

REGULAR MEETING – APRIL 12, 2016

The regular meeting of the Common Council of the City of Marshall was held April 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, Ellayne Conyers; John DeCramer and Glenn Bayerkohler. Absent: Craig Schafer. 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; Ilya Gutman, Plan Examiner, Sheila Dubs, Human Resource Coordinator; Preston Stensrud, Parks Supervisor; Jeff Wenker; Police Sergeant; Jane DeVries, City Clerk and Thomas M. Meulebroeck, Finance Director. Also in attendance were several employees of the Marshall Police Department.

The Pledge of Allegiance was recited at this time.

**APPROVAL OF AGENDA:**

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'approve the agenda with the removal of agenda item #25, which is a duplicate of item number 22, which is to consider an amendment to Project BP4'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6- 0**

**AWARD FOR EXCELLENCE TO OFFICER ERIC KLENKEN AND OFFICER RYAN HOFFMANN:**

Marshall Police Officers Eric Klenken and Ryan Hoffman were presented with an Award of Excellence. Officer Klenken stopped motorist Kyle Wesselink for driving with a revoked license and was assisted by Officer Hoffmann. During a search of Wesselink's vehicle several weapons were found in the trunk, including the shotgun used in the murders of Jim and Cathy Hively. The discovery of the weapons led to the arrest and conviction of Wesselink, Theodore Como and Derek Hexum.

Ben Martig, City Administrator, read a statement from Assistant Minnesota Attorney General William Klumpp Jr., commending Klenken and Hoffman. Sergeant Wenker of the Marshall Police Department also recognized both officers.

Mayor Byrnes called for a 5-minute recess at 5:37 P.M.

**CONSIDER APPROVAL OF THE MINUTES OF THE WORK SESSION HELD ON MARCH 22, 2016; THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 22, 2016; THE MINUTES OF THE LOCAL BOARD OF APPEAL AND EQUALIZATION HELD ON APRIL 4, 2016 AND THE MINUTES OF THE WORK SESSION HELD ON APRIL 5, 2016:**

Member (Larry Doom) moved, Member (David Sturrock) seconded to approve the ORIGINAL motion 'that the minutes of the work session held on March 22, 2016 be approved as filed; the minutes of the regular meeting held on March 22, 2016 be approved as corrected; the minutes of the Local Board of Appeal and Equalization held on April 4, 2016 be approved as filed and the minutes of the work session held on April 5, 2016 be approved as filed and that the reading be waived'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0 Abstain: 1. The motion **Passed 5 – 0 – 1**, with DeCramer abstaining.

**CONSIDER REQUEST FOR STREET CLOSURE FROM REINHART FOODSERVICE FOR A COMPANY TRUCK RODEO EVENT ON APRIL 30, 2016 – 1. PUBLIC HEARING; 2. APPROVAL OF APPLICATION FOR PRIVATE USE OF PUBLIC STREETS:**

This was the date and time set for a public hearing on the request for Private Use of Streets from Reinhart Foodservice (Reinhart) for the closure of Fairview Street for a company truck rodeo event from 8:00 a.m. to 3:00 p.m. on Saturday, April 30, 2016. The purpose of the closure is to enable Reinhart to provide an employee competition and fun event utilizing the private property and a portion of the street for a track for Reinhart's equipment rodeo. The street closure does not include MN/DOT right-of-way. Alter Metal Recycling is not open for business on Saturday, including the date of this event. Reinhart is responsible for all traffic control as required by the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD). Reinhart is also responsible for personally contacting adjacent businesses informing them of the closure.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **NEW** motion 'that the Council approve the closure of West Fairview Street from just East of Ace Hardware's North driveway to just West of the Burlington Northern Railroad tracks from 8:00 a.m. to 3:00 p.m. on Saturday, April 30, 2016'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**SOUNDS OF SUMMER - 1. PUBLIC HEARING FOR PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS (AUGUST 18-21, 2016); 2. PARADE (AUGUST 20, 2016):**

