

MEETING NOTICE & AGENDA

# MARION CITY COUNCIL

Monday, November 19, 2018 – 6:00 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 October 15, 2018 Council Meeting
2. Discussion on Prioritization of Street Improvements
3. Introduction and 1<sup>st</sup> Reading of Ordinance #18-10, entitled, "An Ordinance Authorizing the Mayor to Execute a Lease with the Marion Tourism Commission."
4. Update on Annexation Discussion
5. Mayor/Council/Staff Comments & Questions
6. Adjourn

To: Mayor and City Council  
From: Adam Ledford, City Administrator  
Re: Agenda Description  
Date: November 19, 2018

Call to Order  
Public Comments

### **Business Agenda**

- I. Approval of Minutes for 10/15 Council Meeting  
Description:  
A council member does not have to be present at the previous meeting to approve the minutes for that meeting. A copy of the minutes is included in your packet. Approval will require a motion/second and vote of the council.
  
- II. Street Improvement Prioritization  
Description:  
I have included the list of streets in your packet again so we can resolve finalizing this list or at the very least the top 5 priorities. It is believed that the funds currently available will not be sufficient to complete the improvements through the list provided. It will be up to the council to decide if they wish to add or deviate from this list with consideration in mind of the limited financial resources we currently have available. It would be unwise to pre-determine our 2019 actions as conditions for streets will change in that time. I add, that this list is not only based on need, but use. Once the council agrees to our greatest need's list, we will start the bidding process for procuring the services.
  
- III. Frisbee Golf Lease Agreement Ordinance  
Description:  
Included in your packet is an ordinance authorizing and an agreement that would acknowledge the use of the property owned by the City currently used by Victory Gardens, Inc to include additional use for a period of set time for frisbee golf. The mayor will seek a sponsor/introduction from a council member. As an ordinance this will require 2 readings.
  
- IV. Discussion on Annexation  
Description:  
The council will receive a brief update on the status of the letters and initial responses received.

V. 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.
- I have been working with Chamber on next year's 2<sup>nd</sup> Annual Mystery Event.
- The staff will be working to prepare the office for Christmas season immediately following the Thanksgiving Day events.
- The recently awarded 911E grant has started to be processed. The project is expected to last until late spring/early summer.
- Bids are now in process for the sanitary sewer line improvement project.
- The auditor has been working to complete our annual audit and should be in attendance at our regular December meeting for his report.
- The city staff has completed action on Country Club Drive where an elevated driveway is eroding.
- Some form of an understanding will be ready for discussion at the December meeting associated with 911E services.

VIII. Adjournment

**Meeting of the Marion City Council  
October 15, 2018**

The Marion City Council met in regular session October 15, 2018 at 6:00 p.m. with Mayor Jared Byford presiding. Council members present were Phyllis Sykes, Darrin Tabor, Donnie Arflack, Dwight Sherer, D'Anna Browning, and Mike Byford. City employees in attendance were as follows: Adam Ledford, Melinda Gipson, Pam Enoch, Brian Thomas, Terri Hart, Ray O'Neal, and the city attorney. A public sign-in sheet is attached and made part of these minutes.

**PUBLIC COMMENTS**

Wayne and Susan Pritchard, residents on North Maple Street, were present at meeting concerning their water bill. Mr. Pritchard stated he had met with Mayor Jared Byford, and was trying to figure out why their bill was running over the minimum usage. He stated they had been gone two weeks on vacation and there was no way they used the water being charged. City Administrator Ledford indicated that the usage expressed by the Pritchard's was well below the average daily usage consistent with a home of two people. Mayor Byford asked Utility Director Thomas if the water meter could be change-out and the old one checked to make sure it was accurate. The utility director stated the meter would be change out as requested.

Bob Fox, a resident on East Depot Street, was present at meeting concerning a water issue in front of his house. Mr. Fox has experienced standing water on part of his property. Additionally, he stated the City had dug a 3-foot hole in July and the hole was still there. Based on the testing Mr. Fox had conducted, he expressed a belief that the water was either from the City's water system or the City's sewer system. Utility Director Thomas pointed at that the fluoride levels were more consistent with natural ground water testing the City had conducted in town than the levels found in their drinking water. Mr. Thomas further reported that the E. coli results were less than 10 percent of what could be expected from the sanitary sewer system again suggesting the water was from a natural local source. City Administrator Ledford said he would look into the situation surrounding the hole itself.

Residents from Oakhill Drive were in attendance pertaining to the condition of their road. Utility Director Thomas updated the council on actions which had taken place recently to improve the state of the street. City Administrator Ledford added that the street improvement list was before the council tonight for consideration, however, Oakhill Drive was not among the streets listed on the top ten in need. He further indicated the list required final council action to approve the targets the City would focus on with their limited time and resources.

**GENERAL GOVERNMENT**

Motion by D'Anna Browning, second by Phyllis Sykes to approve the minutes of September 17, 2018 minutes submitted to the council. All voted yes.

Leslie Barnes, Crittenden County Extension Representative, was present at the council meeting to provide information on a local project survey.

The council was provided a draft arrangement proposed between the City and County associated with joint 911E operational involvement along with the supporting ordinances required to enact the changes. It was indicated any process will likely take a few months to resolve.

The City of Marion Street Improvement Priority List was presented to the council. City Administrator Ledford expressed his opinion that the funds currently available would not be sufficient to complete even half the improvements on the list provided. He explained that the list was not only based on need, but use. Council member Donnie Arflack stated South Blackburn, Court Street where in need of attention and that Watson Street was one of the worst ones. Council member D'Anna Sallin said the City needed focus on top used street. Utility Director Thomas was asked to get figures on Oak Hill Drive. Once the council agrees to the City's greatest need's list a bidding process would begin for procuring the services.

An agreement was provided to the council that acknowledges the use of the property owned by the City currently used by Victory Gardens, Inc to include the additional use for a period of set time for Frisbee golf. The council discussed making term longer than 12 months, and talked about changing the agreement to an ordinance.

A map was included in the council packet for the areas the council have been discussing for annexation purposes along with a proposed letter from the Mayor gauging interest or comments from those owners within the likely area. It was indicated the letters would go out in early November and a report on the results would be shared during the December meeting.

#### **OTHER BUSINESS**

Council member Phyllis Sykes stated she hadn't been notified if the Crittenden County Park Board had met. She said the Marion Main Street and Marion Tourism hadn't met as well.

Council member Darrin Tabor thought legalizing alcohol sales could be alternative to help the City out of financial struggles. Council member Phyllis Sykes also suggested going wet, or legalizing some form of alcohol. City Administrator Ledford added that revenues generated from licensing and taxes on alcohol must be spent on public safety. Council member Tabor stated, as a real estate agent, people have never heard the term "dry" county. He said he lost sales to several out-of-town buyers with high incomes as a result of the policy.

Council member Donnie Arflack stated he had citizens questioning why some fire hydrants are covered up.

Council member Dwight Sherer asked when the leaf collection schedule would be going out. The utility director said he had met with Robbie Kirk, the jailer, and list will be ready by end of the month.

Council member Mike Byford said the crosswalk still not working.

**ADJOURNMENT**

There being no further business to come before the council, meeting was adjourned at 7:30 p.m.

\_\_\_\_\_  
JARED BYFORD, MAYOR

ATTEST:

\_\_\_\_\_  
PAM ENOCH, CITY CLERK

# City of Marion Street Improvement Priority List

1. Industrial Drive
2. Country Club Drive
3. South Weldon Street
4. West Elm Street
5. Court Street (Corner behind City Hall)
6. All of Yandell (South & North)
7. North Walker Street
8. South Blackburn Street
9. Hickory Hills Drive
10. East Mound Park

**CITY OF MARION, KENTUCKY**  
**ORDINANCE NO. 18- 10**

**AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AUTHORIZING  
THE MAYOR TO EXECUTE A LEASE WITH THE MARION TOURISM  
COMMISSION**

**BE IT ORDAINED** by the Council of the City of Marion, Kentucky that:

**SECTION 1.** That the City of Marion finds that the use of certain real property owned by the City located on Old Morganfield Road would be suitable for development for a disc golf course and such use would be beneficial for the general health and welfare of the residents of the City; and

**SECTION 2.** The Marion Tourism Commission has agreed to develop real property for the disc golf course. A Lease memorializing that agreement is attached hereto and the terms are incorporated herein by reference, and

**SECTION 3.** The Mayor of the City of Marion is authorized to execute said Lease on behalf of the City of Marion, Kentucky.

**SECTION 4. Effective Date.** This Order shall be in full force and effect upon its adoption. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

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

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

LEASE

This Lease dated October \_\_\_\_\_, 2018 between by and between

CITY OF MARION, KENTUCKY,  
A City of the Home Rule Class

LESSOR

and

CITY OF MARION, KENTUCKY  
TOURISM COMMISSION

LESSEE

WITNESSETH: That the Lessor, hereby lets and leases the Lessee, the premises situate in the City of Marion, County of Crittenden, and State of Kentucky, and described as follows:

That much of the real estate needed for the construction of a frisbee disc golf course of the approximately 40 acres located on Old Morganfield RoadThe office and being a part of the property conveyed to the City of Marion, Kentucky by Deed dated \_\_\_\_\_ and recorded in Deed Book \_\_\_\_\_, at Page \_\_\_\_\_. Crittenden County Court Clerk's Office.

With the appurtenances thereto, for the term of three (3) years commencing from the execution of this agreement, the consideration for said Lease is the construction, maintenance and management of said frisbee disc golf course. Lessee shall have the right to extend the term of this lease for two additional three year periods on the following conditions:

(1) Lessee shall notify landlord in writing of its election to extend for the first period on or before 180 days prior to the expiration of the term, as extended if applicable, of this lease;

(2) Lessee shall not, at the time of giving notice or at the commencement of the respective extended term, be in default hereunder beyond the expiration of the applicable cure period; and

(3) Each extended period shall be upon the same terms, covenants, and conditions of this lease except the monthly base rent shall be increased as agreed to by the parties.

Said Lessee agrees to commence construction of said course within a reasonable time, weather permitting, after execution of the agreement; to pay all utilities charged or assessed during said term against the occupant of said premises; to not commit or suffer waste; to not use said premises for any unlawful purpose; and at the expiration of this Lease, to surrender said premises in as good condition as it now is, or may be put by said Lessor, reasonable wear and unavoidable casualties excepted. Upon failure to construct, operate or maintain the course, and without demand made therefor, or upon the breach of any of the other agreements herein contained, the Lessor may terminate this Lease and re-enter and re-possess said premises. Any improvements made by the Lessee shall remain with the premises upon termination of this Lease.

Said Lessor agrees said Lessee having performed all his obligations under this Lease that said Lessee shall quietly hold and occupy said premises during said term without any hindrance or molestation by said Lessor, his heirs, or any person lawfully claiming under him or them.

NOTWITHSTANDING any other provision herein, in the event, in the sole and absolute discretion of the Lessor as expressed by its City Council, with 90 days written notice, this Lease may be terminated if the Lessor receives and accepts a bona fide third party offer to purchase the real estate.

The parties hereto acknowledge that there is an existing unrecorded Lease to a portion of the property to Victory Garden, Inc. Victory Gardens, Inc., joins in this Lease to subrogate its leasehold interest to the construction of the frisbee disc golf. However, this subrogation is granted providing that such use by the Lessee herein shall in no way interfere or disturb the use of the real estate now enjoyed by the Victory Garden, Inc.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

Signed in duplicate this \_\_\_\_\_ day of October, 2018.

LESSOR

ATTEST

\_\_\_\_\_  
CITY OF MARION, KENTUCKY  
BY: Jared Byford, Mayor  
LESSEE

\_\_\_\_\_  
PAM ENOCH, City Clerk

\_\_\_\_\_  
CITY OF MARION, KENTUCKY TOURISM COMMISSION  
BY: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Secretary,  
City of Marion, Kentucky Tourism Commission

Victory Garden, Inc.

\_\_\_\_\_  
Robbie Kirk, President

Attest:

\_\_\_\_\_  
Mindy Withrow, Secretary

STATE OF KENTUCKY  
COUNTY OF CRITTENDEN

The foregoing Lease was acknowledged before me this \_\_\_\_\_ day  
of October, 2018 by Jared Byford, Mayor and Pam Enoch, City Clerk.

\_\_\_\_\_  
NOTARY PUBLIC  
COMMISSION EXPIRES \_\_\_\_\_

STATE OF KENTUCKY  
COUNTY OF CRITTENDEN

The foregoing Lease was acknowledged before me this \_\_\_\_\_ day  
of October, 2018 by \_\_\_\_\_, Chairman and  
\_\_\_\_\_, Secretary.

