

REGULAR MEETING – JANUARY 12, 2016

The regular meeting of the Common Council of the City of Marshall was held January 12, 2016 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, Craig Schafer, and Glenn Bayerkohler. Absent: Ellayne Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Assistant City Engineer; Rob Yant, Director of Public Safety; 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:

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

CONSIDER APPROVAL OF THE MINUTES OF THE WORK SESSION HELD ON DECEMBER 15, 2015 AND THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 22, 2015:

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the minutes of the work session held on December 15, 2015 and the minutes of the regular meeting held on December 22, 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: **6** Nay: **0**. The motion **Carried. 6 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Bayerkohler requested that consideration of amendments to the Minnesota Emergency Response & Industry Training (M.E.R.I.T.) Center Bylaws be removed from the consent agenda.

Member (**Larry Doom**) moved, Member (**John DeCramer**) 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: **6** Nay: **0**. The motion **Carried. 6 - 0**

The adoption of RESOLUTION NUMBER 4235, SECOND SERIES, which is a resolution Designating the Marshall Independent as the Official Newspaper for the City of Marshall.

The adoption of RESOLUTION NUMBER 4236, SECOND SERIES which is a resolution Appointing the Official Depositories for City Funds for 2016'.

That the 2001 Boss Plow from the Public Works Street Department be declared as surplus property.

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to the MN Chapter National Wild Turkey Federation / Buffalo Ridge Gobblers to hold a raffle on February 20, 2016 at Brau Brothers, 910 East Main 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.

REGULAR MEETING – JANUARY 12, 2016

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Voucher No. 96707 through 96949.

CONSIDERATION OF AMENDMENTS TO THE MINNESOTA EMERGENCY RESPONSE & INDUSTRY TRAINING (M.E.R.I.T.) CENTER BYLAWS:

Ben Martig, City Administrator, reviewed the proposed changes to the MERIT Center Bylaws. There are three primary revisions to the bylaws. First, there is a recommendation to change the appointments of the at-large commission members from the MERIT Commission to the Mayor and City Council. This is consistent with all other advisory boards and commissions and creates a more transparent and open process with appointments by elected officials. Second, there is a recommendation to grant full authority of amendments to the City Council. It leaves the 2/3 requirement for the recommendation or the Commission should they determine amendments are appropriate. Third, upon discussion at the last MERIT Commission meeting staff added a clarification to change the quorum from the ambiguous “active member” language to simply requiring at least five members to constitute a quorum. The MERIT Center Commission met on December 17, 2015 and approved the recommendation of the proposed amendments. The Commission did discuss alternative quorum options but ultimately felt that based on past attendance history and to keep it easy to administer that five members, even though a small percent of total board members, was appropriate at this time.

Member (**Glenn Bayerkohler**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that as amended the amendments to the Minnesota Emergency Response & Industry Training (M.E.R.I.T.) Center Bylaws be approved'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

CONSIDER PREVENTIVE MAINTENANCE AGREEMENT BETWEEN CARLSON & STEWART REFRIGERATION, INC AND THE CITY OF MARSHALL:

Ben Martig, City Administrator, reviewed the bi-annual Preventive Maintenance Agreement between Carlson & Stewart Refrigeration, Inc. and the City of Marshall for the walk-in cooler refrigeration equipment located at Tall Grass Liquor. At the last Council meeting, Councilman Bayerkohler inquired whether the cooler is provided a warranty, whether the City had a similar service contract in the past and explain the need in greater detail. Mr. Martig indicated that upon review with Mr. VanMoer and Carlson Stewart, the following summarizes the value of the contract: a. There is a warranty for 12 months on the cooler equipment. There is a 5-year warranty on a compressor. Even though there is a warranty maintenance issues can take place over time and not exclude the need for keeping a close eye on the system that was a major investment. b. The service is basically a proactive preventative maintenance inspection to make sure the system is reviewed regularly, maintained in order to avoid larger potential expenses later responding only when there are problems. c. The service will include such items as inspecting the condenser coil. They will offer recommendations for maintenance if necessary that could be done by staff in some cases or by them in other cases. d. This was not a service provided at the old location and was a call out only when there are problems. e. The industry standard for all grocery and processing plants is to have this type of maintenance service contract. Typically, where there is perishable foods the inspections are four times per year but this contract was scaled back from four to two as temperature variations won't have as critical of an impact on the Liquor Store products in comparison to perishables. f. Refrigeration leaks are not visible to the

