Meeting Notice & Agenda

MARION CITY COUNCIL

Monday, December 20, 2021 – 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 November 15, 2021, Council Meeting
- 2. Presentation of 2020-2021 Audit by Jeff Walker, City Auditor
- 3. 2nd Reading of Ordinance #21-21 entitled, "AN ORDINANCE GOVERNING THE OPERATION OF MOBILE FOOD UNIT VENDORS IN THE CITY OF MARION, KENTUCKY"
- 4. Introduction and 1st Reading of Ordinance #21-22 entitled, "AN ORDINANCE CLOSING A PUBLIC WAY"
- 5. Review of the City Employee Manual
- 6. Mayor/Council/Staff Comments & Questions
- 7. Adjourn

- To: Mayor and City Council
- From: Adam Ledford, City Administrator
- Re: Agenda Description
- Date: December 20, 2021

Call to Order Public Comments

Business Agenda

I. Approval of Minutes for 11/15 Council Meeting <u>Description:</u>

> 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. Presentation of 2020-21 Audit
 - Description:

Jeff Walker will be on hand to present the audit for the year ending June 30, 2021. He will bring the report with him Monday night, so they will be handed out at the meeting. He will desire a motion/second and vote of the council to accept his audit report.

III. 2nd & Final Reading of Mobile Food Vendor Ordinance <u>Description:</u>

In your packet is a copy of the proposed Mobile Food Vendor Ordnance for final approval. The Council would need to make a motion/second and vote to pass this into law. The primary impact would establish a clear responsibility on behalf of the vendor to assure garbage among other potential impacts are addressed. Nothing within this ordinance would limit or restrict the enforcement of existing rules associated with zoning or permitting.

IV. Intro & 1st Reading of Road Closing Ordinance Description:

The City Attorney will present an ordinance Monday abandoning the City's portion of West Elm Street existing between Crittenden County School District's property currently serving as the administration building and the property directly across Elm Street. The ordinance will require a sponsor/introducer, but no vote as a first reading. The City is researching before the second vote to determine the status of School Street as there seems to be some question about its status as either a private drive or public street. The City will also be reaching out to speak with those possibly impacted due to the proximity as neighboring property owners on Elm Street.

V. Review of the City Employee Manual

Description:

Included in your packet is a copy of a portion of the employee manual mostly involving the reimbursement and purchase procedure for employees. We have been asked over the last 2 years to reconsider our limitations for daily meal expense as part of this Chapter's review. If the council does recommend changes it will need to be done as part of a future ordinance early in 2022.

- VI. Mayor/Council/Staff Forum
 - The Sewer Plant Project has reached approximately 30% completion.
 - The City is working to resolve remaining delays by the State in reimbursing funding owed to City for the Marion Sidewalk Project.
 - The City's leaf collection unit has broken down and will require significant repairs.
 - Plans are organized to have the City support Dawson Spring's work to cap water services and aid in repairing water leaks.
 - The City will be conducting a hardware upgrade in the administrative office during the first quarter of 2022. The office anticipates it will be closed one day during that period to institute the changes.
 - Both the Police and Maintenance Departments have ordered vehicles approved for this year's budget, however, delays in lead time might mean delivery and payment do occur before the fiscal year ends.
 - Copies of City property list have been included in your packet per the Mayor's request.
- VIII. Adjournment

Meeting of the Marion City Council Monday, November 15, 2021 – 5:00P.M.

The Marion City Council met in Regular Session November 15th, 2021 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, Danielle Duncan, Chief Ray O'Neal and the city attorney. A public sign in sheet is attached and made part of these minutes.

GENERAL GOVERNMENT

Motion was made by Dwight Sherer, seconded by Phyllis Sykes to approve the minutes from October 18th 2021.

Second reading of Ordinance #21-20 entitled, "ANORDINANCE OF THE CITY OF MARION KENTUCKY AMENDING ORDINANCE #01-23 TO REZONE PROPERTY AT 111 ROCHESTER AVENUE FROM SINGLE FAMILY RESIDENTIAL TO R-3 MOBILE HOME OVERLAY". City Attorney gives reading of said ordinance. Councilman Tabor advised that another resident of the city has tried to rezone this property before and it was denied by the council. He also advised that HUDD housing does not want to be near a MHO property. Motion by Darrin Tabor, seconded by Mike Byford with a vote as follows:

Sherer - No
Browning - No
M. Byford – No

Ordinance # 21-20 failed to pass.

Councilman, Dwight Sherer, sponsored the first reading of Ordinance #21-21 entitled, "AN ORDINANCE GOVERNING THE OPERATION OF A MOBILE FOOD UNIT VENDORS IN THE CITY OF MARION". Copies were provided for everyone in attendance. Donnie Arflack advised he would like to see the license fee be dropped to \$25. Discussion was had on this subject. Motion by Donnie Arflack to amend the license fee back to \$25, seconded by Phyllis Sykes, all members of the council voted yes. Motion passed.

Next on the agenda was the "Consideration of approving the City of Marion Bike and Walking Trail Master Plan". Motion by Donnie Arflack, seconded by D'Anna Browning, all members of the council voted yes. Motion passed.

OTHER BUSINESS

Councilman, Donnie Arflack, requested to know about the house at East Bellville/Walker St. He requested to know if the code enforcement officer could fine the property owner every day. He also requested to know about leaf collection and the City Administrator advised the Maintenance Department had already started that process.

Councilman, Mike Byford, requested to know why the city police direct school traffic every day if they school has a resource officer on staff. Police Chief Ray O'Neal advised that Deputy Shoffner directs traffic at the Elementary School of the afternoons.

ADJOURNMENT

There being no further business to come before the council, meeting was adjourned at 5:47 p.m.

JARED BYFORD, MAYOR

ATTEST:

LAYTEN CROFT, ASST. CITY CLERK

CITY OF MARION, KENTUCKY ORDINANCE NO. 21-

AN ORDINANCE GOVERNING THE OPERATION OF MOBILE FOOD UNIT VENDORS IN THE CITY OF MARION, KENTUCKY

WHEREAS the existing city ordinances do not provide any regulations governing the operation of mobile food unit vendors; and

WHEREAS the City Council desires to supplement the Marion Code of Ordinances by establishing regulations for those vendors while also providing for the public safety, health, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARION, KENTUCKY AS FOLLOWS:

SECTION 1 -DEFINITION AND APPLICABLE LAWS AND REGULATIONS

- (A) The term "mobile food unit vendor" (hereinafter, "Vendor") as used in this ordinance shall be defined to mean a merchant who conducts business from an establishment which is on wheels or is otherwise mobile but not including, however, vendors such as ice cream trucks who are primarily mobile and who only stop at undetermined locations and for very brief periods of time to service customers. A "Vendor" operating in the City shall be subject to the provisions of this ordinance as well as to all applicable ordinances and regulations currently in effect or enacted or adopted in the future unless otherwise expressly provided herein. These include, but are not necessarily limited to zoning, public safety, pedestrian and state traffic laws, restricted sales or vending areas, parking, and licensing.
- (B) "Owner"- The holder of the title in fee simple and any person, group of persons, company, association, or corporation in whose name tax bills on the property are submitted. OWNER also means a person, association, corporation, partnership, or other legal entity having legal or equitable title in real property. It shall also mean any person who, alone or jointly or severally with others: 1) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or 2) shall have charge, care, or control of any dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person, firm, orcorporation in control of a building, or their duly authorized agents. Any such person representing the actual owner shall be bound to comply shall be bound to comply with the provisions of this ordinance, and the rules and regulations adopted.

(C) "Premises" - A lot, plot, or parcel of land including the buildings, dwellings, or structures thereon.

SECTION 2- GENERAL INFORMATION

- (A) The City of Marion seeks to provide VENDORS guidance and instruction for obtaining a Business License to operate within the city limits. The VENDOR must submit the following information to the City Clerk to obtain a Business License:
 - a. Authorization and consent for a VENDOR to operate on private property must be obtained in writing from the OWNER or authorized agent.
 - b. Authorization and/or permit issued by the Crittenden County Health Department.
 - c. Authorization and/or permit issued by a state or local fire marshal.
 - d. Proof of general liability insurance.
- (B) The City Clerk will maintain applications for the license at City Hall and on the city website. A Business License will be issued to a VENDOR at a cost of \$25.00 per calendar year. The Business License must be displayed by the VENDOR in a location which is easily viewed by the public.
- (C) VENDORS are required to collect a "Restaurant Tax". The City Clerk will provide VENDORS all necessary forms for reporting and submission of the tax when the Business License is issued.
- (D) The following information is provided to VENDORS for consideration when setting up business operations:
 - a. The location of the VENDOR must allow for proper vehicular and pedestrian access and circulation on the property.
 - b. VENDORS may not set up or operate for more than seven (7) days consecutively at any location.
 - c. An authorized receptacle must be provided for patrons to dispose of trash or garbage. The receptacle must be emptied daily.
 - d. Vendor must operate in portions of City that are otherwise zoned commercial or industrial.
 - e. Water, waste, or refuse may not be dumped down storm drains.
- (E) This ordinance does not apply to VENDORS who only wish to operate during city festivals, or other short term community events in which another permit is issued, or are nonprofit entities such as school or religious organizations.

SECTION 3 - VIOLATIONS -PENALTIES FOR VIOLATION

- (A) It is unlawful for a VENDOR to operate without a Business License. Failure to obtain a Business License will result in the closure of the VENDOR by an authorized City agent.
- (B) Penalties/fines for violations of this ordinance are as follows:
 - I) 1st offense within I-year period Notice of violation and request to correct violation.
 - 2) 2nd offense within I-year period * \$250.00

SECTION 4- SEVERABILITY

Each word, phrase, sentence, section, and provision (each "portion") of this Ordinance is hereby declared to be independent and, not withstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any portion of said Ordinance, the adoption thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining portions and the application of such portions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is declared that such portions would have been passed independently of such portion or portions so held to be invalid.

SECTION 5-CONFLICTING CODE PROVISIONS REPEALED

Any provision(s) in the City of Marion Code of Ordinances specifically in conflict with any provision in this Ordinance is hereby deemed inoperative and repealed.

SECTION 6-PUBLICATION

This Ordinance shall become effective upon passage and publication. Publication is authorized to be made in summary form as authorized in KRS 83.060 (9).

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

Section 5 – EMPLOYEE FINANCIAL PRACTICES, REPORTING AND REIMBURSEMENT Purpose of the Policies Contained in this Section

The purpose of the policies contained in this Section of the Handbook is to outline for employees all allowable business-related expenses and provide instruction for the handling of purchases and employee reimbursement. Employees should also be guided by the other policies contained in this Handbook in making any financial transaction on behalf of the City or in incurring any business-related expenses for the City, including the Code of Ethics and work conduct policies.

Employee Expense Reports and Reimbursement

- (1) Business expenses may be charged to the City on a credit card issued to the employee in accordance with Use of City Credit Cards policy in Section 5 of this Handbook, or paid for from the employee's private funds and reimbursed upon the submission of the documentation required under this policy.
- (2) An employee shall submit expenses and supporting documentation in the following manner:
 - (a) Expenses shall be submitted on at least a calendar-month basis. Expenses submitted for reimbursement are due to the City Treasurer within 15 days from the end of the month in which the expense was incurred. Employees shall not include expenses from different calendar months on the same expense report.
 - (b) Requests for reimbursement in expense reports shall be accompanied by a receipt and all supporting documentation, including itemized receipts, when available. The employee shall provide the business purpose, the date, location, amount, and the persons being covered by the purchase on the receipt or in supporting documentation. The failure to provide a receipt and other applicable supporting documentation may result in denial of the reimbursement. Credit card statements will not be accepted as evidence of a receipt.
 - (c) All expense reports must be approved and signed by the employee's supervisor or department director with the responsibility of budgeting and reviewing business expense information for the employee's department. The City Treasurer, or his/her designee, shall review all expense reports prior to reimbursement for the purpose of determining compliance with City policies.

The all non-employee expense reports shall be submitted to the City Treasurer and approved by the Marion City Council, in accordance with the City budget.

- (3) An employee who submits a fraudulent receipt or falsifies his or her expense report will lose reimbursement privileges, will be terminated, or other appropriate disciplinary action will be taken.
- (4) The City may withhold reimbursement while it investigates or verifies expense report reimbursement requests.

Use of City Credit Cards

- (1) The City has authorized revolving city credit cards to be issued to certain officers and employees approved by the City Administrator. City credit cards are for use in making operational business purchases, purchases related to meetings and other legitimate business expenses as set forth in this policy.
 - (a) Operational expenses are those expenses necessary for the running of the City. Examples include, but are not limited to, office supplies and equipment, other office-related expenses, computer supplies, and any other non-travel related expenses.
 - (b) Meeting-related expenses include, but are not limited to, group meals, hotel meeting rooms, prepaid airfare, prepaid hotel accommodations, prepaid business car rental, prepaid conference and meeting registrations, prepaid expenses for meetings, and unanticipated event or travel needs.
 - (c) These examples are not intended to limit the credit card use for other legitimate business expenses.
- (2) Employees issued a City credit card for operational or meeting-related expenses will be subject to the following conditions:
 - (a) Only legitimate business and operational-related purchases may be charged on a City credit card.
 - (b) The City credit cards shall not be used for personal expenses of any kind. In the event that an expense is determined to be personal in nature, the expense must be reimbursed immediately.
 - (c) All monthly credit card statements shall be reviewed by the person named on the card and their immediate supervisor, both of whom shall sign each page of the statement as evidence that they accept the identified expenses as legitimate business expenses. In addition, the statements shall be reviewed by the City Treasurer, or his/her designee for the purpose of determining compliance with City policies.
 - (d) Itemized receipts of each transaction made using a City credit card should be submitted to the City Treasurer promptly for approval. The receipts shall provide detail on the business purpose, date, location, amount, and persons covered by the

purchase and shall bear evidence of supervisor approval on their face. Credit card statements will not be accepted as evidence of a receipt.

