

MARION COMMON COUNCIL MEETING – January 8, 2024

Mayor Aaron Schoen called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Present: Jill Grogan, Wanda Tucker, Harry Faehling, Chris Goke, Neal Westemeier

Absent: Joe Larson

Others Present: Sara Tischauser (Marion Advertiser), Casey Beyersdorf (Waupaca County Highway Commissioner), Lee Much (Waupaca County District 5 Supervisor), David Mattes, Chief Kevin Schultz, LeAnn Hopp, Dean Bezek, Attorney Shane VanderWaal, Quinn Tolan (ReMax Northwind's Realty), Jamie Dewhurst, Kiel Hermes

Appearing remotely: Dan Herzberg (Graef)

m/s/c Westemeier/Tucker to approve the agenda.

m/s/c Faehling/Westemeier to deviate from the order of agenda if necessary.

m/s/c Goke/Faehling to approve the minutes from December 11th.

m/s/c Westemeier/Tucker to approve the Committee of the Whole minutes from January 2, 2024.

Acknowledgement of Citizens/Open Forum: The citizens present will speak under specific line items.

Communications/Petitions/Correspondence: A 2024 cost/benefit analysis from the Waupaca County Development Corporation was in the packet.

Standing Committee Reports:

Personnel:

City Finance: Goke reported they met December 11th and reviewed the bills, bank statements and financial reports and found them to be in order. m/s/c Goke/Westemeier to approve the December 11th Finance minutes.

Public Protection:

Community Properties:

Water & Sewer:

Streets & Highways:

Board Reports:

ADA Compliance:

Ambulance: The November meeting information and minutes were in the packet.

Northern Waupaca County Joint Municipal Court:

Board of Health:

City Plan Commission: The January 3rd Plan Commission minutes were in the packet.

Library Board:

Marion Fire Department Town Advisory Committee:

Utility Board: The January 3rd minutes were in the packet.

Zoning Board of Appeals:

Department Reports:

Clerk-Treasurer: Rogers reviewed the monthly report that was on the table.

Fire: The 2023 yearly report/summary was in the packet.

Library: The monthly report and calendar were in the packet and reviewed by Hopp. Hopp reported a "Meet your Community Helpers" event will happen in February; they would like the mayor, council, and/or city departments to participate; Schrieber will contact everyone.

Police: Written report was in the packet. Schultz reported on a drug overdose last week; Narcan was administered; the subject was taken to jail for possession of meth/fentanyl; an investigation is underway as to

the source of the drugs. Schultz also reported they will be enforcing the overnight parking ban with the upcoming snowstorm.

Street: No written report was in the packet. Mattes reported they applied salt at various locations in preparation for the 6-8" of snow predicted for tomorrow.

Water & Sewer: Written report was in the packet.

Miscellaneous Reports:

Mayor's Report:

Marion Pond Association:

New Business:

- a. Resolution 2024-01 – Discontinue Curb-side Brush Pick-up Service: Jamie Dewhurst said her father wants the service to continue. Dean Bezek asked why this service is being discontinued. The mayor explained the chipper & truck used for pick-up are nearing end-of-life and need to be replaced. A replacement chipper is approx. \$55,000. Mayor Schoen estimated only 5% of the residents use the service; the cost of keeping the service outweighs the need. Bezek stated the current equipment is paid for, equipment repairs can be made, and the guys are getting paid regardless, so let them do it. Dewhurst asked if burning brush will be allowed; only 3' x 3' x 3' campfires are allowed. Residents can take their brush to the city garage. Brief discussions on storm clean-up, a tub grinder, renting a chipper and using a dump truck. m/s/c roll Goke/Tucker to approve Resolution 2024-01 discontinuing curb-side brush pick-up service and waive the reading; voting nay was Westemeier.
- b. Library HVAC Quotes: Item is in the Capital Improvement Plan for this year. m/s/c uroll Goke/Grogan to approve the purchase order from Precision Heating and Cooling for HVAC units at the library for \$30,106.91 (funded by borrowing).
- c. Approval of the 2024 Fire Department Officers: Presented for approval were Department Officers: Fire Chief Joe Stuhr, President Jeff Haas, Vice President Greg Dey, Sgt. at Arms Briar Polzin, Sec/Treas Scott Zillmer, Engineer Harry Faehling, Training Officers Matt Westphal & Greg Dey. Also presented were Line Officers: Chief Joe Stuhr, Assistant Chief #1 Jeff Haas, Assistant Chief #2 Scott Zillmer, Captain #1 Matt Westphal, Captain #2 Lee Robenhagen, Lieutenant #1 Harry Faehling, Lieutenant #2 open. m/s/c Westemeier/Grogan to approve the 2024 Marion Fire Department Officers as presented; Faehling abstained.
- d. Conditional Use Permit – Private Campground in the Conservancy District – 925 US HWY 45 – Jeffrey Seeger & Eric Deschler: A public hearing was held by Plan Commission on January 3rd; no comments were received, and the Commission recommended approval. m/s/c Goke/Faehling to approve the conditional use permit for a private campground in the Conservancy District at 925 US HWY 45, Jeffrey Seeger & Eric Deschler, owners.
- e. Goal Posts: Nothing new.
- f. Plat/Certified Survey Map – Gerbig/Kussman: Herzberg provided a modified drawing to reflect the discussion at the Committee of the Whole meeting. It includes a 6 ft. future use area off the property line and a 66 ft. road right-of-way easement. The surveyor can use the drawing to modify the plat. The plat doesn't need to be recorded until a future buyer needs the roadway. The new drawing will be what is used to continue land sales.
- g. Potential Land Sales: Nothing pending.
- h. West Ramsdell Street Project:
 1. Manhole Covers: Casey Beyersdorf, Waupaca County Highway Commissioner, spoke on concerns about the overage of blacktop and manhole adjustments on W. Ramsdell Street. He provided photos, a summary of invoices, information on repair costs (initially provided by Graef), an email regarding the final punch list and details on project costs. He stated there was little to no neglect in prepping the gravel underneath, but it does seem like there was neglect in the overall height of the asphalt. The contract between the Waupaca County Highway

