the appropriations ordinance totaling \$385,986.23. CM Boss overviewed large

expenditures including Library appropriation transfers, new truck for the Water/Sewer department, monthly transfers and employee payroll costs. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3701.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **ARCHITECT QUALIFICATIONS-FIRE STATION.** CA St. John said that the Police & Fire Committee formed a selection committee and met Friday, June 21 to evaluate qualifications submitted from five architecture firms. The Police & Fire committee used a grading system to evaluate the candidates and based their decisions strongly on past experience with CDBG funding and construction of fire stations. BG Consultants was the committee's choice based on these qualifications. CA St. John said the maximum grant from CDBG was \$600,000 with a minimum match by the city of 25% and the architectural fees are considered part of the city's match. CM Throm moved, CM Hughes seconded to approve BG Consultants as the architect for the fire station. Motion passed unanimously. Mayor Grund asked the council to make a decision on a place and size for the new fire station. CM Graham and CM Pippia are concerned about the traffic on 20th Street. CM Hughes asked if the architect could help with site selection. Emergency fire lights could be installed to help stop traffic during a fire call. CA St. John said the preliminary deadline for plans for the fire station are due September 1. CA St. John will check prices of land at alternate locations including lot sizes. The Police and Fire Committee will review these locations previous to the next council meeting.
2. **AIRPORT TAXIWAYS.** CA St. John reported he, Mayor Grund, Don Landoll, Phil Landoll from Landoll Corporation and Rob Roudybush from Hall Brothers met at the airport to discuss improvements to the airport taxiway. Rob proposed digging up the first 52 feet of taxiway (starting from the new concrete) and putting down four inches of asphalt. Hall Brothers would clean up the gravel along the rest of the project and overlay the entire taxiway area with a 2 inch overlay. CA St. John shared that Don is paying to asphalt the city's parking lot (which Landoll Corporation rents) as well as Landoll's parking lot and some concrete patching on Airport Road. The Hall Brothers bid for the taxiway improvements was \$29,378.84. Mayor Grund said at the June 10th council meeting the council had voted to return money donated by the Cooksey Trust to repair the taxiway and the council would need to reverse that decision. CM Frye questioned why the Airport Committee had not been included in the preliminary discussions about the airport taxiway. CM Frye also questioned if asphalt would be more of a band aid instead of a long-term fix. CM Barnes moved, CM Pippia seconded to not refund the money (approx. \$16,000) to the Cooksey Trust. Motion passed 7-1 voice vote. CM Frye voted no. CM Hughes moved, CM Barnes seconded to accept the \$29,378.84 bid for the taxiway improvements from the Airport Revolving fund. Motion carried 6-2 vote. CM Frye and CM Throm voted no. Mayor Grund requested CA St. John to check with Olsson (the city airport engineers) if the city is able to put a truck weight limit on the taxiway.
3. **CCLIP BID RESULTS.** CA St. John reported the CCLIP phase I bids were opened on June 19 by KDOT. The low bid of \$1,433, 820 came from Bryant and Bryant of Halstead. Including the

construction engineering, the city's match will be \$557,000. KDOT would like the city to pay their portion by August 8. CM Boss moved, CM Throm seconded to approve the bid from Bryant and Bryant for \$1,433,820, with the city match of \$557,000 to be paid from the Sales Tax Improvement Fund. Motion carried unanimously.

4. **KDOT CONTRACT- 7TH AND BROADWAY IMPROVEMENT.** CA St. John presented a KDOT agreement for the Transportation Alternative grant to improve "the hump" on 7th and Broadway streets. Mayor Grund stated CES is the design engineer and they have been paid by the city. The city will be responsible for 20% of the construction cost and any overage not included in the contract. KDOT will pay a maximum of \$114,533 toward this project. CM Throm moved to approve the agreement with KDOT for the TA grant on 7th and Broadway, CM Frye seconded. Motion carried unanimously.
5. **KOESTER RESTAURANT PORCH BID.** CA St. John said the city received only one bid for the final repairs to the Koester Restaurant porch. Mayor Grund said this is specialized work and it is difficult to get bids. CA St. John said the bid submitted is from a company that has done this type of work for the city previously and the city has a timeline to meet because this is a Heritage Trust Fund grant. CM Throm moved, CM Frye seconded to open the only bid. Motion carried unanimously. CA St. John said including this bid, the project would exceed the original estimate by \$5,350 and this is the final phase of the porch project. CM Throm asked CA St. John if there were enough funds in the Koester Block fund to cover these costs. CA St. John said yes. CM Throm moved, CM Frye seconded to accept the bid of \$16,750 from Rohr the Handy Man to finish the Koester Restaurant porch with the money coming from the Koester Block Maintenance fund. Motion passed unanimously.
6. **NEPTUNE SOFTWARE AND WATER METER PURCHASE.** CA St. John presented a quote to upgrade software and purchase 440 Neptune water meters. Neptune suppliers cannot cross territory lines, so they are a single source supplier. The city currently has a Sensus system with about 1675 meters and the city is phasing them out due to the cost of updates. The first order of Neptune meters will replace most of the large meters as well as beginning to replace the smaller meters. The next four years the city will need to continue to replace meters until the project is completed at approximately \$80,000 per year. Neptune meters do not have moving parts and should last longer than Sensus meters. Mayor Grund informed the council that the total project would be about \$445,000 and the council is committing to fund the entire project in the next four years. CM Throm moved, CM Barnes seconded to purchase 440 meters and the software from Municipal Supply of Nebraska for \$145,285 to be paid from the Water Utility Reserve fund. Motion carried 7-1 voice vote. CM Hughes voted no.
7. **BUDGET WORKSHOP.** Mayor Grund asked to schedule a budget workshop Monday, July 15 at 5:15 p.m. with no department heads in attendance.
8. **SMALL CELL TOWERS.** CM Graham asked if the city was still working on a small cell tower ordinance. Mayor Grund said in her research, April 15, 2019 was the last date FCC would

allow cities to publish their written local aesthetic standards for small cell towers. CA St. John will check with City Attorney Olsen.

