

REGULAR MEETING – JANUARY 13, 2015

The regular meeting of the Common Council of the City of Marshall was held January 13, 2015 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Larry Doom, David Sturrock, John DeCramer, Ellayne Conyers, Craig Schafer, and Glenn Bayerkohler. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Marc Klaith, Fire Chief; Cal Brink, CEO Marshall Area Chamber of Commerce; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Pledge of Allegiance was recited at this time.

ADMINISTRATION OF THE OATH OF OFFICE FOR NEW COUNCILMEMBERS:

City Finance Director/City Clerk Meulebroeck administered the oath of office to Council Members Craig Schafer, John DeCramer and David Sturrock.

APPROVAL OF AGENDA:

It was the general consensus of the council that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 23, 2014:

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on December 23, 2014 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1**, with Sturrock abstaining.

PUBLIC HEARING ON MARSHALL HOTEL CONDEMNATION/EMINENT DOMAIN ACTION:

This was the date and time set for a public hearing on the Marshall Hotel condemnation/ eminent domain action. City staff had recommended that a public hearing be conducted in compliance with Minnesota Statutes §117.0412. City staff is recommending that City of Marshall initiate condemnation/ eminent domain proceedings to acquire title to the property for Marshall Hotel. City Attorney recommended that a public hearing be held if the taking of the property is for mitigation of a blighted area, remediation of an environmentally contaminated area, reducing abandoned property, or removing a public nuisance as required by Minnesota Statute. City Attorney did recommend that the public hearing be held so as to cover all bases to address all preliminary matters prior to initiating condemnation/ eminent domain proceedings. At the conclusion of the public hearing, the City Council must issue a resolution as to whether or not to proceed with condemnation/ eminent domain action. That resolution, however, cannot be issued until at least thirty days after the public hearing. There have been numerous and ongoing actions involving Marshall Hotel for the past number of years. There was a public presentation to the Marshall City Council in 2009, regarding the condition of the building. Administrative search warrant was obtained and the Marshall Fire Department inspected the interior of the building. The City Council, in 2012, did issue and order to either repair or raze the building. A number of repairs were made, including a significant repair to the roof of the building. However, final inspection of the roof was never completed and City building officials do have concerns as to the

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efficacy of the roof repair. Strong consideration is now being given to proceed to acquire title to the property through condemnation. An appraisal of the property was done in 2014. The present appraised value of the property pursuant to appraisal is \$75,000. The condemnation/eminent domain proceeding requires the City to acquire the property for the fair market value. The appraisal indicates that the property is worth \$75,000 and the offer has been made to the property owner to acquire the property for the \$75,000 appraised price. The property owner has rejected that offer. The initiation of the condemnation/eminent domain action would require that the offered purchase price be deposited with the court. The decision to proceed with the acquisition of property by condemnation/eminent domain action must be made by resolution at the February 24, 2015 meeting at the earliest. Further discussion and action regarding this matter will be scheduled at that February 24, 2015 City Council meeting.

Ben Martig, City Administrator, provided photos from the 2009 inspection and from the 2014 appraisal.

Al Greig, representative of Greig and Greggerson, indicated that they own several buildings in the downtown area. He indicated that Marshall's downtown needs to look good in order to survive.

Marc Klaith, Fire Chief, indicated that he has been in the building and it is in terrible shape. He also indicated that if there ever was a fire in this building, he didn't know if he would allow any firemen to enter the building. This building is a huge safety concern.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'to close the public hearing on the Marshall Hotel condemnation/eminent domain action'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

The following items were requested to be removed from the consent agenda:

Consider Maintenance Service Proposal with Benson Technical Works for MALSR at Airport.

Consider adoption of a Resolution approving the re-appointment of a Commissioner to the Housing and Redevelopment Authority.

