

Regular Meeting
City Hall, Marysville, Kansas-October 9, 2023

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 Barnes in the chair. City Clerk Holle were also present.

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

The minutes from the September 25th regular meeting were presented for approval. CM Keating recommended the minutes be amended to add the City has not received or signed a contract with BG Consultants for the Keystone and 12th Road preliminary engineering. CM Throm moved; CM Goracke seconded to approve the minutes as amended. Motion carried by 8-0 voice vote.

PUBLIC COMMENTS:

1. **LYNN STOHS.** Lynn Stohs, Ward 4 addressed the Council concerning the cemetery policy about removing flowers and devices on grave sites. He asked about the current policy which states a cemetery board would regulate this policy and there is not a cemetery board. Lynn also made recommendations about a new policy.

BUSINESS AND DISCUSSION ITEMS:

1. **BLACK SQUIRREL NIGHT REQUESTS.** Allie Argo from Chamber Main Street made the following requests from the City for the Black Squirrel Night celebration: block Broadway from 6th Street to 10th Street starting at 4:00 p.m. until 8:00 p.m.; place extra trash receptacles downtown; use the downtown sound system; allow the trailer for the costume contest to be placed by the Pony Plaza and provide and serve donuts and coffee. CM Snellings moved to approve the requests, CM Goracke seconded. Motion carried 8-0.
2. **CHAMBER MAIN STREET BUILDING USE REQUEST.** Interim Director, Chamber Main Street, Wayne Kruse updated the Council about the recent project and upcoming events. ID Kruse presented a request from Partnership for Growth to use some office space at our 617 Broadway building when they are working in Marysville. By consensus the Council agreed to allow Partnership for Growth use office space on occasion at the City's 617 Broadway building.
3. **BLUE RIVER RAIL TRAIL REQUEST.** Todd Frye representing the BRRT Board requested the use of 6 picnic tables for on the trail on October 15 during the motorized vehicle tour event. Members of the BRRT committee will load the tables on Friday and return them on Monday to the Cemetery Shop. CM Throm moved; CM Price seconded to approve the use of the tables and BRRT Board will move the tables. Motion carried 7-0-1. CM Frye abstained as he was making the request.
4. **CEMETERY DECORATIONS REMOVAL.** Cemetery/Parks Supervisor Cercone asked the City to enforce the regulations regarding decorations on graves during the mowing season. He presented 2 options. Option 1. *There are no decorations in the grass outside of the concrete base of the stone except war markers. All war markers will be placed on the side(s) of the stones for ease of mowing and trimming. If you would like a decoration on the concrete base of the stone, it must be fastened to the concrete base either drilled in or glued onto the base, so it does not fly off the base if hit with a weed eater. Small decorations that fit on the granite stone are acceptable, they do not pose problems for mowing and weed eating. If adding concrete around and existing base to accommodate for decorations the new concrete must be kept on the side of the existing base, not in front of or behind the stone. Decorations can be put out for Memorial*

Day but will be removed by June 10. From November 1 – April 1 decorations are allowed but will all be removed by April 1. Option 2. Each stone may have only ONE decoration in the grass in addition to a current war marker. This is one decoration per stone, not per person buried. These devices, if staked in the ground must be solid steel at least 3/8-inch diameter, anything smaller is easily broken by a trimmer. No wooden or plastic devices are allowed, they deteriorate over time with weather and sunlight. The one decorative device allowed will be restricted to the side(s) of the stone and it must be on your family's space(s) (one space is 45" wide). Again, Memorial Day decorations are acceptable but will be removed by June 10. Also, more decorations are allowed from November 1 – April 1 as it does not pose a problem because we will not be mowing or trimming in the winter. Just as above these decorations will be removed on April 1 before we mow for the first time. After discussion CM Keating moved to approve option 2, CM Snellings seconded. Motion carried 5-3 with CM Throm, CM Behrens and CM Beikman voting no.

5. **ECONOMIC DEVELOPMENT 1306 JENKINS.** BI Ralph submitted an application from Jane Powell at 1306 Jenkins for Economic Development to remove a shed. BI Ralph's opinion is the shed needs some repairs but does not meet the criteria for the economic development incentive for removal. After Council discussion CM Throm moved; CM Behrens seconded to approve the economic development for Jane Powell at 1306 Jenkins. Motion passed 7-1 with CM Price voting no.
6. **AHRS CURB & GUTTER, CATCH BASIN REPLACEMENT 600 BROADWAY.** AHRS submitted a proposal of \$29,864.00 to replace 130 linear feet of standup curb/gutter and 1 ramp with access to US Highway 36, replace storm sewer curb inlet, replace grate at storm sewer, provide 2 light poles bases on Broadway at the new Marshall County Health Department. The council discussed the cost of the proposal. The council tabled the motion and would like information from Marshall County.
7. **RESOLUTION 2023-56 CONDEMNATION 205 CALHOUN.** The hearing for the structure at 205 Calhoun was extended with repairs to be completed by September 30, 2023. The property was inspected by BI Ralph and the required repairs have not been completed. The governing body found pursuant to K.S.A. 12-1750 et seq., the subject premises are unsafe, dangerous, and otherwise a blight upon the neighborhood and that the governing body should proceed with condemnation proceedings. The owner is directed to remove the subject premises by November 10, 2023, or otherwise remove all structural defects, health, and safety hazards. CM Throm moved, CM Frye seconded to approve Resolution 2023-56. Motion carried unanimously.
8. **RESOLUTION 2023-57 CONDEMNATION 406 JENKINS.** The hearing for the structure at 406 Jenkins was extended with repairs to be completed by September 30, 2023. The property was inspected by BI Ralph and the required repairs have not been completed. A representative from the owner appeared at the meeting. She asked for at least 30 days to complete the repairs. The governing body found pursuant to K.S.A. 12-1750 et seq., the subject premises are unsafe, dangerous, and otherwise a blight upon the neighborhood and that the governing body should proceed with condemnation proceedings. The owner is directed to remove the subject premises by November 10, 2023, or otherwise remove all structural defects, health, and safety hazards. CM Keating moved to approve Resolution 2023-57. Motion died. After discussion with a representative from the family who requested extra days to complete the repairs, CM Snellings moved, CM Goracke seconded to approve Resolution 2023-57. Motion carried unanimously.

9. **RESOLUTION 2023-58 CONDEMNATION 819 PONY EXPRESS HIGHWAY.** The hearing for the structure at 819 Pony Express Highway was extended with repairs to be completed by September 30, 2023. The property was inspected by BI Ralph and the required repairs have not been completed. The governing body found pursuant to K.S.A. 12-1750 et seq., the subject premises are unsafe, dangerous, and otherwise a blight upon the neighborhood and that the governing body should proceed with condemnation proceedings. The owner is directed to remove the subject premises by November 10, 2023, or otherwise remove all structural defects, health, and safety hazards. CM Throm moved, CM Price seconded to approve Resolution 2023-58. Motion carried unanimously.
10. **CONDEMNATION 707 N 8TH STREET.** BI Ralph included pictures of 707 N 8th Street in the agenda. The required improvements have been made. No further action was needed.

NOTICES AND HEARINGS:

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

1. City Clerk's Report for September showed \$43,169.11 collected in receipts with a like amount being deposited with the City Treasurer.
2. Cash balances in funds were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through September 2023 showed unadjusted accumulated revenues in the General Fund of \$2,829,880 or 101% of budget; Water Revenue Fund, \$681,987 or 76% of budget, Sewer Revenue Fund, \$579,382 or 75% of budget. Unadjusted statement of expenditures in the General Fund totaled \$2,353,768 or 73% of budget, Water Revenue Fund, \$636,001 or 49% of budget, and Sewer Revenue Fund, \$504,399 or 36% of budget.
3. The Municipal Judge's Report for September showed \$3,609.02 being deposited with the City Treasurer and \$235.00 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3807

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$315,204.85; Water Revenue Fund, \$26,403.56; Sewage Revenue Fund, \$9,453.43; Bond & Interest Fund, \$31,501.42; Fire Equipment Reserve Fund, \$1,125.00; Library Revolving Fund, \$6,525.20; Library Fund, \$15,226.32; Library Employee Benefit, \$1,811.29; Swim Pool Sales Tax, \$541.86; Koester Block Maintenance, \$2,291.35; Employee Benefit, \$8,923.33; Transient Guest Tax, \$883.44; Municipal Equipment Reserve, \$140,195.00; Sales Tax Improvements, \$2,978.24; making a total of \$565,064.29.
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 \$565,064.29.

3. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3807.

STAFF REPORTS:

CITY CLERK:

1. **STREET REPAIRS.** CC Holle reported the Street Department is repairing the streets on the snow routes before the other streets to get ready for snow.
2. **FLUSH TANK PROJECT.** CC Holle said she and Dave Richardson from CES had discussed the small easement between 17th and 18th Street and had been in contact with most of the people this project will affect. Some bushes, trees and fences are in the way and on the easement. The instructions to the engineer were not clear so there will be a change order on the project. Flush tanks will be converted to manholes, but clean-outs will remain as clean-outs.

STANDING COMMITTEE REPORTS:

STREET:

1. **20TH AND NORTH STREET CURB.** CM Price reported the curb on the southwest corner of 20th and had been hit and was sticking up.
2. **SEWER EASEMENT ON 11TH ROAD.** CM Keating said he and Rob Peschel from CES thought there may be a mistake in the past on the easements on 11th Road. The City will request preliminary drawings for 11th Road from CES. Several council members spoke about the necessity of keeping the easement or returning it.

WATER & WASTEWATER:

1. **WATER METER DAMAGE AT 907 N 14TH STREET.** CM Keating said he was informed by Water Supervisor Bargman there was a water meter that was destroyed at 907 N 14th Street. Per policy the homeowners were billed for the meter. CM Keating suggested a police report be filed as he thought this could be vandalism.

PARKS & RECREATION:

1. **POOL REPAIRS.** CM Frye asked about the pool repairs. CC Holle said Manhattan Energy Center is finishing the repairs.

CEMETERY/AIRPORT:

POLICE AND FIRE:

1. **CALEA-LKM.** Mayor Barnes said at the League of Kansas Municipalities Conference the Marysville Police Department was mentioned several times as a great example of a small department who attained CALEA status.

ADMINISTRATION AND FINANCE:

1. **COUNCIL PRIORITIES.** Mayor Barnes said a meeting he attended at the LKM Conference suggested the Council set a list of priorities to work on. This could be done quarterly or annually.
2. **COUNCIL MEETING TIMES.** Mayor Barnes also suggested the Council may want to change the meeting time from 7:00 p.m. to possibly 6:00 p.m. or 6:30 p.m. It was also suggested the City create a brochure describing how to address the Council and the use of public comments.

APPOINTMENTS: Planning Commission: Tony Duever will complete an unexpired term from October 2023 through December 2023. Then begin his first term from January 2024 through December 2026. CM Beikman moved to accept the Mayor's appointment; CM Frye seconded the motion. Motion carried unanimously.

CITY ATTORNEY: CA McNish entered the council chamber at 8:48 p.m.

EXECUTIVE SESSION: At 8:50 p.m. CM Goracke moved to recess into executive session for consultation with an attorney on matters deemed privileged in an attorney-client relationship about litigation or claims against the city to K.S.A. 75-4319 (b) (2). This meeting will include the Mayor, City Council, City Attorney and City Clerk. The open meeting will resume in the city council chamber at 8:55 p.m. CM Throm seconded. Motion carried 8-0. At 8:55 p.m. the council reconvened. Mayor Barnes reported no binding action taken during the executive session and the regular session was continuing.

At 8:56 p.m. CM Goracke moved to recess into executive session for consultation with an attorney on matters deemed privileged in an attorney-client relationship about litigation or claims against the city to K.S.A. 75-4319 (b) (2). This meeting will include the Mayor, City Council, City Attorney and City Clerk. The open meeting will resume in the city council chamber at 9:06 p.m. CM Throm seconded. Motion carried 8-0. At 9:06 p.m. the council reconvened. Mayor Barnes reported no binding action taken during the executive session and the regular session was continuing.

ROUND TABLE DISCUSSION:

1. **BOARD INTERVIEWS.** CM Keating asked if everyone had been interviewed by SGR about the administrator's position. CM Beikman reported he had not received a call yet.
2. **LKM CONFERENCE.** CM Throm reported the conference was informative and the 3 council members went to different sessions to gather the most information available.

There being no further business, at 9:07 p.m. CM Snellings moved to adjourn, CM Price seconded. Motion carried unanimously.

Cindy Holle
City Clerk