This was the date and time set for a public hearing on the request for private use of public streets and parking lots. Glenn Olson, Director of Public Works/City Engineer, reviewed the request from the Sounds of Summer Committee requesting permission for the following: - Closure of West College Drive from the corner of Main Street and West College Drive to Saratoga Street, and also Marvin Schwan Memorial Drive from West College Drive to South 1st Street on Thursday, August 18, 2016 and Friday, August 19, 2016 from 3:00 p.m. to approximately 12:00 midnight, and again on Saturday, August 20, 2016 from 12:00 noon to Sunday, August 21, 2016 to approximately 3:00 a.m. to allow adequate time for clean up after the Saturday evening activities. In accordance with Section 62-6 of the Marshall City Code, any private use of public streets and parking lots on either a temporary or permanent basis should be considered by the Marshall City Council. Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, City Staff recommended that the City Council hold a public hearing on this request prior to granting final approval. In the past, the City's Public Safety and Public Works Departments have worked with applicants on the issues and public safety concerns that would have to be addressed as part of this request.

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Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing regarding the private use of public streets and parking lots for Sounds of Summer (August 18-21, 2016) '. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Glenn Bayerkohler**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council approve the private use of public streets and parking lots for Sounds of Summer (August 18 21, 2016) '. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council approve the Sounds of Summer Parade to be held Saturday, August 20, 2016, subject to MN/DOT approval. Line-up would begin at 2:00 p.m. on Jewett Street and East Lyon Street to South Bruce Street, the start of the parade. The parade would start at 4:00 p.m. It would proceed to East Main Street (TH 59) northwesterly to downtown Marshall and ending between 5th and 6th Streets at approximately 5:30 p.m., or if exceptionally large parade, could be 6:00 p.m'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER APPROVAL TO PURCHASE ROTARY STRIPING MOWER FOR THE SOUTHWEST AMATEUR BALLFIELDS:**

Proposals were received for a Rotary Striping Mower for the Southwest Amateur Ballfields. Two proposals were received utilizing the Minnesota State Contract pricing and one proposal was provided for a 2013 Demo Unit from:

MTI Distributing	Frontier Ag & Turf	Frontier Ag & Turf
Brooklyn Center, Minnesota	Hastings, Minnesota	Hastings, Minnesota
Toro Groundsmaster 3500-D	JD Terrain Cut 7400A	JD Terrain Cut 7400 (demo)
\$30,753.71	\$33,000.00	\$28,500.00

Local vendors were contacted but unable to provide this piece of equipment. The apparent low bid meeting all minimum specifications was from MTI Distributing, Inc. of Brooklyn Center, Minnesota in the amount of \$30,753.71. This unit will be essential to providing performance fields mainly at the Amateur Sports Center and could also be utilized on other city fields in town as needed.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'award the bid for a Rotary Striping Mower for the Amateur Sports Center/Parks Department to MTI Distributing, Inc. of Brooklyn Center, Minnesota for a Toro Groundsmaster 3500 D in the amount of \$30,753.71'. 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 TO PURCHASE A USED ZAMBONI FOR THE RED BARON ARENA & EXPO:**

Multiple proposals were received from R & R Specialties, Inc. as they are the authorized Zamboni dealer for the region. After reviewing all the machines available staff recommends the purchase of Model 552-6159. This unit is a 1998 model year with 5400 hours on that has been completely refurbished and will come with new batteries and a new smart charger. This unit will be essential to maintaining both sheets of ice at the Red Baron Arena & Expo while hosting events and tournaments.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'award the bid for a used Zamboni for the Red Baron Arena & Expo to R & R Specialties, Inc. of Somerset, Wisconsin in the amount of \$64,250.00'. 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 TO PURCHASE AN ELECTRIC FORKLIFT FOR THE RED BARON ARENA AND EXPO:**

Proposals were received for an electric forklift for the Red Baron Arena & Expo for the purpose of dasher boards set-up and take-down as well as expo event transitions. Proposals were received from:

Her-U-Lift	Minnesota Supply
Sioux Falls, South Dakota	Eden Prairie, Minnesota
FBC18N-AC	EC4000
\$29,187.00	\$31,314.00

The apparent low bid was from Herc-U-Lift of Sioux Falls, South Dakota in the amount of \$29,187.00. No local vendors are able to provide this piece of equipment. It also includes a one-year or 2000-hour full cover warranty as well as a two-year or 4000-hour powertrain warranty.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'authorize the purchase of a new Mitsubishi electric forklift FBC18N-AC for the Red Baron Arena & Expo from Herc-U-Lift of Sioux Falls, South Dakota, in the amount of \$29,187.00'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1**, with Bayerkohler voting no.

