

Meeting Notice & Agenda

MARION CITY COUNCIL

Monday, February 10, 2020 – 5 p.m.

Marion City Hall, 217 South Main Street, Marion, KY

Regular Meeting

Call to Order

Public Comments

Business Agenda

1. Approval of the Minutes of January 13, 2020 Council Meeting
2. Discussion on Code Enforcement and Planning Coordinator Position
3. Introduction and 1st Reading of Ordinance #20-01 entitled, "AN ORDINANCE AMENDING THE PAY PLAN FOR CLASSIFIED CITY EMPLOYEES AND NON-ELECTED OFFICIALS"
4. Consideration of Confirming Mayoral Appointments to the Marion Revolving Loan Fund Board
5. Consideration of Confirming Mayoral Appointments to the Marion Recreation, Tourist and Convention Commission
6. Introduction and 1st Reading of Ordinance #20-02 entitled, "AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AUTHORIZING AN INTERLOCAL RECIPROCITY AGREEMENT FOR EFFECTIVE COLLECTION OF OCCUPATIONAL LICENSE FEES AND TAXES"
7. Introduction and 1st Reading of Ordinance #20-03 entitled, "AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING TELECOMMUNICATION SERVICE ALONG AND UNDER PUBLIC RIGHT OF WAY WITHIN THE CITY OF MARION, KENTUCKY, FOR A TERM OF TEN (10) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER"
8. Introduction and 1st Reading of Ordinance #20-04 entitled, "AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT OF WAY WITHIN THE CITY OF MARION, KENTUCKY, FOR A TERM OF TEN (10) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO ONE PERCENT (1%) OF ITS REVENUES; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER"
9. Discussion on Leyland Avenue Drainage
10. Consideration of Identifying Items as Surplus and Approve Advertising for Sale
11. Mayor/Council/Staff Comments & Questions
12. Adjourn

To: Mayor and City Council
From: Adam Ledford, City Administrator
Re: Agenda Description
Date: February 10, 2020

Call to Order
Public Comments

Business Agenda

- I. Approval of Minutes 1/13/20 Council Meeting
Description:
A council member does not have to be present at the previous meeting in order to approve the minutes for that meeting. A copy of the minutes is included in your packet. The vote would require a motion and second to proceed to discussion and vote.

- II. Code Enforcement & Planning Position
Description:
The Council and Mayor are encouraged to move forward with resolving how to proceed. The Mayor will be presenting an idea that would incorporate the functions into a 6th police position focused on administrative activities. The new 6th position would provide ABC, Code/Planning, and Policing functions. Since the position would be responsible for ABC duties it would incorporate 50% of its expenses from the ABC fees.

- III. Intro & 1st Reading of New Pay Program Ordinance
Description:
If a plan is reached or the Mayor's proposal is approved this ordinance has been drafted to allow changes to be quickly incorporated into the organization. This version, in your packet, is preliminarily being offered would incorporate the 6th officer concept while increasing pay across the board for staff in that department by \$1.50/hour or \$3,120 annually. This will result in roughly another \$1,800 in benefits. The total would make the department competitive with surrounding regional departments. Assuming we are ready for this step, the Mayor will seek a sponsor for tonight's first reading, but no other action is required.

- IV. Revolving Loan Appointment
Description:
One seat remains open on the board. The Mayor makes the appointments subject to confirmation by the Council.

V. Tourism Appointments

Description:

A review of the appointment dates shows three more appointments for this board are due for reconsideration.

VI. 1st Reading of Local Governmental Agreement Ordinance

Description:

The ordinance authorizes the Mayor to sign an intergovernmental agreement with the County to share information surrounding occupational fees and taxes to make sure both parties can pool resources to keep the system more accurate. The Mayor will seek a sponsor for tonight's first reading, but no other action is required. A copy of the ordinance is in your packet.

VII. 1st Reading of Telecom Franchise Bidding

Description:

This ordinance would establish the parameters and bidding process for setting up the next decade's telecommunication agreement. The Mayor will seek a sponsor for tonight's first reading, but no other action is required. A copy of the ordinance is in your packet.

