

Regular Meeting  
City Hall, Marysville, Kansas-July 8, 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 June 24th regular meeting were presented for approval. CM Throm moved, CM Schroller seconded to approve the minutes. Motion carried by 8-0 voice vote.

**PUBLIC COMMENTS:**

**BUSINESS AND DISCUSSION ITEMS:**

- 1. ELLEN BARBER, MARSHALL COUNTY PARTNERSHIP FOR GROWTH.** Ellen Barber director of Partnership for Growth said one of the best ways to encourage business is to “grow our own businesses”. They hire more employees and people are more loyal to the businesses. Ellen was discussing 5-acre Partnership for Growth’s Industrial Park behind KanEquip. There are two businesses which would occupy one building that are interested in coming to Marysville. Partnership for Growth has offered them one acre of free land in their Industrial Park in exchange for the businesses helping to pay for the infrastructure. Ellen said she thought the water would cost about \$80,000 if it is installed along 11<sup>th</sup> Terrace, and if there was a utility easement across KanEquip’s property, the cost would be less. Ellen said the businesses would like the City to participate in the cost of infrastructure also. Ellen said these two businesses did not want to be in a residential area and wanted to be on the highway. Ellen expressed concerns about the City Planning Commission’s interest in developing an industrial park at the airport. Ellen expressed her concern with establishing an industrial park at the airport due to increased traffic in residential areas. Ellen also encouraged the City to find a place to build independent senior housing to encourage the “baby boomers” to stay in Marysville. CA St. John noted that he had checked with CES and looked at past infrastructure projects to determine an estimate of costs. CA St. John said the water would cost between \$70,000 and \$80,000, a 26-foot-wide gravel road would cost approximately \$25,000, and the sewer would cost between \$50 to \$60 per foot. CA St. John noted that sewer to the first property could be gravity fed, but future lots would need a lift station. CA St. John estimated the gravity sewer to the first lot would be \$45,000 to \$50,000 and the total would be approximately \$140,000. Council consensus was to meet with the prospective business in the next two weeks and discuss infrastructure costs.
- 2. GRAVEL DASH/HALF MARATHON AND 5K-MARK HOFFMAN AND BRENDA STAGGENBORG.** Mark Hoffman Pony Express Gravel Dash Director and Brenda Staggenborg, St. Gregory School employee, presented their requests for the Gravel Dash and the PTO half marathon/5K Saturday, September 7. They shared that the ride will start at the Pony Statue on Broadway at 7:30 a.m., the half marathon will begin at 8:00 a.m., and the 5K will begin at 8:15 a.m. The committees were requesting the City: 1) to block Broadway from 6<sup>th</sup> Street thru one-half the 700 block from 5:00 a.m. – 8:00 p.m.; 2) a police escort on Highway 36 for the bikers to cross the bridge at 7:15 a.m. and police traffic control from 8 a.m. to 8:30 a.m. when runners cross Highway 36; 3) restrooms to be open at 618 Broadway; 4) use of the showers at

the pool; and 5) use of the downtown sound system. The committee will place signage along the streets and the committee will have volunteers to help runners and bikers cross streets. The committees also requested extended premises for alcohol consumption west of the Wagon Wheel. Mayor Grund asked that someone be trained to use the sound system. CM Boss asked about the Farmers Market and Mark said Brian Frangel Marysville Sport and Recreation Director said the market would be moved to the swim pool parking lot. CA St. John asked who would clean the showers at the pool if they are made available. CA St. John said there was trash left last year in the showers and the city may not have staff available to man and clean the showers and questioned if the committee would have volunteers. CA St. John will communicate with Mark and Brenda regarding the staffing available and volunteers needed to have the showers available. CM Throm moved, CM Hughes seconded to allow the requests for the Gravel Dash, half marathon and 5-K. Motioned carried 8-0.

