

May 8, 2023

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
MAYOR ABSHER
ABSENT: COMMISSIONER STOECKLIN

Brian Ziegler led the Pledge of Allegiance.

PUBLIC COMMENTS

Commissioner Webb told the Council he was given a fundraiser announcement. Mayor Absher asked Marion resident Carmen Adeoye to tell the Council and audience about the upcoming fundraiser. Carmen reported Connect 360 is having their second annual Black and Gold Motown Party on June 3, 2023, from six to ten p.m. at the Pavilion. Tickets are \$40 each or \$200 for a table of six. The event will be catered by Smokin' K's Bar B Q and there will be a cash bar. There will be a band playing Motown music and a silent auction. Carmen invited the public to donate silent auction items.

Mayor Absher told the Council and audience he wanted to address something that happened over the weekend. He said there was an incident that happened at the Library regarding a comic book giveaway that is completely unacceptable. He said it has consumed his entire day trying to figure out what happened, and he still has not been able to talk to everyone he wants to because they were unavailable to him. He believes it was a colossal mistake made by someone. He said he is embarrassed and mortified and angry. He said he is not going to make a decision until the Library Board has had a chance to weigh in on the incident. He apologized to the Council and citizens of Marion. He said this will never happen again and much more care needs to be taken before these types of materials are distributed by the Library.

PUBLIC COMMENT FOR ALLOCATION OF ENERGY TRANSITION COMMUNITY GRANT

Mayor Absher said agenda item 4 is for the city to present a grant opportunity and for the public to comment on it. He introduced Business Development Director Jennifer Olson.

Jennifer explained the Illinois Department of Commerce and Economic Opportunity (DCEO) has a grant opportunity available for communities that have experienced or will experience the closure or reduced operation of a fossil fuel or nuclear plant or mine. Jennifer explained the city would use the grant funds for new directional signage for the downtown area. This signage would include information and event signs; parking signs; traffic calming/bike route signs; and directional signs for assets such as city facilities.

Mayor Absher said that one common complaint/concern is regarding parking issues. He explained the city has 710 parking spaces within a two-block radius of the clock tower. This is close to the same amount of parking spaces Walmart has in their parking lot. They have approximately eight hundred parking spaces. He said that part of the grant has provisions for signage to help highlight parking opportunities. He said that Jennifer presented a parking app for

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city consideration; however, it does not integrate with apple or google products and is very expensive.

Jennifer explained the city is applying for this grant based on a thirty percent decrease in employees at SIPC. She said she would like to hear comments from the public up through May 24, 2023 which is one week from the May 31, 2023 application deadline.

CONSENT AGENDA

Mayor's Chief of Staff Cody Moake told the Council Consent Agenda item B3 had a change. He said the custodian position at the Boyton Street Community Center was budgeted at \$16.50 per hour not \$13.50 per hour. He said this is to be a thirty hour per week position with benefits. Commissioner Barwick asked if this hire is replacing someone. Cody told the Council there was a full-time custodian at the Boyton Street Community Center who resigned due to health issues. That position was unfilled but was staffed by a temp service for last six to eight months. The individual being hired was the individual working for the temp service. Cody said some hours have been reallocated for this position to be thirty hours per week.

Commissioner Barwick made a motion to approve the consent agenda as presented.
Commissioner Webb seconded the motion.

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

NEW BUSINESS

STREET DEPARTMENT

Commissioner Webb explained the engineering agreement with Horner & Shifrin for the annual street resurfacing program is for design and construction engineering for the asphalt overlay program. The total amount of the agreement is \$75,000. Engineer Brian Ziegler said this is an annual program and is much larger this year than in past years. Street Department Superintendent Doug Phillips told the Council the paving is expected to start in July and will run for fifty-nine days.

Commissioner Webb made a motion to approve an engineering agreement with Horner & Shifrin for the annual street resurfacing program. Commissioner Patton seconded the motion.

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

PUBLIC WORKS DEPARTMENT

Public Works Superintendent Brent Cain told the Council he requested bids for a new tractor to use in the application of biosolids from the wastewater treatment plant. He said they received three bids as follows:

M & S Implement Company, Inc	\$119,200.00
Sydenstricker Nobbe Partners	\$131,053.79
H & R Agri-Power	\$133,000.00

Brent said they requested bids for a tractor that is a little larger than the one they are currently using, a 2005 model. He said the tractors that were bid should handle what they need. He plans to keep the 2005 tractor so that both tractors can be used to spread the biosolids on pastureland for local farmers. This will complete the process faster and help to prevent storage issues since

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storage space is limited at the wastewater plant. Taking the biosolids to the landfill is the last option due to costs involved. He recommended the Council approve the low bid of \$119,200 from M & S Implement Company, Inc.

Commissioner Patton made a motion to approve the low bid of \$119,200 from M & S Implement Company, Inc. for a New Holland tractor for biosolids application, a budgeted item. Commissioner Webb seconded the motion.