(3) The City will review the policy regarding credit card usage and credit card limits on an as-needed basis, but no less than every three years.

Employee Travel Expense Reimbursement

- (1) All City officers and employees shall receive prior approval from the City Administrator and/or his or her immediate supervisor, based on the City budget, prior to any travel within the state. Prior to any out-of-state travel, an employee shall receive prior approval. Any out-of-state travel that has not been approved in the city operating or travel budget shall be approved by amendment of the budget by the Marion City Council.
- (2) Registration for conferences and meetings shall be performed by the City Treasurer or other staff as may be designated. Employees should make an effort to obtain the lowest possible registration fees.
- (3) Reservations for overnight lodging shall be made by the City Treasurer unless otherwise approved by the City Administrator. Reservations for overnight stays for travel within Kentucky of less than three nights may be made by the employee as long as the employee has received the advance approval of his or her supervisor and it has been included in the current city budget ordinance.
 - In-room movies, room service, mini-bar, use of hotel gym, spa or massage services, sauna facilities, or other additions to room bills are not reimbursable.
 Only usual and customary expenses are eligible for reimbursement.
 - (b) A copy of the hotel folio or receipt showing proof of payment shall be submitted by the employee for expense reimbursement.
- (4) Car rental reservations shall be made by the City Treasurer unless otherwise approved by the City Administrator. The following guidelines shall apply when rental reservations are made:
 - (a) The vehicle accident reporting requirements outlined in Section 3 of this Handbook shall be followed in the case of an accident involving a vehicle rented by the City.
- (5) Employees may use a City-owned vehicle or their own vehicle for business travel on behalf of the City. Employees shall adhere to the following process related to mileage reimbursement:
 - (a) When an employee traveling on behalf of the City chooses to use his or her personal vehicle, the employee will be reimbursed for mileage. An employee shall be reimbursed at the mileage rate allowed by the Marion City Council for business expense deductions under the following guidelines:

- 1. An employee shall not be reimbursed for transportation or commuting between the employee's home and his or her permanent workplace.
- 2. Mileage shall not be reimbursed for attendance of a City function or event held outside of the workplace unless the employee has been assigned to work at the event.
- 3. When an employee does not report to his or her permanent workplace or makes business trips before or after reporting to his or her permanent workplace, the allowable mileage is:
 - a The lesser of the mileage from the employee's residence to the first stop or from the office to the first stop;
 - b All mileage between points visited on City business during the day; and
 - c The lesser of the mileage from the last stop to the employee's residence or from the last stop to the City office.
- 4. To receive mileage reimbursement, the employee shall state on his or her expense report the total number of miles traveled on City business. Any travel of a personal nature while on City business shall be deducted from the total miles traveled.
- 5. Parking violations and traffic or other moving motor violations are not reimbursable expenses.
- 6. If the employee is involved in an auto accident while on city business driving his or her own privately owned vehicle, he or she shall follow the accident reporting requirements outlined in Section 3 of this Handbook.
- (6) Except for reimbursable expenses related to official City business as provided in Section 5 of this Handbook, employees shall only be provided reimbursement for meals involving out-of-state travel, overnight travel within Kentucky, and for in-state trips requiring travel after 7:00 p.m. Meal and incidental reimbursement amounts will be determined by the Marion City Council. Current daily limits are set at \$38.00.
- (7) The City will reimburse employees for the following expenses relating to parking:
 - (a) An employee may request reimbursement for parking fees for leaving a vehicle at an airport in conjunction with out-of-state travel on behalf of the City. For airport parking, the employee shall only be reimbursed for the rates of long-term parking. If the employee uses short-term parking or valet services, the employee will only be reimbursed for the cost of long-term parking fees applicable at the airport of departure. As an alternative to airport parking, an employee may elect to be reimbursed for the mileage related to being dropped off or picked up at the airport. The employee may be reimbursed the lesser of the mileage between the airport and the employee's residence or the mileage between the airport and the employee's permanent office or workplace. In no event shall the amount of

mileage reimbursement exceed the amount the employee would have spent on long-term parking.

- (b) An employee shall be reimbursed for parking at hotels or overnight lodging accommodations for business-related meetings or in conjunction with business travel for the City. Employees shall only be reimbursed for standard hotel parking rates unless the option is not available. Employees electing valet parking will only be reimbursed up to an amount equal to the standard parking rates applicable at the particular hotel.
- (c) All other business-related parking fees are reimbursable upon the submission of a valid receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 5 of this Handbook.
- (8) The City shall not reimburse or pay for the travel of an employee's family member or other guest. When a family member or other guest joins an employee on business-related travel, the employee or the guest is responsible for paying all travel costs, including airfare and meals.
- (9) Except for the travel-related expenses outlined in this policy, all other travel-related expenses are deemed non-reimbursable unless approved in writing by the City Administrator and the City budget. An employee shall submit his or her travel-related expenses for reimbursement on an Employee Expense Form within 15 days after the end of the month in which the travel expenses were incurred as provided in Section 5 of this Handbook. In the case of extreme financial hardship, an advance for out-of-state travel may be granted to an employee by the City Administrator. An employee who has received a travel advance must deduct the total amount of the advances from the total reimbursement request when submitting an expense report detailing expenditures. If the amount of the advance exceeds the total reimbursable expenditures, the employee shall pay the difference back to the City.

Reimbursable Expenses Related to Official City Business

- (1) City officers or employees receiving prior approval from the City Administrator will be reimbursed for reasonable business expenses incurred while conducting official City business. Examples of official City business include, but are not limited to, situations where individuals present are representing the City or if the individual's attendance has been requested by the City. The individual seeking reimbursement shall be responsible for using good judgment to ensure the expenses incurred are budgetarily sound and are compatible with the goodwill of the City.
- (2) The City Administrator shall have the authority to approve meal expenses for a new employee as part of the new employee's orientation and other discretionary employee meal functions as appropriate to recognize extraordinary work effort and as set out in the City budget.
- (3) Receipts detailing the business purpose, date, location, amount and persons present must be submitted with the expense report as provided under the Employee Expense Reports

and Reimbursement Policy in Section 5 of this Handbook or, if a City credit card is used, as provided under the Use of City Credit Cards policy in Section 5 of this Handbook. This information shall be written on the front or back of the receipt and on the expense report.

(4) In the event the receipt is for reimbursement of a meal, an itemized receipt shall be submitted, and the tip shall not exceed 20% of the cost.

Alcohol Reimbursement Policy

No reimbursement will be made for alcoholic beverages.

Purchasing and Procurement

- (1) When an employee's position requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City's behalf to ensure that good value is received for each expenditure. City funds and all assets are for City purposes only and are not for personal benefit.
- (2) Employees authorized to make purchases on behalf of the City must follow the procedures outlined in the City Procurement Code, Chapter 38, or as approved by the City Administrator and within the limits of the City budget as approved by the City Council.

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Parcel Results

34 Results

Show Property Photos								
	Account Number 🗢	Map Number ♦	Owper 🔻	Property Address 🌲	Book 🗢	Page ✿	Legal Description 🗢	
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∄	<u>105027</u>	058-20-23- 010.00	MARION CITY OF	S MAIN ST	196	740	ENGLISH MANOR / 58-20-23-8 & 9	<u>M</u> a
ł	<u>105102</u>	067-50-07- 002.00	ARION CITY OF	KY HWY 91 N	175109	363/15	CODE 4	76 - 176 - 117 - 118 - 1
Ð	<u>105157</u>	058-20-45- 002.00	PMARION CITY OF	E ELM ST	105	513	CODE 4 OLD ARMORY BLDG	M
Ð	<u>105497</u>	070-00-00- 054.01	MARION CITY OF	MORGANFIELD RD	200	698	42.25 AC TOTAL W/70-54.02	Ma
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à	<u>105804</u>	071-00-00- 001.04	MARION CITY OF	HILLCREST	159	413	CODE 4 1.09AC	Mi
ð	<u>106612</u>	070-10-02- 009.00	PMARION CITY OF	TRAVIS & N WELDON ST	114	44	CODE 4 MINI VETERANS PARK	Ma
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ð	<u>108332</u>	058-80-01- 014.00	PMARION CITY OF	HWY 60 OFF			CODE 4 OLD SEWER PLANT 1.3 AC Mar
≞	108429	071-00-00- 001.03	MARION CITY OF	HILLCREST	109	212	CODE 4 WATER TANKS

Crittenden County Property Valuation Administrator's office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. User Privacy Policy GDPR Privacy Notice



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Version 2,3,165