**APPROVAL OF CONSENT AGENDA:**

The following items were removed from the Consent Agenda:

- Consider reimbursement resolution for the Marshall Hotel Project.
- Consider adoption of resolution designating the polling locations, authorizing appointment of election judges and setting their rate of pay.
- Consider approval of fee resolution amendments for the Red Baron Arena & Expo fees.
- Consider approval of resolution approving the proper City officials to execute the warranty deed transferring the former liquor store property pursuant to the terms and conditions of the earnest money contract previously approved by Council.

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Member **(Larry Doom)** moved, Member **(John DeCramer)** seconded to approve the **ORIGINAL** motion '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 4259, SECOND SERIES which provides for the Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for a Rural Fire Pumper.

The approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use at Legion Field from May 1, 2016 to August 31, 2016 at a fee of \$200.00.

The approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use at the Softball Complex from May 1, 2016 to August 31, 2016 at a fee of \$200.00.

That the following items be declared as surplus equipment: 1) Framco 40 HP motor from the Wastewater Treatment Facility; 2) Materials Testing Equipment (sieves, hammers, splitter) from the Engineering Department.

The Council acknowledge receipt of a petition to vacate a Utility Easement – Lot 1, Block 1, Wilke-Miller-Buesing Seventh Addition from Gregory S. Taylor, order the petition to be filed for record with the City Administrator, order a hearing on such petition, and set the hearing date for April 26, 2016.

That the Council call for a public hearing to be held on April 26, 2016, on the request of JAN #2 LP to move a dwelling into a residential district at 1121 East Fairview Street.

Authorization be granted to the Department of Public Safety to dispose of 3 (three) vehicles considered as surplus. These vehicles will be auctioned on-line at the state site or will be taken to Alter Metal Recycling for disposal.

The approval of an Amendment to the City of Marshall Project BP4 Irrigation Water Line for Marshall High School for Southwest Minnesota Regional Amateur Sports Center Ballpark.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 97948 through 98223.

**CONSIDER REIMBURSEMENT RESOLUTION FOR MARSHALL HOTEL PROJECT:**

On December 8, 2015 the City Council approved Resolution Number 4222, Second Series Approving the Terms of up to a \$100,000 Interfund Loan in Connection with Tax Increment Financing (Redevelopment) District No. 1-11. This resolution authorizes the use of pooled TIF funds for the acquisition of the Marshall Hotel project. Staff is recommending to increase this amount to a maximum of \$200,000. The initial acquisition and legal work is intended to be covered by TIF Funds. Any additional significant costs related to the acquisition and demolition and/or repair of the building would require review of the TIF Plan expenses to determine if adequate funds are available. TIF is eligible for certain future uses of the building such as private

redevelopment. However, some future public uses of the buildings may not be eligible and would have to be reimbursed from TIF. This new resolution keeps the ability and intent clear that the TIF may need to be reimbursed dependent on the future use.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4260, SECOND SERIES, which is a Resolution Approving the Terms of up to a \$200,000 Interfund Loan in Connection with Tax Increment Financing (Redevelopment) District No. 1-11'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Bayerkohler voting no.

**CONSIDER ADOPTION OF RESOLUTION DESIGNATING THE POLLING LOCATIONS, AUTHORIZING APPOINTMENT OF ELECTION JUDGES AND SETTING THEIR RATE OF PAY:**

Council Member Sturrock is concerned using SMSU as a voting location for Ward One. He is concerned with how far away the voters have to park. He suggested that the staff parking lot by the RA Facility be designated for voter parking. He also suggested that the City be pro-active and consider the Red Baron Arena and Expo Center as the voting location for Ward One and if not available, staff consider other options.

Mayor Byrnes was concerned with the timing of moving the voting location. Thomas M. Meulebroeck, Finance Director, indicated that this needs to be completed 90 days before the election and notification will need to be sent to all registered voters in Ward One. Mr. Meulebroeck also indicated that he did not know if the Red Baron Arena and Expo Center would be available.

