

Regular Meeting  
City Hall, Marysville, Kansas-September 9, 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 Attorney Olsen, 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, Pippia, Graham, Hughes, Frye, Schroller, Throm and Barnes. A quorum was present.

The minutes from the August 26th regular meeting were presented for approval. CM Throm moved, CM Barnes seconded to approve the minutes as amended. Motion carried by 8-0 voice vote.

**PUBLIC COMMENTS:**

- 1. DEXTER SPITSNOGLE 1139 KEYSTONE ROAD.** Dexter Spitsnogle, 149 Hwy 77 said he had purchased the property at 1139 Keystone Road. Dexter asked the city to clarify the distance from the existing sewer regulation. Dexter said the City Code 15-216 states the public sewer must be within 100 feet of the property line and his property is 220 feet from the sewer line. Dexter questioned, because he would have to put in a grinder pump, if the City could say the sewer is not available and he would be allowed to put in his own sewer system, whether he is annexed or not. CA St. John stated the ordinance says 100 feet but the county code prefers property within 400 feet be hooked to the City system. Dexter said Marlene Stamm the County Sanitarian told him it is preferred he hook to the city sewer, but he could install his own system or hook to the City system which ever the City decides. Dexter said his confusion is “Are we required to annex or not required to annex? We have purchased the lot now.” City Attorney Olsen said he had taken a preliminary look at 15-247 and several documents which he had requested from the City regarding the sewer hook-up and assessment in the Eastside Sewer District. CA Olsen said he would like to research supporting documents pertaining to the Eastside Sewer District Ordinance. “There is specific language that is subject to interpretation. To further analyze what the interpretation should be, the origin of the benefit district is imperative.” CA Olsen said he would like to advise the City on the options it has on this individual property and any future properties that are annexed into the city which are governed by ordinances and state statutes. CA Olsen asked if the Spitsnogles were to be connected to the sewer or not, or if they were to be annexed laterally or if they were to be annexed by consent. CA Olsen said he wanted to look into the ongoing authority the City has to assess under this benefit district, which he does not have an answer for tonight. Mayor Grund said, “This specific ordinance is very vague, and you can interpret it differently and I just want the legal counsel to tell us how to interpret the ordinance.” Dexter said the sewer issue needed to be solved before he could get a building permit to begin building. Mayor Grund asked Dexter, “If we would waive the \$5,848 would you become part of the city and get a grinder pump?” Dexter replied, “Probably it would be the least resistance, yes.” CA Olsen said he understood the urgency and he would speak with City Administrator St. John the next day.

**BUSINESS AND DISCUSSION ITEMS:**

- 1. MAYOR GRUND- KOMA.** Mayor Grund reported at a recent Police and Fire Committee meeting, CM Barnes and CM Pippia noted that they had attended a KOMA training and understood that all Council members could attend and participate in all committee discussions.

Mayor Grund contacted Attorney Deborah Barnes at the League of Kansas Municipalities to clarify KOMA laws for city committee meetings. Mayor Grund emailed to Deborah and Deborah added some explanation to the email. *Clarification: All persons including all Council members are welcome to attend committee meetings however, non-committee Council members should not participate in the discussion and should not have any interactive communication with the committee. This is because this sort of intervention turns into a serial meeting of the Council. A serial meeting counts as an open meeting under KOMA. A serial meeting happens once the communications collectively involve a majority of the council, the communications share a common topic, and the discussion is intended by any or all of those participating to reach agreement on a matter that would require binding action to be taken by the Council.* Mayor Grund said she asks non-committee Council members to sit away from the table where the committee is discussing the business of the committee to prevent any interactive communication with non-committee members. She told Deborah, "I believe it is prudent to continue that policy." Mayor Grund told the Council she would give them a copy of the email and to contact Deborah at the LKM if there were any questions.

**2. FAMILY INCOME SURVEY LETTERS TO MARYSVILLE TOWNSHIP RESIDENTS.**

Mayor Grund presented a letter that she wrote, which would be sent to the residents on Keystone Road and 12<sup>th</sup> Road who are in the Marysville Township and have not been annexed into the City. These Family Income Surveys will need to be completed for the City to qualify for a CBD grant for road improvement in the target area of 11<sup>th</sup> Road, 12<sup>th</sup> Road and Keystone Road. CM Boss reorganized the letter. CM Boss moved to approve the letter as amended and mail to the target residents, CM Schroller seconded. Motion carried unanimously.

**NOTICES AND HEARINGS.**

**CONSENT AGENDA.** The Consent agenda was presented for consideration. CC Holle presented additional pages showing the Adjusted Statement of Revenues and Expenses which were not included in the agenda packets. CM Throm moved, CM Pippia seconded to approve the consent agenda as amended. Motion carried unanimously. The Consent Agenda consisted of the following:

1. City Clerk's Report for August showed \$53,006.30 collected in receipts with a like amount being deposited with the City Treasurer.
2. Cash balances in funds as of August 31, 2019 were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through August 2019 showed unadjusted accumulated revenues in the General Fund of \$2,105,263 or 85% of budget; Water Revenue Fund, \$580,741 or 64% of budget, Sewer Revenue Fund, \$526,319 or 68% of budget. Unadjusted statement of expenditures in the General Fund totaled \$1,661,105 or 59% of budget, Water Revenue Fund, \$557,108 or 39% of budget, and Sewer Revenue Fund, \$386,720 or 35% of budget.
3. Municipal Judge's Report for August showed \$4,232.31 being deposited with the City Treasurer and \$410.50 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

4. Alcohol consumption request by Amanda Cook at the Lee Dam Art Center on September 21, 2019 from 6:00 p.m. to 12:00 a.m. The event is a birthday/anniversary party.

#### **APPROPRIATIONS ORDINANCE NO. 3706**

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$87,323.59; Water Revenue Fund, \$16,807.79; Sewage Revenue Fund, \$8,922.74; Library Revolving, \$5,661.11; Swim Pool Sales Tax \$10,383.37; Koester Block Maintenance, \$1,253.55; Employee Benefit Fund, \$7,488.95; Transient Guest Tax, \$1,064.87; Municipal Equipment Reserve, \$5,254.50; Sales Tax Improvements, \$11,716.33; Water Utility Reserve, \$31,040.50; making a total of \$186,917.30.
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 Frye seconded to approve the appropriations ordinance totaling \$186,917.30. Mayor Grund asked if the yards on North Street along the waterline project had been fixed. The final payment to Larson Construction is in this ordinance. CA St. John said our Water Department did a walk through with Larson and the checklist was complete. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3706.

#### **STAFF REPORTS:**

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

1. **ADA RAMP PROJECT.** CA St. John presented revised plans for the ADA Ramp project. The project will be bid now, with a completion date of May 29, 2020. The ADA ramps on 12<sup>th</sup> Street and Walnut by the high school will be done last, due to the CCLIP project construction. CM Frye moved to go out for bid on the ADA Ramp project, CM Throm seconded. Motion carried unanimously.
2. **2019 JENKINS STREET WATERLINE PROJECT BID.** Carlson Utility was the only bidder on the Jenkins Street waterline project. The bid was \$216,759 which was \$57,808 higher than the engineer's estimate. CA St. John said if the project was rejected, the Jenkins Street project could be added to the 2020 waterline project on Laramie from 15<sup>th</sup> to 20<sup>th</sup> Street. CM Barnes moved to reject the bid, CM Throm seconded. Motion carried 8-0.
3. **TRANSPORTATION ALTERNATIVE GRANT.** CA St. John said KDOT recently put out a call for projects to be funded by the Transportation Alternative Grant. The City previously submitted both the 7<sup>th</sup> Street Corridor and the brick street on Broadway from 5<sup>th</sup> to 6<sup>th</sup>. The K-State study, which will be conducted this fall, will include the 7<sup>th</sup> Street Corridor. CM Boss reported there had been a Zoom meeting with the K-State group and some local Marysville stakeholders. The forty K-State students plus professors will conduct a field trip October 7<sup>th</sup> from 9 a.m. – 5 p.m. and meet with local stakeholders. There will be a Zoom Conference October 23 from 2:30 - 4:30 p.m. reviewing the UP Depot and another Zoom Conference October 24 from

2:30 – 3:45 p.m. reviewing city planning. Wednesday, November 6 the group will conduct an exhibition and open house for the community. Mayor Grund reported Professor Susmita Rishi thought the FEMA lots could become city property as the deeds did not make reference to the Flood Plain, FEMA or flooding. Professor Susmita Rishi also said the city should hire a land use attorney to change the deeds. City Attorney Olsen said he did not believe the city needed to hire a land use attorney to change the deeds, but it may be necessary for a land use attorney to negotiate the deeds. CA Olsen would like to contact other Kansas city attorneys to see if acquiring the land and changing deeds has successfully been done in other cities. Mayor Grund suggested CA Olsen may need to contact other states as this is a federal program. By consensus of council the city will wait to see the K-State report and will not include the 7<sup>th</sup> Street Corridor in the TA grant application but will apply for the Broadway brick street project. CES engineer, Tony Duever will review the costs for the brick street on Broadway from 5<sup>th</sup> to 6<sup>th</sup> Street and will present the plan and cost to council before the November 1 deadline.

4. **KDOT SHARED COST PROGRAM.** CA St. John updated the Governing Body on a new shared cost program created by KDOT. This program helps entities with projects that aren't normally covered by other KDOT programs. These projects include transportation projects that help mobility, encourage economic development and retain or recruit business. KDOT is prioritizing projects with over \$1 million in KDOT contribution. The local match required is at least 15% plus engineering costs. The KDOT review date is October 11. KDOT has another review date in March. CA St. John questioned what projects the city would like to pursue and if there would be enough time by the first review date in October. CM Barnes asked if a street in the proposed Industrial Park at the airport would qualify. CA St. John replied it would qualify. Mayor Grund would like to submit the 11<sup>th</sup> Road, Keystone Road and 12<sup>th</sup> Road project. Tony Duever, engineer from CES said the KDOT cost share application requires a cost estimate and if the city was awarded the grant the engineering could be done at a later time. The Governing Body discussed which surface should be used, asphalt or concrete. CES Engineer Duever said, "if you are going to use asphalt you would need to have a full pavement analysis design done based on traffic counts and do a full pavement structure design." CM Schroller moved, CM Pippia seconded to have CES prepare an application for an Access Management grant on 12<sup>th</sup> Road from Highway 36 to the south end of Hometown Lumber's property. CES should also prepare an application for the KDOT cost share program for 11<sup>th</sup> Road from the end of the concrete intersection at Highway 36, Keystone Road and 12<sup>th</sup> Road from the south end of Hometown Lumber's property to Timber Creek Drive. Motion carried unanimously.
5. **FIRE STATION LAND SURVEY.** Clint Hibbs with BG Consultants has recommended the City have the ground surveyed for the new fire station. The survey will help with estimating more accurate costs for the project. Mayor Grund told the council that Clint Hibbs reported to the Fire Committee that after including the soft costs of about 20%, the fire station costs will be approximately \$1.6 million. The city share will be at least \$1 million as the CDB grant maximum is \$600,000. The council discussed several methods of funding the City's share of the project. Consensus of council is to move forward with the fire station. CM Boss moved to have BG

Consultants survey the ground at the proposed fire station for \$4,000, CM Barnes seconded. Motion carried unanimously.

- 6. FINANCIALS.** CA St John updated the governing body on the status of General Fund, Water Revenue Fund, Sewer Revenue Fund and Sales Tax Improvement Fund. A master project list was also presented.

## **STANDING COMMITTEE REPORTS:**

### **STREET:**

- 1. CHIP AND SEAL.** CM Throm asked if the oiler was repaired. CA St. John said the equipment was repaired and ready to go. The Street Department has almost completed preparing the three routes so they can begin chip and sealing soon.
- 2. 6TH AND KOESTER STREET.** A citizen who lives at 6<sup>th</sup> and Koester Street told CM Throm the entire corner north was flooded during the last rain. CM Throm wanted the City to check if a storm sewer had collapsed.

### **WATER & WASTEWATER:**

- 1. JOANN LACY SEWER.** Mayor Grund said JoAnn Lacy asked her to read a letter to the council. Mayor Grund forgot the letter but gave an overview of the contents of the letter. Joann feels her sewer line was effected by the installation of the water line on 10<sup>th</sup> Street last year. Kent Bargman, Water Supervisor and CA St. John have pictures of the sewer line and are confident the line was not damaged in the project. Mayor Grund spoke to Charles Friedrichs from Habitat for Humanity and he said Habitat will help JoAnn put in a new sewer line. CA St. John will have the City bring in dirt to fill low spots in her yard.
- 2. SEWER LINE ON CLIPP PROJECT.** CM Throm asked when the contractor would begin replacing the sewer line on South 10<sup>th</sup> Street. CA St. John said the flowable fill needed to be approved for the sewer line which would take 28 days. The contractor switched phases so the project is still moving forward, and the contractor could complete the 60 days this fall.
- 3. FORCE MAIN ON 3<sup>RD</sup> STREET.** CM Throm asked when the force main project on 3<sup>rd</sup> Street would begin. CES engineer Duever reported the contractor has found another source for parts which is faster so the project should begin within 4 weeks.

### **PARKS & RECREATION:**

1. **DEAD TREES ON MAIN STREET.** CM Schroller asked if the dead trees on Broadway would be replaced soon. CA St. John said he spoke with the contractor and the contractor's supplier said it would be November. CA St. John asked them to move the date up to October.
2. **MOSQUITOES IN CITY PARK.** CM Schroller reported there were complaints about the large number of mosquitoes in the city park. CM Frye said there were lots of mosquitoes at the Pony Park and on the Trail to the City Park.
3. **WATER LEAK AT FELDHAUSEN FIELD.** CM Graham said there is a water leak at Feldhausen Field located by the visitor's dugout.

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

1. **WATER LEAK IN THE CEMETERY.** CM Pippia reported there is a water leak by a hydrant south of the Chapel in the Cemetery. CM Pippia noted that it has been leaking for a while as it smells like a swamp.

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

1. **FIRE STATION PUBLIC MEETING.** CA St. John said the Public Hearing on the CDB grant for the Fire Station will be October 14 at the City Council meeting.

#### **ADMINISTRATION & FINANCE:**

1. **LAND BANK.** Mayor Grund said Leavenworth County uses a land bank to remove blighted properties and can then control how the property is used in the future. Mayor Grund would like the Administration and Finance Committee to research this.

#### **APPOINTMENTS:**

#### **CITY ATTORNEY:**

#### **ROUND TABLE DISCUSSION:**

1. **HOMECOMING PARADE.** Mayor Grund asked the council members who were helping with the Council float to meet at 1:45 Friday.
2. **CIPP.** Mayor Grund noted that Insituform will be lining the last sewer pipes Tuesday. The City Hall will not have water from noon until 5:00 p.m.
3. **GRAVEL DASH EVENT.** CM Frye reported the Gravel Dash was a huge success with 186 riders which is a record number. The event was posted in many places on social media, so

Marysville got lots of great publicity. CM Frye said they appreciated the city crews help with barricades and the police escort. CM Schroller who helped with the Gravel Dash also reported the participants really had great things to say about our community.

4. **GOOD JOB CITY CREWS.** CM Barnes gave a “shout out” to the city crews who helped repair the road failure by the bump outs on the CCLIP project.
5. **DISC GOLF TOURNAMENT.** CM Barnes said there were about 30 people who participated in the Disc Golf tournament, and they had a good time.
6. **EASTSIDE SEWER ASSESSMENTS.** CM Barnes asked where the council was with the assessment discussion as Sptitsnogles were in a hurry to get their house started. CA St. John said he and City Attorney Olsen would discuss it further and inform the council.

There being no further business, at 9:06 p.m. CM Throm moved to adjourn, CM Hughes seconded. Motion carried unanimously.

Cindy Holle

City Clerk