3. **MARSHALL COUNTY ARTS COOPERATIVE-SQUIRREL JAM.** Wayne Kruse President of the Marshall County Arts Cooperative requested the City Park be blocked off surrounding the bandstand for the Squirrel Jam. MCAC board will be there to help with the event and they request alcohol be allowed in a marked off area for the event. This event will be Sunday, August 18 from 3:00 – 7:00 p.m. If the event rains out, MCAC would like permission to move the Squirrel Jam to the Lee Dam Art Center and allow alcohol consumption, there. CM Frye moved, CM Throm seconded to approve requests including moving the event to the Lee Dam Art Center in case of rain. Motion carried unanimously.
4. **BOSS NATIONALS.** Greg Boss requested the City allow Boss Nationals to be held on Broadway, August 28, 29 and 30, 2020. Greg would like Broadway be closed from 5<sup>th</sup> Street to 10<sup>th</sup> Street and the 7<sup>th</sup> Street Corridor for cars and vendors. CM Throm moved, CM Pippia seconded to allow the requests. Motion carried unanimously.
5. **ORDINANCE #1876 TO REPEAL BREED SPECIFIC (PIT BULL) REFERENCE.** CM Frye moved, CM Throm moved to accept Ordinance #1876 as amended, which removes breed specific dogs from the City Code 2-301 as prohibited animals. Motion carried with an 8-0 vote.
6. **ORDINANCE #1877 CHANGING ADMINISTRATION AND ENFORCEMENT OF CHAPTER 8 - HEALTH NUISANCES IN THE CITY CODE FROM THE GOVERNING BODY TO CITY INSPECTOR.** Mayor Grund presented amendments to the presented ordinance. Mayor Grund would like monthly lists of violations to keep the Governing Body informed. Mayor Grund and the City Attorney Olsen requested the Governing Body review the currently used violation letters. Mayor Grund, CM Hughes and CM Boss shared that enforcement must be consistent throughout the City. CA St. John stated the City Council will be the place residents come to appeal, so the council should let the process be completed by the city inspector. CM Hughes asked where Butch (the code enforcement officer) would find the violations he is to enforce. Mayor Grund and CA St. John noted he would be enforcing the City

Code. CM Throm moved, CM Barnes seconded to accept Ordinance #1877 as amended. Motion carried with a 7-1 voice vote. CM Hughes voted no.

7. **KRAMER OIL EASEMENT ON SOUTH 11<sup>TH</sup> ROAD.** The planning commission approved the site plan for the Special Development Overlay District to allow a LP Propane Service Facility located at Kramer Oil, 1210 South 11<sup>th</sup> Road. Mayor Grund said she had a citizen concerned about the 3-2 vote of the Planning Commission which approved the Special Development Overlay District. CM Hughes reported he had also received a few complaints. Planning and Zoning Administration Richardson said the process had been followed correctly. CM Throm moved, CM Boss seconded to approve a 20-foot utility easement on the north side of the property line on the site plan at 1210 South 11<sup>th</sup> Road for Kramer Oil. Motion carried 7-1 with CM Schroller voting no.
  
8. **FUTURE INDUSTRIAL PARK SITE-AIRPORT.** The Planning Commission discussed developing an Industrial Park at the airport. P&Z Administrator Richardson asked if the Council was interested in proceeding with plans in this location. Council agreed they would like to develop both Partnership for Growth's Industrial Park and an industrial park at the airport. Council consensus was the Planning Commission should check with the FAA to make sure an industrial park would still be allowed. CA St. John said the City would need a public hearing before platting the area. A storm water study will be discussed if the FAA allows the area to be used as an Industrial Park.
  
9. **RETAIL LIQUOR EXPANDED HOURS.** CC Holle reported the Alcohol Beverage Control Director informed her that the City is out compliance with state regulations. A letter from the local liquor store owner was distributed and they would prefer the City restrict Sunday and holiday sales. CM Frye and CM Pippia noted that they preferred giving businesses the option to be open and Sunday sales. City Attorney Olsen suggested the Council draft a new ordinance. CM Pippia moved, CM Hughes seconded to draft an ordinance with expanded retail liquor hours. Motion carried 7-1 with CM Throm voting no.
  
10. **TENNIS COURTS-MARY KESSINGER-WASSOM.** Mary Kessinger-Wassom, a tennis player shared that she has played on the Marysville tennis courts at the City Park for 44 years. Mary shared: 1) in 1996 the tennis courts were rebuilt and three more courts were added and the Marysville School District paid ½ the costs for the improvements; 2) in 2003, the City and the School repaired the courts for \$30,000, splitting the costs equally; 3) in 2007 through 2014 the City researched which improvements could be made and the cost of these improvements; and 4) in 2014, the School was unwilling to contribute toward new courts but agreed to pay the City \$3,900 per year for use of the tennis courts for the fall and spring tennis seasons. Mayor Grund stated in 2014, the City paid \$93,000 to Armor Crack repair and color coat the six courts and that the annual fee paid by the School was to help pay for the anticipated recolor and recoat in 2019. Mary said the courts are wavy and uneven. Mary said the School cannot host tournaments or the

community cannot have summer tournaments with these facilities. CM Graham asked if there are grants available to help pay to improve the facility. Mary stated that there were US Tennis Association grants available. Mary said she would also be willing to fund raise, but the City would have to commit before any money would be raised. Mayor Grund said the City has many projects to complete, especially streets and one million dollars is hard to justify toward tennis courts. Mary asked the City to budget for future courts. CM Frye asked if the School would help repair the courts and why the School does not talk to the City. Mayor Grund said the entire recreation budget should be considered, not just one sport. Mayor Grund said the City priority for CDBG grants is the fire house, streets, and storm water. Mayor Grund said she would talk to the School District about making a commitment toward improving the tennis courts. CM Pippia said the City has many large projects that need to be completed that are necessary to the City. Mayor Grund said the City will try to coordinate the repair of the courts around the School tennis season. CM Throm moved, CM Barnes seconded to accept the contract from Pro Track & Tennis to color coat the north 3 courts for \$20,753.00, Armor Crack Repair for \$17.00 per linear foot and add pickle ball lines for \$1,050.00. Motion carried 6-2, CM Frye and CM Graham voting no. Mayor Grund asked if she should present to the new Marysville Superintendent of the School District the option to split the costs 50/50 to mill and overlay the south three courts and repaint them for approximately \$150,000. Consensus of council was to present it to the superintendent.

**NOTICES AND HEARINGS.** CM Boss stated the Planning and Zoning meeting will be Thursday, July 18 at 7:00 p.m. at City Hall. There will also be a Public Hearing on antennas and towers limiting their height to 30 feet.

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

1. Squirrels Night Out (Ladies Night), a Main Street event, requesting extension of premise for alcohol behind the Wagon Wheel on the Helvering Parking lot on August 2<sup>nd</sup>, 2019 from 7:00 p.m. – 12:00 a.m.
2. Municipal Judge's Report for May showed \$1,295.67 being deposited with the City Treasurer and \$188.00 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

**APPROPRIATIONS ORDINANCE NO. 3702**

1. Claims against the funds of the City were submitted for Council consideration as follows:  
General Fund, \$73,028.41; Water Revenue Fund, \$16,116.45; Sewage Revenue Fund, \$10,213.44; Library Revolving, \$6,152.59; Swim Pool Sales Tax \$21,060.69; Special Parks \$1,875.00; Koester Block Maintenance, \$6,653.04; Employee Benefit Fund, \$6,823.39; Transient Guest Tax, \$2,468.96; Sales Tax Improvements, \$22,923.89; making a total of \$167,315.86.

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 \$167,315.86. CM Hughes questioned the purchase by the police department of a spotting scope and walkie talkies. CM Pippia said the scope could be used for observation. CA St. John said the scope could be used in a hostage situation and the swimming pool purchased replacement walkie talkies which are used at the top and bottom of the slides. CM Boss noted that the expenditures included the cost of two-thirds of the alley behind Sunflower Community Credit Union's new building. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3702.

#### **STAFF REPORTS:**

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

1. **SMALL CELL ORDINANCE.** CA St. John spoke with City Attorney Olsen regarding a small cell ordinance and recommended drafting an ordinance. CA Olsen said he had been to continuing education training and many cities were still passing these ordinances. CA Olsen noted that the aesthetic standards regulations expired earlier but there are many things the city can still control. Mayor Grund asked if the ordinance would be enforceable. Mayor Grund would like the ordinance to be presented at the next meeting.
2. **BRICK DESIGN FOR 7<sup>TH</sup> AND BROADWAY CROSSING.** CA St. John presented 5 options for a brick border on the crosswalk design at 7<sup>th</sup> and Broadway. CM Frye moved, CM Boss seconded to accept option 5. Motion failed with a 3-5 vote with Graham, Hughes, Throm, Barnes and Schroller voting no. CM Schroller moved, CM Barnes seconded to accept option 3. Motion failed with a 3-5 vote with Boss, Pippia, Hughes, Throm and Frye. CM Frye moved, CM Throm seconded to accept option 4. Motion carried 7-1 with CM Schroller voting no.
3. **RIP RAP ON SOUTH 11<sup>TH</sup> ROAD.** CA St. John spoke with Tony Duever, engineer at CES about rip rapping a portion of 11<sup>th</sup> Road and asked if it would help with erosion. Tony's opinion was it would help, noting weeds will potentially grow out of the rocks. CA St. John said the weed control would be the responsibility of the homeowner. CM Schroller said the homeowner did not want to spray. Mayor Grund said the City created the problem so the City should be responsible to fix it. CM Frye asked if the City sprayed any other property and CA St. John said just city property and the levee. CM Schroller moved, CM Frye seconded to rip rap and spray the area for weed control on the Nord property on the east side South 11<sup>th</sup> Road. Motion carried unanimously. CA St. John asked if another homeowner asked the City to spray, what would the City do. Consensus of council was if the City created the problem then the City would take care of it.
4. **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 after the Ad Valorem/Vehicle taxes, the General Fund

was over one million dollars and had lower expenditures than June 2018. A new vehicle purchase lowered the balances in the Water Revenue and Sewer Revenue Funds.

## **STANDING COMMITTEE REPORTS:**

### **STREET:**

- 1. GRASS GROWING IN THE STREETS.** Mayor Grund asked if the City should spray the grass in the streets. CA St. John said the potential for spray killing yards would be great and concerns about chemical run-off into the storm sewers.
- 2. COST OF ASPHALT IMPROVEMENTS FROM HALL BROTHERS FOR KEYSTONE, 11<sup>TH</sup> ROAD AND 12<sup>TH</sup> ROAD.** CM Throm asked what the estimate from Hall Brothers was to overlay 12<sup>th</sup> Road to the south drive of Keystone Addition, 11<sup>th</sup> Road and Keystone Road from 11<sup>th</sup> Road to 11<sup>th</sup> Terrace. Mayor Grund said \$900,000 was the estimate. Mayor Grund said the Marshall County Commissioners do not want to discuss the roads until January 2020 and the commissioners would like the City to talk to Marysville Township. The cost included digging down 12 inches into the base, adding cement to the base, and adding a 4-inch overlay. CA St. John noted the estimate would be \$1.5 million if Keystone Road from 11<sup>th</sup> Terrace to 12<sup>th</sup> Road is included.
- 3. CRACK ON 11<sup>TH</sup> ROAD.** CM Schroller asked if the street crew had looked at the crack on 11<sup>th</sup> Road. CA St. John reported there was nothing to be done with the crack, but a chunk has broken out which will be replaced.
- 4. CHIP AND SEAL SCHEDULE.** Mayor Grund asked if the street crew was still on schedule to complete the chip and seal routes. CA St. John said the preparation of two routes was almost completed and there are two more to finish before the chip and seal begins. The street department was also working on the brick street in front of the High School on Walnut Street.

