

REGULAR MEETING – AUGUST 25, 2015

The regular meeting of the Common Council of the City of Marshall was held August 25, 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: Ellayne Conyers, David Sturrock, John DeCramer, Glenn Bayerkohler, Larry Doom and Craig Schafer. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Public Works Director/City Engineer; Sheila Dubs, Human Resource Coordinator; Ilya Gutman, Building Official; Cathy Lee, Executive Assistant; Jane DeVries, Deputy City Clerk and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Pledge of Allegiance was recited at this time.

**APPROVAL OF AGENDA:**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **SUBSTITUTE** motion 'Approval of Agenda with the consideration of a lease agreement with Ralco Nutrition for 8<sup>th</sup> Street property being added'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 11, 2015:**

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on August 11, 2015 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: 7 Nay: 0. The motion **Carried 7 - 0**

**AWARD OF BIDS - PROJECT BP3: PUMP STATION CONSTRUCTION PROJECT AT SMASC BALLPARK – 1. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; 2. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Glenn Olson, Director of Public Works/City Engineer, reviewed Project BP3 Pump Station Construction Project at SW MN Regional Amateur Sports Ballpark. This project includes pump station wet well construction, piping from wet well to pond, minor watermain construction and concrete pavement 8-inch depth, and other minor work for the Southwest Minnesota Regional Amateur Sports Ballpark. Bids were received, opened and read on August 13, 2015 for Project BP3 Pump Station Construction Project at SW MN Regional Amateur Sports Ballpark from:

H & W Contracting LLC  
Sioux Falls, South Dakota  
Base Bid \$149,622.50  
Alternate Bid \$112,200.00

R & G Construction Co.  
Marshall, Minnesota  
Base Bid \$191,675.00  
Alternate Bid \$69,600.00

This project, or a portion thereof, may be financed by the sale of bonds with repayment coming from Debt Service Levy; therefore staff is recommending that the City Council adopt a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures.

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The engineer's estimate was \$107,400 (Base Bid) and \$81,000 (Alternate Bid). The difference between the engineer's estimate and the apparent low base bid was the difficulty in estimating the construction of the sheet pile installation for construction of the pond piping. The apparent low bidder for the Alternate Bid portion of the project (high school connection) was R&G Construction Co. of Marshall, Minnesota in the amount of \$69,600.00. After discussions with the contractor, the contractor would not honor the Alternate Bid as a stand-alone award as he had included certain items in the base bid that should have been more appropriately placed in the alternate bid. Staff discussed this situation with the School District and after their discussions with R&G, the School District is recommending to reject all Alternate Bids and rebid the high school connection this fall with an extended completion date.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4181, SECOND SERIES, which provides for Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project BP3: Pump Station Construction Project at SMASC Ballpark'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **NEW** motion 'that the Council reject all Alternate Bids for Project BP3: Pump Station Construction Project at SMASC Ballpark to be rebid at a later date'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **SUBSTITUTE** motion 'that the Council adopt RESOLUTION NUMBER 4182, SECOND SERIES, which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with H & W Contracting, LLC of Sioux Falls, South Dakota in the amount of \$149,622.50'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **2015 LEGISLATORS OF DISTINCTION RECOGNITION TO MINNESOTA STATE SENATOR DAHMS AND MINNESOTA STATE REPRESENTATIVE SWEDZINSKI:**

Ben Martig, City Administrator, indicated that the League of Minnesota Cities has selected 17 members of the Minnesota House of Representative and 11 state Senators as Legislators of Distinction for 2015. The honor recognizes legislators for specific actions that aided efforts of Minnesota cities during this year's legislative session. Legislators of Distinction are annually approved by the League's Board of Directors to recognize that in order to successfully serve commonly shared constituents, state and city officials must work together to meet the unique needs of rural, suburban, and urban residents all across Minnesota. To be eligible for the Legislator of Distinction honor, legislators must meet one or more of the following criteria: - The legislator is generally and reasonably accessible to League representatives. - The legislator seeks input on issues of importance to cities. - The legislator listens to League concerns and is receptive to the League providing information on issues. - The legislator sponsors and/or supports League initiatives. - The legislator speaks out on behalf of the interest of cities. - The

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Representative Chris Swedzinski and Senator Gary Dahms received recognition as League of Minnesota Cities Legislator of Distinction for 2015. At this time, the City of Marshall City Council recognized Senator Gary Dahms and Representative Chris Swedzinski as the Legislator of Distinction for 2015.

