

Regular Meeting
City Hall, Marysville, Kansas-October 14, 2024

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 Frye in the chair City Administrator Haverkamp, City Attorney Westbrook and City Clerk Holle were also present.

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

The minutes from the September 23rd regular meeting were presented for approval. CM Throm moved; CM Beikman seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

The minutes from the October 2nd special meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

PUBLIC COMMENTS:

1. **SUPPORT CHIEF SIMPSON.** Mandy Cook, Ward 1, 2401 North Street said in her opinion PC Matt Simpson did a good job especially with kids' safety.
2. **SUPPORT CHIEF SIMPSON.** Maureen Crist, Ward 1, 1129 Juniper Road said she thought PC Simpson and his wife were amazing and the City should work together.

BUSINESS AND DISCUSSION ITEMS:

1. **BLACK SQUIRREL FESTIVAL.** Allie Argo from OneMarysville presented requests for the festival on November 2. There will be a costume contest, carnival and other games, hayrack rides and the Footloose Dancers and Platinum Dancers will perform. The City Council will pass out donuts and coffee at the Santa House from 10:00 a.m. to about noon. OneMarysville is asking the City to barricade Broadway from 7th Street to 10th Street, 9th Street from Center to the Post Office from 9:00 a.m. until 3:00 p.m. and provide trash receptacles. They will use the Santa House and Koester Park and the downtown sound system for the event. The festival will end with a parade from 2:00 p.m. to 3:00 p.m. CM Beikman moved; CM Throm seconded to approve the request for the Black Squirrel Festival. Motion carried unanimously.
2. **CONVENTION & TOURISM CHRISTMAS TREE.** Tyler Warren representing the C & T Committee asked to purchase an artificial 25-foot Christmas tree for the Pony Plaza. The trees they quoted are: 25' with an eight-inch base and ornaments, \$11,123.72; Christmas Designers 26' Majestic Pine Tree with warm lights, \$25,075.00; The LED Spot Grand Teton pre-lit warm lights, \$26,000; Christmas Central 20' pre-lit Olympia Artificial Tower Tree warm lights, \$14,002.99. The Council tabled the request to the next meeting and asked for more information regarding how long the tree will last, how it will be stored and where, how much the delivery fee is and how long it will take to be delivered after it is ordered and how it will be secured so it won't blow over. It was suggested a real tree might be cheaper and there would be no storage if they can find a way to secure it from blowing over.
3. **CONDEMNATION 205 CALHOUN MLNARIK/ARGO.** Walter Mlnarik lives in the house at 205 Calhoun which was condemned on May 4th, 2024. CA Westbrook reported there was an appeal filed in district court and the judge set the hearing date for December 8th, 2024, at 9:45 a.m. Jon Argo, the new owner of the house, asked the City to extend the condemnation and to agree that if the issues are resolved the City would not force the condemnation. CM Snellings moved, CM Schrater seconded to extend the condemnation until November 25th at noon. This is a hard

date with no further extensions allowed. If the list of repairs from the condemnation has been completed the case will be satisfied. Motion carried 6-1 with CM Throm voting no.

4. **ORDINANCE 1933 DOG QUARANTINE & LEASH LAW.** The Police and Fire Committee submitted Ordinance 1933. *AN ORDINANCE AMENDING ARTICLE 2 ANIMALS SECTION 2-201 DOGS RUNNING AT LARGE PROHIBITED AND 2-216 CONFINEMENT OF RABIES SUSPECTS IN THE MARYSVILLE CITY CODE.* This ordinance changes the current code to require a leash on all dogs if they are not on the owner's property. The ordinance also allows dogs involved in a dog bite to be quarantined at home if they are not a rabies risk. CM Snellings moved, CM Schrater seconded to approve Ordinance 1933 creating a leash law for all dogs and home quarantine for non-rabid dogs involved in a dog bite situation. Motion carried 7-0.
5. **RESOLUTION 2024-23 GAAP WAIVER.** CC Holle presented Resolution 2024-23 a resolution exempting the City from General Accepted Accounting Principles, and the financial statements will be prepared on the basis of cash receipts for the year ending 2024. CM Throm moved; CM Beikman seconded to approve Resolution 2024-23 exempting the City from GAAP. Motion carried unanimously.
6. **RFP-CHARLES JD KOESTER HOUSE.** The Council discussed their ideas about the RFPs on the Charles JD Koester House. CM Keating would like the property to go to the Foundation, CM Behrens is concerned about the Foundation's threat to sue the City, or a different owner and she would like the City to retain control of the Koester Park area, CM Ferris is in favor of the Foundation. The remaining Council is undecided. CA Haverkamp reported he has spoken with all the Koester heirs, and they asked the Council to take time to make the best decision. He said he has contact numbers if anyone would like to speak with the family members. The Council will discuss this at the November 12th meeting. The Council decided to allow the "pop-up" businesses to use the Charles JD Koester house for the Christmas holiday from mid-November until December 21.
7. **YOUTH COUNCIL ADVISORY COUNCIL DISCUSSION.** Mayor Frye presented several links for youth advisory councils. He would like the City to start a group of students at USD #364 in this council. He has spoken with administrators at the school, and they also supported the idea. CM Keating suggested Mayor Frye move forward to create the by-laws and meet with the Admin/Finance Committee with the details. The goal would be to create the council to begin in January of 2025.

NOTICES AND HEARINGS:

Andrew Kwapnioski 906 Otoe was issued a grass notice. He would like to be exempt from this City Code. He is creating a pollinator plot of native prairie grass. He mows a strip around the outside of the property to help prevent fire spread. Mr. Kwapnioski will be exempt from mowing at this time. CM Snellings asked him to speak to each neighbor to get their approval. The Admin/Finance Committee will meet with Mr. Kwapnioski about creating an exemption in code based on acreage.

CONSENT AGENDA. The Consent Agenda was presented for consideration. CM Beikman moved; CM Schrater seconded to approve the Consent Agenda. Motion carried 6-1 with CM Behrens voting no. Consent Agenda consisted of the following:

1. Request from PC Simpson to surplus 2015 Ford Expedition.
2. Convention & Tourism request: Advertising for Christmas Opening December 7, \$1500.00.

3. The City Clerk's Report for August showed \$51,084.11 collected in receipts with a like amount being deposited with the City Treasurer.
4. Cash balances in funds were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through September 2024 showed unadjusted accumulated revenues in the General Fund of \$2,834,809 or 97% of budget; Water Revenue Fund, \$677,901 or 75% of budget, Sewer Revenue Fund, \$587,756 or 76% of budget. The unadjusted statement of expenditures in the General Fund totaled \$2,338,393 or 71% of budget, Water Revenue Fund, \$750,402 or 58% of budget, and Sewer Revenue Fund, \$558,326 or 45% of budget.
5. The Municipal Judge's Report for July showed \$5,341.50 being deposited with the City Treasurer and \$258.50 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3832

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$142,386.39; Water Revenue Fund, \$27,260.00; Sewer Revenue, \$17,895.97; Airport Revolving Fund, \$110,957.03; Sewer Replacement Fund, \$264,107.16; Library Revolving Fund, \$14,183.52; Swim Pool Sales Tax Fund, \$2,038.10; Koester Block Maintenance Fund, \$1,549.87; Employee Benefit Fund, \$31,141.65; Transient Guest Tax, \$4,675.37; Sales Tax Improvement Fund, \$162.93 making a total of \$616,357.99.
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 \$616,357.99.
3. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3832.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **BLACK SQUIRREL FESTIVAL.** CA Haverkamp asked for volunteers from the Council to serve donuts and coffee on November 2 at the Black Squirrel Festival from 10:00 a.m. until noon. CM Schrater and Mayor Frye volunteered to help.
2. **LEAGUE OF KANSAS MUNICIPALITIES CONFERENCE.** CA Haverkamp reported there were a lot of good things and lots of networking at the LKM Conference in Wichita.
3. **11TH ROAD SOUTH.** At the special meeting on October 2nd the Council voted unanimously to accept the bid from RL Tieman out of Beatrice, Nebraska to finish the 11th Road project for \$814,991.90.
4. **HIGHWAY 77 SOUTH.** The bid for the Highway 77 south project came in about \$800,000 higher than expected. This starts at the north entrance to City Park and ends at the north end of the bridge. The engineer is looking for alternate surfaces or splitting the project. The street projects come from the Sales Tax Fund and the City receives about \$1.2 million per year.
5. **UNLAWFUL DEPOSITS IN PARKS.** There was some home trash placed in the barrels at the park. Only picnic trash is allowed in those cans.
6. **SERVICE AWARDS.** The City received an award for being a member of KMIT Work Compensation Insurance for 30 years. The City is a new member of their health insurance group with 20 other organizations. Kyle Bargman received a service award for 15 years in the Fire Department and Dave Bruna received an award for 35 years in the Fire Department.

- 7. RETIREMENT LARRY LOGAN AND RUTH MASCHEMEIR.** There will be a retirement party for Larry Logan at City Hall on October 18 at 2:00 p.m. There will be a retirement party for Ruth Maschmeier at the Lee Dam Art Center on November 1 from 11:00 a.m. until 1:30 p.m.

STANDING COMMITTEE REPORTS:

- 1. POLICE & FIRE COMMITTEE.** The Police and Fire Committee met about fireworks discharged into neighbor's yards. It was determined enforcement of a fireworks ordinance would be almost impossible. The committee also made a recommendation for the dog leash and quarantine ordinance passed earlier in this meeting.
- 2. WATER/SEWER COMMITTEE.** The Water/Sewer Committee met to discuss the water rate study. Mayor Frye said the water/sewer rate increase was necessary. The increase will be staged in for 2 years. The 3rd year and the future years will have an inflation increase. The rates cannot be static. The committee is also researching allowing party line sewer connections.

APPOINTMENTS:

- 1. PLANNING & ZONING.** Barb Kickhaefer, October 2024-December 2024. CM Throm moved CM Schrater seconded to approve the mayor's appointment. Motion carried unanimously.

EXECUTIVE SESSION: CA Westbrook asked for an executive session. At 8:24 p.m. CM Beikman moved the city council 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 Administrator, and the City Attorney. The open meeting will resume in the city council chamber at 8:34 p.m. CM Throm seconded. Motion carried 7-0. At 8:34 p.m. the council reconvened. Mayor Frye reported no binding action was taken during the executive session and the regular meeting was continuing.

At 8:35 p.m. CM Snellings moved to recess into executive session to discuss personnel matters of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception K.S.A. 75-4319 (b) (1). This session will include the Mayor, City Council, and the City Attorney. The open meeting will resume in the city council chamber at 8:50 p.m. CM Schrater seconded. Motion carried 7-0. At 8:50 p.m. the council reconvened. Mayor Frye reported no binding action taken during the executive session and the regular session was continuing.

At 8:50 p.m. CM Schrater moved to recess into executive session to discuss personnel matters of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception K.S.A. 75-4319 (b) (1). This session will include the Mayor, City Council, and the City Attorney. The open meeting will resume in the city council chamber at 9:10 p.m. CM Throm seconded. Motion carried 7-0. At 9:10 p.m. the council reconvened. Mayor Frye reported no binding action taken during the executive session and the regular session was continuing.

At 9:10 p.m. CM Beikman moved to recess into executive session to discuss personnel matters of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception K.S.A. 75-4319 (b) (1). 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 9:25 p.m. CM Snellings seconded. Motion carried 7-0. At 9:25 p.m. the council reconvened. Mayor Frye reported no binding action taken during the executive session and the regular session was continuing.

At 9:25 p.m. CM Behrens moved to recess into executive session to discuss personnel matters of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception K.S.A. 75-4319 (b) (1). 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 9:45 p.m. CM Snellings seconded. Motion carried 7-0. At 9:25 p.m. the council reconvened. Mayor Frye reported no binding action taken during the executive session and the regular session was continuing.

At 9:45 p.m. CM Keating moved to recess into executive session to discuss personnel matters of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception K.S.A. 75-4319 (b) (1). 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 10:01 p.m. CM Schrater seconded. Motion carried 7-0. At 10:01 p.m. the council reconvened. Mayor Frye reported no binding action taken during the executive session and the regular session was continuing.

COUNCIL COMMENTS:

- 1. LKM CONFERENCE.** CM Ferris reported she had a nice time in Wichita at the League of Kansas Municipalities conference.
- 2. LKM CONFERENCE.** CM Behrens said she learned about AI at the LKM conference, and she loved it! Also, she cautioned all council members about posting on social media.
- 3. LKM CONFERENCE.** CM Throm attended meetings during the LKM conference about RHID districts for housing and cybersecurity at the water and sewer plants.
- 4. SPECIAL MEETING OCTOBER 21.** Mayor Frye said there will be a Special Meeting on October 21 at 6:30 p.m. at City Hall to discuss personnel matters.
- 5. EMPLOYEE PAY ISSUE.** CA Haverkamp stated the City understands they have a pay issue and are working on it.
- 6. ADMIN/FINANCE MEETING OCTOBER 21.** There will be an Administration/Finance Committee meeting on October 21 at 5:00 prior to the special meeting. During the meeting there will be discussion on the OneMarysville agreement, allowing native prairie and wildflowers in city limits, and employee pay issues.

There being no further business, at 10:08 p.m. CM Schrater moved to adjourn, CM Beikman seconded. Motion carried unanimously.

Cindy Holle
City Clerk