

Regular Meeting  
City Hall, Marysville, Kansas-February 12, 2024

Members of the Governing Body of the City of Marysville were called to order in the regular session at 7:00 p.m. on the date and place noted above with Mayor Frye in the chair. Interim City Administrator Pederson and City Clerk Holle were also present.

After the Pledge of Allegiance, roll call was answered by the following council members: Snellings, Ferris, Behrens, Keating, Beikman, Schrater, Throm and Goracke. A quorum was present.

The minutes from the January 22<sup>nd</sup> regular meeting were presented for approval. CM Throm moved; CM Beikman seconded to approve the minutes as presented. Motion carried by 8-0 voice vote.

The minutes from the January 29<sup>th</sup> special meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried by 8-0 voice vote.

**PUBLIC COMMENTS:**

- 1. CHAMBER MAIN STREET REPORT.** Wayne Kruse, Director of Chamber Main Street gave an update on local events. Wayne said he has been researching other cities who have revitalized living spaces in their downtowns.

Mayor Frye asked to amend the agenda to add appointments. CM Throm moved, CM Schrater seconded to add appointments for a City Attorney, City Judge and City Prosecutor. Motion carried unanimously.

**BUSINESS AND DISCUSSION ITEMS:**

- 1. LANDOLL STORMWATER MANAGEMENT PLAN PROPOSAL FOR SHOP 100.** BI Ralph included in the agenda a storm water management plan for Landoll's proposed new Shop 100. The engineer included a detailed plan for Council review and approval. The Planning and Zoning Commission has reviewed the plan. CM Beikman moved; CM Throm seconded to approve the storm water management plan for Landoll Shop 100 located at 1065 Pony Express Highway. Motion passed 7-0-1. CM Keating abstained as he is an employee of Landoll's.
- 2. ALLEY COSTSHARE BLUE RIVER EYECARE.** Kurt Olson, owner of Blue River Eye Care is rehabilitating the building at 715 Broadway. The alley is between Broadway and Elm and between 7<sup>th</sup> and 8<sup>th</sup> Street. The project will require part of the alley to be removed to accommodate a new sewer and electrical service. Mr. Olson would also like to connect the building run off with an underground pipe to the City's storm sewer. The City will write an agreement with Blue River Eye Care specifying the property owner will retain responsibility for the pipe. After the upgrades have been made, instead of only repairing the cuts in the alley he would like to replace 148' of the entire alley. Mr. Olson is proposing the cost to improve the alley be split 50/50 with the City as the alley is City property. CM Snellings moved; CM Throm seconded to approve the proposal with the City's share equaling \$11,100 to be paid from the Sales Tax Fund. Motion carried unanimously.
- 3. POLICE POLICY 219 PROPOSAL.** The Police Department is asking the City to approve Policy 219 which allows sworn police officers to exercise on City time on City property for up to 3 hours per week if specified conditions are met. Completion of an annual physical is required. CM Schrater moved; CM Ferris seconded to approve General Health and Physical Fitness Policy 219. Motion carried unanimously.

4. **SALE/LEASE AND DEVELOPMENT KOESTER BLOCK COMMERCIAL BUILDINGS.** ICA Pederson wrote a Request for Development Proposal for the Koester Block commercial buildings. The goal of the City is long term preservation of the building structures, preservation of the architectural and historic integrity of the buildings, expand living opportunities in downtown Marysville, maintain and improve street-level commercial spaces. Proposals will be evaluated, and the successful developer will be chosen by the City Council. The proposals are due by April 15, 2024. CM Snellings moved, CM Goracke seconded to approve the RFP for the Koester Block Commercial Properties. Motion carried unanimously.
5. **CDBG GRANT FOR LAGOON EXTENSION.** The design phase of the Lagoon/Wetland Project took longer than originally projected. Therefore, the construction phase did not begin on time. The City is requesting an extension with the Department of Commerce so the CDBG Funds will not be lost. CM Throm moved, CM Snellings seconded to request an extension from March 14, 2024, to June 14, 2024. Motion carried unanimously.

#### **NOTICES AND HEARINGS:**

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

1. Request for payment of CDBG Funds grant 22-PF-025 \$170,000.00.
2. Alcohol Consumption-Lee Dam Art Center-MCAC February 17, 2024- Culinary Arts.
3. The City Clerk's Report for January showed \$87,214.91 collected in receipts with a like amount being deposited with the City Treasurer.
4. Cash balances in funds were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through January 2024 showed unadjusted accumulated revenues in the General Fund of \$1,163,946 or 40% of budget; Water Revenue Fund, \$63,879 or 7% of budget, Sewer Revenue Fund, \$65,040 or 8% of budget. Unadjusted statement of expenditures in the General Fund totaled \$179,600 or 5% of budget, Water Revenue Fund, \$52,273 or 4% of budget, and Sewer Revenue Fund, \$68,679 or 5% of budget.
5. The Municipal Judge's Report for January showed \$3,809.25 being deposited with the City Treasurer and \$391.00 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

#### **APPROPRIATIONS ORDINANCE NO. 3816**

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$319,730.09; Water Revenue Fund, \$50,068.68; Sewage Revenue Fund, \$56,282.17; Street & Highway, \$20,023.88; Library Revolving Fund, \$12,922.39; Library Fund, \$127,151.38; Library Employee Benefit Fund, \$44,429.62; Swim Pool Sales Tax, \$25,322.03; Koester Block Maintenance, \$1,673.93; Employee Benefit Fund, \$20,344.01; Transient Guest Tax, \$3,586.22; Municipal Equipment Reserve, \$36,305.00; Sales Tax Improvement Fund, \$33,749.65 making a total of \$751,589.05.

