

November 14, 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 5:30 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.

RECOGNITION

National Adoption Day Proclamation

Jeff Shore, Regional Counsel with Illinois Department of Children and Family Services was in attendance to receive a proclamation recognizing Friday, November 18, 2022, as National Adoption Day. Mr. Shore told the Council and audience Williamson County will max out with 18 cases on Friday when 23 to 25 children will be adopted.

PUBLIC COMMENTS

Marion resident Jimmy Johnson expressed his concerns regarding the November 8, 2022, election in Williamson County.

CONSENT AGENDA

Commissioner Stoecklin made a motion to approve the consent agenda as presented.

Commissioner Barwick seconded the motion.

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

NEW BUSINESS

FIRE DEPARTMENT

Commissioner Barwick told the Council and audience Jim Escue is retiring after 34 years of service with the Marion Fire Department. He has 41 years total fire service. Fire Chief Tim Barnett said Jimmy “Rescue” never met a stranger. He always wanted to help and take care of people. During his career, he worked for fire departments in Michigan, Anna, the Lake of Egypt, and Marion. Barnett said he responded to over 8,000 emergency calls and that is a conservative estimate. He is the NIMS Compliance Officer for the City and a member of the Fire Department Hazmat Team. During his career he has worked for five Fire Chiefs. Jim thanked everyone for attending tonight and said it has been his honor and privilege to serve the citizens of Marion. Commissioner Barwick presented him a plaque recognizing his service to the city. The Council congratulated Jim on his retirement.

Commissioner Barwick made a motion to approve the recommendation of the Police & Fire Merit Board to promote Ben Wilson to the open Lieutenant position vacated by Lt. Jim Escue's retirement. Commissioner Stoecklin seconded the motion.

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

Chief Barnett told the Council and audience Ben Wilson is a 14-year veteran of the Fire Department. The Council congratulated him on his promotion.

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Commissioner Barwick made a motion to approve the purchase of a new F-150 from Vogler Ford for \$43,665 to be reimbursed to the City by the Foreign Fire Insurance Board. Commissioner Patton seconded the motion.

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

Chief Barnett told the Council he will be driving the new truck and Assistant Chief Burford will be driving the truck he currently drives.

Commissioner Barwick made a motion to approve Ordinance 3848 entering into a loan agreement with First Southern Bank for the purchase of a new 2022 Ford F-150. 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 asked to table Ordinance 3842 amending the Marion City Code regarding on-premises signage and Ordinance 3843 amending the Marion City Code regarding off-premises signage. He told the Council City Attorney Wendy Cunningham has been working on these ordinances for months. He said the moratorium on electronic signs is still in place for now. Attorney Cunningham said she thinks she will have something by the next council meeting.

ECONOMIC DEVELOPMENT AND MUNICIPAL PLANNING

Mayor Absher told the Council Ordinance 3841 is a Residential TIF I redevelopment agreement for a new build.

Mayor Absher made a motion to approve Ordinance 3841 a Residential TIF I redevelopment agreement with Brynnlane Properties, LLC for 902 S. Mechanic Street. Commissioner Stoecklin seconded the motion.

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

Mayor Absher explained the property being purchased on Midway Court is property the City agreed to purchase months ago. The owner had some family matters that delayed the sale.

Mayor Absher made a motion to approve the purchase of 1232/1234 Midway Court. Commissioner Barwick seconded the motion.

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

Mayor Absher said the property at 110 East Jefferson Street is located next to Picker's Paradise. Jeff Mayer is the developer. Until recently, the building was tied up in probate and could not be sold. Jeff Mayer was finally able to buy it. Ordinance 3844 is a Redevelopment agreement for the Hub TIF.

Mayor Absher made a motion to approve Ordinance 3844 a Hub TIF redevelopment agreement with JM Vision, LLC. for 110 E. Jefferson St. 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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Mayor Absher told the council agenda items 8D and 8E are related. Around 2000, the City worked with the owner of the WPS building which is built on City owned property. After COVID, WPS is no longer using the building and employees are working from home. Originally, the city had leased the land to WPS for \$1 per year if a certain number of jobs were brought to Marion. The 99-year lease was paid up front. Economic Development and Municipal Planning Director Glenn Clarida and Mayor Absher have worked to try and get a new occupant for the building. The owner of the building is donating the building to State of Illinois Central Management Services. They will be relocating some agencies to the building. The city must assign the current lease to the Illinois Department of Central Management Services. One hundred fifty jobs are expected to transfer to the new building. Mayor Absher gave Glenn credit for getting this done.

Mayor Absher made a motion to approve a lease assignment for real property in the Butler Industrial Park. Commissioner Stoecklin 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 Ordinance 3845 directing the sale of surplus property in the Butler Industrial Park to the Illinois Department of Central Management Services. Commissioner Barwick seconded the motion.

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

Mayor Absher asked Economic Development and Municipal Planning Director Glenn Clarida to explain agenda item 8I. Glenn explained Specialty Mine Services in West Frankfort is looking to expand. They manufacture products that are sold all over the world. Their expansion will bring approximately 40 jobs to Marion. The city is selling them 9.08 acres in the Butler Industrial Park. Glenn said this parcel has been sold twice before and repurchased by the City because there was no development of the property.

Commissioner Stoecklin made a motion to approve Ordinance 3849 directing the sale of surplus property in the Butler Industrial Park. Commissioner Webb seconded the motion.

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

STREET DEPARTMENT

Commissioner Webb told the Council the City bids for road salt annually through the State bid process. This year the city is bidding 700 tons at \$98.44/ton with Compass Minerals. The total cost will be \$68,908. He said this price was an increase over last year.

Commissioner Webb made a motion to approve the purchase of road salt per the contracted amount of \$68,908, a budgeted item. Commissioner Barwick seconded the motion.

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

PUBLIC AFFAIRS

Mayor Absher explained three lots in the Heartland Professional Park were donated to the city two or so years ago. At the April 25, 2022 council meeting the city took proposals from realtors to list the parcels for sale. There has not been much activity since the lots were listed, but

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Realtor Tammy Kissing told Mayor Absher she has one prospect. She is asking for an extension of time to try and sell the parcels.

Commissioner Patton made a motion to approve a contract renewal with Tammy Kissing with All In One Real Estate for the listing of three parcels in the Heartland Professional Park. Commissioner Webb 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 the 2023 Schedule of Council Meetings and 2023 City Holidays. Commissioner Patton seconded the motion.

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

City Attorney Wendy Cunningham explained the council is required to make an announcement of the estimated tax levy and in 20 days must pass an ordinance for the tax levy. The city is not required to hold truth in taxation hearing. Mayor Absher announced the City's intent is to levy \$100 total tax.

Mayor Absher made a motion to approve an estimate of the tax levy per 35 ILCS 200/18-60. Commissioner Stoecklin seconded the motion.

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

Mayor Absher said he and Chief of Staff Cody Moake talked with the Commissioners individually about the change order for City Hall. He explained when the carpet in the main lobby was removed the original marble was underneath. Berry Concrete from Murphysboro did a test spot on restoring the marble. They can refinish it for \$13,656.82. This will be done through the change order process. They are already refinishing floors on other levels in the building as part of the contract. There will be a deduction for the flooring that was originally budgeted for the main lobby.

Mayor Absher made a motion to approve a change order to the Marion City Hall project to refinish a portion of the original marble floor for \$13,656.82. Commissioner Barwick seconded the motion.

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

Mayor Absher told the Council each year the City is required to discuss the contributions to the Police and Fire Pension Funds. Chief of Staff Cody Moake explained the city always makes the actuarial recommended contributions per Treasurer Hale's recommendation. The actuarial recommended contributions are \$1,282,566 to the Police Pension Fund and \$874,458 to the Fire Pension Fund. Cody explained those amounts are for the 2024 fiscal year that commences on May 1, 2023.

Mayor Absher made a motion to approve the actuarial recommended contributions to the police pension fund of \$1,282,566 and fire pension fund of \$874,458 for fiscal year 2024. Commissioner Patton seconded the motion.

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

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Mayor Absher told the Council he, Chief of Staff Cody Moake and Human Resources Director Jessica Force looked at health insurance options for the City. He said this is the exact insurance the City currently has with Blue Cross Blue Shield. The City's health insurance agent Jon Cavaness told the Council the overall benefits went down a small amount due to the dental insurance. He said the existing plan will renew January 1, 2023, and there is no increase in insurance premiums this time. He is trying to get a \$30,000 contribution back to the City on the first bill to be used at the City's discretion. Jon said there is also a change in retiree benefits which will save the city \$108,000. Cody told the Council the City looked at the Local Government Health Plan through CMS and Hope Trust. Hope Trust did not bid. He said the CMS plan is reduced to three plan choices instead of four like Blue Cross Blue Shield. Cody said open enrollment will start December 1, 2022, and the insurance will start January 1, 2023. Cody said the city is keeping the current plan at the current price in hopes to combat inflation.

Commissioner Stoecklin made a motion to approve the health insurance renewal with Blue Cross Blue Shield. Commissioner Webb seconded the motion.

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

COMMISSIONER REPORTS

Commissioner Patton reported he and Treasurer Steve Hale are reviewing the City's investment strategy. No final decisions have been made, but they are going to take advantage of the increase in interest rates.

Commissioner Barwick read the Fire Department and Police Department Reports for October. He reported 1,824 dispatched calls; 1,855 911 calls; 4,626 non-emergency calls; and 279 ambulance calls for the month of October.

Commissioner Stoecklin read the Water Department report since the last meeting. He reported the new water tower went up live this month. The top of the tower was painted last weekend and the project should be finished soon. He announced several activities happening soon, including Very Merry Marion activities.

Commissioner Webb reported the Street Department continues cleaning the ditch on Court Street running south. He reminded everyone Fall Clean Up ends this week. He said the crews have been putting up Christmas decorations and getting plow trucks ready for snow. He said the Street Department employees helped the Cemetery employees trim around the flat markers for Veterans Day. The Cemetery Department had 16 burials in October.

MISCELLANEOUS

Chief of Staff Cody Moake announced the crew from the ice rink manufacturer will be training City crews on installing the ice rink this week. He said it will take three to four days to install and will have five inches of real ice when completed. Cody said the goal this week is to open bookings to skate next Monday and Black Friday will be the first day to skate.

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CLOSED/EXECUTIVE SESSION

6:43 PM

Mayor Absher made a motion to go into executive session to discuss a property matter (5 ILCS 120/2(c)(6)). Commissioner Stoecklin seconded the motion.

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

8:05 P.M.

Commissioner Webb made a motion to adjourn the Executive Session and resume the Regular Meeting. Commissioner Barwick seconded the motion.

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

The regular session of the council meeting reconvened at 8:10 P.M.

ECONOMIC DEVELOPMENT AND MUNICIPAL PLANNING

Mayor Absher announced the Council will address agenda items 8F, 8G and 8H. He reminded the audience the City contracted with a company to potentially auction the Sugar Creek Lake property. The auction had to be delayed due to some issues that come up with some of the parcels. Mayor Absher stated the sale of the Lake property is controversial for some and there is some misinformation being circulated about it. He said agenda items 8F, 8G and 8H are housekeeping items that need addressed before the property can be sold. Mayor Absher asked Economic Development and Municipal Planning Director Glenn Clarida to give a brief history and timeline of the proposed Sugar Creek Lake project. Mayor Absher said the city is interested in Glenn's advice and opinion on where this project stands.

Glenn said Marion's water woes began in the early to mid-1980's and this project has been a 35-to-40-year project. Marion's 200-acre lake was not furnishing enough water for an expanding town. The city attempted to get water from Crab Orchard Lake and Devil's Kitchen Lake and were turned down by both. In November 1987, the city lake had 30 to 40 days of water supply left. During this time, there was a change in the Rend Lake Conservancy District Board which gave the city another option for a water supply. There were some private developers trying to build a lake at Sugar Creek and they asked the city to take over the project. Around 1987 or 1988 the City began purchasing property and had most of it bought by 1991 or 1992. The city received a permit to build the lake from the Army Corps of Engineers after doing an environmental assessment survey. The Sierra Club filed a suit against the city in federal court. The court overturned the permit stating the city needed an environmental impact statement. After the environmental impact statement was completed, the Army Corps of Engineering issued a second permit, and the City began building the lake by clearing 650 acres. The Sierra Club filed an appeal with the 7th Circuit in Chicago. The court overturned the permit stating modifications were needed to the environmental impact statement. The city applied for a third permit with the Army Corps of Engineers. The permit request was denied by Army Corps of Engineers legal counsel. By 2007 or 2008, the city was buying water from Rend Lake. Glenn said if the city had built the lake, the cost would have been \$36 to \$38 million. That cost would have been spread over the 7,500 water customers. This would have been tremendously high water bills for the customers. He explained if the city had continued to use the old City Lake, Marion would have been put on restricted status which would have disallowed any watermain extensions. He said this would have killed any growth in Marion. He said it would cost approximately \$50 to \$60 million today to build the lake and a new water plant. That cost

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would be spread over 8,500 customers. He noted the Army Corps of Engineers has not issued a permit to build a reservoir in the last 22 years and the chances of getting one issued are slim. Glenn said with the current customer base, the city cannot afford to build the lake, dam, water plant and infrastructure that would be required. He said the water rates would be prohibitive. He sees no reason for the City to keep the lake property to try to build the lake. He said Rend Lake has turned down the City twice in our attempt to sell them the property. He strongly recommends the city go ahead and sell the land as proposed.

Mayor Absher asked for Glenn's opinion on the proposed City Lake. Glenn stated it was a blessing in disguise the 7th Circuit of Appeals turned the City down because of the cost of the project and effect on water bills.

Commissioner Patton asked for clarification that today it would be cost prohibitive for the city to tackle the project because the customer base is not large enough to pay off the debt. Glenn said only Rend Lake has the customer base to support that.

Mayor Absher asked about alternative sources the city could use in the case of a crisis. Glenn said Lake of Egypt has some reserve capacity and Devil's Kitchen Lake. He said these options have not been discussed, but they are possibilities. Glenn said to build the lake would cause the citizens to have water bills that no one could afford to pay.

Commissioner Patton asked about the likelihood of receiving grants or low-interest loans to help fund the construction of the lake. Glenn said the city would be placing a dam in a natural free flowing stream and that activates the environmentalists which creates opposition to the project. Anytime there is opposition, that affects the likelihood of receiving grant funding.

Commissioner Webb asked about the environmental impact statement and endangered species. Glenn said the lamprey that was found is endangered in Illinois.

Commissioner Patton stated that while we had received a permit from the Army Corps of Engineers to build the lake, we also needed a permit from IDNR to build the dam. Glenn said the city had received both. Commissioner Patton commented on a letter found by Mayor Absher written by Mayor Butler telling IDNR the City would not be renewing the permit for the dam.

Commissioner Barwick commented the city truly had an emergency in the 1980's and was denied the permit to build the lake. In 2022, there is no emergency so getting a permit is not going to happen. Glenn said the Sierra Club said the city did not have an emergency because water was being purchased from Rend Lake.

Mayor Absher said if the city could build a lake and it cost \$50 million, the minimum water bills would at least double.

Glenn said a new water plant would have to be built at the lake and infrastructure to get the water to customers would cost approximately \$1 million per mile for materials to build. That does not include labor cost. The lake is 11 miles from town. Glenn confirmed there are cheaper options for water in an emergency than building a lake. Commissioner Patton said the lake property is an asset that is not doing anything for the City, and we don't need to have it.

Mayor Absher called on City Attorney Wendy Cunningham to walk through agenda items 8F, 8G and 8H.

Wendy told the Council the City must have a title policy on the land. The city had decided to try and sell the land as a single piece per the advice of the realtor. The realtor thought this might bring the best return for the city. Wendy said there were plus or minus 80 parcels of property

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purchased that had to be reviewed. Most of the contracts had similar agreements, but a few had some very specific language that created somewhat of an issue the City is trying to resolve so there will be clear title without issue for potential future buyers of the land.

At the time the City originally purchased land from Edward and Margaret Simonds, there was a special provision in their contract that stated if the lake was not built in ten years, they had the right to fully rescind the contract. If they exercised this right, they would get their property back and the City would get their money back. The Simonds' wanted to see the lake built, but since it is not going to be built, they would like to have their property back. Wendy said the Simonds' hit the ten-year mark in 1999.

Commissioner Patton made a motion to approve Ordinance 3846 directing the sale of surplus property to Edward and Margaret Simonds. Commissioner Webb seconded the motion.

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

Mayor Absher stated agenda items 8G and 8H are related. He asked Wendy to walk the Council through those items.

Wendy told the Council the City purchased property from Helen and Leon Cast and Samuel and Sue Baker Cast. They purchased 224.5 acres total from the Cast Family. There was special language in the contract that stated they were selling the land to the City; however, they were given a privilege to farm the property until the lake was built. They have been farming the land for the last thirty plus years. They want to retain the land they have been farming. The original deed with Helen and Leon Cast specifically states they were only selling the land below the 504-contour line to the city. It has come to the City's attention there is 7.698 acres above the 504 that is not inaccessible since the lake will not be built. This land is not contemplated under the original deed. Since the lake is not going to be built, the 7.698 acres needs to go back to the Cast Family. The city has been in dispute with the family over the farming privileges. According to Wendy the City is trying to clear the title to the land and avoid litigation. Wendy said there is a new survey that will be done, and the Cast Family has agreed to pay for it. The survey could potentially add ten more acres to the agreement the Council has reviewed. Wendy explained the title company has said the rights to farm the land must be terminated to get clean title insurance to the property due to the fear of future litigation. The city would be selling them approximately 30 acres. Wendy explained agenda item 8G is for the resolution of the land. This where the City agrees to the land the Cast's will receive in exchange for them acknowledging and agreeing that any other rights of access to farm any other areas not contemplated by this agreement are terminated. The current Cast family and any future heirs would not have claim to the property. This will clear title for insurability of the property. This resolution will be filed with the deed and has been reviewed by the title company.

Commissioner Stoecklin made a motion to approve agreement for the resolution of land with Samuel L. Cast and his heirs. 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 Ordinance 3847 directing the sale of surplus property to Samuel L. Cast. 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 Webb made a motion to adjourn the meeting. Commissioner Stoecklin seconded the motion.

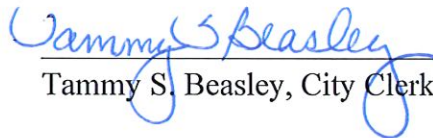
ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Meeting Adjourned at 9:00 P.M.



Michael W. Absher, Mayor

ATTEST:



Tammy S. Beasley, City Clerk