Mr. Meulebroeck indicated that the RA Facility was used for the 2014 Election and the same arrangements have been made for the 2016 Election. He indicated that SMSU was very cooperative and that the voters were allowed to use the staff parking lot. He also suggested that arrangements could be made for additional handicap parking. It was the general consensus that there be a meeting with staff from SMSU, the City of Marshall, Ward One Council Members and Council Member Sturrock to discuss any concerns.

Ben Martig, City Administrator, indicated that there would be a concern with holding the General Election at the Red Baron Arena and Expo Center. The main arena would already have ice and the second arena could possibly have ice by then and there is no other meeting space large enough for the election.

Member (**David Sturrock**) Moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4261, SECOND SERIES Designating the Polling Locations, Authorizing Appointment of Election Judges and Setting Their Rate of Pay'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

**CONSIDER APPROVAL OF THE SPIRIT OF THE COMMUNITY SCULPTURE AGREEMENT:**

The Spirit of the Community Sculpture is the public art sculpture with a suggested site proposal for the City of Marshall at the Avera Plaza and Red Baron Arena & Expo. This sculpture will underscore the community support for The Schwan Regional Amateur Sports Center. A committee made up of community and MAFAC (Marshall Area Fine Arts Council) members, led by Becky Wyffels and Jim Swartz (who both also worked on the Mrs. Whitney and downtown murals projects) have been busy working on selecting three (3) Minnesota sculptors who will present their sculpture plans in May with a final selection being made in June. This will allow for the sculpture to be created and installed during the 2017 Sounds of Summer celebration. Budget has been established for construction, installation and artist fees. This contract is for the design proposal and presentation phase only.

This agreement provides for the City of Marshall to disburse payments not to exceed \$1,500 to three artists to cover costs associated with the preparation of the sculpture design, the suggested related site design, the project required documents and design materials as proposed by the Artist for the project.

Council Member Bayerkohler had a concern with each of the three sculptors being given \$1,500 to prepare a model.

Member **(Larry Doom)** moved, Member **(John DeCramer)** seconded to approve the **ORIGINAL** motion 'approval of the Spirit of the Community Sculpture Agreement Form, Design, Proposal and Presentation Phase for the Avera Plaza and Red Baron Arena & Expo'. 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 FEE RESOLUTIONS AMENDMENTS FOR RED BARON ARENA & EXPO FEES:**

As the Red Baron Arena & Expo nears completion and activities and events are being booked, it is time to set rental rates for the facility. As Council is aware, staff has surveyed and visited comparable venues and believe the City's strategy to gain market share will enhance Marshall's presence as a regional center.

Member **(Larry Doom)** moved, Member **(John DeCramer)** seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4262, SECOND SERIES, which is a resolution Amending the Fee Resolution. This resolution provides for fees for the Red Baron Arena and Expo Center'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Bayerkohler voting no.

**CONSIDER AND APPROVE A RESOLUTION APPROVING THE PROPER CITY OFFICIALS TO EXECUTE THE WARRANTY DEED TRANSFERRING THE FORMER LIQUOR STORE PROPERTY PURSUANT TO THE TERMS AND CONDITIONS OF THE EARNEST MONEY CONTRACT PREVIOUSLY APPROVED BY COUNCIL:**

The former liquor store property was sold at public auction on February 12, 2016. On February 23, 2016, the City Council approved the sale and authorized the City Attorney to proceed with closing of that sale. The purchaser's attorney has objected to the legal description that was used. The property has been resurveyed and the legal description has been prepared. Minnesota Title Standards requires that the City Council approve the sale and authorize proper officials to execute the deed. That authorization must occur by resolution. The appropriate resolution has been drafted and does include the new surveyed legal description, so that the proposed resolution and the description on the deed are the same.

Council Member Bayerkohler questioned the legal description. City Attorney Dennis Simpson reviewed the new survey and is recommending to close the sale of the property.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4263, SECOND SERIES, Authorizing the Proper City Officials to Execute a Deed to Convey Real Estate Owned by the City of Marshall. This resolution provides for the transferring of the former liquor store property pursuant to the terms and conditions of the earnest money contract previously approved by Council'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Bayerkohler voting no.

