

Regular Meeting  
City Hall, Marysville, Kansas-July 24, 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 Administrator St. John, City Attorney McNish and City Clerk Holle were also present.

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

The minutes from the July 10<sup>th</sup> regular meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried by 6-0 voice vote.

The minutes from the July 12<sup>th</sup> special meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried 6-0 voice vote.

**PUBLIC COMMENTS:**

- 1. CROWNOVER NUISANCE 207 BROADWAY.** Ethan and Andrew Crownover presented complaints about the nuisance they have at 207 Broadway. The nuisance notice was taped to a door, and they suggested the City use different tape that may not damage the door. Ethan also asked for an official complaint form. Two of the vehicles on the lot belong to the owner of the lot (Skyler Widmer) who does not live here. One of the vehicles is personally owned by Andrew Crownover and is not part of the dealership. Andrew will move this vehicle behind the building. The Crownover's would like to get the allowed uses for this property changed and will bring a request with a Use Permitted Upon Review to the Planning and Zoning Commission so that the property can be used for vehicle sales as a satellite lot for their dealership. The owner of the property must make the request. CM Price said they should not bring more vehicles to the lot. The appearance of the lot has been improved. CM Price moved; CM Frye seconded to grant a 90-day extension to allow time for the Use Permitted Upon Review process to be completed. Motion carried 5-1 with CM Behrens voting no. Ethan said he did not agree with the minutes from the July 10<sup>th</sup> meeting.

**BUSINESS AND DISCUSSION ITEMS:**

- 1. SALES TAX INTERLOCAL AGREEMENT.** Marshall County Commissioner Jon Ungerer addressed the Council requesting the City sign an interlocal agreement allowing Marshall County to keep the entire sales tax if the voters approve a county wide sales tax to fund a new jail. CM Keating moved; CM Throm seconded to table this request to until the August 14<sup>th</sup> meeting. Motion carried unanimously.
- 2. LIBRARY AGREEMENT.** A library agreement was presented for discussion. CM Throm moved; CM Price seconded to approve the library agreement. Motion carried unanimously.
- 3. GRAVEL DASH REQUESTS.** Wayne Kruse Interim Director of the Chamber/Main Street and Mark Hoffmann from the Gravel Dash Committee presented requests for the September 9<sup>th</sup> Gravel Dash: erect the Chamber's tent east of the Main Street building in the gravel, City staff to erect the second Chamber tent in the grassy area west of the Pony Statue in the Pony Park, erect the City's tent west of Back Roads Bicycles in the Pony Park, hire the Mosquito Squad to treat the Pony Park, turn on the outside water faucet and the outside electrical outlets at the Main Steet building, run the street sweeper on Highway 77 overpass, use of the downtown PA system on Friday and Saturday,

police escort for the bicycle riders at 7:30 a.m., block Broadway from 6<sup>th</sup> Street west to the middle of the 700 block and 7<sup>th</sup> Street from Broadway south to the alley from 5:00 a.m. to 8:00 p.m. The committee asks to use barricades and cones to block the streets and would like the City to deliver them to the Main Street office on Thursday and pick them up when the event is over. There will be vendors set up in the blocked area and the committee would like to allow alcohol consumption on the closed streets. The Council discussed the tent set-up and said the Parks Department could spray for mosquitos. CM Price moved to approve the Gravel Dash Committee's requests; CM Throm seconded. Motion carried unanimously.