VIII. 1st Reading of Natural Gas Franchise Bidding

Description:

This ordinance would establish the parameters and bidding process for setting up the next decade's natural gas agreement. The Mayor will seek a sponsor for tonight's first reading, but no other action is required. A copy of the ordinance is in your packet.

IX. Discussion on Leyland Avenue Drainage

Description:

The Mayor and Council requested Eclipse Engineering to review the drainage issues occurring on Leyland Avenue and provide some suggestions. In your packet is a copy of the response provided. The City should know weight next step measures.

X. Items for Surplus and Advertising

Description:

The City must vote to identify items as surplus and offer said items publicly. The list being proposed are as follows:

- Lockers/Cabinets from Fire Truck
- Rear Gate Lift from Fire Truck
- 2003 Dodge Grand Caravan
- Roy Go Rebel 1-36 Roller
- Ford 3000 Diesel Tractor w/ side sickle mower
- 1983 Chevrolet Custom Deluxe

- 1997 Ford F250
- 1985 International 51600 Dump Truck
- Ford 8N Tractor

Reasonable minimum would be set for each item, along with a right to review any and all bids.

XI. Mayor/Council/Staff Forum

- This would be the time for any Council Member to share activities or issues going on at the liaison meetings they have attended.
- The 911 group was set to meet Friday afternoon before this meeting so an update will likely be offered.
- The City has filled the opening in the Maintenance Department.
- The Sewer Plant has passed another approval process with that State, but is still awaiting final go for bidding.
- Some Projects are on hold through the winter:
 - Paving – Planning some prework on Country/Industrial during Spring Break
 - Sidewalk

XII. Adjournment

**Meeting of the Marion City Council
Monday, January 13, 2020-5 p.m.**

The Marion City Council met in Regular Session January 13, 2020 at 5:00 p.m. with Mayor Jared Byford presiding. Council members present were; Darrin Tabor, Phyllis Sykes, Donnie Arflack, Dwight Sherer, D'Anna Browning, and Mike Byford. City employees in attendance were as follows: Adam Ledford, Layten Croft, Pam Enoch, Red Howton, and Chief Ray O'Neal. A public sign-in sheet is attached and made part of these minutes.

PUBLIC CONCERNS

Emily Shelby was present at the council to give thanks to the council for doing a superior job on getting the tree on her property taken down.

GENERAL GOVERNMENT

Motion was made by Mike Byford, seconded by Phyllis Sykes to approve the December 16, 2019 minutes with one correction; Councilman Arflack request to add, "An extra 5,000 dollars concerning the Fire Department Capital Purchase Request". All voted yes.

Ordinance 01-23 to "Change Zoning Status of 231 Bridwell Loop" was presented to the Council. Motion by Donnie Arflack, seconded by Phyllis Sykes to adopt said ordinance with the vote being as follows: Darrin Tabor yes, Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning yes, and Dwight Sherer yes. Motion carried.

The City Administrator gave the second reading of Ordinance #19-17 entitled, "An Ordinance Amending the Pay Plan for Classified City Employees and Non-Elected Officials". Motion by Phyllis Sykes, seconded by D'Anna Browning to adopt said ordinance with the vote being as follows: Darrin Tabor yes, Phyllis Sykes, yes, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning yes, and Mike Byford yes. Motion carried.

Motion was made by Donnie Arflack, seconded by Dwight Sherer to re-appoint Ray Agent and Paul Belt to the Marion Planning Commission Board. All voted yes.

Motion was made by Phyllis Sykes, seconded by Darrin Tabor to re-appoint; Derrick Myers, Terri Bunnell, James Johnson to the Marion Revolving Loan Fund Board. The Council also approved the appointment of Tanner Tabor (replacing Joe Yarbrough) and Wade Berry (replacing Gordon Guess) to the Marion Revolving Loan Fund. All voted yes.

Motion was made by Mike Byford, seconded by Darrin Tabor to appoint Jason Hatfield (replacing Lori Holeman), and Shellye Davidson, as a member of the Chamber of Commerce, to the Marion Tourism Commission Board. All voted yes.

