

April 25, 2022

City of Marion – Regular Meeting

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Minutes of a Regular Meeting of the City Council of the City of Marion held in the Council Chambers at 6:00 P.M, late start due to public hearings held immediately preceding the meeting starting at 5:00 P.M. The City Clerk was instructed to call the roll and the response was as follows:

PHYSICALLY PRESENT: COMMISSIONERS PATTON, BARWICK, WEBB, AND STOECKLIN AND MAYOR ABSHER.

The Pledge of Allegiance was led by Mayor Absher.

PUBLIC COMMENTS

Resident Justin Murphy told the Council he would like to voice opposition to the Special Use Permit for 908 West Hendrickson Street. Mayor Absher asked if Mr. Murphy could wait and address the Council when that agenda item is being discussed. Mr. Murphy said he could. There were no other public comments this evening.

CONSENT AGENDA

Mayor Absher told the Council there was an error on Consent Agenda Item 4 B 1. He said the minutes to be approved are for the April 11, 2022 council meeting, not the April 25, 2022 council meeting.

Commissioner Webb made a motion to approve the consent agenda correcting the date of the minutes on item 4 B 1 to April 11, 2022. Commissioner Barwick seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Public Works Superintendent Brent Cain introduced Wastewater employee Blaine Burke to the Council. Brent told them Blaine recently took and passed the exam to obtain his Class I license. He has been working three years at the sewer plant.

NEW BUSINESS

BUDGET & FINANCE

The budget hearing was held in the Council Chambers at 4:00 P.M. No members of the public were present.

City Treasurer Steve Hale told the Council Resolution 2022-13 is to make changes to certain items from the original 2022 budget. He told them there are changes that happen throughout the year. The amendment aligns the budget with actual revenues and expenses for the year.

Commissioner Patton made a motion to adopt Resolution 2022-13 amending the Fiscal Year 2022 Budget. Commissioner Stoecklin seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

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City Treasurer Steve Hale told the Council Ordinance 3799 is the proposed annual budget for the year ending April 30, 2023. He explained there are two components to the budget. One is the Fund Balance Summary which lists beginning and ending fund balance for each fund along with the total revenues, expenditures, and transfers. The second report lists a line-by-line budget by department. He explained the fund balance approximates cash with some slight differences. It is close to what total cash balance would be with restricted and unrestricted cash balances.

Commissioner Patton made a motion to approve Ordinance 3798 establishing the Fiscal Year 2023 Budget. Commissioner Barwick seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Mayor Absher explained preparing the budget is a months long process. He thanked the Department Heads and Commissioners for their hard work in preparing the budget.

POLICE DEPARTMENT

Commissioner Barwick made a motion to approve the recommendation of Commissioner Barwick and Chief Fitts to hire Larry L. Troxel as a full-time patrol officer at the Probationary 2 pay scale, per the collective bargaining agreement, effective Tuesday, April 26, 2022.

Commissioner Patton seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Police Chief David Fitts told the Council and audience he really enjoys helping someone to start their career. He said both fine young men being considered for hire will be assets to the Marion Police Department and he looks forward to seeing what they will do and bring to the Department.

He introduced Logan Troxel to the Council and audience. He told them Officer Troxel has been working for Johnston City Police Department. Officer Troxel told the Council he and his family appreciate the opportunity to be a part of a growing City and successful agency. He said he is excited to get to work.

Commissioner Barwick made a motion to approve the recommendation of Commissioner Barwick and Chief Fitts to hire Thomas Woods as a full-time patrol officer at the Probationary 2 pay scale, per the collective bargaining agreement, effective Tuesday, April 27, 2022.

Commissioner Stoecklin seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Police Chief David Fitts introduced Thomas Woods to the Council and audience. He told them Officer Woods has been working for Goreville Police Department. Officer Woods thanked the

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Council for the opportunity to serve the Marion Police Department. He told them this is something he has been pursuing for some time and he is excited to get started.

Commissioner Barwick made a motion to approve the recommendation of Commissioner Barwick to hire Tony Grove as a School Security Officer effective April 25, 2022; per the intergovernmental agreement with Marion Unit #2 School District. Commissioner Patton seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Chief Fitts told the Council School Security Officer Tony Grove did not attend tonight's meeting.

PUBLIC WORKS

Public Works Superintendent Brent Cain told the Council all the Public Works items on the agenda tonight are related to rate restructuring. He explained there were several ordinances that were confusing and needed simplified. He said Cliff Hogue, Jr., Allison Boner and City Attorney Wendy Cunningham worked to make the necessary changes to the ordinances. He explained there is a three percent increase each year to water and sewer rates. This is an automatic increase. He said he has spent many hours analyzing the rates. The rates need to be set so that debt service may be paid. He said the rate changes were designed not to impact minimum users much. Commissioner Stoecklin commented that with these changes minimum users will see a decrease in rates. Brent said the changes align with the ten-year plan and will align with debt service to fund projects.

