

MARION COMMON COUNCIL MEETING – July 12, 2021

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

Present: Jill Grogan, Chris Goke, Richard Workman Sr., Ken Williamson, Neal Westemeier

Absent: Wanda Tucker

Others Present: Sara Tischauser (Marion Advertiser), David Mattes, Chief Kevin Schultz, Dan Herzberg (Graef), Le Ann Hopp, Attorney Aaron Damrau, Joe Quance (via phone @ 6: 51 p.m.)

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

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

m/s/c Goke/Westemeier to approve the council open & closed session and public hearing minutes from June 14th.

Acknowledgement of Citizens/Open Forum: None.

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

Standing Committee Reports:

Personnel:

Public Protection:

Community Properties:

City Finance: Goke reported on the June 14th meeting. They reviewed the monthly bills, bank statements and financial reports and found everything in order. m/s/c Westemeier/Williamson to approve the Finance meeting minutes from June 14th.

Water & Sewer:

Streets & Highways:

Board Reports:

ADA Compliance:

Ambulance:

Board of Health:

City Plan Commission:

Joint Review Board:

Library Board:

Marion Fire Department Town Advisory Committee:

Utility Board: Minutes from July 7th were in the packet.

Zoning Board of Appeals:

Department Reports:

Clerk-Treasurer: Monthly report was in the packet.

Fire: No report.

Library: Monthly report & calendar were in the packet. Hopp reported circulation went up in June. Next week is the final week of the summer reading program. The Waupaca County K-9 unit gave a presentation. DYI activities continue. Back to full staff with 2 part-timers and 1 almost full-timer. Playgroup resumes the last week in July. Waiting on a quote for the digital sign; the DOT has approved.

Police: Written report was in the packets. Schultz reported Officer Krause has been out on sick leave since June 23rd; he may be out 6 weeks after surgery on August 6th. The Spillman report system was installed last weekend and is working well. K-9 fundraiser raffle tickets will be on sale for Family Night Out. Dispatch service with Waupaca County is going well.

Street: Written report was in the packets. Mattes reported they will be painting streets this week. Weed harvesting may start next week; pondweeds aren't too bad. Goke thanked Mattes and his crew for painting the grand stand and surrounding buildings; turned out really well.

Water & Sewer: Written report was in the packets.

Miscellaneous Reports:

Mayor's Report: No report.

Marion Pond Association: No report.

New Business:

- a. Resolution 2021-09: Marion Meisters Extension of Park Hours: m/s/c Goke/Williamson to approve Resolution 2021-09 Marion Meisters extension of park hours (on August 6th) and waive the reading.
- b. Approval of the 2020 Audit Reports and Financial Statements: Draft was on the table. Finance met with the auditor earlier tonight and everything is in good shape. m/s/c uroll Goke/Westemeier to approve the draft financial statements and audit reports. Rogers will inform council of any updates or changes once reviewed.
- c. Raze Order 112 E. Garfield Avenue: The building inspector spoke to the potential buyer (Joe Quance) earlier today. Quance will put together an updated estimate based upon the discussion. The building inspector recommends the commercial interior be finished right away, including the bathroom install; Quance would like to wait on the commercial portion until after he has it rented and "build-to-suit". Quance needs a conditional use permit to make an apartment on the on the first floor (set back 20 ft. from the front). The building inspector recommended holding 20% of the estimated repair costs in escrow instead of \$10,000. Quance would need some type of parking agreement in place, or to purchase an adjacent vacant lot for parking. A definite time frame should be established. The building inspector said it's up to the city to decide how to proceed, but once a raze order is lifted it's hard to re-issue. Citations have been issued to Fuss. Fuss is unlikely to tear the building down on his own; the city will have to expend legal fees, and \$40-\$50,000 in demolition costs. If allowed to be repaired, it would be an investment in the community, create needed housing and bring in more tax revenue. The city's main concern is the building is unsightly and uninhabitable; priority would be to get a roof and siding.
Mayor Schoen called Quance at 6:51 p.m. He is still interested as long as council thinks a conditional use for the 1st floor apartment will get approved; the agreement can be contingent upon a conditional use being granted, parking being secured and a delay finishing of the commercial portion. Council is on board with trying to make this happen. Quance is meeting with Fuss tomorrow and should be able to close on the property quickly. The outside would be finished this fall; the interior would be done over winter with completion around April of next year. The city attorney will draft an agreement based upon this discussion for the August 9th meeting. The raze order could then be lifted, building permits issued and the conditional use process started.
- d. City Attorney Resignation: Attorney Damrau accepted a position with the State and will be done July 16th. m/s/c Goke/Westemeier to officially accept the resignation of Aaron Damrau as City Attorney effective July 16th.
- e. Potential Hiring of New City Attorney: Deferred to closed session.
- f. Request for Proposal – Engineering, Grant Writing/Administration – 2023 W. Ramsdell/County Road S Project: The Utility Board recommended keeping GRAEF since the project planning is already underway and the grant application needs to be filed soon. Council had made a previous motion to put the services to bid. Water & Sewer have a larger portion of the project than does Street. Deferred to closed session.