**CONSIDER APPROVAL OF CONSENT AGENDA:**

Council Member Bayerkohler requested that the following item be removed from the consent agenda: Consider amendment to the 2015 wage schedule.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) 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 introduction of an ordinance to rezone 901 East Southview Drive from I-1 (Limited Industrial District) to B-3 (General Business District) and R-1 (One Family Residence District).

The introduction of an ordinance amending the following City Code of Ordinance sections and call for a public hearing to be held September 9, 2015: Secs. 86-162 Yard modifications and Secs. 86-163 Accessory buildings by revising fence height and accessory building area to correspond to the new Building Code. Secs. 86-97 R-1 One Family District, 86-98 R 2 One-to-Four Family District, and R-5 Manufactured Home Park District by revising swimming pool provisions in (c) Permitted accessory uses.

The approval of the Mobile Stage Policy. This procedure provides for the procedure for the rental and use of the Mobile Stage owned by the City of Marshall.

The adoption of RESOLUTION NUMBER 4183, SECOND SERIES, which is a resolution adding the fees related to the Mobile Stage to the current City Fee Resolution.

The adoption of RESOLUTION NUMBER 4184, SECOND SERIES which is the "Resolution Amending Assessment Roll for Project Z19: Park Avenue Reconstruction / East College Drive Watermain Replacement Project. This resolution reduces the assessment for Parcel 27-496004-0 (Timothy R. Anderson and Christine C. Zych, 118 Park Avenue) from \$9,815.56 to \$5,500.00.

Thad the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 94940 through 95132.

**APPROVAL OF ITEMS PULLED FROM CONSENT - CONSIDER AMENDMENT TO THE 2015 WAGE SCHEDULE:**

Council Member Bayerkohler questioned why there was such a large increase in points for the City Assessor and Appraiser. Sheila Dubs, Human Resource Coordinator, indicated that this is due to new license requirements by the State Board of Assessors.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council approve amendments to the City's 2015 Wage/Classification Schedule

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for the City Assessor, Plans Examiner and Appraiser'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PRESENTATION OF HEALTH IMPACT ASSESSMENT (HIA):**

Drew Hage, MPP Development Planner for the SW Regional Development Commission, was in attendance at the meeting. He provided an overview of the Marshall GreenStep City Health Impact Assessment.

**PROJECT Z26: PATRICIA COURT / ELAINE AVENUE / STEPHEN AVENUE PROJECT – CONSIDER RESOLUTION AMENDING ASSESSMENT ROLL (ROHLIK):**

On April 8, 2014, the City Council awarded the contract for Project Z26: Patricia Court / Elaine Avenue / Stephen Avenue Project. That project consisted of the street reconstruction of Patricia Court and Elaine Avenue from the west side of South 2nd Street to Patricia Court. Included in this project was the reconstruction of the street section, including bituminous pavement, aggregate base, street grading, subbase drainage, minor curb and gutter and sidewalk replacement and miscellaneous work. Also included in this project was a mill and overlay of Elaine Avenue from the west side South 2nd Street to South 4th Street and Stephen Avenue from Patricia Court to South 4th Street. The contract for the project was awarded to the lowest responsible bidder and the project was completed. On September 23, 2014, the Marshall City Council adopted the assessment roll (Resolution Number 4064, Second Series) after the public hearing. The assessment amount against Parcel 27-574024-2 (Carl Rohlik – 1220 Patricia Court) totaled \$23,699.41. The assessment amount against Parcel 27-574024-3 (Carl Rohlik – 1218 Patricia Court) totaled \$11,472.68. Said property owner properly filed and perfected an appeal of the amended special assessments as levied. Per the Findings of Fact, Conclusions of Law, and Order for Judgment, the special assessments levied against Parcel 27-574024-2 (Property Address: 1220 Patricia Court) shall be set aside and the special assessments against said property is reassessed in the amount of \$11,000.00. The special assessments levied against Parcel 27-574024-3 (Property Address: 1218 Patricia Court) shall be set aside and the special assessments against said property is reassessed in the amount of \$11,000.00. The City of Marshall and Lyon County officials shall re amortize and re-assess the debt against said parcels, and the original (10) year term and the original 4.2% interest rate shall be calculated into the re-amortization of the re-assessment amounts as set forth above and the owners shall be given credit for special assessment previously levied against real estate taxes and paid with real estate taxes due and payable in the year 2015.

