

Regular Meeting
City Hall, Marysville, Kansas-July 22, 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: Boss, Graham, Pippia, Hughes, Frye, Schroller, Throm and Barnes. A quorum was present.

The minutes from the July 8th regular meeting were presented for approval. CM Boss presented amendments. CM Throm moved, CM Hughes seconded to approve the minutes as amended. Motion carried by 8-0 voice vote.

PUBLIC COMMENTS:

BUSINESS AND DISCUSSION ITEMS:

- 1. CHAMBER OF COMMERCE-GRAVEL DASH SEPTEMBER 7.** Bob Huff shared that the Gravel Dash committee of the Chamber of Commerce and the Black Squirrel Cycling League would like to expand the event and make the event “family friendly” with games and vendors on Main Street. Bob asked for Broadway to be blocked from 10th Street to 8th Street with the City providing them with barricades, noting 8th Street will remain open for traffic. There will also be a Little Rustlers Bike Race starting on Broadway on the 7th Street corridor continuing through the City Park. Bob requested that the south entrance to the City Park on 10th Street, the Y intersection in the park and the north entrance on Walnut to be blocked from 10-11 a.m. CM Throm moved, CM Schroller seconded to approve the Gravel Dash Committee’s request to block Broadway and the City Park. Motion carried unanimously.
- 2. ORDINANCE #1878 REPEALING CHARTER ORDINANCE #17 AND EXPANDING HOURS FOR LIQUOR SALES.** CC Holle presented an amended ordinance expanding liquor sales to include most holidays and Sundays. The amended ordinance prohibits sales on Easter Sunday, Thanksgiving Day and Christmas day and limits hours of operations per weekday in compliance with state statute. The ordinance repeals Charter Ordinance #17. CC Holle said this ordinance will be published in the Advocate for two consecutive weeks, and if no legal protest is filed within 60 days, the ordinance will become effective. CM Frye moved, CM Barnes seconded to approve Ordinance #1878 as amended to expand hours for liquor sales. Motion carried 8-0.

NOTICES AND HEARINGS. Mayor Grund reported the Planning and Zoning Commission met and held a hearing regarding a text amendment to change tower height restrictions from 60 feet to 30 feet within the Unified Land Development Code. No protests were made. There is a 14-day protest period. CM Boss moved, CM Throm seconded to draft an ordinance of a text amendment to change the tower height limits in the ULDC. Motion carried unanimously. Mayor Grund also reported a site plan was approved for 12th Street Liquor to extend their building 13 feet north. The Planning and Zoning Commission will hold a public hearing August 8 to re-zone some properties on North 7th and North 8th Streets from commercial to residential.

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

1. Marshall County Arts Cooperative consumption request August 1, 2019 at the Lee Dam Arts Center for an artist reception.
2. Convention & Tourism requests totaling \$2,538.00: Author presentation Kansas Guidebook-\$300.00; 502 Media Group-\$600.00; Michelle Whitesell attend 2019 Kansas Tourism Conference in Mulvane; Michelle attend 2020 Kansas Rural Leaders Retreat in Valley Falls-\$300.00; Annual Constant Contact Email-\$588.00; Paint for mural on Wagon Wheel-\$150.00.
3. City Clerk's Report for June showed \$58,742.44 collected in receipts with a like amount being deposited with the City Treasurer.
4. Cash balances in funds as of June 30, 2019 were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through June 2019 showed unadjusted accumulated revenues in the General Fund of \$1,917,991 or 77% of budget; Water Revenue Fund, \$403,228 or 45% of budget, Sewer Revenue Fund, \$396,270 or 51% of budget. Unadjusted statement of expenditures in the General Fund totaled \$1,188,537 or 42% of budget, Water Revenue Fund, \$399,371 or 28% of budget, and Sewer Revenue Fund, \$298,221 or 27% of budget.

