

MINUTES OF A REGULAR CITY OF MARION COUNCIL MEETING AUGUST 8, 2011

The Regular Meeting of the Marion City Council was called to order August 8, 2011 at 6:30 P.M. by Mayor Butler. The City Clerk was advised to call the roll. Those present were:
Commissioners Rix, Rinella, Goss, and Patton and Mayor Butler.

Brian Fisher, Safety Director, reported that at the last Regular Council meeting, approval was given for the purchase of safety cans and cabinets. Since the cans and safety cabinets came in under budget, there is still grant money available in the safety budget. Brian asked the Council for approval to purchase a light tower from United Rentals at a cost of \$8,615.75 that will be used by every department and could have been used a few weeks ago at the Boyton Street incident. The light tower will be stored at the Fire Department. Commissioner Patton moved to purchase the light tower at a cost of \$8,615.75 with Commissioner Goss seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Ed Davis spoke to the Council concerning the upcoming Veterans on Parade which will be Saturday September 10, 2011 at 11:00 a.m. Mr. Davis stated that he and three other Veterans had been instrumental in getting this parade started 6 years ago. One of those veterans passed away two months ago, Joe Loomis. Mr. Davis asked that Mr. Loomis be recognized for all the support he had given over the years to the Veterans Parade. This parade is strictly a "Veterans" parade. The Parade has been growing each year. You can't be in the parade unless you are a veteran or a member of a marching band. Politicians can be in the parade if they are veterans. The Parade Committee is not asking the City for financial support this year, only help with the insurance coverage. The Fire and Police Departments have been great. Mayor Butler told Mr. Davis that he was glad he mentioned Mr. Loomis, as he was a very civic minded individual to whom this parade held a lot of meaning.

John Clarida, Police Dispatch Sergeant, talked to the Council about the networking agreement with Clearwave and the recurring costs. After some discussion, it was decided to table the agreement until a meeting could be set up with Clearwave to get a clearer understanding of the costs.

Mayor Butler recognized Marcus Commander, who wants to get 2 Taxi Cab Licenses. Mayor Butler told Mr. Commander that the Council feels that an individual should not be denied the right to purchase the Taxi Cab Licenses. Mayor Butler stated that the City currently has 16 Taxi Cab Licenses that have been purchased by two different cab companies; with one picking up 12 and the other 4, yet only 3 or 5 cabs are in operation within the city. The current cab licenses are issued the first of July. Nothing can be done with those 16 licenses. However, Mayor Butler had drawn up a tentative plan. "No individual, firm or corporation or entity shall engage in the Taxi Business of transporting passengers for hire without first obtaining from the City a license for each motor vehicle used in such business. No such license shall be issued except for a specific motor vehicle to be used for the transportation of passengers for hire. Those licenses heretofore issued shall be classified as Class 1. All licenses issued after the date of this Ordinance shall be Class 2 licenses. There are hereby classified 12 Class 2 licenses. There is hereby imposed an annual license fee of \$100.00 to be paid at the time an application for a taxi license is made. After the initial license fee is paid all fees are due and payable the first day of July of each year.

All licenses must be renewed annually the first day of July.” Mayor Butler said what this is for is to protect the licenses that have already been issued. There is not anything that can be done with those licenses at this time. But what this will do is set up additional licenses which can be issued and they will not affect the legality of the licenses now in effect. Mayor Butler said he had shared his ideas on what should be done with the taxi licenses. He asked the other Council members for their ideas. Mayor Butler asked the other Council Members if they wanted to limit the number of taxi cab licenses or do they want to have what ever number of licenses the market will bear. If a new cab company comes to town will all three companies make money or will they all go under. Mr. Commander said that he is just asking for an opportunity to be in business. If his business sinks or swims, either way, the Council would not lose any money. Commissioner Patton thought that if any of the cab companies purchase a taxi license, it should be tied to a specific vehicle. Commissioner Patton asked “At renewal time do the Class 2 licenses revert back to a Class 1 license or will they always be a Class 2 with a \$100.00 fee?” Mayor Butler replied they will always be a Class 2 with a \$100.00 fee unless the Council decides to raise the fee. Commissioner Goss thought that was well said and he agreed with the proposal. Mayor Butler said this would be presented after the Council has had a chance to read over the Ordinance. Mayor said two things are to be considered. One is the service to the residents of the community, the other is the operator of the cab. Commissioner Goss asked if perhaps there could be a periodical inspection of the taxi cabs? Mayor Butler suggested perhaps also background checks on the operators and drivers. Possibly the new ordinance will be enacted in two weeks.

City Administrator Gail West and Human Resources consultant Jane Kidwell presented the Employee Handbook summary of policies that need to be incorporated into the Employee Handbook that are required by the Department of Labor and the Department of Justice. Commissioner Rinella had a question on the wording on Page 22 of the handbook about substitution of time off, the paragraph says “the city requires”. Commissioner Rinella said the Federal Regulation says “may require”. Mayor Butler replied, the City can put “shall” in their wording. Gail explained that Attorney Huffman had said he will come to a meeting to explain any or all of the Employee Handbook to the Council members. Gail told the Council that the two sheets that were handed out showed that the changes that were made were required by either the Department of Labor, Department of Justice or Americans with Disabilities Act where laws have changed. Jane told the Council there is a bill before Congress that if passed, will require that all persons going on FMLA will always be paid. Jane told the Council that under the ADA revised statutes, the employer has to grant the employee extended time off when the employee’s FMLA and sick time have expired as long as it does not cause undue hardship to the employer. Jane said whether the wording is changed to read “may or shall” is a moot point if the ADA bill passes. Commissioner Goss had a question on Section 1-19 and 20 on pages 11 and 12, 2nd paragraph. Commissioner Goss said if an employee is aware of harassment, the Commissioner of that Department should be contacted and if the Commissioner is not available, the Human Resources Director or City Administrator should be contacted. After much discussion on the Handbook, it was decided that Attorney John Huffman should come to a meeting to explain the changes in the Employee Handbook, so that the Handbook can be approved and passed out to employees. Commissioner Rinella asked why the City goes to another attorney when the City already employs a City Attorney. Mayor Butler told him that Attorney Huffman is a premier

labor attorney and labor relations is how he makes his living not taking anything away from Attorney Green. Attorney Green agreed with Mayor Butler.