There was a brief discussion on setting a precedent and the difference in the size of the lots.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4185, SECOND SERIES, which is the "Resolution Amending Assessment Roll for Project Z26: Patricia Court / Elaine Avenue / Stephen Avenue Project"'. This resolution reduces the special assessment levied against Parcel 27-574024-2 (Property Address: 1220 Patricia Court) shall be set aside and the special assessments against said property is reassessed in the amount of \$11,000.00; and the special assessments levied against Parcel 27-574024-3 (Property Address: 1218 Patricia Court) shall be

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set aside and the special assessments against said property is reassessed in the amount of \$11,000.00. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**SMASC PROJECT – CONSIDER CHANGE ORDERS: 1. CHANGE ORDER NO. 3 (2200.003) FOR CONTRACT #2200 PLUMBING & HEATING WITH BISBEE PLUMBING & HEATING; 2. CHANGE ORDER NO. 2 (0990.002) FOR CONTRACT #0990 PAINTINGS/COATINGS WITH STEINBRECHER PAINTING, INC:**

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the change orders for the SMASC Project. These change orders were prepared, reviewed and recommended for approval by the Construction Manager, Wenk and City staff. The amount of changes to the project is a net increase in the amount of \$11,105.00 encumbered to Account #456-70579-5520 (Amateur Sports Center Fund-Buildings and Structures).

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 3 (2200.003) for Contract #2200 Plumbing & Heating with Bisbee Plumbing & Heating, for a contract increase in the amount of \$12,478.00'. The contract increase relates to pipe routing and elevation changes. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **NEW** motion 'that Council approve Change Order No. 2 (0990.002) for Contract #0990 Paintings/Coatings with Steinbrecher Painting, Inc., for a contract decrease in the amount of \$1,373.00'. The contract decrease relates to a credit for concrete floor sealer where waterproof membrane at second floor mechanical room is changed to traffic coating. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z28: NORTH 5TH STREET / PLEASANT AVENUE RECONSTRUCTION PROJECT – 1. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; 2. CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:**

This project consisted of the reconstruction of streets and utilities on North 5th Street from West Marshall Street to Pleasant Avenue and Pleasant Avenue from North 5th Street to North 6th Street. Items included in the project were sanitary sewer, watermain and storm sewer replacement, curb and gutter, sidewalk reconstruction, bituminous surfacing, aggregate base, grading and other minor work.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4186, SECOND SERIES, which provides for the “Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment” for Project Z28: North 5th Street / Pleasant Avenue Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4187, SECOND SERIES, which provides for the "Resolution for Hearing on Proposed Assessment" for Project Z28: North 5th Street / Pleasant Avenue Reconstruction Project setting the hearing date on the proposed assessments for September 22, 2015'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z23: SERVICE DRIVE IMPROVEMENT PROJECT – 1. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; 2. CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:**

This project consisted of street reconstruction of Service Drive from Jewett Street to O'Connell Street. Included in this project was bituminous surfacing, aggregate base grading, minor curb and gutter replacement, and miscellaneous work. The proposed assessment to property owners is based upon the current assessment policy. This amount may be decreased if special assessments for commercial properties are decreased resulting in an increase in City participation.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4188, SECOND SERIES, which provides for the "Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment" for Project Z23: Service Drive Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4189, SECOND SERIES which provides for the "Resolution for Hearing on Proposed Assessment" for Project Z23: Service Drive Reconstruction Project setting the hearing date on the proposed assessments for September 22, 2015'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z37: NORTH "A" STREET / EAST REDWOOD STREET RECONSTRUCTION PROJECT – 1. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; 2. CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:**