\_\_\_\_\_  
NOTARY PUBLIC  
COMMISSION EXPIRES \_\_\_\_\_

STATE OF KENTUCKY  
COUNTY OF CRITTENDEN

The foregoing Lease was acknowledged before me this \_\_\_\_\_ day  
of October, 2018 by Robbie Kirk, President and Mindy Withrow,  
Secretary.

\_\_\_\_\_  
NOTARY PUBLIC  
COMMISSION EXPIRES \_\_\_\_\_

This Lease was prepared by Frazer & Massey, Attorneys at Law,  
200 South Main Street, P. O. Box 361, Marion, Kentucky on October  
15, 2018.

\_\_\_\_\_  
ROBERT B. FRAZER

**CITY OF MARION, KENTUCKY  
FINANCIAL STATEMENT  
November 2018**

	<u>Balance Oct 1</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance Nov 1</u>
General Fund	\$ 107,108.16	\$ 222,354.87	\$ 104,958.13	\$ 224,504.90
Municipal Aid Fund	\$ 139,211.25	\$ 5,909.79		\$ 145,121.04
LGEAF Mineral Severance	\$ 1,241.91	\$ 1,375.28		\$ 2,617.19
Operation & Maintenance Fund	\$ 22,410.14	\$ 83,991.10	\$ 86,941.82	\$ 19,459.42
Sewer Fund	\$ 4,455.44	\$ 47,393.01	\$ 51,668.55	\$ 179.90
*Consumer Deposits	\$ 7,281.35	\$ 650.07	\$ 784.24	\$ 7,147.18
Env. Assess. Building Fund	\$ 217,647.38	\$ 128,171.58	\$ 103,854.37	\$ 241,964.59
*1988 Sinking Fund	\$ 27,022.08	\$ 2,450.50		\$ 29,472.58
*1993 Sinking Fund	\$ 49,086.09	\$ 2,920.90		\$ 52,006.99
Waterline Sinking Fund	\$ 30,371.59	\$ 5,500.45	\$ 33,456.83	\$ 2,415.21
*1988/93 Reserve Fund	\$ 6,419.03	\$ 0.06		\$ 6,419.09
Sewer Project R & I	\$ 24,177.63	\$ 4,000.00	\$ 23,220.80	\$ 4,956.83
Police Drug & Alcohol	\$ 1,915.50	\$ 47.62	\$ 499.15	\$ 1,463.97
*Revolving Loan Fund	\$ 276,228.80	\$ 6,256.77		\$ 282,485.57
Rest. & Motel Acct.	\$ 6,076.84	\$ 36,032.27		\$ 42,109.11
Main Street Acct.	\$ -			\$ -

**INVESTMENTS**

General Fund-----	\$ 487,248.12
General Project Account-----	\$ 60,012.35
Insurance Fund (Street Dept. 9,593.67-----	\$ 9,593.67
Municipal Aid Fund-----	\$ 8,384.13
*Consumer Deposits-----	\$ 80,104.26
Operation & Maintenance Fund-----	\$ 30,000.00
1969 Replacement & Improvement Fund-----	\$ 170,370.85
1969 Reserve Fund-----	\$ 54,000.00
*1988 Reserve Fund-----	\$ 50,000.00
Police Equipment Fund-----	\$ 70.37

**LOANS**

1988 Loan-----	\$ 255,000.00
1993 Loan-----	\$ 374,000.00
Sewer Project-----	\$ 308,767.26
City Hall Lease-----	\$ 630,000.00
Land Lease-----	\$ 31,123.36
Main Street Waterline-----	\$ 931,094.41
New Sewer Plant-----	\$293,445.00

\*Restricted Funds

\*\*Semi-restricted Fund

Respectively submitted

*Melinda Gipson*  
Melinda Gipson, Treasurer

**Gas Used                    10/31/2018**

Adm.	\$0.00
Police	\$598.83
Street	\$0.00
Fire	\$0.00
Water Plant	\$199.74
Maint.	\$547.38
Sewer Plant	\$86.22
Sewer Maint.	\$502.46
Utility Dir.	\$0.00
Planning	\$100.19
<b>TOTAL</b>	<b>\$2,034.82</b>