CITY CLERK:

1. **AMEND PROHIBITED ANIMAL ORDINANCE.** CC Holle said the current dog ordinance is breed-specific dog and the city has incurred \$2,871.17 in the last few months in veterinary costs and DNA tests. The American Bar Association is recommending dog ordinances be changed from breed-specific to dangerous or vicious dog because breed-specific ordinances will not hold up in court. The proposed new ordinance would eliminate the breed-specific section naming pit bulls. Consensus of council is to bring an ordinance to the meeting July 8 with the code change.

STANDING COMMITTEE REPORTS:

STREET:

1. **11th ROAD, 12th ROAD and KEYSTONE ROAD.** Mayor Grund said the residents at the informational meeting assumed the council had read the letter CA St. John had mailed to them concerning the proposed road improvements. Mayor Grund asked that the governing body have the opportunity to read letters to residents prior to being sent out. Mayor Grund and CA St. John have met with Hall Brothers to discuss the cost to improve 11th Road, 12th Road and Keystone Road. The cost using asphalt would be significantly less than the concrete bid presented at the meeting. Hall Brothers also requested their company be given the chance to bid asphalt on street improvement projects in the city. Mayor Grund shared that Hall Brothers is a local company and they have not had the opportunity to repair any streets in Marysville for many years. Mayor Grund also noted that streets are eligible for CDBG funding and this may be an opportunity for these streets. CM Hughes suggested the county should help pay to repair these perimeter roads. Mayor Grund, Lynn Runnebaum, Dave Zutterman, Jerry and Roberta Temeyer attended the Marshall County Commissioner's meeting on Monday to ask the county's help paying to improve these roads. Mayor Grund noted that the commissioners will not make any decisions for the 2020 budget but are open to future conversations.
2. **CRACK IN CONCRETE BY CJ EXPRESS ON S 11TH ROAD.** CM Schroller said it had been reported to her there is a crack in the concrete by CJ Express. CA St. John will have the street department look at it.

PARKS AND RECREATION:

1. **WINDOWS AT LAKEVIEW.** Mayor Grund noted the city had paid for the new windows at Lakeview Complex and asked if they had been installed. CM Graham reported the new windows have been installed as well as some siding.
2. **CITY PARK IMPROVEMENTS.** Mayor Grund asked who was digging in the City park. CA St. John said the Parks department was digging around the tubes to improve the drainage.

3. **AIRPORT TAXIWAY.** Mayor Grund said CA St. John would check the weight limit on the taxiway.
4. **AIRPORT BEACON.** CM Frye said the green beacon at the airport was not working. CA St. John will check on it.

APPOINTMENTS:

CM Throm moved, CM Frye seconded to approve the Mayor's appointments as follows:

Cemetery Board: Jim Swim Sr., Dennis Schroller, Connie Ackerman, Allene Rhodes, May 2019-2021;
Koester Block Advisory Board: Bud Schuette, - January 2019-2022; Koester House Museum Advisory Board: Ralph Balaun, Karen Hughes, - March 2019-2021. Motion passed unanimously.

EXECUTIVE SESSION: At 9:58 p.m. CM Frye moved, CM Throm seconded to recess in executive session pursuant to property acquisition exception K.S.A. 75-4319 (b) (6) which included the Governing Body and CA St. John. The meeting would resume in the City Council chambers at 10:10 p.m. Motion carried unanimously. At 10:10 p.m. council reconvened. Mayor Grund reported no action was taken during executive session and the regular session was continuing.

ROUNDTABLE DISCUSSION:

1. **REGIONAL KANSAS MAYOR ASSOCIATION MEETING.** Mayor Grund reported the regional Kansas Mayor Association meeting will be held at the Empty Cup in Marysville on July 23 from 11:30 to 1:30. Mayor Grund encouraged all council members to attend. She would like to give favors to the mayors attending the meeting and asked the council for permission to spend up to \$3.00 per person for favors. Consensus of council was for the mayor to purchase the favors.
2. **OLD FASHION 4TH OF JULY AT THE LANDOLL HANGAR.** Mayor Grund reminded everyone there would be a 4th of July celebration at the Landoll Hangar sponsored by Landoll Corporation and MCAC.
3. **CITY FIREWORKS ON JULY 5TH.** CM Boss reminded everyone the city fireworks would be at Lakeview Complex on the 5th of July.
4. **DUMP CLEAN-UP.** CM Hughes reported there was a large fire at the dump. He also said there were several piles along the road into the dump that need to be picked up.

There being no further business, at 10:16 p.m. CM Throm moved to adjourn, CM Hughes seconded. Motion carried unanimously.

Cindy Holle
City Clerk