Consider approval of the 2015 Pay Equity Report

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the following consent agenda items be approved as presented'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

The adoption of RESOLUTION NUMBER 4113, SECOND SERIES, which is a resolution Designating the Marshall Independent as the Official Newspaper for the City of Marshall. The adoption of RESOLUTION NUMBER 4114, SECOND SERIES which is a resolution Appointing the Official Depositories for City Funds for 2015.

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Authorization be granted to the Department of Public Safety to dispose of surplus City Property – three (2) vehicles. These vehicles will be auctioned on-line at the state site or will be taken to Alter Metal Recycling for disposal.

The adoption of RESOLUTION NUMBER 4115, SECOND SERIES, which is the “Resolution Ordering Preparation of Report on Improvement” for North “A” Street / East Redwood Street Reconstruction Project Z37 and South 2nd Street Reconstruction Project Z38.

The adoption of RESOLUTION NUMBER 4117, SECOND SERIES, which is a resolution Approving the Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution appoints Craig Schafer and David Sturrock to the Marshall Housing and Redevelopment Authority for a term to expire on January 7, 2019.

The approval of the Agreement with U.S. Bank Relating to Paying Agency, Registrar and Transfer Agency for the General Obligation Bonds, Series 2015A.

The approval of the Mayoral appointments to the various Boards/Commissions and Committees.

Personnel Committee

Craig Schafer
Larry Doom
John DeCramer

Legislative & Ordinance Committee

Larry Doom
Ellayne Conyers
Glenn Bayerkohler

Ways & Means Committee

David Sturrock
Glenn Bayerkohler
John DeCramer

Equipment Review Committee

Craig Schafer
Larry Doom
Glenn Bayerkohler

Public Improvement Committee/ Transportation Committee

Craig Schafer
David Sturrock
Ellayne Conyers

Adult Community Center Commission: Ellayne Conyers

Airport Commission: David Sturrock

Charter Commission: Ben Martig, City Administrator and Dennis Simpson, City Attorney, no council liaison

Community Services Advisory Board: Ellayne Conyers

Convention & Visitors Bureau: Larry Doom

Economic Development Authority (2): Larry Doom and John DeCramer

Jt. Law Enforcement Center Management Committee: David Sturrock

Library Board: Craig Schafer

Marshall Area Transit Committee: Craig Schafer and Finance Director/City Clerk Tom Meulebroeck

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Marshall Municipal Utilities Commission: John DeCramer
M.E.R.I.T. Center Commission: Craig Schafer
Planning Commission: Glenn Bayerkohler
Police Advisory Board: David Sturrock
Public Housing Commission: Glenn Bayerkohler

Special Committee for Community Health \$1.5M (Avera Marshall Privatization): Larry Doom & Bob Byrnes
Southwest Minnesota amateur Sports Center: Larry Doom

City Council-County Board/Library Agreement & Operations: Craig Schafer and Bob Byrnes
Fire Relief Association: Bob Byrnes and Finance Director/City Clerk Tom Meulebroeck
Housing & Redevelopment Authority: Mayor and City Council
Regional Development Commission: Bob Byrnes

That the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 91952 through 92185.

CONSIDER MAINTENANCE SERVICE PROPOSAL WITH BENSON TECHNICAL WORKS FOR MALSR AT AIRPORT:

The FAA requires that the Airport "Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights" (MALSR) be maintained by a certified technician. The Maintenance Service Contract is with Benson Technical Works, Inc. for \$2,485.31 per year effective January 1, 2013 to December 31, 2015 for maintenance on the MALSR approach lighting. The maintenance will include periodic maintenance and certification as defined by the FAA and the support of FAA ground inspections and FAA flight inspections. At the January 15, 2013 meeting, Council approved this contract for 24 months (January 1, 2013-December 31, 2014). After discussions with Benson Technical Works, it was determined that the intent was for a 36-month contract (through December 31, 2015). The rate of \$2,485.31 per year will remain the same and will not be increased for this extended period to December 31, 2015.