This project consists of the reconstruction of streets and utilities on North "A" Street from East Main Street to East Marshall Street and East Redwood Street from Jean Avenue to the Redwood River. Items of work included in the project are sanitary sewer, watermain, and storm sewer replacement, curb and gutter replacement, sidewalk replacement, bituminous surfacing, aggregate base, grading and other minor work. The proposed assessment to property owners is based upon the current assessment policy. This amount may be decreased if special assessments for commercial properties are decreased resulting in an increase in City participation.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4190, SECOND SERIES, which provides for the "Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment" for Project Z37: North "A" Street / East Redwood

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

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4191, SECOND SERIES, which provides for the "Resolution for Hearing on Proposed Assessment" for Project Z37: North "A" Street / East Redwood Street Reconstruction Project setting the hearing date on the proposed assessments for September 22, 2015'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER RENEWAL OF TRANSPORTATION AGREEMENT FOR 2016 WITH WESTERN COMMUNITY ACTION:**

Cathleen Almich, Western Community Action, reviewed the agreement between Western Community Action, Inc., and the City of Marshall for transit operations within the City of Marshall for the period January 1, 2016 through December 31, 2016. The local share requested in 2016 is \$29,600 to replace two (2) buses, contingent upon receiving 80% funding from MN/DOT. The estimated cost for these two vehicles is \$148,000.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of the Transportation Agreement with Western Community Action for January 1, 2016 through December 31, 2016'. The City share is \$29,600.00 to replace 2 buses contingent upon receiving 80% funding from MN/DOT. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1**, with DeCramer abstaining.

**MERIT CENTER ADDITION – CONSIDER CHANGE ORDER NO. 2 WITH MOHS CONTRACTING, INC:**

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 2 with Mohs Contracting, Inc. of Owatonna, Minnesota for the MERIT Center addition, resulting in a contract increase of \$23,404.36'. This change order is to provide concrete slab on the east side of the addition and to provide added section of asphalt parking lot 34' x 132'. This will be funded from Account Number 455-50551-5520 (Merit Center Operations-Buildings and Structures). Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

**CONSIDER THE MINNESOTA MUNICIPAL UTILITY ASSOCIATION (MMUA) SERVICE AGREEMENT FOR SAFETY MANAGEMENT PROGRAM FOR 2015-2016**

Ben Martig, City Administrator, reviewed the proposed MMUA Safety Management Program for 2015-2016.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'the approval of the agreement for the MMUA Safety Management Program for 2015-2016 at a fee of \$17,900'. The fee for this contract will be split between General Fund 76%, Wastewater Fund 14%, Library 6%, and Liquor Fund 4%. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPROVAL OF SIGNAGE FOR NEW MUNICIPAL LIQUOR STORE PROJECT:**

Proposals were received for signage for Tall Grass Liquor from:

Awards Plus  
Marshall, Minnesota  
\$10,349.00

Western Printing  
Marshall, Minnesota  
\$14,586.55

Ben Martig, City Administrator, indicated that in preparation of a recommended award to Awards Plus, staff met on site today and selected the final metal color which is a bronze metal lettering. Awards Plus indicated the quote was based on a standard aluminum so there would be an upcharge on the quote. Staff had not disclosed any quotes to the vendors. Staff received the alternate quote of \$12,632 this afternoon following the meeting. Upon re-review of the Western Printing proposal, it was still lower.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to award the proposal for the building sign for Tall Grass Liquor to Awards Plus in the amount of \$12,632.00 as presented'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

**CONSIDER ACKNOWLEDGMENT OF A LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION:**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to the Southwest Minnesota State University Foundation to hold a raffle on December 3, 2015, at SMSU, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1** with Bayerkohler abstaining.

**CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY:**

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University to use on September 25, 2015 at the RA Facility Parking Lot, 400 Mustang Trail; and on September 26, 2015 at the RA Facility, 400 Mustang Trail, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1** with Bayerkohler abstaining.