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 Snellings seconded to approve the appropriations ordinance totaling \$751,589.05.
3. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3816.

#### **STAFF REPORTS:**

##### **1. INTERIM CITY ADMINISTRATOR.**

1. **AGENDA.** ICA Pederson explained the Order of Business of the agenda and how each procedure should work. He noted staff reports are used by the City Administrator and/or the City Clerk for items requiring discussion or approval. Standing Committee Reports are items for reports from committees who have met. Round Table Discussion has been re-named to Council Comments. It is for informal questions or follow-up from previous discussions if needed.
2. **ADA PARKING SPACES.** ICA Pederson reported that the ADA parking spaces on Broadway and the side streets downtown are not in compliance. Handi-cap spots on city streets need to be 20 feet wide and cannot be within 20 feet of a crosswalk. The City needs to work on becoming compliant with federal regulations.
3. **VEHICLES ON LEVEE ROAD.** The access road for the levee and Ferry Park has given access to vandals. This road may need to be closed to the public.
4. **NORDHUS STORM SEWER.** Jadwin Construction is working on the storm sewer collapse behind Bite Me Barbeque which causes the storm water to back up on Center Street near Nordhus Motors.
5. **CAPITAL FUNDING.** The Sales Tax Improvement Fund generates approximately \$1,000,000 per year. \$400,000 is used to support the General Fund and the remainder of the funds could be used to pay a bond used for street repairs.
6. **WATER PROJECT ON 8<sup>TH</sup> AND ELM.** Jadwin Construction is testing the new water main for the Elm Street project. They should be able to make the cutover shortly.

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

**APPOINTMENTS:** Mayor Frye made the following appointments: *Marysville Library Board:* Dexter Spitsnogle, February 2024 through April 2025; replacing Pat Schramm who resigned and Jamie Anderson, April 2024 through April 2028. CM Throm moved; CM Snellings seconded to approve the Mayor's appointments. Motion carried unanimously.

*City Attorney and Judge positions:* City Judge-John McNish; City Attorney and City Prosecutor-Aaron Westbrook. CM Throm moved; CM Behrens seconded to approve the Mayor's appointments. Motion carried unanimously.

**EXECUTIVE SESSION:** At 8:02 p.m. CM Beikman moved to recess in executive session to discuss personnel matters, not general personnel policies, exception KSA 75-4319 (b) (1). This session will include the Mayor, City Council, and the interim City Administrator. The open meeting will resume in the city council chamber at 8:07 p.m. CM Throm seconded. Motion carried 8-0. At 8:07 p.m. the council reconvened. Mayor Frye reported no binding action was taken during the executive session and the regular session was continuing. Mayor Frye reported the City would be moving forward in the administrator search and ICA Pederson had completed his time here. The City may use Mr. Pederson on a contract basis in a consulting role.

**COUNCIL COMMENTS:**

1. **YARD DAMAGE.** CM Snellings reported Eric and Sandi Wilson had spoken to her about damage to their yard during snow removal. CC Holle said they had reported it to the City, and it will be addressed.
2. **JAKE BRAKES.** CM Ferris said people were complaining that jake brakes are used in Marysville and the regulation is not being enforced. New signage was discussed. ICA Pederson said he spoke with PC Simpson and there may be some issues enforcing the jake brake policy. Noisy vehicles are also a problem and the Mayor suggested educating people should be the first step.
3. **MLNARIK CONDEMNATION.** CM Behrens asked if the City can proceed with the condemnation of Walter Mlnarik's house at 205 Calhoun. He has been burning again and the improvements required have not been made. Staff will check on the appeal he filed in district court.
4. **FIRE DEPARTMENT PUMPER TRUCK.** CM Beikman said the fire chief reported to him pumper truck 602 has been sent to Danko for repair.
5. **SNOW ROUTES.** CM Throm asked if a new ordinance should be written about snow removal because the current ordinance is not enforceable.
6. **STORM SIREN.** CM Schrater made a motion to reconsider the storm siren near Keystone Addition, CM Snellings seconded. Motion carried unanimously. After council discussion CM Keating moved, CM Snellings seconded to purchase a new siren for the Keystone area for \$43,746.75. Motion carried unanimously.
7. **CITY ADMINISTRATOR CANDIDATES,** Mayor Frye announced there will be a Meet and Greet for the public at the Lee Dam Art Center on Wednesday, February 28<sup>th</sup> from 4:30 to 6:00 p.m. to meet the candidates for the City Administrator position. There are three candidates, and their names will be released on Tuesday, February 27. The Council and department heads will conduct interviews on Thursday, February 29 and a special meeting will be held at 4:00 p.m. to hire an administrator.

There being no further business, at 8:36 p.m. CM Throm moved to adjourn, CM Goracke seconded. Motion carried unanimously.

Cindy Holle  
City Clerk