Department and the city states that any contracted work with DeGroot for water and sewer was the sole responsibility of the city. The rest of the project is shared 50/50 between the city and county. Total project cost is approx. \$1.1 million. DeGroot came back and dropped the manholes two days prior to paving after a visual inspection by John Bork; Beyersdorf is looking into if anyone checked if it would be a correct adjustment. Beyersdorf would like everything to settle through a frost/heave cycle before they come back and adjust the manholes. Beyersdorf estimated \$13,000 in overage of blacktop opposed to the \$24,000 - \$32,000 estimated by Graef. The county also paid 50% of the curb, gutter, sidewalks, landscaping, and extra storm sewer. Lee Much expressed concern over the communications between the city and county; he doesn't think the county was told what they did wrong per the contract. Informal discussions between the city staff, city engineer, and county staff were made after the manhole issue was discovered. Mayor Schoen said the city is just starting to investigate who was responsible for setting the elevations, manhole heights, what went wrong, and the cost involved. Everyone agrees the manhole covers aren't right. The county put temporary patch over the manholes for the winter. Talks with the county will continue.

Waupaca County Invoice –Deferred to closed session.

Approval of Payments:

a. Clerk-Treasurer, Fire Department, Library, Police Department, Senior Center, Street Department, Payroll Vouchers and Utility Vouchers: The Finance Committee reviewed the bills prior to the meeting and found them to be in order. Copies of the check register were on the table. Invoices total \$234,300.26 m/s/c uroll Tucker/Westemeier to approve the payments as presented.

Treasurer's Report:

a. Approval of the Treasurer's Report and Money Transfers: \$50,000.00 was transferred on December 8th from the General Fund Money Market account to the Pooled Cash account to cover 2 payrolls. \$57,414.00 was transferred on December 12th from the General Fund Money Market account to the Pooled Cash account to pay monthly bills. \$77,168.00 was transferred on December 21st from the General Fund Money Market account to the Pooled Cash account to pay off the 2022 Capital Improvement loan in full. \$154,195.00 was transferred on December 26th from the General Fund Money Market account to the Pooled Cash account to make an extra principal payment. m/s/c uroll Goke/Westemeier to approve the treasurer's report and money transfers as presented.

Announcements: Meeting Dates:

1. 1/17/24- 4:30 p.m. – Personnel
2. 2/5/24 – 5:00 p.m. – Committee of the Whole
3. 2/7/24 – 4:00 p.m. – Utility Board
4. 2/12/24 – 5:00 p.m. – Finance
5. 2/12/24 – 6:00 p.m. – Common Council
6. Calendar Other Meeting Dates and Times

Closed Session: m/s/c uroll Goke/Grogan to move into closed session per 19.85 (1) (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (land sales) **and** 19.85 (1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (manhole repairs). Time: 6:36 p.m. Attending: Mayor Schoen, Goke, Grogan, Tucker, Faehling, Westemeier, Attorney VanderWaal, Mattes, Tolan (left at 6:44 p.m.), Rogers, Herzberg.

Opens Session: m/s/c Westemeier/Tucker to move back into open session. Time: 7:17 p.m.

m/s/c uroll Faehling/Westemeier to pay the current invoice to Waupaca County in the amount of \$192,080.73.

Adjournment: m/s/c Westemeier/Faehling to adjourn. Time: 7:18 p.m.

Mary S. Rogers
Clerk-Treasurer