

Regular Meeting
City Hall, Marysville, Kansas-June 10, 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, Graham, Hughes, Frye, Schroller, Throm and Barnes. A quorum was present.

The minutes from the May 28th regular meeting were presented for approval. CM Boss and CM Hughes presented amendments. CM Throm moved, CM Schroller seconded to approve the minutes as amended. Motion carried by 7-0 voice vote.

Mayor Grund reminded the governing body she is charged with keeping order and decorum during a meeting. If you would like to speak please address the chair and wait to be recognized.

PUBLIC COMMENTS:

1. **MICHAEL RATLIFF, US CELLULAR.** Michael Ratliff, manager of US Cellular (517 Broadway) Ward 3, requested the street in front of their business be closed with barricades on Friday, June 21 from 9:00 a.m. to 2:00 p.m. US Cellular is having a customer appreciation lunch, games and a bounce house. The city will provide barricades. CM Frye moved, CM Throm seconded to allow the street closing in front of 517 Broadway Friday, June 21. Motion carried unanimously. Mayor Grund noted that requests requiring Council action should be included in Business and Discussion Items.

BUSINESS AND DISCUSSION ITEMS:

1. **BRAD EICHELBERGER, MOSQUITO SQUAD.** Brad Eichelberger, from the Mosquito Squad and a corporate manager for the company presented information about the company and the procedure that is used to apply the product. Brad reported the product has a 21 day residual so the property will be treated every 21 days through September 25. Brad shared that; 1) Mosquito Squad spray a barrier around the perimeter of the property; 2) 98% of the spray is water; and 3) the product is non-toxic to pets and humans after it dries, which takes approximately 30 minutes. CM Hughes asked if the city could spray a few properties to test how the product will work here. Brad replied if the city wanted to optimize the effectiveness, it should be sprayed soon and the next scheduled time in Marysville would be Wednesday, June 12. Brad noted that the initial treatment should reduce the mosquito and tick population by 85%-90%. The initial bid was \$3,479.00. The Governing Body discussed various city properties and changed the sprayed areas from those included in the initial bid. The areas to be sprayed include Lions Park, west side of Country Club Lake, Dargatz Park, Koester Gardens and Gazebo Park and City Park. CM Boss moved, CM Barnes seconded to have the Mosquito Squad spray the newly selected areas, anticipating the new bid to be similar to the initial bid. Motion carried unanimously. Brad stated he would email the work orders to CA St. John and if the cost changed substantially CA St. John would inform the council.

- 2. ORDINANCE #1874 DOWNTOWN WATER CONNECTION FEE INCENTIVES.** CM Frye reported the Water Committee met at 5:30 p.m. prior to the council meeting to recommend boundaries for the Main Street District in this ordinance. CM Frye said the committee recommended the Main Street District to be from Carolina to Elm and from 4th to 16th Street. CM Frye moved, CM Boss seconded to approve Ordinance #1864 as amended. Motion carried with a 6-1 roll call vote. Throm voted no stating he felt the area was too broad.

NOTICES AND HEARINGS. CM Boss stated there will be an informational meeting for the residents of S 11th Road, S 12th Road, Keystone Road and Keystone Addition. The meeting will be held at City Hall at 6:00 p.m. on Thursday, June 13th. The Planning and Zoning meeting has been moved from June 13 to June 20 at 7:00 p.m.

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

1. City Clerk's Report for April showed \$66,425.24 collected in receipts with a like amount being deposited with the City Treasurer.
2. Cash balances in funds as of May 31, 2019 were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through May 2019 showed unadjusted accumulated revenues in the General Fund of \$1,365,811 or 55% of budget; Water Revenue Fund, \$336,346 or 37% of budget, Sewer Revenue Fund, \$334,451 or 43% of budget. Unadjusted statement of expenditures in the General Fund totaled \$1,023,811 or 36% of budget, Water Revenue Fund, \$330,291 or 23% of budget, and Sewer Revenue Fund, \$236,857 or 21% of budget.
3. Municipal Judge's Report for April showed \$1,138.67 being deposited with the City Treasurer and \$141.00 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3700