### **WATER & WASTEWATER:**

- 1. METERS NOT READING AUTOMATICALLY.** Mayor Grund noted 54 meters had not read automatically during water meter reading. CC Holle said the new Neptune meters added to the system are not reading correctly or there are some antennas that need to be replaced. CC Holle noted that the new software will help solve the meter reading problem we hope.

2. **CIPP.** Mayor Grund asked if the costs would decline since the City removed some feet from the Cured in Place Piping for this year CA St. John said a flush tank was found but there is still 12,000 feet to line. CA St. John noted the area with the flush tank will be put it on a new route when other flush tanks are replaced.

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

1. **MOSQUITO CONTROL.** CM Boss asked if there have been any comments about the mosquito control. Mayor Grund said someone who walks city park says it helped right away.

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

1. **BARB WIRE.** CM Hughes asked when the city would make a decision about barb wire in the City. Mayor Grund said the Police and Fire Committee would meet before the next Council meeting.
2. **FIRE STATION LOCATION.** Mayor Grund reported the Police and Fire Committee met and recommended the new fire station be located on 20<sup>th</sup> Street behind Feldhausen Field facing east for nine trucks. The Committee recommended emergency traffic lights be installed. Mayor Grund recapped the committee's review of the other 4 locations considered, noting several were expensive and larger than was needed. CM Throm moved, CM Schroller seconded to approve the site on 20<sup>th</sup> Street as recommended by the P & F Committee. Motion carried unanimously. CA St. John said BG Consultants would like to have a kick-off meeting with the Fire Chief, a couple of firemen, and the Police and Fire Committee to plan the design of the new station.

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

1. **DEAD TREES.** Mayor Grund said there are several dead trees on Broadway. CA St. John said there were 5 trees that need to be replaced and James Gudenkauf is checking with his supplier. James reported to the supplier when the trees were planted, he thought the root ball was too small. The trees are warranted for 1 year.

**APPOINTMENTS:** Mayor Grund appointed Bobbi Price to the Koester Block Advisory Board thru January 2022. CM Throm moved, CM Frye seconded to accept the appointment. Motion carried unanimously.

#### **CITY ATTORNEY:**

**ROUND TABLE DISCUSSION:**

1. **SUNFLOWER COMMUNITY CREDIT UNION OPENING.** Mayor Grund reported the Sunflower Community Credit Union opening was nice and their new facility is beautiful.
2. **4<sup>TH</sup> OF JULY EVENTS.** Mayor Grund said the Landoll/MCAC Hangar 4<sup>th</sup> of July Celebration was great, as well as the Road Rally at the old UP Depot. CM Graham also agreed the celebration at the airport was great and she enjoyed the Blue River Rail Trail opening/walk from the old UP Depot. CM Hughes said the singing group Four by Four at the airport was fabulous. CM Frye said neighboring counties recognized Marysville and are impressed with the 4<sup>th</sup> of July events. CM Schroller agreed and said the great part of the celebration was it was free. Mayor Grund and CM Graham said the City fireworks at Lakeview on July 6 were excellent.
3. **VETS DON'T FORGET VETS.** Mayor Grund thanked Greg Boss and others who hosted William Shuttleworth, (U.S.Airforce) veteran who is walking across the United States to raise awareness of veteran's issues.
4. **SHORTEN DAYS FIREWORKS ALLOWED.** CM Boss reported there are people in Ward 2 who would like to limit the number of days fireworks are allowed to be shot.
5. **LENGTHEN HOURS FIREWORKS ALLOWED.** CM Pippia reported some residents have spoken to her about lengthening the hours fireworks are allowed to be shot during the weekends over the 4<sup>th</sup> of July. Mayor Grund suggested the council talk about it next year. CM Frye thought if there were citizens on both sides, we should leave the regulations alone.

There being no further business, at 10:28 p.m. CM Frye moved to adjourn, CM Hughes seconded. Motion carried unanimously.

Cindy Holle

City Clerk