- g. Amended Offer to Purchase – 2.23 Acres off Gerbig Road K & S Landscaping: Original offer was 2 acres. Survey came in at 2.23 acres. Set to close on July 19th. The amendment can happen with the closing. m/s/c uroll Goke/Workman to authorize the Mayor to sign the amended sales agreement for the 2.23 acres off of Gerbig Road to K & S Landscaping.
- h. Crop Lease Update/Revisions – Richard Degener, Lessee: Recent land sales totaling over 8 acres will result in a rent adjustment and reimbursement for lost crops. Degener was unable to provide a dollar amount for the lost crops and asked this be carried to the next agenda.
- i. Potential Property Acquisition – 420 Mavis Road: Deferred to closed session.

Approval of Payments:

a. Clerk-Treasurer, Fire Department, Library, Police Department, Senior Center, Street Department, Payroll Vouchers and Utility Vouchers: Finance 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 \$129,093.67. m/s/c uroll Workman/Goke to approve the payments as presented.

Treasurer's Report:

a. Approval of the Treasurer's Report and Money Transfers: \$76,230 transferred on June 15th from the city money market account to pooled cash to pay monthly bills. m/s/c uroll Westemeier/Workman to approve the treasurer's report and money transfers as presented.

Announcements: Meeting Dates:

1. 7/26/21 – 4:30 p.m. – Plan Commission
2. 8/2/21 – 4:30 p.m. – Committee of the Whole
3. 8/4/21 – 4:00 p.m. – Utility Board
4. 8/9/21 – 4:30 p.m. – Finance
5. 8/9/21 – 6:00 p.m. – Common Council
6. Calendar Other Meeting Dates and Times

18. CLOSED SESSION: m/s/c uroll Goke/Westemeier to move into closed session according to ss 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 (raze order); **and** ss 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (City Attorney and/or City Engineer); **and** ss 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 Sale/Acquisition). Time: 6:41 p.m.

OPEN SESSION: m/s/c Workman/Grogan to return to open session. Time 7:29 p.m.

m/s/c Grogan/Westemeier to extend an offer to the Dietrich VanderWaal Law Group (Shane VanderWaal) for city attorney; roll call: Workman – yes, Williamson – yes, Westemeier – yes, Grogan – yes, Goke – abstain.

m/s/c Goke/Workman to rescind the prior motion in regards to requesting proposals for the engineering services for the W. Ramsdell Street project.

m/s/c Goke/Westemeier to continue with GRAEF for engineering services for the W. Ramsdell Street project.

m/s/c Westemeier/Grogan to adjourn. Time: 7:31 p.m.

Mary S. Rogers
Clerk-Treasurer