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$79,399.74; Water Revenue Fund, \$13,027.71; Sewage Revenue Fund, \$9,677.50; Sewage Replacement \$2,142.40; Library Revolving, \$5,996.08; Swim Pool Sales Tax \$14,848.85; Koester Block Maintenance, \$1,518.65; Employee Benefit Fund, \$7,146.28; Transient Guest Tax, \$156.96; Municipal Equipment Reserve \$13,738.00; Sales Tax Improvements, \$114.80; making a total of \$147,766.97.
2. An appropriations ordinance was introduced and considered to honor claims against the funds of the City as audited by the Finance Committee. CM Frye moved, CM Throm seconded to approve the appropriations ordinance totaling \$147,766.97. CM Boss overviewed large expenditures including employee payroll costs. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3700.

STAFF REPORTS:

CITY ADMINISTRATOR:

- 1. TENNIS COURT REPAIRS.** CA St. John presented a bid to armor crack repair, add pickleball lines, and color coat the north 3 tennis courts totaling \$21,803.00 plus \$17.00 per square foot of armor crack repair. CM Frye said he had spoken with Coach Kessinger-Wassom and she asked the council to table this decision until the June 24 meeting when she could attend the meeting. Mayor Grund pointed out the bid is good for 60 days. CM Frye moved to table the Pro Track bid until June 24, CM Throm seconded. Motion carried with a 7-0 voice vote.
- 2. CDBG QUALIFICATION.** Mayor Grund reported she had spoken with Emily from North Central Regional Planning Commission and was told the city had the 504 required participants accounted for and our LMI is 56%. Mayor Grund asked CA St. John if the city would receive official notification regarding qualification. CA St. John replied he did not know if the city would be informed, noting the applications for the grants are due November 1.
- 3. RFQ STORMWATER ENGINEERING FOR LAKEVIEW.** CA St. John presented a request for qualification for the stormwater engineering for areas adjacent to and throughout the Lakeview Ball Complex. The RFQ will be due July 3 and the council will make a decision at the July 8 meeting. The request included handling a 100-year storm and the boundaries to be 18th Street, Laramie, Carolina and Country Club Lake. CES will update the elevation maps the city currently has of the complex, which will be included in the RFQ. CA St. John said one of the interested firms asked to see the maps we had. Mayor Grund requested potential additional structures and concrete areas shown on the map and the map labeled “not to scale”. Mayor Grund asked if the CES updates had been approved. CA St. John replied it was under his spending limit and he had informed the council in the highlights. Mayor Grund said if there is a contract to be signed it should come to the council. CM Throm moved, CM Barnes seconded to approve the RFQ for stormwater engineering with the changes. Motion carried 7-0.
- 4. RFQ FIRE STATION ARCHITECT.** CA St. John presented a request for qualification for a fire station on N 20th Street. CM Hughes reported there have been citizen concerned about the traffic on 20th Street at 3:30 p.m. when Landoll Corporation gets off work. CM Frye noted that a fire station signal could be installed. Mayor Grund question the short turnaround time for the RFQ. CA St. John said the information would be emailed and the short time was necessary, so the companies had enough time to complete the plans by September 1, which is the deadline for the preliminary applications to be turned in for the CDBG grant. The fire station RFQ information will be brought to council at the June 24 meeting. Mayor Grund presented RFQ amendments and confirmed that the Police and Fire Committee will review the qualifications and conduct any necessary interviews. CM Throm moved, CM Hughes seconded to approve the RFQ for the fire house as amended. Motion carried unanimously.