APPROPRIATIONS ORDINANCE NO. 3703

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$113,830.97; Water Revenue Fund, \$65,409.86; Sewage Revenue Fund, \$36,145.93; Bond & Interest #1 \$133,471.73; Library Revolving, \$9,739.24; Swim Pool Sales Tax \$21,110.47; Special Law \$683.50; Koester Block Maintenance, \$1,867.57; Employee Benefit Fund, \$31,135.60; Transient Guest Tax, \$2,342.56; Sales Tax Improvements, \$591,983.16 making a total of \$1,007,720.59.
2. An appropriations ordinance was introduced and considered to honor claims against the funds of the City as audited by the Finance Committee. Mayor Grund requested the deposit paid to Pro Track and Tennis to be paid from the General Fund, Recreation department instead of the Sales Tax Improvement Fund as discussed at the recent budget workshop. CC Holle said the deposit fee could be moved before the payment is made. The General Fund will be \$121,025.96 and the Sales Tax Improvement Fund will be \$584,788.17. The total remains \$1,007,720.59. CM Schroller questioned the cost to re-outfit the police truck that was transferred to the Water department. CM Throm moved, CM Boss seconded to approve the appropriations ordinance as amended totaling \$1,007,720.59 CM. Boss overviewed large expenditures including employee payroll costs, transfers and the CCLIP payment. Motion to approve the appropriations ordinance carried by 7-1 roll call vote. CM Schroller voted no. City Clerk Holle assigned Ordinance No. 3703.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **SMALL CELL ORDINANCE #1879.** CA St. John presented an ordinance governing installation of small cell wireless infrastructure. The ordinance provides for the collection of fees for use of the city's right of way. CM Hughes asked the word "vicinity" to be defined in Section 12-903. The Governing Body agreed to define the word vicinity as within 300 feet. CM Frye moved to approve the small cell ordinance #1879 as amended, CM Throm seconded. Motion carried with an 8-0 voice vote.
2. **CITY HALL BATHROOM RENOVATION BID REQUEST.** CA St. John presented a request for bids to remodel the City Hall restrooms. The men's and women's restrooms will switch sides to better accommodate ADA requirements in the women's restroom. Mayor Grund asked about the temporary bathrooms included in the proposal. The governing body suggested CA St. John ask Marysville Health and Fitness about allowing the City Hall employees to use their restrooms during the remodel project. There was discussion about hot water heaters, soldering copper pipes, small fixtures such as toilet paper holders, paper towel holders and ADA compliant grab bars. CA St. John agreed to re-write the bid with requested changes. The governing body desired that the bid requests be sent to all Marysville contractors as well as placement on the City website and the newspaper. CM Throm moved, CM Pippia seconded to approve the bid request as amended. Motion carried unanimously.
3. **2019 ADA RAMP PROJECT.** CA St. John presented a bid request and plans to continue the City's ADA ramp project. Mayor Grund questioned the ramps on the northwest and southwest corners of 13th and Carolina because they both lead to several stairs. Mayor Grund also noted that 13th and Elm connected to rough, barely used sidewalks and 9th and Elm already has a laydown curb. Consensus of council was to eliminate those 4 corners and add the corners at 12th and Walnut around the high school, adding that the southwest corner at 9th and Elm by the Lee Dam Art Center should be repaired.
4. **FORCE MAIN BID OPENING.** CA St. John reported the bid opening for the force main replacement on 2nd and Broadway was Tuesday, July 16 and the City received only 1 bid. Austin said that Tony Duever, the engineer at CES, estimated the cost to be \$106,000 and recommended the council open the lone bid. CA St. John said that fifteen bid requests were sent out. Four companies requested specifications but only one company bid the project. Consensus of council was to open the bid. The bid by Engemann Drainage from Troy, Kansas was \$99,672, with a probable reduction of \$6,000 if KDHE allows them to dump into the City's lagoon system. CM Frye moved, CM Hughes seconded to approve the bid by Engemann Drainage for \$99,672 less \$6,000 pending approval by KDHE to come out of the Sewer Replacement Fund. Motion carried unanimously.

5. **MUTUAL AID.** CA St. John told the council the city Water/Sewer crew had been called to help the City of Washington to unclog sewers with our Vac truck. Also, the Street crew went to help Blue Rapids clean up trees from storm damage before the county fair. Both cities will reimburse Marysville for our equipment and our employees' time.

6. **BG CONSULTANTS, INC. AGREEMENT – ARCHITECT FOR THE FIRE STATION.** CA St. John presented the agreement with BG Consultants, Inc. for design of the proposed new fire station, adding that the Fire Committee had met with BG Consultants. Mayor Grund noted that the committee's preliminary goal given to BG was to cap the cost of the new station at \$1.2 million, with the city's 50% share equaling \$600,000. Mayor Grund reported the timeline as: 1) the committee will meet every 2 weeks; 2) a preliminary design to council August 26, 3) the public hearing during the week of September 16-20; 4) the final design approval by the council at the September 23 council meeting; and 5) the CDBG application filed by November 1. Mayor Grund added that the City will direct Emily at the North Central Regional Planning Commission to write the CDBG grant. The contract with BG Consultants, Inc was \$7,500. CM Boss moved, CM Hughes seconded to approve the contract with BG Consultants, with funding from the fire department in the General Fund. Motion carried unanimously.

7. **REPAIR OF HIGHWAY 36 FROM 17TH TO 18TH STREET.** Hall Brothers informed CA St. John the highway repair will begin July 25 and should take several days,

8. **CCLIP PROJECT PHASE I AND KDOT APPLICATIONS.** Bryant and Bryant contacted CA St. John to inform him they would start the CCLIP Phase I project in March 2020. CA St. John also received an email from KDOT that the city had not been selected for the CCLIP Phase II project or the Geometric project on the corner of 10th and Center Street.

9. **REVISED NEIGHBORHOOD REVITALIZATION AMOUNT.** Mayor Grund had contacted the County Clerk's office and questioned the low NRV amount given to the City and used in the proposed 2020 budget. Mayor Grund asked CA St. John if he had received a revised number from the County Clerk's office. CA St. John said he had the corrected NRV amount and will adjust the proposed 2020 budget accordingly.

STANDING COMMITTEE REPORTS:

Mayor Grund reminded the council there will be a budget workshop Monday, July 29. Mayor Grund asked if the Koester Block Advisory Board could meet with the prospective renters before the apartment is leased. CA St. John said he would check with City Attorney Olsen if there are any regulations regarding the meeting. Mayor Grund requested the council members give their changes to the Code Book to CA St. John by the end of August. CM Hughes asked if an application form had been created yet for the small cell permit. CA St. John said it would be completed before the first request.

STREET:

1. **SALT SHED.** Mayor Grund noted the salt shed contract's completion date is August 31. Mayor Grund also asked CA St. John to add the salt shed to the master list.
2. **WALNUT STREET IN FRONT OF HIGH SCHOOL.** CM Throm said the brick street repair on Walnut in front of the high school looks nice. CM Schroller would like to make sure the project was completed before school starts.

PARKS & RECREATION:

1. **STORMWATER ENGINEER AT LAKEVIEW.** Mayor Grund reported the Parks & Recreation committee met Monday to discuss hiring a stormwater engineer for the Lakeview project. The committee decided to go through an interview process before making a recommendation to the council. Mayor Grund noted that the city can only apply for one CDBG per year, noting other grants may be available for improvements at Lakeview.