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'that the proper city personnel be authorized to enter into a Maintenance Service Contract with Benson Technical Works, Inc. for MALSR Approach Lighting at the Airport through December 31, 2015 at a fee of \$2,485.31 per year'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

CONSIDER ADOPTION OF RESOLUTION APPROVING THE RE-APPOINTMENT OF A COMMISSIONER TO THE HOUSING AND REDEVELOPMENT AUTHORITY:

This resolution provides for the re-appointment of Larry Doom to the Marshall Housing and Redevelopment Authority for a term to expire on January 10, 2017, which is the date his term as Council Member expires.

Member (Glenn Bayerkohler) moved, Member (Craig Schafer) seconded to approve the ORIGINAL motion 'the adoption of RESOLUTION NUMBER 4116, SECOND SERIES,

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which is a resolution Approving the Re-appointment of Larry Doom to the Marshall Housing and Redevelopment Authority for a term to expire on January 10, 2017, which is the date his term as Council Member expires'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF THE 2015 PAY EQUITY REPORT:

In 1984 the Minnesota Legislature passed the Local Government Pay Equity Act. This law requires all public jurisdictions to eliminate any sex-based wage inequities in compensation and to submit reports on a three-year cycle. Pay Equity is a method of eliminating discrimination against women who are paid less than men for jobs requiring comparable levels of expertise.

The required Pay Equity Report for 2015 has been prepared for submission to the Minnesota Management and Budget Office by January 31, 2015. The information to be submitted indicates that the City continues to be in compliance in regards to pay equity requirements. The underpayment ratio value of 103.62 included in Section II (Statistical Analysis Test) of the Compliance Report is above the minimum ratio of 80 required to be in compliance.

When reviewing the Predicted Pay Report, it was noted that the maximum monthly salary column does not reflect actual employee salaries. For instance, where a job class represents a part-time employee, the maximum monthly salary has been converted to a full-time equivalent. In addition, for all job classes, the maximum monthly salary includes an employer contribution amount for health insurance. The Pay Equity report prescribes the calculations for the benefit amounts and requires it to be applied to all job classes—even those that do not actually receive benefits so that comparisons can be made. The resulting “predicted pay” column would then be utilized to make compensation adjustments where a jurisdiction falls out of compliance on the underpayment ratio. The predicted pay column does not represent the salary that “should” be paid at any particular point level. Rather, it represents the average pay of male classes at any given point value. Because the City’s underpayment ratio value of 103.62 is greater than the minimum ratio of 80, no additional action is required.

Council Member Bayerkohler questioned the Director of Community Service position. Ben Martig, City Administrator, indicated that this position was analyzed during the pay study and that the pay is higher because of market conditions.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to approve the 2015 Pay Equity Report for submission to the Minnesota Management and Budget Office'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT WITH HEARTLAND PAYMENT SYSTEM FOR THE CITY'S PROCESSING OF CREDIT CARDS:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the request to enter into an agreement with Heartland Payment System for the City's processing of credits cards. Currently the City of Marshall uses three (3) different credit card processors for the Liquor Store, Community Services and Building Inspections. The vendors being used are Wells Fargo Bank, Newtek and Pay Pal. It is the intent of city staff to consolidate all credit card processing under

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one processor. Heartland Payment System is located in Sioux Falls, South Dakota and works with a number of other vendors in the City of Marshall. Based on Heartlands review of the current operations, the city could save between \$500 and \$900 per month. The pricing for the processing of the credit cards would be guaranteed for three years. The processing of the credit cards would be in compliance with Payment Card Industry (PCI) rules. The change over from the current processes to Heartland would be almost seamless.