- 5. POLICE STATION HVAC.** CA St. John presented one bid from Ott Electric for the main floor HVAC system for the police station. CA St. John noted that many companies were asked to bid but only received this one bid. CM Schroller did not want to consider only one bid. CM Barnes replied many companies were swamped now and the city might get a better response in a month. CM Schroller moved, CM Boss seconded to reject the bid from Ott Electric. Motion carried unanimously. Mayor Grund asked the project be bid in September and brought back to council at that time. CM Boss recommended that bid requests be sent to all local companies.
- 6. SEWER FORCE MAIN REPLACEMENT.** CA St. John reported KDOT granted their approval for the city to proceed with the replacement of the force main from the bridge to the air relief valve at the corner of Broadway and 3rd Street. CES has completed the engineering plans. CA St. John noted the plans include using a stronger pipe and it being located primarily in the grass right of way rather than the under the street. Bids will be accepted until July 17 and the contractor must complete the project by November 15th. CM Throm moved, CM Frye seconded to approve the engineering plans. Motion carried unanimously.
- 7. SMALL CELL ORDINANCE.** CA St. John presented an ordinance on small cell towers he has been researching. He reported there are very few regulations the city can control as the federal regulations are very broad. The setbacks are especially hard to regulate by small cell ordinance. CA St. John says he thinks there will need to be more research and possible legal advice. CA Hughes asked for the City Attorney Olsen's opinion. CA Olsen said he agreed the ordinance would take more research. Mayor Grund overviewed some of the state statutes and CA Olsen replied the city should most closely follow the federal law. Mayor Grund spoke with City Inspector Richardson about changing the ULDC with regard to communication towers and antennas. Mayor Grund recommended changing the ULDC maximum height for communication towers and antennas in all zoning districts, from 60 feet to 30 feet and with uses permitted upon review. Mayor Grund also proposed requiring communication towers over 30 feet to have a 200 foot setback which is currently required for 60 foot towers in the supplementary use regulations of the ULDC. Mayor Grund would like to make the small cell ordinance as restrictive as possible regarding sizes of the enclosures and include maximum allowable fees for collocation applications. CA Olsen said he thought the cell phone companies will become more aggressive even in towns the size of Marysville.
- 8. AIRPORT TAXIWAY.** CA St. John reported that Gary Howland contacted him about the taxiway that leads to the hangars at the Municipal Airport. Gary and Don Landoll will work on a plan to repair the taxiway and requested the city to give back the \$16,000 donation from the Cooksey Trust for this project. CA St. John noted that Gary and Don will find volunteers and fund the remainder of the project. Mayor Grund asked that Gary and Don provide details regarding their planned improvements, including the depth of the concrete. CA Throm moved, CM Barnes seconded to refund the \$16,000 donation. Motion carried unanimously.
- 9. BUDGET WORKSHOP.** Budget workshop will be on Monday, June 17th at 5:30 p.m.

10. S 11th ROAD, S 12th ROAD, AND KEYSTONE ROAD INFORMATIONAL MEETING.

CA St. John prepared letters and sent them to residents who live along the proposed improvement areas. CA St. John noted he had received many questions from the residents who received the letters. CA St. John said he would have estimates on the costs of improving these roads by meeting time. Based on discussions with the League of Kansas Municipalities and legal counsel, CA St. John reported that the city can assess all the residences who benefit from these improvements or the improvements can be assessed to the residents adjacent to the project. If the residents are assessed there must be a public hearing. Mayor Grund noted the council should decide how the residents should be assessed prior to the meeting. Mayor Grund recommended assessment per lot. CM Throm questioned if the city could get funds from the state. Mayor Grund said unless there was an economic driver, there are no grant funds available. CA Olsen said the city cannot assess county residents. CM Boss asked if the city could hire a planner to help the city make decisions. CM Hughes asked about charging for undeveloped lots in Keystone addition. CM Hughes asked how much of the project the city would fund. CM Boss replied most cities assess 100% of the costs for initial construction of street and utility infrastructure.

- 11. 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. CA St. John reported the Sales Tax revenue received year to date was approximately \$11,000.00 less than last year.

STANDING COMMITTEE REPORTS:

Mayor Grund asked what was happening on the 7th Street project on Broadway. CA St. John stated the project was in design now. Mayor Grund asked about the newly hired employees. CA St. John said the newly hired employees are all seasonal workers and the police department is working on hiring a full-time officer. CC Holle said the code enforcer is a seasonal employee and noted that seasonal employees do not receive employee benefits.

