

Regular Meeting
City Hall, Marysville, Kansas-May 22, 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 was also present.

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

The minutes from the May 8th regular meeting were presented for approval. CM Keating asked to amend the minutes by adding the words wide swath to page four under Dust Control. CM Throm moved; CM Behrens seconded to approve the minutes as amended. Motion carried by 7-0 voice vote.

PUBLIC COMMENTS:

- 1. NUISANCE VEHICLES AT 207 BROADWAY.** Ethan Crownover, who owns some of the vehicles at 207 Broadway on the property owned by Skyler Widemer addressed the Council about several cars he has parked there. Ethan and his brother own a used car business located at 1107 E Pony Express Highway. They have parked these vehicles waiting for an auction that will be held on June 10th. The Council agreed to allow the cars to remain until the auction. Any vehicles that do not run need to be removed no matter who owns them.
- 2. POPPY DAY PROCLAMATION MAY 26.** Liberty Price-Obley representing American Legion Auxiliary 163 read a proclamation declaring May 26, 2023, Poppy Day and asks all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day. Mayor Barnes approved the proclamation.

BUSINESS AND DISCUSSION ITEMS:

- 1. RESOLUTION 2023-15 BIG BLUE RIVER DAYS ALCOHOL REQUEST.** Chamber/Main Street requested a temporary exemption for portions of Broadway, Elm, Walnut, and the 7th Street Corridor for consumption of alcohol in the city limits on public property on June 2nd and June 3rd. CM Throm moved, CM Frye seconded to approve Resolution 2023-15 allowing consumption of alcohol on public property on June 2nd and June 3rd. Motion carried unanimously.

NOTICES AND HEARINGS:

- 1. RESOLUTION 2023-08 NUISANCE AT 410 CAROLINA STREET.** Code Enforcement Officer Stock presented pictures and the Notice of Violation for 410 Carolina Street owned by John Huninghake and occupied by Danny Childers. John Huninghake did not request a hearing, nor did he appear on May 22, 2023. CM Behrens moved, CM Throm seconded to approve Resolution 2023-08 setting a deadline of June 1, 2023, for the owner to abate the nuisance. Following June 1, the City will abate the nuisance and assess the costs to John Huninghake. Motion carried unanimously.
- 2. RESOLUTION 2023-09 NUISANCE AT 500 ELM STREET.** Code Enforcement Officer Stock presented pictures and the Notice of Violation for 500 Elm Street owned by James and Betty Rink. The Rinks did not request a hearing, nor did they appear on May 22, 2023. CM Throm moved, CM Keating seconded to approve Resolution 2023-09 setting a deadline of June 1, 2023, for the owner to abate the nuisance. Following June 1, the City will abate the nuisance and assess the costs to James and Betty Rink. Motion carried unanimously.

3. **RESOLUTION 2023-10 NUISANCE AT 211 N 4TH STREET.** Code Enforcement Officer Stock presented pictures and the Notice of Violation for 211 N 4th Street owned by Adventure Real Estate LLC and occupied by Jason Ground. Adventure Real Estate LLC did not request a hearing, nor did they appear on May 22, 2023. CM Keating moved, CM Price seconded to approve Resolution 2023-10 setting a deadline of June 1, 2023, for the owner to abate the nuisance. Following June 1, the City will abate the nuisance and assess the costs to Adventure Real Estate LLC. Motion carried unanimously.
4. **RESOLUTION 2023-11 NUISANCE AT 1600 CALHOUN STREET.** Code Enforcement Officer Stock presented pictures and the Notice of Violation for 1600 Calhoun Street owned by Cohorst & Associates, LLC and occupied by Kimberly Bostick. Cohorst & Associates, LLC did not request a hearing, nor did they appear on May 22, 2023. CM Throm moved, CM Price seconded to approve Resolution 2023-11 setting a deadline of June 1, 2023, for the owner to abate the nuisance. Following June 1st, the City will abate the nuisance and assess the costs to Cohorst & Associates, LLC. Motion carried unanimously.
5. **RESOLUTION 2023-12 DANGEROUS/UNSAFE STRUCTURE 1009 NORTH STREET.** BI Ralph presented pictures and a check list of violations regarding an unsafe structure at 1009 North Street which is unfit for human habitation. After reviewing the memorandum, CM Frye moved, CM Throm seconded to approve Resolution 2023-12 to condemn the property at 1009 North Street and conduct a condemnation hearing on July 10, 2023. Motion carried unanimously.
6. **RESOLUTION 2023-13 DANGEROUS/UNSAFE STRUCTURE 707 N 8TH STREET.** BI Ralph presented pictures and a check list of violations regarding an unsafe structure at 707 N 8th Street which is unfit for human habitation. After reviewing the memorandum, CM Throm moved, CM Goracke seconded to approve Resolution 2023-13 to condemn the property at 707 N 8th Street and conduct a condemnation hearing on July 10, 2023. Motion carried unanimously.
7. **RESOLUTION 2023-14 DANGEROUS/UNSAFE STRUCTURE 819 PONY EXPRESS HIGHWAY.** BI Ralph presented pictures and a check list of violations regarding an unsafe structure at 819 Pony Express Highway which is unfit for human habitation. After reviewing the memorandum, CM Throm moved, CM Keating seconded to approve Resolution 2023-14 to condemn the property at 819 Pony Express Highway and conduct a condemnation hearing on July 10, 2023. Motion carried unanimously.
8. **RESOLUTION 2023-16 DANGEROUS/UNSAFE STRUCTURE 406 JENKINS STREET.** BI Ralph presented pictures and a check list of violations regarding an unsafe structure at 406 Jenkins Street which is unfit for human habitation. After reviewing the memorandum, CM Behrens moved, CM Throm seconded to approve Resolution 2023-16 to condemn the property at 406 Jenkins Street and conduct a condemnation hearing on July 10, 2023. Motion carried unanimously.