POLICE AND FIRE;

1. **BARBED WIRE.** CM Boss reported the Police and Fire Committee met July 8, noting CM Boss and CM Schroller committee members were in attendance. Mayor Grund, Police Chief Ackerman, Code Enforcement Officer Schmitz and CA St. John were also present. The Police and Fire Committee recommended, going forward, that the Zoning Administrator explain changes that would be needed based on the ULDC and the City Code to persons desiring to be annexed into the city. The Police and Fire committee recommended changing City Code Section 2.220 Animal Confines, Shelter to read: Barb wire fences shall not be permitted for domesticated pets. Electrically charged fences shall not be permitted for animal confines. The committee also recommended changing City Code 11-102 (b) 10.13 Barbed Wire to read: It shall be unlawful for any person to construct a barbed wire fence or enclosure within the city, except after application to the Zoning Administrator and good cause is shown that such fencing is necessary for protection of property and/or person. Mayor Grund said they removed the word maintain in (b) 10.13 to allow residents who currently have barbed wire to keep it. CM Frye's opinion is if you are not following the rules, and it is brought to your attention then you need to follow the rules, the rules should not change. CM Frye added that the city needs to enforce the rules. CM Barnes reminded the council there is a waiver process for residents who would like to keep their barbed wire. CM Schroller moved, CM Boss seconded to draft an ordinance to change City Code 2-220 Animal Confines and City Code 11-102 (b) 10.13. Motion failed with a 2 -6 vote. Pippia, Hughes, Frye, Throm, Barnes voting no, Graham abstaining. The waiver process and requirements were discussed, directing the city staff to draft a waiver application to be used by the Zoning Administrator. CM Hughes moved to eliminate all barb wire restriction in the code

book. Motion died with no second. CM Frye moved, CM Pippia seconded to make August 1, 2020 the date all residents with barbed wire must be in compliance with related City codes. Motion passed 6-2. CM Boss and CM Schroller voted no. Consensus of council was that there be an appeal process to the Governing Body regarding any denied waiver application.

2. **RANGE DEVELOPMENT.** Mayor Grund asked if there has been any progress on the firing range development so the public could use it. CA St. John reported the various city crews have been working on other priorities. CM Frye requested the firing range move up the priority list. Mayor Grund requested a timeline when it will be available for public use.
3. **CODE ENFORCEMENT LETTERS.** Mayor Grund asked the council to read the code enforcement letters the city sends to residence and give any changes to city hall this week.

EXECUTIVE SESSION: At 9:25 p.m. CM Barnes moved, CM Frye 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 9:35 p.m. Motion carried unanimously. At 9:35 p.m. council reconvened. Mayor Grund reported no action was taken during executive session and the regular session was continuing.

ROUNDTABLE DISCUSSION:

1. **COUNTY TRANSIENT GUEST TAX.** Mayor Grund reported the Marshall County Commissioners passed a resolution to charge a 2% transient guest tax county wide.
2. **KANSAS MAYORS ASSOCIATION.** The Kansas Mayors Association will meet Tuesday, July 23 in Marysville at the Empty Cup. Because Marysville is hosting the event, Mayor Grund asked if she could purchase Marysville mugs and black squirrel coffee for all 5 mayors attending. Council agreed to the purchases.
3. **CAMPING IN THE PARK.** CM Hughes said he spoke with people who camped in the City Park and they were very pleased with the facility.
4. **TIME LIMIT DURING BUSINESS AND DISCUSSION.** CM Schroller asked if there was a time limit during business and discussion items as stated at the top of the agenda.
5. **JUDGES APPOINTMENT.** CM Barnes asked if the Municipal Judge needed to be appointed since he was last appointed in July 2018 minutes. Mayor Grund said she would talk to City Attorney Olsen.
6. **NEWSLETTER.** CM Barnes said he had received the City newsletter in the mail and he thought the council had decided they should read correspondence sent to the citizens before it is sent.

7. **BUSINESS INDUSTRIAL PARK.** CM Barnes asked if a committee would meet with the prospective business owners who would like to start businesses in a new industrial park as discussed by Marshall County Partnership for Growth at the last council meeting. Mayor Grund said she had already met with them. Mayor Grund said she had suggested to the businesses to maybe use the lot by Subway as most of the infrastructure is in place.

There being no further business, at 9:41 p.m. CM Frye moved to adjourn, CM Hughes seconded. Motion carried unanimously.

Cindy Holle

City Clerk