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

POLICE DEPARTMENT

Chief Fitts told the Council he received multiple vehicle bids for the vehicle being purchased out of the Drug Fund. This bid being voted on tonight was \$11,000 less than the others received. He said the vehicle is ready to be picked up if the purchase is approved tonight.

Commissioner Barwick made a motion to approve the recommendation of Chief Fitts and Commissioner Barwick to purchase a vehicle, a budgeted item, out of the Drug Fund in the amount of \$39,186.26, Commissioner Webb seconded the motion.

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

Commissioner Barwick told the Council the heating and air system at the Police Department is a very specialized commercial unit having two modules which control the system. One of the modules has not been working and is affecting the temperature on the west side of the building. HSG Mechanical brought in manufacturer reps from St. Louis to diagnose the problem with the system. HSG has recommended both modules be replaced at a cost of \$79,950 with a ten-year warranty on both. Chief Fitts explained he called five different local companies first and three indicated they could not repair the system. The system manufacturer, Daikin, told him HSG Mechanical is trained to work on this type of equipment.

Mayor Absher explained the city has been setting aside funds for capital repairs. The city did not specifically set aside funds for the Police Department, however, there are unallocated funds that can be used. Mayor Absher recommends the repairs be paid from the capital fund.

Commissioner Barwick made a motion to approve the replacement of two VRF modules for from HSG Mechanical option number two for \$79,950. Commissioner Patton seconded the motion.

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

ECONOMIC DEVELOPMENT AND MUNICIPAL PLANNING

Mayor Absher told the Council there are some decisions to be made regarding the Residential TIF I Rehab Grant program. He called Chief of Staff Cody Moake to the podium to explain.

Cody said the intent was to provide the grants to homeowners for owner occupied properties or for renters to apply on behalf of landlords with their permission. Cody explained he has received eleven applications from rental management companies that total approximately \$50,000. All applications are for single family homes that need improvement. Cody asked the Council for guidance on what to do with the applications submitted by the rental management companies. He

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said all the applications meet the criteria but could be considered a commercial enterprise. He said he wants to do what is fair for all parties involved.

Commissioner Patton stated his opinion is that the money should be reserved for homeowners, and he thinks the intent was that the money was set aside for homeowners. Commissioner Barwick agreed with Commissioner Patton. Commissioner Webb also agreed. Cody said the city could always enter into TIF agreements with the rental management companies to rehab the properties in question. Cody said the agenda item before the Council is to approve the list of applicants for grant funds. He recommended they all be approved since the applications included the required materials.

Mayor Absher asked the Commissioners if they would be opposed to creating a separate program for landlords and rental companies to rehab properties. They were not opposed to creating a new program.

Mayor Absher made a motion to approve Residential TIF I Residential Rehab Grants. Commissioner Patton seconded the motion.

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

Commissioner Webb made a motion to approve Ordinance 3883 a Residential TIF I Redevelopment Agreement with Mr. JECC, LLC for 700 North Harper. Commissioner Patton seconded the motion.

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

Commissioner Barwick noticed discrepancies in the amounts listed in the TIF I Redevelopment Agreement with Yellow Door Builders, LLC. Mayor's Chief of Staff Cody Moake indicated the correct amount should be \$43,000.

Commissioner Barwick made a motion to approve Ordinance 3884 a Residential TIF I Redevelopment Agreement with Yellow Door Builders, LLC for 1014 South Buchanan with the stated corrections. Commissioner Webb seconded the motion.

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

Economic Development and Municipal Planning Director Glenn Clarida said \$480,000 of the Sioux Drive and Campground Road Improvement project is funded by a DRA grant. The city pays the costs first and the developer reimburses the city. The remaining project costs not covered by the grant will be paid by the developer. The project is for a city street built to city specifications and includes water and sewer connections for the campground area. The road will eventually connect with Skyline Drive. Glenn indicated it is a two-phase project.

Commissioner Barwick made a motion to approve the bid for the Sioux Drive and Campground Road Improvements. Commissioner Webb seconded the motion.

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

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PUBLIC AFFAIRS

Mayor Absher told the Council there have been some issues with the hotel operators' occupation tax. This was brought to the city's attention by one of the hotels. Chief of Staff Cody Moake said the city has been aware of this issue for a while. He explained the issue is that the city has been reliant on one of the audit companies that is doing some contingency audits to make sure all remitters are paying what they should be paying. This was discovered in their findings a year and a half ago and they were asked to correct the issue. They have not done that. One of the local remitters brought the issue to the city's attention and City Attorney Wendy Cunningham researched the issue. Cody explained there are two taxes that make up the total tax charged on a hotel or vacation rental stay in Marion. There is the bed tax and the hotel operators' occupation tax. They are six percent and three percent, respectively. The bed tax is collected by every entity. The travel companies such as Travelocity and Expedia only recognize the bed tax. They do not recognize the hotel operators' occupation tax, or the three percent tax. They think that tax should be collected at the time of service from the customer. This ordinance fixes that loophole and forces the travel companies to collect the full amount of tax on behalf of the hotel and allows the city to enforce that if they do not. Cody told the Council the city has been collecting the six percent from the travel companies but has been missing out on the additional three percent.

Mayor Absher made a motion to approve Ordinance 3882 amending the City Code relating to Hotel Operators' Occupation Tax. Commissioner Webb seconded the motion.

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

Mayor Absher made a motion to approve Ordinance 3885 amending the City Code regarding taxation on bed and breakfasts and vacation rentals. Commissioner Barwick seconded the motion.

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

Mayor Absher explained the city received Illinois Transportation Enhancement Program funds along with STU funds which amounts to plus or minus three million dollars in grants to complete the streetscape improvements and paving around the Square. He explained part of the funding is to replace a water line that is old and under sized. Engineer Brian Ziegler explained the city will pay for a portion of the project including design and construction engineering. The water line replacement was already bid. This will replace water line around the square and one block off the square in all four directions. The other work will be bid through the state due to the work being grant being funded and will be part of the August letting. If the bid is awarded, the water line contractor will be able to order materials and get started so they can be finished for the paving work to begin next spring. Brian explained the engineering agreement with Horner & Shifrin in Agenda Item 10 C includes construction engineering on the water line project.

Mayor Absher made a motion to approve a construction engineering agreement with Horner & Shifrin for the downtown ITEP project. Commissioner Webb seconded the motion.

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

Mayor Absher stated there was only one bid received for the water main replacement project on the Square and that was from Wiggs Construction out of Benton, Illinois for \$969,700. This bid was \$250,000 over the estimate and amount budgeted for the project. If it is approved, the

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remaining cost over the budgeted amount will be paid from the Hub TIF. Engineer Brian Ziegler told the Council the project cost estimate was six to eight months old. He does not think the city would get a better bid at this point unless the project is changed. Brian said he hopes the contractor will be able to start on the water main in late summer or early fall. It will depend on how long it takes to get materials needed for the project.

Mayor Absher made a motion to approve the bid for the replacement of the water main on the Square, part of the Downtown Streetscape Improvement Project. Commissioner Patton seconded the motion.

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

Mayor Absher told the Council the Civic Center sign has failed, is obsolete and replacement parts are not available to fix it. The city has budgeted to replace the Civic Center sign and to purchase signs for Club 60 and Market Street Hall. A sign is being donated to the Boyton Street Community Center. The city requested bids and proposals for signs and received bids from Shawnee LED, Liberty Signs and THam Signs. Mayor Absher explained base bids were for 10 MM signs which are lower resolution signs. Mayor Absher recommended the Council approve the bid from Shawnee LED for the larger 6 MM sign at the Civic Center and smaller 6 MM signs for Club 60 and Market Street Hall. The Shawnee bid includes a pole cover and bollards that were not included in the other bids. He indicated this bid does not include running electrical service to the signs. Bids will be obtained for that.

Mayor Absher made a motion to approve the bid of \$126,997 from Shawnee LED to install Digital LED Message Boards at Market Street Hall, Marion Senior Citizens, and replacement of the sign at Marion Cultural & Civic Center. The bid includes pole covers and bollards. Commissioner Barwick seconded the motion.

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

COMMISSIONER REPORTS

Commissioner Webb reported the Street Department has been working on a drainage project on Prairie and Eisenhower Streets. They have been repairing sidewalks on Everett Street. They have been working on drainage on Monroe and Stockton Streets and have been ditching on Carter Street. He announced Spring Clean Up is officially over. He reported the Cemetery Department has been mowing and had fourteen burials in April.

Commissioner Patton reported the Treasurer's office has closed out fiscal year 2023 and has started working on fiscal year 2024.

Commissioner Barwick reported three new Firefighters were sworn in earlier this week. He read April reports for the Fire Department, Police Department, Narcotics Unit and Detective Unit. He reported 2,257 dispatched calls; 2,274 911 calls; 3,157 non-emergency calls and 295 ambulance calls in April.

Commissioner Stoecklin was absent.

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MISCELLANEOUS

There were no miscellaneous items to come before Council this evening.

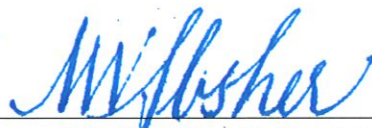
CLOSED/EXECUTIVE SESSION

Mayor Absher asked if any of the Commissioners had a need for Executive Session this evening. Hearing none, Mayor Absher asked for a motion to adjourn the meeting.

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

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

Meeting Adjourned at 7:10 P.M.



Michael W. Absher, Mayor

ATTEST:



Tammy S. Beasley, City Clerk