The Mayor requested agenda item # 7 regarding appointment to the Equalization Board be scratched from the agenda this date.

OTHER BUSINESS

City Administrator Ledford reported about a sewer issue that occurred last Monday causing sewer damage to 3 - 4 homes owned by two different landlords. Mr. Ledford stated both the City's and Akins Insurance Companies had been notified and this incident is being investigated. Mr. Ledford advised no more information could be given out at the time.

Mr. Ledford advised the council on the open Planning & Zoning Coordinator position. Mr. Ledford explained in detail the full time and the proposed part time position. Mr. Ledford explained the duties of the code enforcement officer. He advised if the nuisance and abatement responsibilities were given to the patrolmen and a part time employee was hired it would add an approximate \$38,000 to the General Fund. After the explanation, Council man Tabor was against this, he said this would over load the officers and they were already under-paid.

OTHER BUSINES

Councilman Tabor requested more information on annexation. He stated a business owner outside the city limits had contacted him about being annexed to receive city benefits.

Councilwoman Sykes said she had received minutes from the Marion Tourism Board and would like to have minutes from every board.

Councilwoman Sykes had concerns with the Marion Park Board committee. Sykes advised the council the board was without a chairman and wasn't meeting regularly. Mayor said he was aware of the situation and checking into new appointments for the park board.

Councilwoman Sykes requested to know how businesses were reminded to get their business license. Treasurer Croft advised license renewals were mailed out in December and Delinquent notices in February.

Councilman Arflack thought at one time that someone was going to do the scheduling for the events at the City/County Park.

Councilman Arflack inquired about the streets getting paved this year.

Councilman Sherer said that he and Councilman Tabor attended the zoning meeting.

Councilwoman Browning suggested that whoever the janitorial service for the Tourism be asked to also do City Hall. Treasurer Croft advised it was Allison May.

Councilwoman Browning stated that Drug Coalition didn't have a lot of money and needed more revenue.

ADJOURNMENT

There being no further business to come before the council, meeting was adjourned at 6:02 p.m.

JARED BYFORD, MAYOR

ATTEST:

PAM ENOCH, CITY CLERK

**CITY OF MARION, KENTUCKY
ORDINANCE NO. 20-01**

**AN ORDINANCE AMENDING THE PAY PLAN FOR CLASSIFIED CITY
EMPLOYEES AND NON-ELECTED OFFICIALS**

WHEREAS, the City Council of the City of Marion, Kentucky, desires to amend the pay plan and set compensation for classified city employees and non-elected officials.

NOW, THEREFORE, BE IT ORDAINED BY THE MARION CITY COUNCIL:

Section One: That the pay plan attached hereto as EXHIBIT A shall govern the compensation of all classified city employees, including non-elected officials, full time employees, and employees in categories of employment other than full time, for services rendered on and after March 4, 2020, until amended by ordinance.

Section Two: All ordinances and parts thereof in conflict with this ordinance are hereby repealed to the extent of the conflict.

COUNCIL MEMBERS	YES	NO
Donald Arflack	_____	_____
Phyllis Sykes	_____	_____
Darrin Tabor	_____	_____
Michael Byford	_____	_____
Dwight Sherer	_____	_____
D'Anna Browning	_____	_____

It appearing that _____ Council Members voted for the adoption of this ordinance, and _____ voted against, with _____ abstaining, the Mayor declared the ordinance adopted.

INTRODUCED AND GIVEN FIRST READING: _____

GIVEN SECOND READING AND PASSED: _____

PUBLISHED IN THE CRITTENDEN PRESS: _____

JARED BYFORD, MAYOR

ATTEST: _____

PAM ENOCH, CITY CLERK

EXHIBIT A
CITY OF MARION - EMPLOYEE PAY PLAN (AMENDED)
March 4, 2020 - June 30, 2020

<u>Position</u>	<u>Current Pay</u>	<u>New Pay</u>	<u>\$ Increase</u>	<u>% Increase</u>
<i>City Hall</i>				
City Administrator	\$ 62,000	\$ 62,000	\$ -	0.0%
City Treasurer	36,000	36,000	-	0.0%
City Attorney	12,360	12,360	-	0.0%

