

MARION COMMON COUNCIL MEETING – December 13, 2021

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

*Present:* Jill Grogan, Chris Goke, Wanda Tucker (via phone), Richard Workman, Sr., Ken Williamson, Neal Westemeier

*Others Present:* David Mattes, Chief Kevin Schultz, Le Ann Hopp, John Bork (MCO), Attorney Shane VanderWaal, Steven & Theresa Pockat, Officer Eric Krause, Dan Herzberg (GRAEF), Sara Tischauser (Marion Advertiser)

m/s/c Williamson/Grogan to approve the agenda.

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

m/s/c Goke/Westemeier to approve the council public hearing meeting minutes from November 8, 2021.

m/s/c Workman/Goke to approve the Council meeting minutes from November 15, 2021

m/s/c Goke/Westemeier to approve the Committee of the Whole meeting minutes from December 6, 2021

**Acknowledgement of Citizens/Open Forum:** None.

**Communications/Petitions/Correspondence:** Emailed to members as received.

**Standing Committee Reports:**

Personnel:

Public Protection:

Community Properties:

City Finance:

Water & Sewer:

Streets & Highways:

**Board Reports:**

ADA Compliance:

Ambulance:

Board of Health:

City Plan Commission: Minutes from the November 15<sup>th</sup> public hearings and meeting were in the packet.

Library Board:

Marion Fire Department Town Advisory Committee:

Utility Board: December 8<sup>th</sup> minutes were in the packet.

Zoning Board of Appeals:

**Department Reports:**

Clerk-Treasurer: No written report provided. Tax collections have started.

Fire: November report was in the packet.

Library: Monthly report was in the packet. Hopp reviewed her monthly report and activities. Circulation was up a bit. Bake sale and membership drive were very successful. Digital sign replacement is progressing. Staff busy doing online training. DIY activities continue. Did a collection for Goodfellows. Seasons Reading with Santa was not as well attended as prior years. Closed next Friday and the following Friday for the holidays.

Police: Written report was in the packet.

Street: Written report was in the packet. Mattes reported on the latest snowstorm; no major breakdowns.

Water & Sewer: Written report was in the packet. Bork reported he is busy digging out fire hydrants and repairing curb stops that were damaged with the plowing. Brief discussion on who is responsible for clearing out the hydrants; Bork has always made sure they're clear. Attorney VanderWaal stated the city can have it's

own ordinances regarding snow and ice removal, but state statutes state the city is ultimately responsible for making sure everything is clear after 3 weeks.

### **Miscellaneous Reports:**

Mayor's Report

Marion Pond Association:

