

CITY OF MARION – REGULAR MEETING

May 29, 2012

Minutes of a Regular Meeting of the City Council of the City of Marion held in the Council Chambers of the Marion City Hall May 29, 2012. Mayor Butler called the meeting to order at 6:30 P.M.

The City Clerk was instructed to call the roll and the response was as follows:

PHYSICALLY PRESENT: COMISSIONERS RIX, RINELLA, GOSS, PATTON AND
MAYOR BUTLER.
ABSENT: NONE

The minutes of the May 14, 2012 Regular Meeting were approved as corrected.

Mayor Butler announced that today May 29, 2012 is the 30th anniversary of the May 29th, 1982 tornado that tore a destructive path through Marion. The Daily Republican newspaper ran a nice spread of the pictures of the damage in today's paper. There were ten lives lost in the Marion tornado and many more were injured. Over \$60,000,000.00 in damages were incurred by businesses and homes. The National Guard protected areas most devastated to help keep looting at a minimum. The recovery from the storm helped to give Marion the impetus to be where we are today. Mayor Butler went on to say that having competent people working in all the city departments knowing what to do when a disaster strikes and all pulling together to get things cleaned up and back on track again are much more important than having a preparedness plan with all the details that one has to open to see what the next step will be.

Ordinance No. 3050 – An Ordinance to clarify limiting incentives to the Enterprise Zone (City of Marion). This is an ordinance that has to be passed by all the participating taxing bodies in Williamson County. The current enterprise zone was extended for 10 years and ends June 30, 2021. The property tax abatement incentive was changed to a five (5) year period ending June 30, 2016. This is not a change in the incentives. Commissioner Rix made a motion to approve Ordinance No. 3050 as presented. Commissioner Rinella seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Goss reported that the Street Department was asked to lay out a ball diamond for the Boyton Street Center and now it needs to be fenced. Terrace Fence gave a bid of \$12,107.00. Commissioner Goss made a motion to accept Terrace Fence's bid of \$12,107.00. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Treasurer Steve Hale stated that approval was needed for authorization for expansion of the Agreed Upon Procedures with Gray Hunter Stenn regarding the help with the investigation that is ongoing by the Marion Police Department. The initial agreement was for \$5,000.00 in fees, but with all the material that was generated, Treasurer Hale feels that the investigation will exceed that amount. At this time, it is unknown how many hours the investigation will take.

Commissioner *Rinella* made motion to extend the Agreed Upon Procedures to \$15,000.00. Commissioner Patton seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Mayor Butler read a letter signed by Fire Chief Jack Reed and Police Chief John Eibeck complementing Treasurer Steve Hale's alertness in finding the error in the pension funds of the Police and Fire Pension Boards. Both Pension Boards, Chief Reed and Chief Eibeck were very grateful and complimented Steve on his accuracy. The Brokerage firm had made the mistake by crediting a deposit to the wrong account.

Commissioner Goss made a motion to pay Community Economic Development Corporation \$80,454.82 for the periods 2006, 2007, 2008 and 2009 for Administrative services rendered for Marion TIF VII (Golf/Residential TIF). This amount was negotiated down from over \$100,000.00 and had been billed previously, but the City declined to pay the \$100,000.00 because of lack of information. Commissioner Rinella seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Ordinances 3051, 3052 and 3053 were tabled until more information is available.

Resolution 2012-10 – A Resolution approving and authorizing a Letter of Agreement between the U.S. Army Corps of Engineers and The City of Marion and authorizing and directing Mayor Butler to sign and execute on behalf of the City with the City Clerk of the City of Marion attesting such execution. The Letter of Agreement is in regards to the expansion of Rt. 13 from Russell Street east to Rt. 37. Widening of Rt. 13 to six lanes creates the need for additional Right-of-Way. IDOT is needing Right-of-Way before they can advertise for bids, so the Letter of Agreement pertains to the Right-of-Way in front of the Army Reserve which at this time still has not been deeded over to the City of Marion, thus the need for the Letter of Agreement so that the Army Reserve can give a ROW easement insuring that IDOT can proceed with the plans of the expansion of Rt. 13.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

A letter from Kathy Crane of Crab Orchard and Egyptian Railroad stated the CO & E is applying for a \$68,000.00 DRA grant to repair their railroad bridges. The FRA will be doing railroad bridge inspections next year. If any of the bridges fail the inspection, the bridge or bridges will be shut down which would in turn effectively shut down the railroad until the bridge or bridges are repaired, which would have a negative impact on most if not all of CO & E's customers. In order to apply for the grant CO & E needs to come up with 10 percent in matching funds so they are asking the City of Marion to help either with rock, equipment or cash. Commissioner Rinella asked if the Co & E had ever submitted for grants to improve the crossings within the City of Marion, such as crossings on Old Creal Springs Rd, Gray Street, and East Main Street. Mayor Butler stated that Hugh Crane had submitted and received several grants over the years, among them a grant to fix the crossing on North Market. The Council would like to have Co & E to improve other crossings in town so that the crossings are not so rough. Commissioner Goss made a motion to help Crab Orchard and Egyptian Railroad with the ten percent matching funds. Commissioner Rinella seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Goss made a motion to approve the purchase of a diagnostic computer, cost not to exceed \$10,000.00, for the Street Department Mechanics. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Rinella made a 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 stated he wished to table the Consent Agenda dated May 29, 2012 until further information is available.

Treasurer Steve Hale asked the Council to approve the bid from Fifth/Third Bank to loan \$195,000.00 at a rate of 1.79% for three years for the purchase of the new police cars and the Fire Chief's vehicle. Bank of Marion bid 3.06% for three years and Old National's bid was between Fifth/Third and Bank of Marion. Commissioner Rinella made motion to approve the three year bid of 1.79% with \$200.00 commitment fee from Fifth/Third. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

7:15 P.M. Executive Session

Commissioner Rinella made a motion to go into Executive Session to discuss some contracts pertaining to Real Estate. Commissioner Patton seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

9:00 P.M.

Commissioner Rix made motion to adjourn Executive Session and resume Regular Meeting. Commissioner Goss seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Patton made motion to approve the Clearwave Agreement subject to changes in the amount of notification time to thirty (30) days and a penalty of \$10,000.00 for any time Clearwave goes ahead without giving appropriate notification and getting easement permission. Commissioner Rix seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

Commissioner Rinella made motion to advertise for sale the lot discussed in Executive Session. Glenn Clarida will provide a copy of the plat and description of the lot. Commissioner Patton seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.

9: 15 P.M

Commissioner Rix made motion to continue the meeting to Monday June 4, 2012. Commissioner Goss seconded the motion.

ON ROLL CALL VOTE ALL COUNCIL MEMBERS VOTED YES.



Robert L. Butler, Mayor

ATTEST:



Alice F. Rix, City Clerk