**CONSIDERATION OF LEASE AGREEMENT WITH RALCO NUTRITION FOR 8TH STREET PROPERTY:**

Ben Martig, City Administrator, indicated that the City is currently scheduled to close on the Ralco Nutrition property. Ralco had paid \$1500 for the additional use through August of this year. Staff has met and due to equipment delays they are requesting to close on the property but allow an additional lease through September. The City does have alternative storage through the



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end of 2015 but would prefer to be taking use prior to snow fall. Staff is proposing a 30% increase from the August lease payment for this consideration.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to approve the City Attorney to provide a one month lease with Ralco Nutrition for the continued lease of their 8th street half of the building that was to be vacated September 1 in the amount of \$1,950 to expire the end of September, 2015'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Mayor Byrnes called for a 5-minute recess at 7:01 P.M.

**COMMISSION/BOARD LIAISON REPORTS:**

Byrnes No report.

Schafer Library Board – held a budget meeting with the City, County and Library. The grand opening for the Children’s Wing will be held on September 2, 2015 at 3:00 P.M.

Doom EDA discussed an agreement with the City of Tracy; and toured the new Liquor Store. Legislative and Ordinance Committee discussed the building code.

Bayerkohler No report.

DeCramer No report.

Sturrock Airport Commission hosted Amy Klobuchar on August 19<sup>th</sup>; Public Improvement Transportation Committee reviewed the Assessment Policy and traffic safety; Ways & Means Committee reviewed the fee resolution.

Conyers Community Services Advisory Board will meet on September 2<sup>nd</sup>.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

There is a concern about large dogs being allow to run in the Dog Park and owners not cleaning up after their dogs. Council Member Conyers indicated that the manager of Perkins is in favor of Brau Brothers having Hop Fest in the parking lot. Council Member Sturrock indicated that the wooden swing at Freedom Park has been removed. Sounds of Summer was a success. Council Member Doom and Mayor Byrnes attended the walk through tour of the sports facility and indicated that the project is on schedule.

**CITY ADMINISTRATOR:**

Ben Martig, City Administrator, provided updates on the following:

- The MERIT Center construction is on schedule but the driving track may have some delays.
- Staff toured the new liquor store, which is on schedule.
- Staff and volunteers were thanked for all their work during Sounds of Summer.

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- After review of the original budget for the stage and related equipment staff is considering purchasing a larger trailer to store equipment for the stage and a generator for the new stage.

### **DIRECTOR OF PUBLIC WORKS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the contract for the Court House expansion has requested a street closure on 6<sup>th</sup> Street from 7 A.M. to 10 A.M. on Thursday August 27, 2015. Beams will be set on the Pedestrian overpass. Work continues on Main Street.

### **CITY ATTORNEY:**

Dennis Simpson, City Attorney, provided updates on the following:

- Plats for the Mall Addition and TJL Addition
- Work continues on the Marshall Hotel project

### **PENDING ITEMS:**

There were no questions on the pending items.

### **INFORMATION ONLY:**

There were no questions on the information items.

### **CONSIDER GOING INTO CLOSED SESSION FOR THE PURPOSES OF ATTORNEY CLIENT PRIVILEGE:**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to consider going into closed session at 7:49 P.M. 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 closed session was called to order at 7:49 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Ellayne Conyers, David Sturrock, John DeCramer, Glenn Bayerkohler, Larry Doom and Craig Schafer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Sheila Dubs, Human Resource Coordinator and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Council came out of closed session at 8:06 P.M.

### **CONSIDER SETTLEMENT AND RELEASE AGREEMENT BETWEEN CITY OF MARSHALL, LAW ENFORCEMENT LABOR SERVICES, INC., AND KATHY BRESSON:**

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve the Settlement and Release Agreement between City of Marshall, Law Enforcement Labor Services, Inc., and Kathy Bresson'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **UPCOMING MEETINGS**

There was no questions on the upcoming meeting list.

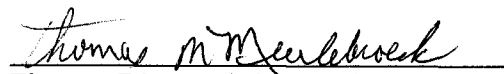
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Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1**, with DeCramer voting no.



\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
Finance Director/City Clerk