### **New Business:**

- a. Ordinance 2021-005: Water & Sewer Utility Board: Series of errors in 1999 led to the Utility Board being left out of our ordinances during recodification. The 1999 ordinance repealed the Water and Sewer Commission and replaced it with the Utility Board. This ordinance officially re-creates what council wanted in 1999 in forming the Utility Board as just a recommending body; any contracts or agreements will need to be approved by council. m/s/c uroll Goke/Workman to approve Ordinance 2021-005 Water & Sewer Utility Board and to waive the reading.
- b. Ordinance 2021-006: Rezoning 1250 E. Prospect Avenue: Would change the property from Commercial to Residential. Plan Commission held the public hearing on November 15<sup>th</sup> and recommended approval. Is in agreement with our Comprehensive Plan. m/s/c uroll Goke/Grogan to approve Ordinance 2021-006 rezoning 1250 E. Prospect Avenue (from B-2 Highway Commercial District to R-1 Single Family Residential District) and to waive the reading.
- c. Ordinance 2021-007: Rezoning Mavis Road Parcels: 6 parcels that were set aside as residential still show as Manufacturing on the map. One home was built 17 years ago; another may go up this spring. Plan Commission held the public hearing on November 15<sup>th</sup> and recommend approval. Is in agreement with our Comprehensive Plan. m/s/c uroll Goke/Westemeier to approve Ordinance 2021-007 (rezoning six Mavis Road Parcels from from Manufacturing District to R-2 Single Family Residential District) and waive the reading.
- d. Resolution 2021-15: Adopting the 2022 Water and Sewer Budgets: Utility Board held the public hearing on December 8<sup>th</sup> and recommended approval. m/s/c uroll Williamson/Workman to adopt Resolution 2021-15 (2022 Water and Sewer budgets) and waive the reading.
- e. Resolution 2021-16: 2021 Budget Amendments: Annual amendments. Are to account for the Fire Department checkbook and donations. m/s/c uroll Williamson/Workman to approve Resolution 2021-16 (2021 Budget Amendments) and waive the reading.
- f. Mayoral Proclamation – Fair Housing Month: Declares January as Fair Housing month. Part of the CDBG\_CLOSE grant requirements. m/s/c Williamson/Workman to endorse the Mayors Declaration of January 2022 as Fair Housing month.
- g. GRAEF Agreement – Amendment No. 21 – Misc. Engineering Services: Terms and conditions are being reviewed. Carry to next month.
- h. Election Inspector Listing – January 1, 2022 to December 31, 2023: One inspector appointment was made with party nomination. Rest are unaffiliated. m/s/c Williamson/Workman to approve the Election Inspector Listing as presented.
- i. K-9 Agreement: The attorney is reviewing and incorporating requested changes from the Committee of the Whole. Discussion on comp time verses overtime for the ½ hour daily care and maintenance of the dog. m/s/c Williamson to approve the k-9 agreement contingent upon attorney review and the changes; no second. Officer Krause would prefer ½ hr. straight comp time daily to be banked until he chooses to use it instead of having to take it at the end of each shift. Discussion on vacation, training and holiday time and how that would work. Dog is ready to be picked-up. Krause currently works 7 days out of 14; 12 hour shifts. Council wishes to eliminate the overtime. Discussion on back-filling shifts; may have to use part-timers to cover 168 hours if Krause comps the time; Chief Schultz would have to decide if he wants the shifts covered or left open. Discussion on a set-fee instead; 182.5 hours could be paid monthly, quarterly or annually through payroll.

Krause would then be scheduled to work 1 hour less each day. Attorney VanderWaal would like to take time to take a closer look at FLSA. Could create a "Specialist" position and pay a stipend. Would save OT. Pay quarterly stipend. Schedule Krause for 11 hours days. Krause would like permission to pick-up the dog; classes start in January. The K-9 program is approved. Need an invoice from the kennel. m/s/c uroll Goke/Williamson that, after attorney review, they approve the k-9 agreement with the stipulation that Officer Krause is paid a stipend for 182.5 straight hours for the annual care & maintenance of the k-9 paid quarterly along with other changes discussed at the Committee of the Whole.

**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 \$166,925.05. m/s/c uroll Goke/Westemeier to approve the payments as presented.

**Treasurer's Report:**

a. Approval of the Treasurer's Report and Money Transfers: \$31,678 was transferred from the general fund debt service account to the pooled cash account on November 10<sup>th</sup> to make the W. Garfield Avenue loan payment. \$255,218 was transferred from the pooled cash account to the city money market account on November 16<sup>th</sup> to move the November Shared Revenue amount (less the monthly bill amount). m/s/c uroll Goke/Grogan to approve the treasurer's report and money transfers as presented.

**Announcements: Meeting Dates:**

1. 1/4/22 – 4:30 p.m. – Committee of the Whole - *Canceled*
2. 1/5/22 – 4:00 p.m. – Utility Board
3. 1/10/22 – 4:30 p.m. – Finance – *changed to 5:00 p.m.*
4. 1/10/22 – 6:00 p.m. – Common Council
5. Calendar Other Meeting Dates and Times

**CLOSED SESSION:** n/a

**OPEN SESSION:** n/a

**ADJOURNMENT:** m/s/c Westemeier/Workman to adjourn. Time: 6:40 p.m.

Mary S. Rogers  
Clerk-Treasurer