Glenn Clarida announced last Wednesday that bids were opened for the Commercial Drive extension that starts at Bainbridge Trail and goes east to the existing Commercial Drive. The State of Illinois wants to close the Skyline Drive intersection at Rt. 13 for about two weeks. The State said if the City would finish the Commercial Drive extension to use as a bypass the State would pay \$50,000.00 toward the construction costs. Therefore plans were drawn up and approved for the extension and the bid information was sent out. E.T. Simonds was low bidder at \$123,126.21, approximately \$4,800.00 below the engineer's estimate. Perry County Construction came in second at \$128,586.00. George Jones was high at \$145,395.50. Glenn's recommendation is to award the bid to E.T. Simonds. The funds for this project were set up in the budget at the start of the year. With the \$50,000.00 from the state, the City will get the connector road for approximately \$73,000.00. Commissioner Goss moved to accept the recommendation of Glenn Clarida to accept the bid of E.T. Simonds at \$123,126.71. Commissioner Patton seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Rinella moved that the Council approve the loan payment for the Illinois Environmental Protection Agency Loan of \$12,188.56 due October 15, 2011. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

After discussion on the request to extend Print Avenue from Union Street to Jefferson with one-way traffic from Jefferson Street going south toward Union, it was decided to table the request for further information regarding the one-way traffic.

Commissioner Patton recommended to postpone any discussion on the Wastewater treatment plant bids.

Commissioner Patton opened bids for the demolition of two houses.

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| 1900 Pickett Lane - | Bids | Terra Pro | \$4,000.00 |
| | | Jeff Herring | \$2,800.00 |
| | | Neat Cut | \$3,000.00 |

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| 316 Bentley Street - | Bids | Terra Pro | \$6,000.00 |
| | | Jeff Herring | \$3,000.00 |
| | | Neat Cut | \$3,800.00 |

Commissioner Patton made motion to approve Jeff Herring as low bidder for both houses pending review of the bids and insurance. Commissioner Rinella seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Ordinance 2372 – Approving the termination of the Marion Pavilion Tax Increment Financing District, a 20 year TIF having been in effect since 1991. Commissioner Rinella moved to accept Ordinance 2372 as presented with Commissioner Patton seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Goss made motion to approve the Professional Services Agreement for the First Amendment to Marion TIF VIII (Crisp Container) by and between Jacob and Klein, Ltd. and the Economic Development Corporation and the City of Marion. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS RIX, GOSS AND PATTON AND MAYOR BUTLER VOTED YES. COMMISSIONER RINELLA VOTED NO.

Ordinance 2371 – Approving the execution of the Professional Services Agreement for the First Amendment to Marion TIF VIII (Crisp Container) by and between Jacob & Klein, Ltd. and the Economic Development Corporation and the City of Marion.

Commissioner Rinella moved to accept Ordinance 2371 as presented with Commissioner Rix seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Mayor Butler announced there will be a Public Meeting for the proposed First Amendment to the Marion Golf/Residential TIF District (TIF VII) to be held on August 29, 2011 at 6:00 p.m. at the Marion City Hall, 1102 Tower Square, Marion, Illinois. An ad will be run in the newspaper also.

Commissioner Rix gave the July Police report with 69 traffic accidents
3 DUI's
198 ambulance calls
1313 Dispatched calls
843 911 calls

Commissioner Rix reported he had received several complaints of vehicles blocking sidewalks. If it continues, the Police will be asked to start issuing warning tickets for the violations.

Commissioner Rinella made motion to pay the monthly bills as funds become available. Commissioner Goss seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Rinella moved to pay the Consent Agenda of August 8, 2011 subject to funds availability. Commissioner Patton seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Rinella announced that last Thursday the EPA gave approval to start up the City of Marion water plant. Bill Johnston gave Jim Robb, lead operator, great praise. Bill had told Anthony that he had never seen the water plant as in tune as it is at this time. A lot of it had to do with Glenn's recommendation to raise the intake up at the City Lake. The water department is excited. Most people won't be able to tell a difference in the taste of the water. Larry Sanders of Rend Lake is elated with what Marion is doing to take the pressure off of Rend Lake. With this, the City of Marion is assuring the citizens of Marion that we have a water supply and can provide water for the citizens and businesses of Marion.

Commissioner Goss reported the Cemetery had \$2,900 in burials for the month of July and \$2,600 in lot sales.

8:00 p.m.

Commissioner Rinella moved to go into Executive Session to discuss a personnel issue and a real estate issue with Commissioner Rix seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

8:40 P.M.

Commissioner Rinella made motion to close the Executive Session and reconvene the Regular Meeting. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

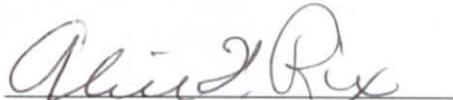
Commissioner Rix moved to adjourn the meeting with Commissioner Rinella seconding the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.



ROBERT L. BUTLER, MAYOR

ATTEST:


ALICE F. RIX, CITY CLERK