AGENDA. The Consent Agenda was presented for consideration. CM Behrens asked to remove item one and three from the C&T requests. CM Frye moved; CM Snellings seconded to approve item two, and four of the Consent Agenda. Motion carried unanimously. The Council discussed the large increase in funds requested for the Gravel Dash and the Big Blue River Days. CM Throm moved, CM Price seconded to approve item one and three of the Consent Agenda. Motion carried unanimously. The Consent Agenda consisted of the following:

1. Alcohol Consumption request from Wayne Kruse at Lee Dam Art Center June 24 for a Wedding Anniversary.
2. Convention & Tourism requests as follows: Pony Express Gravel Dash, \$2,500.00; AutoFest Car Show Sponsor, \$25.00; Big Blue River Days Sponsor, \$3,500.00; Disc Golf Course Signs, \$350.00 totaling \$6,375.00.

APPROPRIATIONS ORDINANCE NO. 3798

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$116,108.10; Water Revenue Fund, \$53,218.79; Sewage Revenue Fund, \$22,290.58; Special Improvement, \$14,420.50; Library Revolving Fund, \$10,288.78; Swim Pool Sales Tax, \$3,707.96; Koester Block Maintenance, \$6,641.74; Employee Benefit, \$31,361.70; Transient Guest Tax, \$2,175.89; Sales Tax Improvements, \$33,369.28; making a total of \$293,583.32.
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 \$293,583.32.
3. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3798.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **N 17TH STREET OVERLAY.** CA St. John presented a quote for \$45,084.00 from Hall Brothers to overlay N 17th Street from Center to Carolina. The new car wash damaged the road during construction and offered to pay \$13,884.00 of the total. Council discussed adding curb and gutter to the project. Staff will get an estimate for the curb and gutter and bring the project back to Council.
2. **CCLIP ENGINEERING CONTRACT.** CA St. John presented the engineering contract from BG Consultants for Phase II of the 10th Street project. The project is from the north City Park entrance 1300 ft south to the bridge. CM Frye moved, CM Snellings seconded to approve the engineering contract with a cost of \$128,200.00. Motion carried unanimously. Council asked CA St. John to contact our state legislators and KDOT engineers about improving the strip of highway from the city limits to the bridge.
2. **ORDINANCE 1919 LOAN FROM KDHE FOR LAGOON PROJECT.** *ORDINANCE NO.1919 AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF MARYSVILLE, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH;*

AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT. CA St. John presented Ordinance No. 1919 authorizing the loan agreement for the lagoon project with KDHE. CM Throm moved, CM Price seconded to approve Ordinance No. 1919 approving a loan agreement with KDHE for \$3,187,400.00 with an interest rate of 2.13%. Motion carried 7-0. There is a potential for the City to receive loan forgiveness of \$1,000,000.00.

POLICE DEPARTMENT:

- 1. BUILDING ACCESS CONTROL AND CAMERAS.** PC Simpson presented quotes from two companies for electronic locking systems for the Police Department, the Main Street Building and City Hall. INA Alert quoted a server-based system for \$45,874.22 which would require a server update in 5-7 years costing an additional \$6,500.00. Verkada quoted a cloud-based system for \$31,176.33. This system would not require any additional updates for 10 years. Verkada also quoted 5 outdoor cameras and 2 indoor cameras for security at the Police Station for \$18,045.98 with no additional fees for 10 years. After discussion CM Frye moved, CM Price seconded to purchase the building access control for the Police Station and the Main Street building for \$17,926.81 and the 7-camera system for the Police Station for \$18,045.98 totaling \$35,972.79. Motion carried unanimously.
- 2. AED.** PC Simpson presented a quote for the purchase of 5 Zoll AEDs, 2 wall cabinets and replacement pads. The Police Department can order directly from Zoll at a reduced rate, so all AEDs are ordered through that department. 3 AEDs will be placed in the new police vehicles, 1 will be placed at Lakeview Complex and 1 will be placed at Feldhausen Field. CM Throm moved, CM Goracke seconded to approve the quote of \$10,831.30 from Coro Medical LLC. Motion carried unanimously.

STANDING COMMITTEE REPORTS:

STREET:

- 1. DUST CONTROL.** CM Snellings said she had a request for dust control on Jayhawk Road from 8th Street to 16th Street. CM Keating said the City would prepare the road and the property owners could pay for dust control if they wanted it. It was then discussed one of the driveways onto Jayhawk Road is asphalt and extends out into the road causing a hazard. CA St. John will speak with the property owner.
- 2. EXIT DRIVEWAY AT LAKEVIEW.** CM Price asked if sand could be added to the rock on the exit drive at Lakeview Complex to lower the dust.
- 3. MILLING MACHINE.** CM Throm reported he had seen the milling machine at work, and it was improving the area.
- 4. MANHOLE S 9TH STREET.** CM Frye reported the bricks by the manhole in the 100 block on S 9th Street are flipping up and could damage a car. When AT&T updated their IT here last fall, they did not properly put the street near the manhole back. CA St. John has been in contact with AT&T about the repair. Council suggested the City give them a deadline to complete the repairs.

WATER & WASTEWATER:

PARKS & RECREATION:

1. **SHADE STRUCTURE AT LAKEVIEW PLAYGROUND.** CM Goracke said Ryan Smith would like to meet with the Parks and Rec Committee about a shade structure over the playground at Lakeview. A meeting will be arranged.
2. **FLAGPOLE AT LAKEVIEW.** CM Snellings said the flagpole at Lakeview had been knocked over. It was reported the pole was rusted almost completely through and Landoll Company is researching what kind of pole should be used as a replacement.
3. **POOL CHAIRS.** CM Keating asked if the pool's lounge chairs had been thrown away. Only the broken chairs were thrown away and patrons are welcome to bring in their own chairs to use.
4. **PARKING AT THE TENNIS COURTS.** CM Frye asked when the parking lot at the tennis courts would be replaced. The project must be completed by August when school starts.

CEMETERY/AIRPORT

POLICE AND FIRE

1. **ILLEGAL BURNING.** Mayor Barnes asked if the City could establish a penalty for illegal burning in the City. CA St. John said there is a general penalty in the City Code 1-116 which sets a penalty for first offense and repeat offenses.

ADMINISTRATION AND FINANCE:

1. **CONVENTION & TOURISM DIRECTOR.** CM Price reported the Admin & Finance Committee met and presented the idea that the City would finance a director's salary and benefits for 2 years, then the salary and benefits would be split half from the general fund and half from the transient guest tax. After the fourth year the salary and benefits would be funded totally from the transient guest tax. There will be an Admin & Finance meeting with Main Street/Chamber, MCDC and the C&T Committee on June 8 at 5:30 p.m. at City Hall.

APPOINTMENTS:

CITY ATTORNEY: CA McNish reported he was researching nuisance vehicle towing and storage to ease the burden of the two local companies that tow our vehicles. Usually, the violators do not end up paying the storage fees and it costs the company to get titles so the vehicles can be sold or scrapped out. CA McNish will draft an ordinance and bring it to Council.

EXECUTIVE SESSION: At 8:39 p.m. CM Goracke moved to recess in executive session to discuss possible acquisition of real estate exception KSA 75-4319 (b) (6) and exception K.S.A. 75-4319(b)(2) for consultation with an attorney on matters deemed privileged in an attorney-client relationship about litigation or claims against the city. This session will include the Mayor, City Council, City Administrator, and the City Attorney. The open meeting will resume in the city council chamber at 8:50 p.m. CM Throm seconded. Motion carried 7-0. At 8:50 p.m. the council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

ROUND TABLE DISCUSSION:

1. **LEADERSHIP CLASS.** CM Frye said there will be a meeting at City Hall from 3:00 p.m. to 7:00 p.m. on Wednesday, May 31. A facilitator from K-State will be at the meeting. Everyone is invited.
2. **HISTORIC DISTRICT.** CM Keating said representatives from the state would be at the Wagon Wheel at noon on Tuesday to discuss the downtown area and the historic buildings.
3. **MOTHERS DAY CHICKEN BBQ.** CM Snellings said the chicken barbeque at the Mother's Day Market was a success and the chicken was sold out by 1:50 p.m. She thanked everyone who helped.

There being no further business, at 8:54 p.m. CM Goracke moved to adjourn, CM Snellings seconded. Motion carried unanimously.

Cindy Holle
City Clerk