REGULAR MEETING – JANUARY 12, 2016

naked eye and will be included on the inspections. Refrigeration coolant can be expensive so this is valuable to keep tabs on this issue. Staff is recommending the approval of the service agreement.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve of Preventive Maintenance Agreement for the Tall Grass Liquor Store between Carlson & Stewart Refrigeration, Inc and the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Bayerkohler voting no.

CONSIDER APPROVAL OF NON-UNION WAGE SCHEDULES FOR 2017 AND 2018:

Ben Martig, City Administrator, reviewed the 2017 and 2018 wage schedules for the non-union employees. The 2017 wage schedule reflects a 2.5% general wage increase and the 2018 wage schedule reflects a 2.75% general wage increase; both schedules are recommended to be effective the first day of the pay period that includes January 1st. The increases are consistent with the multi-year (2016-2018) AFSCME union agreement approved by the Council at the December 22, 2015 meeting. Approving these two schedules for the non-union employees ensures the City is treating the employees fairly and consistently, helps with future budget planning, and helps to establish an internal pattern of wages; which in turn, assists staff in labor negotiations with the two unsettled units.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council approves the 2017 and 2018 wage schedules for the non-union employees'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1**, with Bayerkohler voting no.

**SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER (SMASC) –
CONSIDER CHANGE ORDERS: - 1) CHANGE ORDER NO. 2 (0750.002) FOR
CONTRACT #0750 ROOFING & METAL PANELS WITH LAKE AREA ROOFING &
CONSTRUCTION. 2) CHANGE ORDER NO. 8 (2600.008) FOR CONTRACT #2600
ELECTRICAL/LOW VOLTAGE WITH L&S ELECTRIC, INC:**

These change orders have been prepared, reviewed, and recommended for approval by the City's Construction Manager, Wenck for the Southwest Minnesota Regional Amateur Sports Center.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 2 (0750.002) for Contract #0750 Roofing & Metal Panels with Lake Area Roofing & Construction of Blaine, Minnesota for a contract increase in the amount of \$4,163.00'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1**, with Bayerkohler voting no.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that Council approve Change Order No. 8 (2600.008) for Contract #2600 Electrical/Low Voltage with L&S Electric, Inc. of Springfield, Minnesota, with no change to the contract amount nor the contract time'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER RESOLUTION AUTHORIZING USE OF LOCAL PROGRAM INCOME:

Ben Martig, City Administrator, reviewed an agreement for the sale of four properties in Parkway II Addition. The Marshall EDA had approved this agreement. The sale included provisions to assist in carrying costs if the homes were not sold. The resolution recommending action summarizes the sale price and carrying cost assistance. The City Council has authority over "program income" funds that were recaptured State funds through the Small Cities Development Program fund. This was a relending program where the City borrowed money that originated from the state with repayments back to the City. These repayments are the "Program Income" and are restricted to certain uses such as housing rehab, commercial rehab, etc. Typically, the City would use these funds for a future application and apply existing funds to leverage new funds. From time to time particular expenses may arise to recommend use. This is an eligible use under the program as confirmed by the State DEED office. Staff is recommending action at the next council meeting.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **SUBSTITUTE** motion 'the adoption of RESOLUTION NUMBER 4237, SECOND SERIES Authorizing Use of Local Program Income'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0** Abstain: **1**. The motion **Passed 5 - 0 - 1**, with Bayerkohler abstaining.