**CONSIDER AND APPROVE RESOLUTIONS REGARDING THE EXTENSION OF CABLE TV FRANCHISE AGREEMENTS THROUGH DECEMBER 31, 2016 FOR BOTH CHARTER COMMUNICATIONS AND CLARITY DBA VAST BROADBAND:**

Dennis Simpson, City Attorney, indicated that the City has been working on extension agreements as the Cable TV Franchise agreements with Charter and Clarity both expired 12/31/2013. Franchise agreements have been extended through 12/31/15 and staff is recommending that the City enter into additional extension agreements through 12/31/2016. The City has retained the services of telecommunications expert attorney Brian Grogan to represent the interests of the City of Marshall on the negotiations to extend cable TV franchise agreements. Mr. Grogan has been involved in the negotiations of extending franchise agreements on behalf of St. Cloud and Rochester. Those template agreements are in place and attorney Grogan recommends that the City of Marshall use those agreements as a basis to extend negotiations and enter into future cable TV franchise agreements with both Charter and Clarity. City staff has also been reviewing its cable TV capital needs for the foreseeable future. City staff member Alex Peterson has put together plans for future capital expansion of the Studio 1 opportunities. The present subscriber numbers indicate that there are approximately 1,700 subscribers to Charter and 2,163 subscribers for Clarity. The current maximum franchise fee of 5% yields total revenue of approximately \$175,000 per year to the City of Marshall. In addition to the franchise fee, the City receives money for Public, Educational and Government (PEG) access at a rate of \$1.50 per subscriber per month. Discussions are ongoing regarding PEG access channels. Recently FCC regulations require that PEG access funds be used for capital improvements to the PEG system.



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City media specialist Alex Peterson is coordinating a proposal for capital improvements and uses for PEG funds. Mr. Peterson is coordinating with SMSU and Marshall Public Schools to maximize capital needs within all systems.

Member (**Ellayne Conyers**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4265, SECOND SERIES Granting Charter Communications a Franchise Extension through December 31, 2016 and the adoption of RESOLUTION NUMBER 4266, SECOND SERIES Granting Clarity Telecom, LLC a Franchise Extension through December 31, 2016'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER APPROVAL OF RESOLUTION OF SUPPORT TO APPLY FOR MINNESOTA POLLUTION CONTROL AGENCY (MPCA) EA RECYCLING GRANT:**

Harry Weilage, Director of Community Services, indicated that the City of Marshall is working with Southwest Minnesota State University Enactus, the Marshall School District, the Marshall Green Step Committee and Full Circle Organics to develop a three year pilot program around organic waste recycling. The purpose of this program is to gather data in order to be proactive in implementing an organic recycling facility in Lyon County. Organic waste will be collected at three locations and hauled to Full Circle Organics facility in Good Thunder, MN. These three organizations would like to apply for an MPCA grant to cover the costs for developing the pilot program. The City of Marshall will be the grant applicant and the other entities will provide letters of support.

There were several representatives from Enactus in attendance at the meeting. Erin Lange spoke on behalf of Enactus.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4264, SECOND SERIES which is a Resolution of Support to Apply for Minnesota Pollution Control Agency (MPCA) EA Recycling Grant'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER CALLING FOR A PUBLIC HEARING ON CHARTER ORDINANCE:**

Ben Martig, City Administrator, reviewed the proposed revised City Charter. The proposed Charter keeps the Finance Director appointed by the City Council but changes the City Clerk to being appointed by the City Administrator. There were a couple of other minor adjustments. Neither were particularly noteworthy for the background agenda but will be further explained for the hearing agenda item. The City Charter Commission meet on Monday, March 21 to review the proposed ordinance. The Charter Commission passed a motion to recommend the Charter Ordinance amendments to the City Council. The motion passed unanimously.

Under Minnesota Statute amendment by ordinance, upon recommendation of the Charter Commission the City Council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two

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weeks but not more than one month after the notice is published. Within one month of the public hearing, the City Council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. The public hearing is proposed for May 9, 2016 at 6:00 p.m. Finance Director Tom Meulebroeck and City Attorney Dennis Simpson will present the item.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'the introduction of an Ordinance amending the City Charter and Call for Public Hearing to be held on May 9, 2016 at 6:00 p.m.'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER CALLING FOR A PUBLIC HEARING FOR TAX ABATEMENT BONDS:**