4. **RESOLUTION 2023-41. A RESOLUTION TEMPORARILY EXEMPTING CERTAIN PORTIONS OF THE CITY OF MARYSVILLE, KANSAS FROM THE PROHIBITIONS ON THE DRINKING OR CONSUMPTION OF ALCOHOLIC LIQUOR AND/OR CEREAL MALT BEVERAGE WITHIN THE CORPORATE LIMITS OF THE CITY OF MARYSVILLE, KANSAS.** CM Throm moved; CM Price seconded to approve Resolution 2023-41 to allow consumption of alcohol on certain portions of the streets in the City. Motion carried unanimously.
5. **MARYSVILLE MINUTE FUNDING.** Wayne Kruse C&T Interim Director presented a request to hire Tommy McNish to create video to display local people and businesses on social media. This would be used to advertise local events and businesses. CM Throm moved; CM Frye seconded to approve hiring Tommy McNish as a videographer for \$400 per month for 1 year with reviews every 4 months. Motion carried unanimously.
6. **JUNKED/INOPERABLE VEHICLES.** CM Price asked for information about a permit to allow restoration of a temporarily disabled vehicle. Information on a past permit and ordinance in Marysville and the present permit and ordinance for the City of Hanover was presented. CM Behrens moved, CM Throm seconded to create an ad hoc committee of CM Price, CM Frye, and CM Keating to study the possibility of creating a permit and ordinance to allow for restoration of vehicles. Motion carried unanimously.
7. **LAGOON/WETLANDS BIDS.** Thaniel Monaco engineer from BG Consultants presented the bid results for the lagoon cell, wetland cell and to convert the old force main to bring the discharge from the lagoons back across the river to the wetland cell. These are the base bids and added alternate to use concrete instead of rip rap for the lagoon: Superior Excavating, \$1,741,416.06 with alternate 1 \$112,080.00; Halcomb Construction, \$2,458,928.76 with alternate 1 \$42,030.00; Ebert Construction, \$4,711,196.80 with alternate 1 \$126,734.46. The engineer's opinion of probable cost was \$3,317,065.61 with alternate 1 \$121,420.00. CM Throm moved, CM Beikman seconded to approve the low bid of \$1,741,416.06 with alternate \$112,080.00 and to have the mayor sign all contract documents with Superior Excavating, Valley Center, Kansas. Motion carried unanimously.
8. **SCOPE OF THE WASTEWATER TREATMENT BUDGET.** Thaniel, an engineer from BG Consultants gave an overview of the entire wastewater treatment project and funding. The bid for the lagoon cell and the wetlands is \$1,741,416.06, the estimate for the screening to remove debris from the sewage before it is pumped across the river to the lagoons is \$650,000.00 and desludging the first lagoon cell is estimated at \$504,000.00. The Council discussed adding a building to cover the screening equipment. No decisions were made.