ACCEPTANCE OF SOUTHWEST MINNESOTA ARTS COUNCIL \$2,000 ARTS LEGACY PLANNING GRANT FOR THE "SPIRIT OF THE COMMUNITY SCULPTURE PROJECT":

Ben Martig, City Administrator, reviewed the Southwest Minnesota Arts Council \$2,000 Arts Legacy Planning Grant for the "Spirit of the Community Sculpture Project". This planning grant will be used for the large scale sculpture that will be located in the Avera Plaza adjacent to the new Red Baron Expo and Arena amateur sports facility. This project speaks to Marshall's community support through art. The Spirit of Community Sculpture will reflect the community's continued contributions to the development of many Marshall Projects over the past twenty years. These projects have impacted growth of the community new businesses, education and training, economic development, expansion of attractions to the community, and etc.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to accept the Southwest Minnesota Arts Council \$2,000 Arts Legacy Planning Grant for the "Spirit of the Community Sculpture Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 - 1**, with Bayerkohler voting no.

CONSIDER ACKNOWLEDGMENT OF A LG220 APPLICATION FOR EXEMPT PERMIT FOR PRAIRIE HOME HOSPICE INC:

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 Prairie Home Hospice Inc., for a raffle on April 9, 2016 at SMSU Event Center, 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: **5** Nay: **0** Abstain: **1**. The motion **Passed 5 - 0 - 1**, with Bayerkohler abstaining.

DISCUSS EXCESS LIQUOR STORE PROPERTY SALE FOR DEVELOPMENT:

Ben Martig, City Administrator, indicated that staff is recommending to make available for purchase excess property near the Tall Grass Liquor site. The City acquired two properties for the sale. The portion that includes the excess property was acquired in conjunction with the Runnings Warehouse expansion in the industrial park. The City knew there would be more property than necessary to build but would deal with it later. Staff is suggesting to sell with a requirement that the property have a development commitment along with a purchase price. The use should be consistent with zoning regulations and of a complimentary use to the liquor store operation. This site does not have any covenant restrictions. The intention is to have a closed meeting on January 26 to discuss potential market price for internal purposes.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes Fire Relief Association will be meeting at 7:30 P.M. this evening; Regional Development Commission will meet on Thursday, January 14th.

Schafer Library Board met on Monday, January 11th. They elected new officers. Lyon County has not made an appointment yet.

Doom Southwest Minnesota Amateur Sports Center met earlier and construction is on schedule. Personnel Committee met on Monday, January 11th to discuss Computer Security Issues.

Bayerkohler Public Housing Commission approved fire/carbon monoxide policy for the residents.

DeCramer Ways and Means Committee will meet on Thursday, January 14th.

Sturrock Airport Commission met last week.

COUNCILMEMBER INDIVIDUAL ITEMS:

There will be a meeting at MN/DOT on January 19th. The Street Department Employees were recognized for snow removal.

CITY ADMINISTRATOR:

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

- There will be a work session on January 19th
- Deed grant in the amount of \$666,000
- Processing ethanol prop proposals
- Trail Grant
- Liquor Store
- Children's Wing of the Library
- New library director will start on January 19th
- Airport hangar
- Highway 23 Study
- Budgets will be printed by the end of January

REGULAR MEETING – JANUARY 12, 2016

ASSISTANT CITY ENGINEER REPORT:

Jason Anderson, Assistant City Engineer, provided an update on the Highway 23 Safety Study.

CITY ATTORNEY:

Dennis Simpson, City Attorney, indicated that the Marshall Square Mall documents have been recorded and the property located on Bruce Street has been conveyed to Avera.

DIRECTOR OF PUBLIC SAFETY:

Rob Yant, Director of Public Safety, indicated that the City has received the MERIT Center ethanol burn prop. The Driver Simulator has been installed at the MERIT Center. Rob indicated that his department is continuing to investigate a series of burglaries at Marshall Businesses. He indicated that one of the business had outside cameras and the Police Department is reviewing them. The Police Department is working to add one or two part-time Police Officers and they have posted an opening for a part-time Community Services Worker.

PENDING ITEMS:

There were no questions on the pending items.


INFORMATION ONLY:

There were no questions on the information items

UPCOMING MEETINGS:

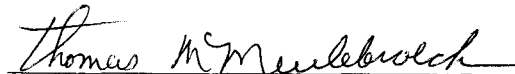
There were no questions on the upcoming meeting list.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the meeting be adjourned'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**



Mayor

ATTEST:



Finance Director/City Clerk