Blake Wilson, representative from Heartland Payment System, was in attendance at the meeting and reviewed the contract and savings for each department.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to enter into an agreement with Heartland Payment System for the processing of credit cards for the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

REQUEST APPROVAL OF AN ENGAGEMENT LETTER WITH VAN IWAARDEN ASSOCIATE FOR AN ACTUARIAL VALUATION OF POST EMPLOYMENT BENEFITS:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that per Government Accounting Standards Board Statement No. 45 (GASB 45) the City is required to have an actuarial valuation of post-employment benefit completed every three years. The City of Marshall has utilized VAN IWAARDEN Associate twice in the past to complete the report to comply with GASB 45 requirements. City staff will compile the information needed for them to complete the actuarial. Information from the reports is included in the annual financial report for the city. The cost to complete the report is \$5,200.00.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'approve an Engagement Letter with VAN IWAARDEN for an actuarial report that complies with GASB 45 at a fee of \$5,200.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

REQUEST APPROVAL TO EXECUTE THE ENGAGEMENT LETTER WITH VAN IWAARDEN ASSOCIATES FOR THE GASB 67/68 ACTUARIAL SERVICES:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that per General Accounting Standards Board Statement No's 67 and 68 (GASB 67/68) a pension actuarial is required for the Marshall Fire Relief Association. Information from the report will need to be incorporated into the city's annual financial report. Representatives from the Marshall Volunteer Fire Relief, their auditor Lisa Zmeskal from Hoffman and Brobst and city staff Ben Martig and Tom Meulebroeck have met and discussed the requirement. The Fire Relief Association has indicated that they would be able to pay the initial fee of 2,700.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'authorization be granted to execute the Engagement Letter with VAN IWAARDEN Associate for GASB 67/68 Actuarial Services for the Marshall Fire Relief Association at a fee of \$2,700.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION AND MOU BETWEEN MARSHALL POLICE DEPARTMENT AND THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES AND TO APPROVE ROB YANT AS CHIEF LAW ENFORCEMENT OFFICER TO SIGN THE MOU:

Dennis Simpson, City Attorney, indicated that the City of Marshall has experienced an increase in the theft of firearms, primarily through commercial and residential burglaries. To better investigate these crimes, the Marshall Police Department (MPD) would like to join the ATF (Alcohol, Tobacco, and Firearms) firearms tracing system called eTrace. To access this system, a Memorandum of Understanding (MOU) must be completed. The purpose of this MOU is to establish an interagency agreement governing the access and utilization of eTrace. As a part of the MOU, the MOU designates a primary and alternative point of contact within the law enforcement agency (MPD). The MOU requires the designated agency point of contact to identify individuals from within their agency who will require access to the system to periodically validate the list of users, and to notify the National Tracing Center immediately in the event that it becomes necessary to revoke or suspend a user's account. This agreement also outlines expectations of a participating law enforcement agency. Because of these obligations the agreement is expected to be with the Chief Law Enforcement Official of the participating law enforcement agency. Therefore, Dennis is requesting that Rob Yant be authorized to sign this agreement on behalf of the Marshall Police Department.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'a motion to adopt RESOLUTION NUMBER 4118, SECOND SERIES, which is a resolution Authorizing Approval of a Contract between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'a motion to approve the MOU between the Marshall Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives and to approve Rob Yant as Chief Law Enforcement Officer to sign the MOU'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION REDISTRIBUTING ASSESSMENTS RELATING TO THE PLATTING OF TIGER PARK SIXTH ADDITION (PROJECT Z05: TIGER PARK STORMWATER DETENTION POND PROJECT, PROJECT Z06: VICTORY DRIVE IMPROVEMENT PROJECT – PHASE I & PHASE II, AND PROJECT Y84: COMMENCEMENT BOULEVARD IMPROVEMENT PROJECT:

Glenn Olson, Director of Public Works/City Engineer, indicated that due to the redistribution of various parcels in the city relating to the platting of Tiger Park Sixth Addition, the remaining assessments on the properties require redistribution.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4119, SECOND SERIES, which is the Resolution Redistributing Assessments Relating to the Platting of Tiger Park Sixth Addition for Project Z05: Tiger Park Stormwater Detention Pond Project, Project Z06: Victory Drive Improvement Project – Phase I & Phase II, and Project Y84: Commencement