<i>Planning & Zoning</i>				
Planning/Zoning Coordinator	\$ 28,858	\$ -	(28,858)	-100.0%

<i>Police & 911</i>				
Police Chief	\$ 45,080	\$ 48,200	3,120	6.9%
Assistant Chief	42,084	45,204	3,120	7.4%
Sergeant	40,915	44,035	3,120	7.6%
Senior Officer	39,101	42,221	3,120	8.0%
Officer	38,597	41,717	3,120	8.1%
911 Coordinator	29,768	29,768	-	0.0%
FT Dispatcher	27,509	27,509	-	0.0%

<i>Fire</i>				
Chief	\$ 3,018	\$ 3,018	-	0.0%
Assistant Chief	1,030	1,030	-	0.0%
Fire Fighters (23 total)	\$38.70 per run	\$38.70 per run		0%

<i>Water & Sewer</i>				
Utilities Director	\$ -	\$ -	-	0.0%
Maintenance Supervisor	\$ 40,110	\$ 40,110	-	0.0%
City Clerk	32,304	32,304	-	0.0%
Lead Operator (Wastewater)	43,671	43,671	-	0.0%
Lead Operator (Water)	39,696	39,696	-	0.0%
Operator (Wastewater)	36,421	36,421	-	0.0%
Foreman	-	-	-	0.0%
Operator (Water)	33,148	33,148	-	0.0%
Operator (Water)	33,148	33,148	-	0.0%
Equipment Operator	28,858	28,858	-	0.0%
Laborer (Wastewater)	23,518	23,518	-	0.0%
Meter Reader	23,518	23,518	-	0.0%
Distribution & Collection Certification Adjustment	1,250	-	-	0.0%
Operator (Water - Part Time)	\$16.87 per hour	\$16.87 per hour		0.0%

**INTERLOCAL RECIPROCITY AGREEMENT FOR EFFECTIVE COLLECTION OF
OCCUPATIONAL LICENSE FEES AND TAXES**

This agreement is by and between the County of Crittenden, in the Commonwealth of Kentucky hereinafter identified and referred to as the "County", and the City of Marion, hereinafter identified and referred to as "City".

WITNESSETH:

WHEREAS, the City and the County have established, required, levied, assessed and imposed, by ordinance, license fees and taxes on businesses, occupations, trades, professions and employments, pursuant to the authority of Section 181 of the Kentucky Constitution, KRS 67.083 and KRS Chapter 92 hereinafter identified and referred to as "occupational license fees and taxes; " and

WHEREAS, the City and the County recognize that it would be more efficient and economical for the administration and enforcement of their respective occupational license fee and tax ordinances and the collection of those fees and taxes to exchange information essential to the collection of the fees and taxes;

NOW THEREFORE, pursuant to the authority set forth in KRS 65.210 through KRS 65.300 and the mutual and reciprocal covenants hereof, the County and the City hereby agree as follows:

Section 1.0 Purpose

The purpose of the Interlocal Agreement is to authorize the exchange of information between the respective Treasurers of the City and County; said information being necessary in order to effect diligent enforcement of the occupational license fees and taxes of each entity.

If requested, the Treasurer of either entity shall make available to the Treasurer of the corresponding entity the following information:

- a) a list of any businesses operating within the jurisdiction of the City or County,
- b) the applications for business license on file,
- c) the identity of any person or business who is delinquent in payment of the occupational license fees or taxes; and
- d) any current contact information for any person or business who has applied for a business license.

Section 2.0 Confidentiality

Any information exchanged pursuant to this Agreement is protected under Section 11 of the County's Occupational Tax Ordinance and Section ____ of the City's Occupational Tax Ordinance.

Improper use or disclosure of the information exchanged will be punishable according to the penalties set forth in the County's Occupational Tax Ordinance and the City's Occupational Tax Ordinance.

Section 3.0 Effective Date

This Interlocal Reciprocity Agreement shall become effective upon the approval of the governing bodies of the City and County.

Section 4.0 Duration

This Interlocal Reciprocity Agreement shall continue in effect until the termination of same or by the operation of law.

IN WITNESS WHEREOF this agreement has been signed by the executive authorities of Crittenden County and City of Marion pursuant the authority, resolutions and ordinances of the legislative bodies thereof.

PERRY NEWCOM
CRITTENDEN COUNTY JUDGE EXECUTIVE

Witnessed this ____ day of December, 2019.

Crittenden County Clerk

JARED BYFORD, MAYOR
CITY OF MARION

Witnessed this ____ day of December, 2019.

City of Marion Clerk

ORDINANCE 20-03

AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT OF WAY WITHIN THE CITY OF MARION, KENTUCKY, FOR A TERM OF TEN (10) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO ONE PERCENT (1%) OF ITS REVENUES; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER.

WHEREAS, the existing natural gas franchise agreement between the City of Marion, Kentucky and Atmos Energy Corporation expires on April 18, 2020; and,

WHEREAS, the City has determined that it is in the best interest of its citizens to create and offer for sale a new natural gas franchise.

BE IT ORDAINED BY THE CITY OF MARION, KENTUCKY (hereinafter referred to as the "City") that the Mayor of the City, or such other person as the Mayor may designate, shall offer for sale, to the highest and best bidder, a non-exclusive franchise to enter upon, acquire, construct, operate, maintain and repair in the public right of way of the City, a gas distribution system within the corporate boundaries of the City, subject to the provisions of the Franchise Agreement attached hereto and incorporated herein by reference.

The Mayor, or such other person as the Mayor may designate, shall, as soon as practicable after passage of this Ordinance, offer for sale, under sealed public bids, the franchise and privileges created herein. Such bids shall be in writing and shall be delivered to the Mayor or his designee, at City Hall, Marion, Kentucky, by 4:00 p.m. on Monday, April 6, 2020 (the "Bid Deadline"). Advertisements for such bids shall be published in accordance with the requirements of KRS Chapter 424. All costs for such advertisements shall be borne by the successful Franchisee.

Sealed bids offered for the purchase of this franchise shall be publicly opened and read at 4:15 p.m. C.S.T. on Monday, April 6, 2020. All bids shall state the bidder's acceptance of the terms and provisions set forth in the attached franchise agreement.

The Mayor shall present all written bids to the City of Marion at its first meeting scheduled after the Bid Deadline for the City's consideration and approval. The City reserves the right to accept any bid, to reject any and all bids received, to waive any irregularities or informalities in awarding the franchise and to accept what, in its opinion, is the best responsive and responsible bid. In the event all bids are rejected, the City reserves the right to direct by resolution or ordinance that the franchise created hereunder be offered again for sale until a satisfactory bid is received and approved.

The franchise created by this ordinance shall become effective when the franchise agreement is signed by the successful bidder and the City.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the ____ day of _____, 2020.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this the ____ day of _____, 2020.

CITY OF MARION, KENTUCKY

By: _____

ATTEST:

February 4, 2020

Mr. Adam Ledford, City Administrator
City of Marion
217 South Main Street
Marion, Kentucky 42064

Re: Professional Engineering Services related to:
North Leland Ave. Drainage Conceptual Plan

Dear Mr. Ledford:

Eclipse Engineers, PLLC is pleased to offer the attached *North Leland Avenue Conceptual Drainage Plan*.

We are familiar with the current stormwater drainage path and the problems that exist near the lower corner of North Leland Ave. In order to improve the discussed drainage issues we recommend the following conceptual solution:

- A drop box inlet shall be installed in the marked location.
- An 18-inch pipe shall be used to convey water collected from the street to adjacent natural creek.
- The marked channel inlet at the lower end of the street shall be widened to allow water to drain more freely from the street.

This is not intended to serve as a design document and is only conceptual in nature. If a design is desired, we would be glad to assist and will notify the City of any significant changes recommend from concept to final design. We would like to thank you and the City of Marion for allowing us to assist in this important project.

Please do not hesitate to call if you have any questions.

Sincerely,
Eclipse Engineers, PLLC



Alan R. Robinson, P.E.
President

inlet discharging into the stream.

N Leland Ave

A drop box inlet will be installed in order to catch excess water and divert flow.

Leland Cr