#### NOTICES AND HEARINGS:

1. **RESOLUTION 2023-38 NUISANCE AT 303 NORTH STREET.** Code Enforcement Officer Stock presented pictures and the Notice of Violation for 303 North Street owned by Ronald and Debra Sparks. Ronald or Debra did not request a hearing, nor did they appear on June 12, 2023. CM Behrens moved, CM Throm seconded to approve Resolution 2023-38 setting a deadline of August 3, 2023, for the owner to abate the nuisance. Following August 3, 2023 the City will abate the nuisance and assess the costs to Ronald and Debra Sparks. Motion carried unanimously.
2. **RESOLUTION 2023-39 NUISANCE AT 410 CAROLINA STREET.** Code Enforcement Officer Stock presented pictures and the Notice of Violation for 410 Carolina Street owned by John J. and Ruth A. Huninghake. John or Ruth did not request a hearing, nor did they appear on July 24, 2023. CM Throm moved, CM Behrens seconded to approve Resolution 2023-39 setting a deadline of August 3, 2023, for the owner to abate the nuisance. Following August 3, 2023 the City will abate the nuisance and assess the costs to John and Ruth Huninghake. Motion carried unanimously.
3. **RESOLUTION 2023-40 NUISANCE AT 504 SPRING STREET.** Code Enforcement Officer Stock presented pictures and the Notice of Violation for 504 Spring Street owned by Roger Miller. Roger Miller did not request a hearing, nor did he appear on June 26, 2023. CM Behrens moved, CM Throm seconded to approve Resolution 2023-40 setting a deadline of August 3, 2023, for the owner to abate the nuisance. Following August 3, the City will abate the nuisance and assess the costs to Roger Miller. Motion carried unanimously.
4. **CONDEMNATION HEARING 1301 CALHOUN STREET (FULGENCIO M CABARON).** Mayor Barnes conducted a condemnation hearing on the property owned by Fulgencio M. Cabaron located at 1301 Calhoun Street. Fulgencio Cabaron addressed the council stating he is intending to demolish the house and asked to participate in the Economic Development Program. CM Behrens moved, CM Price seconded to extend the demolition date to August 14, 2023, to allow time for the Economic Development paperwork to be filed. Motion carried unanimously.
5. **CONDEMNATION HEARING 500 JENKINS (MARYSVILLA).** Mayor Barnes conducted a condemnation hearing on the property owned by Marysvilla located at 500 Jenkins Street. Dave Lyhane, owner of Marysvilla said he had purchased this property 3 weeks ago and is in the process of rehabilitating it. There has been progress made. CM Frye moved; CM Throm seconded to extend the demolition date to November 8, 2023 for completion of the rehabilitation. Motion carried unanimously.
6. **CONDEMNATION HEARING 502 JENKINS (MARYSVILLA).** Mayor Barnes conducted a condemnation hearing on the property owned by Marysvilla located at 502 Jenkins Street. Dave Lyhane, owner of Marysvilla owns this house and is in the process of rehabilitating it. There has been progress made. CM Throm moved; CM Behrens seconded to extend the demolition date to November 8, 2023 for completion of the rehabilitation. Motion carried unanimously.
7. **CONDEMNATION HEARING 300 CAROLINA (RAYMOND MARQUARDT).** Mayor Barnes conducted a condemnation hearing on the property owned by Raymond Marquardt located at 300 Carolina Street. Ray Marquardt informed the Council he would like to demolish the house and garage and build a shouse. He needs time to hire a contractor and get the plans completed. He estimated it could take up to 1 year from now and if the structures were not removed by then the City should remove them and assess the cost to his taxes. CM Price moved; CM Throm seconded

to extend the demolition date to November 8, 2023 for completion of the Economic Development paperwork. Motion carried unanimously.

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

1. Convention and Tourism funding request: registration, mileage, and motel for the Interim Director to attend the Kansas Tourism Industry Association Conference.

**APPROPRIATIONS ORDINANCE NO. 3802**

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$118,682.20; Water Revenue Fund, \$41,395.81; Sewage Revenue Fund, \$64,448.24; Street & Highway, \$6,615.60; Sewer Replacement Fund, \$1,875.21; Bond & Interest #1, \$123,137.50; Library Revolving Fund, \$8,250.78; Swim Pool Sales Tax, \$17,571.06; Koester Block Maintenance, \$1,152.28; Employee Benefit, \$31,058.09; Transient Guest Tax, \$10,127.89; Sales Tax Improvements, \$41,077.99; making a total of \$465,392.65.
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 \$467,265.88.
3. Motion to approve the appropriations ordinance carried by 6-0 roll call vote. City Clerk Holle assigned Ordinance No. 3802.

**STAFF REPORTS:**

**CITY ADMINISTRATOR:**

1. **VERIZON CELL TOWER AGREEMENT.** CA St. John presented an agreement with Verizon to build a 185' cell tower in the Industrial Park on the property the City owns south of the water plant. Verizon would lease the land and remove the tower when the agreement ends. The rent for the land would be \$11,400.00 annually. The Council took no action at this time.
2. **8<sup>TH</sup> STREET WATERLINE PROJECT.** CA St. John presented bids for the replacement of the waterline on 200 block of S. 8<sup>th</sup> Street to the alley south of Elm Street and Elm Street from 8<sup>th</sup> Street to 10<sup>th</sup> Street. The bids were Nowak Construction, \$446,512.00; Jadwin Construction, \$428,963.00; J&K Construction, \$439,145.00. CES (engineer) estimate was \$265,328.75. After Council discussion CA St. John said the City could fit the project in the budget with monies to come from the Sales Tax Fund. CM Price moved; CM Beikman seconded to approve the low bid of \$428,963.00 from Jadwin Construction. Motion carried unanimously. The Council would like a timeline with a completion date for the project.
3. **INFORMATION REGARDING JUNKYARDS.** CA St. John presented information the Council requested on where junkyards could be placed and how they could be established. The ULDC and the zoning map dictate the regulations.

4. **BOY SCOUT/GIRL SCOUT CABINS.** CA St. John presented information the Council requested on the buildings used by the Boy Scouts and the Girl Scouts. The 6 lots the Girl Scout cabin sits on were purchased at a sheriff's auction in 1940. The Boy Scout cabin sits on the road right of way at the end of Laramie Street. A community organization purchased a railroad building to be used as the Girl Scout cabin and the Boy Scout cabin is 2 railroad box cars joined together. Both buildings need repairs. The Boy Scouts still use the building at the end of Laramie Street and if any organization would like to use the Girl Scout cabin they should contact City Hall.

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

##### **STREET:**

1. **CHIP SPREADER.** CM Throm reported the chip spreader for the street department has arrived.
2. **WAYFINDER SIGNS.** CM Frye and CM Price said some of the way finder signs that have been installed are in the wrong place, but they look nice. The signs will be corrected.
3. **JAYHAWK ROAD.** CM Keating asked about the plan to apply millings on Jayhawk Road. CA St. John said Don Bruna does not have any millings, but Hall Brothers has them available. Don should be able to apply the millings in the next 2 weeks.

##### **WATER & WASTEWATER:**

1. **14<sup>th</sup> & OAK.** CM Frye asked when the dirt piles at the corner of 14<sup>th</sup> and Oak Street would be put back, also the corner at 15<sup>th</sup> and Oak.
2. **STORM DRAIN NEAR NORDHUS MOTORS ON CENTER STREET.** Mayor Barnes asked if the engineering has been done on the storm drain near Nordhus Motors. The engineering has not been completed.

##### **PARKS & RECREATION:**

1. **SIDEWALK AT LAKEVIEW.** CM Frye suggested the City install a sidewalk at Lakeview to facilitate pedestrian traffic from the upper parking lot and the pedestrian gate. CM Throm suggested the concrete near the concession stand be expanded also at that time.
2. **LIGHT AT DARGATZ PARK.** CM Keating asked if a light could be added to the basketball court at Dargatz Park. It was noted that the parks are open in the playgrounds from dawn to dusk.

##### **CEMETERY/AIRPORT:**

##### **POLICE AND FIRE:**

##### **ADMINISTRATION AND FINANCE:**

1. **UTV ON HIGHWAY.** CM Behrens and several other Council members reported there are UTVs being driven on the highway through town which is illegal.
2. **COMPLAINT FORM.** CM Frye suggested the staff create a complaint form.

- 3. C&T DIRECTOR INTERVIEWS.** Mayor Barnes said he had been contacted by C&T Chairman Mandy Cook to appoint two people to the interview committee to hire a Tourism Director. Mayor Barnes and CM Behrens will attend the meetings.

**APPOINTMENTS:** C&T Committee-*Ty Warren August 2023 through December 2025 (replacing Wayne Kruse)*. CM Frye moved; CM Throm seconded to approve the Mayor's appointment. Motion carried unanimously.

**CITY ATTORNEY:** CA McNish reported he had researched the junk nuisance vehicle issue and he will write a simple policy which allows the City to sell the vehicles that are picked up as nuisances.

**EXECUTIVE SESSION:**

**ROUND TABLE DISCUSSION:**

- 1. ILLEGAL BURNING.** CM Throm reported the owner of the property at 205 Calhoun is tearing off the wood shingles on the house and burning them at 2:00 a.m.

There being no further business, at 9:39 p.m. CM Price moved to adjourn, CM Behrens seconded. Motion carried unanimously.

Cindy Holle  
City Clerk