City Attorney Wendy Cunningham let the Council know that Ordinance 3800 repeals and replaces an entire section of City Code. She told them Cliff Hogue, Jr. and Allison Boner played a big part in making these changes. She said Cliff initiated the project to make changes. He also did an analysis on the tap fees because the City was losing money on these. Commissioner Stoecklin stated the tap fees are still lower than average for the area and most towns around Marion.

Commissioner Stoecklin made a motion to approve Ordinance 3800 repealing and replacing Title 9 Chapter 2 of the Marion City Code regarding Water Use and Service. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Commissioner Stoecklin made a motion to approve Ordinance 3801 amending Title 9 Chapter 3 and 3A of the Marion City Code regarding Sewer Use and Rates. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

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Commissioner Stoecklin made a motion to approve Ordinance 3802 amending Title 9 Chapter 2A of the Marion City Code regarding Cross Connection Controls for the City's water utilities. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Public Works Superintendent Brent Cain told the Council he wanted to get sanitary sewer to the South Market Street area for many years. The Sewer Department has finally retired enough debt to be able to finance the project. They received three bids on the project. The bids received were as follows:

Wiggs Excavating	\$1,238,874.30
Skuta Construction, Inc.	\$1,081,039.40
ACIX	\$1,296,362.50

Brent told the Council Skuta Construction, Inc. was the low bidder, and the bid looks appropriate. He said the funding is in place to start the project. There will be 12-inch sewer and 8-inch force main with a lift station on the south side of Golf Course Road at South Market Street. Brent told the Council this area will eventually grow and if the growth continues another water tower will be needed.

Mayor Absher told the Council the City is trying to plan for the next ten to twenty years and is considering streets, drainage, and subdivision issues as part of the process.

Commissioner Stoecklin made a motion to award the bid for the South Market Street Sewer Extension Project to low bidder, Skuta Construction, for \$1,081,039.40. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

BUILDING & CODE SERVICES

Mayor Absher made a motion to affirm the Zoning Board's approval of a Special Use Permit for a multi-family housing development in a C-1 General Commercial zone at North Market Street, parcel numbers 07-18-309-001, 07-18-309-002, 07-18-309-003, 07-18-309-004, 07-18-309-009, and 07-18-309-010 for Castellano Properties, LLC. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

David Bender owns the property at 908 West Hendrickson Street. He told the Council he purchased the property in 1998 and had a special use permit for the building. The building was originally built in 1949 and is in an area zoned R-2. He spent \$100,000 renovating the building to make it usable. It was previously a moving and storage building and had no plumbing or

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heating when he purchased it. He had a buyer for the building, but they backed out. He would like to use the rear of the building for storage and open a shipping and package business in the front of the building. It would be a pickup point for Amazon orders. Mr. Bender would operate the business at first. He lives in Paducah but would spend time in Marion running the business. When he is home in Paducah, he will have a neighbor across the street watch and maintain the building. The hours of operation will be from 8:00 am to 6:00 pm.

Justin Murphy lives at 906 West Hendrickson next door to the building. He addressed the Council expressing his opposition to a business locating in the building stating he wants to protect his family. He told the Council there have been multiple businesses there over the years.

Police Chief David Fitts told the Council there has been lots of problems in this location since he has been Chief. He said there have been issues with drugs and fighting and the building has been used as a flop house.

After lengthy discussion by the Council on the function of the Zoning Board of Appeals and the decision-making process as stated in the code, Mayor Absher called for a vote.

Mayor Absher made a motion to affirm the Zoning Board's Denial of a Special Use Permit at 908 West Hendrickson Street parcel number 06-24-264-011 in an R-2 General Family Residential zone to open a small store. Commissioner Barwick seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

ECONOMIC DEVELOPMENT AND MUNICIPAL PLANNING

Mayor Absher told the Council a doctor donated three lots in the Heartland Professional Park to the City. He explained the lots are too expensive to auction off and a realtor is needed to list them for sale. Economic Development and Municipal Planning Director Glenn Clarida sent letters to all realtors and real estate agencies in town. The following realtors/agencies expressed interest via email to sell the lots:

Dave Thompson, Dave Thompson Realty
M. McGinley, B. Bundren, J. Jeralds, A. Coon, House to Home Realty
Tammy Kissing, All In One Real Estate Company
Richard Davis, Century 21 House of Realty, Inc.

As the interested parties were read, Mayor Absher folded the emails and handed them to City Clerk Tammy Beasley. City Clerk Beasley then placed them into a box. Mayor Absher handed the box to Marion resident Carmen Allen Adeoye in the audience. She drew out the email from Tammy Kissing, All In One Real Estate Company.

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Mayor Absher made a motion to approve the selection of Broker Tammy Kissing of All In One Real Estate Company to list lots 3, 4, and 5 in Heartland Professional Park. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONER PATTON ABSTAINED.
COMMISSIONERS BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Mayor Absher made a motion to adopt Resolution 2022-12, a TIF Inducement Resolution with Energy Land Holdings, LLC. Commissioner Barwick seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Mayor Absher made a motion to approve a construction engineering agreement with Clarida & Ziegler Engineering for the FY24 resurfacing project of Main, Pentecost and Bainbridge Trail. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSISONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Mayor Absher made a motion to approve Ordinance 3799 a Residential TIF Redevelopment Agreement with Parks & Roberts Rentals, LLC. Commissioner Barwick seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWIK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

PUBLIC AFFAIRS

Mayor Absher read Ordinance 3797 listing the administrative staff being appointed for Fiscal Year 2023. He told the Council there were no changes from last year.

Mayor Absher made a motion to approve Ordinance 3797 appointing administrative staff for Fiscal Year 2023. Commissioner Patton seconded the motion.

ON ROLL CALL VOTE COMMISSIONER PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Mayor's Chief of Staff Cody Moake told the Council there is not a final amount yet for the change order on the elevator. He said he should have a final amount for the May 9th agenda. He told them it will not exceed \$223,500 and they should make a motion to approve the new design not to exceed \$223,500.

Mayor Absher told the Council the original bid for the elevator for the new City Hall included the elevator being built off site. There were two vendors nationwide that could meet that specification. One vendor was in Mt. Vernon. That vendor does not have a union shop and the local trade unions objected because that violates the terms of the Project Labor Agreement that is in place.

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Mayor Absher made a motion to approve a Change Order to the Marion City Hall Project approving the quoted bid for the elevator not to exceed \$223,500. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Mayor Absher told the Council it is budgeted in 2023 to replace two cars in the IT Department. The City advertised for bids for economy cars or SUV's. Three bids were received as follows:

Marion Toyota	2 2022 Toyota Corolla LE models	\$22,149 each
Vogler Motor Co	2 2022 Ford Escape S models	\$25,173 each
Ike Honda	2 Honda HR-V AWD	\$26,386 each

Per the bids, all vehicles must be ordered. Mayor Absher thinks SUV's might be the better option because they have a lift gate and would easier to load and unload cargo out of the rear of the vehicle. All vehicles bid have the same warranty. After brief discussion, Mayor Absher called for the vote.

Mayor Absher made a motion to approve the purchase of one Toyota Corolla from Marion Toyota for \$22,149 plus title and license and one 2022 Honda HR-V LX all-wheel drive from Ike Honda for \$26,386.20 to replace two IT Department fleet vehicles: a budgeted item for FY2023. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

COMMISSIONER REPORTS

Commissioner Webb reported the Street Department is still holding the Spring Clean Up. They will be working on the west side of town this week. After the Clean Up is complete, they will continue to work on drainage issues and sidewalk repairs. The Cemetery Department continues to mow and trim when it is not raining.

Commissioner Stoecklin told the Council and audience tonight is trivia night. He read the Water Department report since the last meeting. He reported the Water Department is catching up on landscaping projects from leak repairs. He gave kudos to the Marion Cultural and Civic Center for another sell out concert, Martina McBride. He reported there are several upcoming shows featuring big musical artists. He moved on to the trivia questions. The first question asked when the first speeding ticket was issued in the U S. It was issued in 1904 in Dayton, Ohio. The car was running 12 mph. The second trivia question asked what was the first intended use of bubble wrap. It was originally invented as wallpaper in 1957. IBM used it to protect a computer during shipping in 1959. The final trivia question asked how many miles the aeration tank installed in 2003 had "driven" since then? The answer is it has "driven" 526,695 miles.

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Commissioner Barwick also had trivia tonight. The question was what state has a state highway with no vehicles allowed but still had a traffic crash. The highway is in Mackinac Island, Michigan. He thanked all officers involved in investigating the bank robbery that occurred on March 1st. He reported Detective Dwyer wouldn't let it rest and was able to determine the type of vehicle. Walmart security helped her to get a face and name.

Commissioner Patton thanked all Department Heads who assisted in preparing this year's budget.

MISCELLANEOUS

Mayor's Chief of Staff Cody Moake told the Council the City has received notice from Ameren the electricity rates for City buildings will have a significant rate increase. He recommended the City enter into a contract before costs increase again. He told the Council an RFP was sent out for bid for solar panels at the Sewer Plant. He also thinks the City should look at using Solar panels at other City facilities.

CLOSED/EXECUTIVE SESSION

Mayor Absher announced there was no need for executive session this evening.

Commissioner Webb made a motion to adjourn the meeting. Commissioner Barwick seconded the motion.

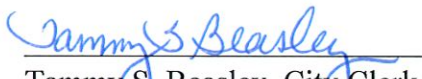
ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Meeting Adjourned at 7:45 P.M.



Michael W. Absher, Mayor

ATTEST:



Tammy S. Beasley, City Clerk