Ben Martig, City Administrator, indicated that the City of Marshall has been planning improvements and equipment in relation to four softball/youth baseball fields being constructed as part of the Schwan Regional Amateur Sports Center. These ballfields will replace the existing four fields that are planned to be "de-commissioned" in the Fall of 2016. It is intended that the land of the existing fields will be sold and any proceeds be used to re-pay back the debt service on this related project. There are \$2,000,000 of funds from the sales taxes and private donations of the Amateur Sports Center project used to build out initial phases. The remaining improvements and equipment of approximately \$2,709,930 will be funded from this proposed abatement bond. The City also has been planning improvements related to Camden Regional Trail including "Marshall Golf Club segment" (leveraged with Legacy Grant dollars committed and pending Federal Trail grant), signature signage along the trail (leveraged with MN Legacy grant dollars), and trailhead improvements of an archway and kiosks. Additionally, the City is planning for the reconstruction of two bicycle/walking trails south of Avera and near Holy Redeemer school. City staff had previously contemplated at a worksession of April 5<sup>th</sup> that some additional funds from this issuance would be used to finance some Marshall Public School ballfield and irrigation expenses. Staff has since removed that item and replaced with the other Avera/Holy Redeemer trail improvements and will be proposing to internally finance those Marshall Public School expenses from another source. The estimated cost of the trail improvements would be \$190,070. More detailed information is being prepared and is planned to be presented at the public hearing on April 26, 2016 at 6:00 p.m. The Ways and Means Committee of the City Council met on Monday, April 11, 2016 to review the resolution and related documentation.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4267, SECOND SERIES Calling for a Public Hearing on Proposed Property Tax Abatements. This public hearing will be held at 6:00 P.M. on April 26, 2016'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Bayerkohler voting no.

**CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR OCTOBER 1, 2016:**

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

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government approval to Southwest Minnesota State University Foundation, to hold a raffle on October 1, 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: 5 Nay: 0 Abstain: 1. The motion **Passed 5 – 0 – 1** with Bayerkohler abstaining.

**CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR DECEMBER 7, 2016:**

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 Southwest Minnesota State University Foundation, to hold a raffle on December 7, 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: 5 Nay: 0 Abstain: 1. The motion **Passed 5 – 0 – 1** with Bayerkohler abstaining.

**COMMISSION/BOARD LIAISON REPORTS:**

- Byrnes        Fire Relief Association held their quarterly meeting on April 12<sup>th</sup>, Trustees need to be defined and they had a positive 1<sup>st</sup> quarter.
- Doom         Southwest Minnesota Amateur Sports Center will have an open house on June 7<sup>th</sup>; reservations for ice time will begin on June 1<sup>st</sup>; and the grand opening will be held on September 8<sup>th</sup>.
- Bayerkohler   Planning Commission will meet on April 13<sup>th</sup>.
- DeCramer     Utilities Commission met but DeCramer was unable to attend; Ways and Means items were acted on earlier in the meeting.
- Sturrock      Airport Commission met on April 5<sup>th</sup> but he was unable to attend.
- Conyers       Community Services Advisory Board Scott Monson, Marshall Public School Superintendent provided a presentation on the upcoming Bond Referendum.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Council Member Sturrock was involved in a conference call meeting of the Board of Directors of the Coalition of Greater Minnesota Cities. Sturrock also attended an open house on Minnesota Hwy 23 Assessment. Council Member DeCramer indicated that the Commissioner for Housing was in Marshall.

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**CITY ADMINISTRATOR:**

Ben Martig, City Administration, provided updates on the following items:

Bond issues

Ways and Means met three times in the past month

Red Baron Arena & Expo Center – trying to complete items

Market Street Mall Project is continuing to move forward

**DIRECTOR OF PUBLIC WORKS:**

Glenn Olson, Director of Public Works/City Engineer, provided an update on current projects and new projects that will start this spring. Plans for the new industrial park are being completed.

**CITY ATTORNEY:**

Dennis Simpson, City Attorney, indicated that the contract for the Bruce Street watermain project has been approved; and the Court appointed Commissioners conducted their inspection of the Marshall Hotel.

**PENDING ITEMS:**

There were no questions on the pending items.

**INFORMATION ONLY:**

There were no questions on the information items.

**UPCOMING MEETINGS**

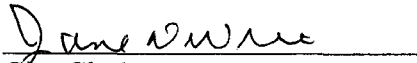
There were no questions on the upcoming meeting list.

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:

  
\_\_\_\_\_  
City Clerk