Boulevard Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION AUTHORIZING ENTERING INTO COOPERATIVE CONSTRUCTION AGREEMENT NO. 06935 WITH MN/DOT FOR S.P. 4208-58 / T.H. 59 (EAST MAIN STREET) AND S.P. 4209-23 / T.H. 59 NORTH:

Glenn Olson, Director of Public Works/City Engineer, reviewed Cooperative Construction Agreement No. 06935 with MN/DOT relating to MN/DOT Projects S.P. 4208-58 and S.P. 4209-23 and the resolution authorizing entering into the agreement. The State will perform grading, bituminous paving, mill and overlay, and ADA improvement construction upon, along, and adjacent to T.H. 59 (East Main Street) from T.H. 23 to T.H. 19 (College Drive) under S.P. 4208-58. The State will perform bituminous mill and overlay, bridge approach and Bridge No. 42003 construction upon, along, and adjacent to T.H. 59 from 175 feet north of T.H. 58 (West Main Street) to 610 feet north of Lyon County State Aid Highway No. 33 (Erie Road) under S.P. 4209-23. The City Wastewater Department and Marshall Municipal Utilities each own and maintain utilities with various structures within these roadway segments. MN/DOT is requesting a Cooperative Construction Agreement to provide payment to the State for costs of adjusting the various utility castings and valve boxes. The agreement states the total estimated costs at \$9,860 with a City share of \$7,110 and MMU share of \$2,750. The actual costs will be determined following the award of the contract by MN/DOT.

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4120, SECOND SERIES, which is a resolution authorizing entering into Cooperative Construction Agreement No. 06935 with MN/DOT relating to MN/DOT Projects S.P. 4208-58 and S.P. 4209-23'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'approval of appointments to the various boards and commissions'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Planning Commission – Laurel Steen be appointed for a term to expire on May 31, 2017

Planning Commission – Don Edblom be appointed for an unexpired term to expire on May 31, 2015

Public Housing Commission – K. Andrew Hedlin be appointed for a term to expire on May 31, 2017

EDA – Dan Herman be appointed for a term to expire on December 31, 2017

Utilities Commission – Cindy Verschaetse be appointed for an unexpired term to expire on May 31, 2017

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CONSIDER SELECTION OF PRESIDENT PRO-TEM BY CITY COUNCIL:

Council Member Doom was nominated at the President Pro-Tem, therefore Member (Craig Schafer) moved, Member (David Sturrock) seconded to approve the ORIGINAL motion 'that the nominations cease and that Larry Doom be appointed as President Pro Tem for the City Council'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No report.

Schafer Library Board discussed schedule changes to reduce wages.

Doom No report.

Bayerkohler No report.

DeCramer No report.

Sturrock It was indicated that the Police Advisory Committee will meet on Wednesday, January 14th.

Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

There were no additional comments from the Council Members

CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that the report on the Building Inspection Department was originally scheduled for the last meeting in January. There has been discussion that this may be reviewed during a work session. The Employee Annual Event will be held on Friday, January 16, 2105. The MERIT Center Bonding Agreement was delivered to the State and accepted. The Council Committees will be meeting in January or February. The bid opening for the Sports Facility has been moved to January 22, 2015.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, indicated that staff has started working on summer projects.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items.


CONSIDERATION TO ENTER INTO CLOSED SESSION FOR ATTORNEY CLIENT PRIVILEGE:

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to enter into closed session for the purposes of Attorney Client Privilege'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

The Council went into closed session at 6:54 P.M. pursuant to Attorney Client Privilege. Those present at the closed session included: Byrnes, Schafer, Doom, Bayerkohler, DeCramer, Sturrock and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney and Thomas M. Meulebroeck, Finance Director. Others in attendance included: Brad Roos, MMU Director and Bill Ziegenhagen MMU Board member.

The council came out of closed session at 7:48 P.M.

Doom moved, DeCramer seconded, the meeting be adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk