

REGULAR MEETING – NOVEMBER 24, 2015

The regular meeting of the Common Council of the City of Marshall was held November 24, 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: David Sturrock, Ellayne Conyers, John DeCramer, Glenn Bayerkohler, Larry Doom and Craig Schafer. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Ilya Gutman, Plan Examiner; Sheila Dubs, Human Resource Coordinator; 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 (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the agenda be approved with the removal of item #5, which is to consider an ordinance amendment to Chapter 6 Alcoholic Beverages and call for a public hearing'. 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 NOVEMBER 10, 2015:

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on November 10, 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**

CONDUCT A PUBLIC HEARING TO REZONE 406 AIRPORT ROAD FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT:

This was the date and time set for a public hearing to rezone 406 Airport Road. Glenn Olson, Director of Public Works/City Engineer, indicated that this lot and area north and south of it had been annexed in 2012 and rezoned to R-1 single family residence district because most lots there contained single family houses. The exceptions were this property and a church to the south of it but a church is a permitted use in a single family residence district. Prior to annexation and rezoning, this two acre property had been used for an auto repair shop for a very long time as it seems that the building was originally built as such. Considering this property's history and its size and configuration, this request seems reasonable. Section 86-46 (2) allows classification of existing non-conforming use as conforming if that use existed at the time of rezoning. Therefore, this was a request by the owner to classify a non-conforming use as a conforming use. Existing use is car repair shop and that is what was proposed to be classified as conforming use. During the Planning Commission meeting, it was brought up that the intent is to build a new contractor's shop on this property. Since the Ordinance does not allow to make that use permitted because it is not an existing use, the Planning Commission suggest rezoning the property to the I-1 Limited Industrial District that permits this use. This will be spot zoning which is not usually recommended even though it is legal; however, in this case the consensus is that eventually the houses to the north of discussed property will be torn down and replaced with commercial use so they too will be rezoned. This will make this area zoning more consistent with zoning across the Airport Road and the Railroad. Limited Industrial District regulations are located in Section 86-

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106. The Conditional Use Permit regulations are found in Sections 86-46 through 86-49 and rezoning process is described in Section 86-30.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the public hearing be closed'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **NEW** motion 'adoption of ORDINANCE NUMBER 702, SECOND SERIES to rezone 406 Airport Road from R-1 Single Family Residential District to I-1 Limited Industrial District'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDERATION OF ORDINANCE AMENDMENT TO CHAPTER 6: ALCOHOLIC BEVERAGES AND CALL FOR A PUBLIC HEARING:

This item was removed from the agenda.

CONSIDER THE REQUEST OF ISD NO. 413 FOR A VARIANCE ADJUSTMENT PERMIT FOR HAVING HARDBOARD SIDING ON A TEMPORARY CLASSROOM BUILDING AT 1300 EAST LYON STREET:

This was the date and time set for a public hearing on the request by Marshall Schools for a Variance Adjustment Permit to allow using a temporary modular classroom building with hardwood siding. Glenn Olson, Director of Public Works/City Engineer, indicated that the City Ordinance Exterior Appearance Standards require non-residential buildings in R-1 Single Family Residence District to have exterior finish consisting of at least 50% of Class I or II finishes and 30% of Class III finishes. Hardwood siding does not fall into any of these classes and is in fact a Class IV finish according to the Ordinance. This building will house two classrooms that the school district needs to have to accommodate significant additional enrollment. The plan is to use this building for a couple of years until a new addition is built after passing a bond referendum. There was considerable discussion on this request by the council, City staff and School staff.

Member (**David Sturrock**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'that the Council approve the variance request for having hardboard siding on a temporary classroom building in lieu of required Class I or II finishes with the following conditions: 1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with. 2. That the City reserves the right to revoke the Variance Adjustment Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default, and allow the applicant a reasonable time in which to cure any such default. 3. That the conditions contained in this permit shall be binding upon the successors and assigns of the applicant. 4. That supporting structure is skirted to match the building. 5 That this Variance Adjustment Permit expires at the end of June, 2018'.

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Council Member Schafer called the question. All voted in favor of the motion, except Bayerkohler who voted no. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

CONSIDER APPROVAL OF CONSENT AGENDA:

Ben Martig, City Administrator, requested that item number 14, which is to consider a Resolution for Interfund Loan from TIF Marshall Hotel Project be pulled from the consent agenda.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the following consent agenda items be approved as presented with removal of #14, TIF Reimbursement Resolution'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

The approval of a Temporary On-Sale Liquor License for the American Legion Post 113 to use on December 5, 2015 at the Marshall Armory, West College Drive, Marshall, Minnesota.

The adoption of RESOLUTION NUMBER 4217, SECOND SERIES and the contract between PATROL (Police Accredited Training Online) and the City of Marshall. Staff also recommends approving Rob Yant as administrator of the contact.

The adoption of RESOLUTION NUMBER 4218, SECOND SERIES, which is a resolution Relating to the Termination of Tax Increment District No. 2-3 and Directing Decertification Thereof by the Lyon County Auditor.

The approval of the Towing and Storage Agreement between the City of Marshall and Southwest Towing and Recovery for January 1, 2016 through December 31, 2017 at a rate of \$85 per tow and storage fees of \$25 per day for outside storage and \$35 per day for inside storage.

The adoption of RESOLUTION NUMBER 4219, SECOND SERIES, which is a resolution approving the by-laws of the Marshall Volunteer Firefighters Relief Association which provides for the annual pension benefit to be increased from \$5,500 per year of service to \$5,665 effective January 1, 2016.

The approval of the General Obligation Bond Proceeds Grant Agreement - End Grant for the Southwest Minnesota Amateur Sports Center Project in Marshall.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 96117 through 96327.

CONSIDER RESOLUTION FOR INTERFUND LOAN FROM TIF MARSHALL HOTEL PROJECT:

The City Council is currently in the process of acquiring the Marshall Hotel property. The action to pursue eminent domain action occurred on February 24, 2015. This reimbursement resolution will allow use of TIF to be advanced and repaid if the end use of the property is not eligible for TIF. However, if the end use will be eligible for TIF the intent is not to reimburse.

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Ben Martig, City Administrator, indicated that staff is recommending to continue this item to the December 8, 2015 City Council meeting.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to continue the consideration of a Resolution for Interfund Loan from TIF to the December 8, 2015 Council meeting'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

ORDINANCE AMENDING SEC. 86-103 B-2 CENTRAL BUSINESS DISTRICT PERMITTING SELF-STORAGE WAREHOUSES AS A CONDITIONAL USE PERMIT -- INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed a proposed amendment to B-2 central business districts zoning use. There was a request to allow mini-storage operations on the second floor of one of the buildings in Downtown along West Main Street. Currently, this use is not listed as permitted or conditional use in this district. Generally central business district is intended for government, shopping, and cultural activities. The city staff believes that ministorage use may be added as a conditional use without negatively affecting the district. It would be in everyone's interest to limit locations of such business to floors other than main level only so main street level spaces will still be reserved for retail, restaurants, offices, and similar uses. During the Planning Commission meeting on August 12, 2015, several Planning Commission members expressed some reservations about this change related to fire safety and possible garbage contamination. They requested to table the issue until next meeting and also asked the property owner who initiated this change and a fire department representative to testify. During the Planning Commission meeting on September 16, 2015, Mike Henle, the owner who asked for this revision, said that he would include a condition prohibiting storage of any combustible products into his lease agreement and would also take care of any garbage left outside by renters. Ray Henriksen, First Assistant Fire Chief, also expressed some reservations about this change but it was agreed that owners and main floor renters may and do store things on other floors with no control. It was also explained by Staff that this would be allowed by a Conditional Use permit only so every request for such use will have to go through the standard process of review by the Planning Commission and approval by the Council. Both Planning Commission and the City Council may add any reasonable condition to each individual Conditional Use Permit request to mitigate possible negative impact.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'introduce an ordinance amending Section 86-103 B-2 Central business district permitting self-storage warehouses as a conditional use permit and call for a public hearing on December 8, 2015'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. the motion **Carried 7 - 0**

REQUEST OF AVERA MARSHALL FOR A SIGN PERMIT ON SOUTH BRUCE STREET RIGHT-OF-WAY:

Glenn Olson, Director of Public Works/City Engineer, reviewed a request from Avera Marshall for a sign permit to install new signs at its building at 1104 East College Drive (corner of South Bruce Street and East College Drive). It was later determined that a property line at South Bruce Street coincides with the curb of the building parking lot meaning that the entire boulevard,

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where the sign was supposed to be installed, is located on the public right of way. The alternative is to install this sign in the southwest corner of the property but in this case its view will be blocked from the south by existing hill. Another option is to install it within the parking lot but that will interrupt the traffic flow. Section 62-9 gives the Council authority to issue permits for signs to be installed on the public right of way. This boulevard has many utility lines but the contractor is certain that they will be able to install the sign without damaging any of them. The staff recommendation is to permit this sign installation with condition that all damaged utilities will be repaired at owner's expense.

Member (**David Sturrock**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that Council authorize issuance of a Sign Permit to Avera Marshall to install a sign on South Bruce Street public right of way with the condition that all damaged utilities will be repaired at owner's expense'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF THE 2016 PARTNERSHIP AGREEMENT WITH MMU:
Ben Martig, City Administrator, reviewed the 2016 Partnership agreement with MMU. The joint committee has met and reviewed the document in detail and are recommending approval.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve the 2016 Partnership agreement with MMU'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z42: 2015 BITUMINOUS RESURFACING PROJECT -- 1. CONSIDER CHANGE ORDER NO. 1 (FINAL); 2. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 2:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 (Final Reconciling Change Order) for the Bituminous Resurfacing Project Z42. This change order is a result of final measurements and changes in item quantities during construction. Each individual line item is shown on the spreadsheet attached to the change order. The final payment of the project includes bituminous milling and overlay for a section of West Main Street that had settled subsequent to the West Main Street Project (Y87), completed in 2014. Some of the repairs were the responsibility of the contractor and a portion was determined to be City responsibility. This work on West Main Street resulted in a contract increase of \$13,642.44, with the contractor (R&G Construction Co.) being responsible for 50% of the work or \$6,821.22. This amount will be billed to R&G. All work has been completed in accordance with the specifications.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 (Final) with McLaughlin & Schulz, Inc. of Marshall, Minnesota, resulting in a contract increase in the amount of \$53,537.12 and acknowledgement of Final Pay Request (No. 2) in the amount of \$66,179.43 for the Bituminous Resurfacing Project Z42'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER (SMASC) – CONSIDER CHANGE ORDERS: -- 1) CHANGE ORDER NO. 1 (0750.001) FOR CONTRACT #0750 ROOFING & METAL PANELS WITH LAKE AREA ROOFING & CONSTRUCTION 2) CHANGE ORDER NO. 2 (0810.002) FOR CONTRACT #0810 DOORS, FRAMES & HARDWARE WITH BUILDERS SUPPLY COMPANY 3) CHANGE ORDER NO. 2 (0930.002) FOR CONTRACT #0930 TILE WITH SUPERIOR TILE & TERRAZZO, INC. 4) CHANGE ORDER NO. 3 (0930.003) FOR CONTRACT #0930 TILE WITH SUPERIOR TILE & TERRAZZO, INC. 5) CHANGE ORDER NO. 2 (0950.002) FOR CONTRACT #0950 ACOUSTICAL TREATMENTS WITH FM ACOUSTICAL TILE, INC. 6) CHANGE ORDER NO. 1 (2305.001) FOR CONTRACT #2305 TEST & BALANCE WITH MARCUS GLOBAL, INC. 7) CHANGE ORDER NO. 4 (2600.004) FOR CONTRACT #2600 ELECTRICAL/LOW VOLTAGE WITH L&S ELECTRIC, INC. 8) CHANGE ORDER NO. 5 (2600.005) FOR CONTRACT #2600 ELECTRICAL/LOW VOLTAGE WITH L&S ELECTRIC, INC:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed change orders for the Southwest Minnesota Regional Amateur Sports Center.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that Council approve the following change orders for the various contracts for the SMASC Project in the amount of \$60,068.00. These will be paid out of Account Number 456-70579-5520 Amateur Sports Center Fund – Buildings and Structures'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkopher voting no.

Change Order No. 1 (0750.001) for Contract #0750 Roofing & Metal Panels with Lake Area Roofing & Construction of Blaine, Minnesota for a contract increase in the amount of \$7,713.00.

Change Order No. 2 (0810.002) for Contract #0810 Doors, Frames & Hardware with Builders Supply Company of Sioux Falls, South Dakota, for a contract increase in the amount of \$5,200.00.

Change Order No. 2 (0930.002) for Contract #0930 Tile with Superior Tile & Terrazzo, Inc. of Forest Lake, Minnesota, for a contract increase in the amount of \$31,050.00.

Change Order No. 3 (0930.003) for Contract #0930 Tile with Superior Tile & Terrazzo, Inc. of Forest Lake, Minnesota, for a contract increase in the amount of \$2,400.00.

Change Order No. 2 (0950.002) for Contract #0950 Acoustical Treatments with FM Acoustical Tile, Inc. of Sioux Falls, South Dakota, for a contract increase in the amount of \$509.00.

Change Order No. 1 (2305.001) for Contract #2305 Test & Balance with Marcus Global, Inc. of Blaine, Minnesota, for a contract increase in the amount of \$546.00.

Change Order No. 4 (2600.004) for Contract #2600 Electrical/Low Voltage with L&S Electric, Inc. of Springfield, Minnesota, for a contract increase in the amount of \$10,138.00.

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Change Order No. 5 (2600.005) for Contract #2600 Electrical/Low Voltage with L&S Electric, Inc. of Springfield, Minnesota, for a contract increase in the amount of \$2,512.00.

CONSIDER CHANGE ORDER NUMBER 004 MERIT CENTER ADDITION:

Ben Martig, City Administrator, reviewed a change order for the MERIT Center to construct a storage shed. The storage shed is included in the lease agreement with Minnesota West Community & Technical College Customized Training. The shed is on-site and partially constructed. It should be completed in the near future but was delayed due to soil conditions from recent rains.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve Change Order Number 004 MERIT Center Addition to provide 12'x20' wood shed installed on MERIT Center site in the amount of \$8,763.36'. This change order will be paid from Account Number 455-50551-5520. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER APPROVAL OF PERSONNEL POLICY AMENDMENTS:

Sheila Dubs, Human Resource Coordinator, reviewed the two proposed revisions to the Personnel Policy manual in the Benefits section of the manual. The holiday pay amendment provides that employees be paid holiday pay at their regular rate of pay, whether or not the employee is scheduled and/or works on the holiday. Current practice is to allow employees who are not scheduled on a holiday to take 8 hrs. of time within 30 days of the holiday. This causes an additional administrative tracking burden on supervisors and the payroll function. In addition, there are occasions where an employee does not select a holiday within 30 days, resulting in holiday pay being paid out after 30 days. The policy would eliminate the necessity for additional tracking and ensure that all employees are compensated properly on the holiday. The proposed language will also disallow employees from banking holiday hours as compensatory time. Staff are proposing this amendment be effective 01/01/2016. The second proposed revision is to discontinue the Severance Pay benefit to employees hired after January 1, 2016. No current employees would be harmed by this amendment. After completing a benefits review, this was identified as a benefit that is not/no longer offered by any of our other comparable cities. To be fiscally responsible, Staff is recommending the Council consider discontinuing this benefit. If approved, the City could potentially recognize significant savings. This amendment would be effective 01/01/2016. Pertaining to both amendments, if Council approves, Staff will amend the dates on the Personnel Policy cover and table of contents.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council approves the amendments to the Personnel Policy manual as it relates to holiday pay and the discontinuing of severance pay for employees hired after January 1, 2016'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

RESOLUTION AMENDING GENERAL OBLIGATION BOND, SERIES 2013A POST SALE TAX LEVIES FOR AIRPORT PORTION AND AUTHORIZING USE OF AVAILABLE TAX INCREMENTS:

Ben Martig, City Administrator, indicated that the City of Marshall completed a number of infrastructure improvements at Airpark East that were funded by a combination of Aviation Grants. The local matches were intended to be funded by existing pooled TIF Funds. The proposed resolution does two primary actions: A) obligates use of TIF Funds for the repayment of bond obligations; and B) transfers TIF Funds to the capital project funds 457 for related airpark improvements. Related to "A", the original bond documents did not reference TIF use of funds as they were ultimately pledged by the full credit of Marshall property taxes. However, staff intended to use TIF and had presented the funding as such. The action will repay the 2015 levy with TIF and set future payments sourced by TIF. Related to "B", staff is working to close the airpark east capital funds which requires the transfer of TIF to balance the project funds. This is an administrative clean up item that has been on a project list for a significant period of time.

Member (**Ellayne Conyers**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4220, SECOND SERIES Amending General Obligation Bond, Series 2013A Post Sale Tax Levies for Airport Portion and Authorizing Use of Available Tax Increments'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR JANUARY 29, 2016:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Southwest Minnesota State University Foundation, to hold a raffle on January 29, 2016, 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 ADOPTION OF RESOLUTION APPROVING THE RE-APPOINTMENT OF A COMMISSIONER TO THE HOUSING AND REDEVELOPMENT AUTHORITY:

Ben Martig, City Administrator, indicated that this resolution provides for the re-appointment of John DeCramer to the Marshall Housing and Redevelopment Authority for a term to expire on January 7, 2019 and Robert J. Byrnes for a term to expire on January 9, 2017, which is the date their terms as Council Member and Mayor expire.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4221, SECOND SERIES, which is a resolution Approving the re-appointment of John DeCramer to the Marshall Housing and Redevelopment Authority for a term to expire on January 7, 2019 and Robert J. Byrnes for a term to expire on January 9, 2017, which are the dates their terms as Council Member/Mayor expire'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0 Abstain: 2. The motion **Passed 5 – 0 – 2** with DeCramer and Byrnes abstaining.

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COMMISSION/BOARD LIAISON REPORTS:

- Byrnes Regional Development Commission the Agency on Aging is moving.
- Schafer Library Board held a budget committee meeting on November 23rd. The Council Members were invited to a Meet the Candidate for the new Director on December 7th. Marshall Area Transit Committee met but Craig was unable to attend.
- Doom EDA discussed the Parkway II project. An individual has been hired for the Tracy position.
- Bayerkohler No report.
- DeCramer Utilities Commission discussed the Partnership Agreement; their budget is finalized; their meeting time has been changed to 4:30 P.M.; and a workshop will be held to discuss the S1 Contract with Missouri River.
- Sturrock No report.
- Conyers Community Services Advisory Board will meet next week; the Act for Alzheimer's met – there were 76 people in attendance.

COUNCILMEMBER INDIVIDUAL ITEMS:

Conyers indicated that she received a comment from a resident in regard to keeping taxes under control. Mayor Byrnes indicated that there was a hearing in Marshall on testimony to request MN Senate Investment Committee for bonding dollars for the next phase of the driving tract.

CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that the Liquor store is now open. He indicated that they have received positive feedback. He also thanked the staff for all their work during the move. The MERIT Center has received temporary occupancy permit. The Legislative and Ordinance Committee needs to discuss the MMU Commissioners wage.

DIRECTOR OF PUBLIC WORKS

Glenn Olson, Director of Public Works/City Engineer, indicated that there will be a Press Release on the reopening of South Saratoga Street.

CITY ATTORNEY:

Dennis Simpson, City Attorney, provided an update on the Mall project; the Marshall Hotel hearing will be held on December 16, 2015; Avera will be closing on the sale of property from MN/DOT. He also talked about the MMU Power Agreement and the request for proposals for vendors for the Arena.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items.

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DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACTS AND CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD.3(C)(1) TO ESTABLISH PRICING RELATED TO DISCUSSION OF REAL PROPERTY SALE:

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the ORIGINAL motion 'approval to go into closed session to discuss union contracts and to close the meeting for purposes of discussion of real property sale'. 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 7:38 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.

During this closed session union contracts were discussed.

The Council came out of closed session at 8:05 P.M.

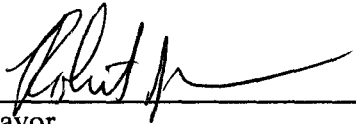
Went into closed session at 8:05 P.M. to discuss the sale of real property. Those in attendance included: Bob Byrnes; Ellayne Conyers, David Sturrock, John DeCramer, Glenn Bayerkohler, Larry Doom and Craig Schafer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Council came out of closed session at 8:15 P.M.

UPCOMING MEETINGS


There were no questions on the upcoming meeting list.

Sturrock moved, Schafer seconded, the meeting be adjourned. All voted in favor of the motion.



Mayor

ATTEST:



Finance Director/City Clerk

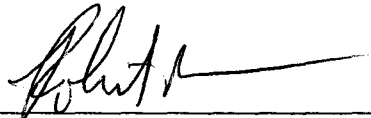
COUNCIL WORK SESSION – NOVEMBER 24, 2015

The work session of the Common Council of the City of Marshall was held on November 24, 2015 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 8:17 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Schafer, Doom, Bayerkohler, DeCramer, Sturrock and Conyers. Absent: none. Staff present included: Ben Martig, City Administrator; and Thomas M. Meulebroeck, Finance Director/City Clerk.

2016 BUDGET REVIEW:


Ben Martig, City Administrator, provided a few brief comments in regard to the status of the preparation of the 2016 proposed budget. There are a number of tasks that still need to be completed. Ben also reviewed some changes in the Tax Levy for 2016 due to recent resolutions adopted clarifying TIF's obligation in the debt payments.

Sturrock moved, Bayerkohler seconded, that the meeting be adjourned. All voted in favor of the motion.



Mayor

ATTEST:



Finance Director/City Clerk