STREET:

- 1. SPEAKER WIRE ON BROADWAY.** Mayor Grund noted Dennis Mason had informed her and CI Richardson that the speaker wire on Broadway had been damaged due to the movement of the bricks. Dennis and CI Richardson will work together to fix the problem.
- 2. DOWNTOWN TREES.** CM Frye asked if the new trees which have died would be replaced. CA St. John replied he has been in contact with Gudenkauf and the supplier should replace the trees with no cost to the city.
- 3. NORTH STREET FROM LIONS PARK EAST TO LANDOLL'S OFFICE.** CM Frye reported North Street was broken up due to the heavy semi traffic and forklifts at Landolls between 18th and 19th Street.

4. **DECORATIVE STREET LIGHTS.** CM Boss said many of the bulbs on the decorative lights downtown were burned out.

WATER & WASTEWATER:

1. **8TH/JENKINS.** Mayor Grund noted the water has quit running at 8th and Jenkins and asked if the city had tested the water for chlorine. CA St. John replied no.
2. **WATER AT LARAMIE ADDRESS.** Mayor Grund asked if the water was turned on at a 3rd and Laramie address. CA St. John said that the house currently has water and the Water Department had put a band aid on the problem and should be ready to hook up to the new main soon.

PARKS & RECREATION:

1. **GRASS ON THE LEVY.** Mayor Grund requested the levee by the Ferry Park be mowed soon.
2. **SWIM POOL.** Mayor Grund said the Swim Meet was well attended. CM Frye reported moving the entrance for the Swim Meet to the concrete driveway was much better but asked if the speakers could be moved during Swim Meets because it was difficult to hear. CM Schroller asked if pool manager Kathy Ungerer could come to the June 24th meeting to give an update on the pool. CA St. John will ask Kathy to come to the meeting.

CEMETERY & AIRPORT;

1. **DUMP.** Mayor Grund said the dump has had lots of visitors. CM Frye asked what the dump hours were. CA St. John replied currently they are 4-6 p.m. on Wednesdays and 1-5 p.m. on Saturdays and Sundays. Beginning June 17 the dump will be open Monday thru Friday 4-6 p.m. and Saturdays and Sundays from 1-5 p.m.

CITY ATTORNEY:

1. **NUISANCE VIOLATION ENFORCEMENT.** City Attorney Olsen said as the Marysville City Code is written, the health nuisance violations are to be reported to the governing body who then serve notice. Mayor Grund pointed out that according to the City Code, weed violations are handled by the public officer and the governing body is not involved. CA Olsen suggested the code be revisited and cleaned up to clarify the process: the notification should note the violation, what action needs to be taken and what happens if the violation is not corrected. CA Olsen said it has been his experience the public officer should observe the violation and create the notification. CA Olsen asked if the council wanted to review all

violations before a notice is sent or if the council would prefer to stay out of the process and let city administration handle the violations unless a hearing is requested. CM Boss stated we (council) would only want to be involved if there is a hearing. CM Throm agreed with CM Boss. CA St. John said taking all violations through council would increase the time frame by at least 2 weeks. CM Barnes would like the public officer to handle all health violations in the same manner as the weed notices. Consensus of council was to modify the City Code by ordinance to have the public officer or the assistant to enforce the health nuisance codes. CM Hughes wished to stay neutral.

2. **BOND & INTERST FUND BALANCE.** Mayor Grund asked if the remaining \$223,000 left in the Bond & Interest Fund could be removed from the fund and used as the city does not have any remaining debt. CA Olsen will research this.

ROUNDTABLE DISCUSSION:

1. **BAND CONCERT IN THE KOESTER GARDENS.** CM Boss noted there will be a band concert in the Koester Gardens at 7:30 p.m. on Thursday, June 13.
2. **CAR SHOW/BIG BLUE BBQ.** CM Throm said many people told him Marysville was a “great place to be” throughout the entire weekend of the BBQ and Car Show.

There being no further business, at 10:15 p.m. CM Frye moved to adjourn, CM Hughes seconded. Motion carried unanimously.

Cindy Holle

City Clerk