

REGULAR MEETING – MAY 24, 2016

The regular meeting of the Common Council of the City of Marshall was held on May 24, 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: Craig Schafer, Larry Doom, John DeCramer, David Sturrock and Ellayne Conyers. Council Member Bayerkohler arrived late. Absent: none. Staff present included: Sheila Dubs, Interim City Administrator / Human Resource Manager; Dennis Simpson, City Attorney; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Mary Tate, Community Services Administrative Assistant; Kim Jergenson, Engineer Technician; Cathy Lee, Executive Assistant; Jane DeVries, City Clerk and Thomas M. Meulebroeck, Finance Director.

**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 SPECIAL MEETING HELD ON MAY 9, 2016 AND THE REGULAR MEETING HELD ON MAY 9, 2016:**

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'the minutes of the special meeting held on May 9, 2016 and the minutes of the regular meeting held on May 9, 2016 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

Be it noted the arrival of Council Member Bayerkohler.

**CONSIDER RESOLUTIONS PROVIDING FOR THE ISSUANCE AND SALE OF BONDS FOR THE FOLLOWING: GENERAL OBLIGATION BONDS, SERIES 2016B; GENERAL OBLIGATION TAX ABATEMENT BONDS, SERIES 2016C; AND GENERAL OBLIGATION UTILITY REVENUE REFUNDING BONDS, SERIES 2016D:**

Paul Steinman, Springsted, reviewed the following bids that were received for the \$3,660,000<sup>(a)</sup> General Obligation Bonds, Series 2016B.

Bidder	Price	Net Interest Cost	True Interest Rate
United Bankers' Bank	\$3,777,669.59 <sup>(b)</sup>	\$235,157.08 <sup>(b)</sup>	1.3049% <sup>(b)</sup>
Robert W. Baird & Co., Inc.	\$3,780,212.65	\$257,054.57	1.4250%
C. L. King & Associates			
Cronin & Company, Inc.			
Vining-Sparks IBG, Limited Partnership			
Edward D. Jones & Company			
Samco Capital Markets, Inc.			
Coastal Securities L.P.			
WNJ Capital			
Crews & Associates			
Davenport & Company LLC			
Duncan-Williams, Inc.			

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Bidder	Price	Net Interest Cost	True Interest Rate
Ross, Sinclair & Associates, LLC			
Dougherty & Company LLC			
Loop Capital Markets, LLC			
Country Club Bank			
Oppenheimer & Co., Inc.			
Sumridge Partners			
R. Seelaus & Co., Inc.			
Sierra Pacific Securities			
Isaak Bond Investments, Inc.			
Alamo Capitol			
IFS Securities			
Rafferty Capital Markets			
First Empire Securities			
UMB Bank, N. A.			
W.H. Mell Associates			
Wayne Hummer Investments LLC			
Piper Jaffray & Co.	\$3,923,912.90	\$265,327.10	1.4348%
Stifel, Nicholas & Co., Inc.	\$3,910,303.75	\$278,936.25	1.5120%
Raymond James & Associates, Inc.	\$3,725,363.70	\$287,462.97	1.6101%

(a) Subsequent to bid opening, the issue size decreased from \$3,660,000 to \$3,560,000.

(b) Subsequent to bid opening, the price, net interest cost, and true interest rate have changed to \$3,674,901.14, \$231,114.42, and 1.3077% respectively.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4285 SECOND SERIES Awarding the Sale of General Obligation Bonds, Series 2016B, Fixing Their Form and Specifications, Directing Their Execution and Delivery; and Providing for Their Payment.' These Bonds were sold to United Bankers' Bank at a price of \$3,674,901.14; a net interest cost of \$231,114.42; and a true interest rate of 1.3077%. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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Paul Steinman, Springsted, reviewed the following bids that were received for the \$2,900,000<sup>(a)</sup> General Obligation Tax Abatement Bonds, Series 2016C.

Bidder	Price	Net Interest Cost	True Interest Rate
Robert W. Baird & Co., Inc. C. L. King & Associates Cronin & Company, Inc. Vining-Sparks IBG, Limited Partnership Edward D. Jones & Company Samco Capital Markets, Inc. Coastal Securities L.P. WNJ Capital Crews & Associates Davenport & Company LLC Duncan-Williams, Inc. Ross, Sinclair & Associates, LLC Dougherty & Company LLC Loop Capital Markets, LLC Country Club Bank Oppenheimer & Co., Inc. Sumridge Partners R. Seelaus & Co., Inc. Sierra Pacific Securities Isaak Bond Investments, Inc. Alamo Capitol IFS Securities Rafferty Capital Markets First Empire Securities UMB Bank, N. A. W.H. Mell Associates Wayne Hummer Investments LLC	\$2,953,796.15 <sup>(b)</sup>	\$849,468.02 <sup>(b)</sup>	2.4446% <sup>(b)</sup>
Stifel, Nicholas & Co., Inc.	\$3,017,735.25	\$902,448.08	2.5830%

<sup>(a)</sup>Subsequent to bid opening, the issue size decreased from \$2,900,000 to \$2,810,000.

<sup>(b)</sup>Subsequent to bid opening, the price, net interest cost, and true interest rate have changed to \$2,862,413.40, \$833,969.93, and 2.4521% respectively.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'the adoption of RESOLUTION NUMBER 4286 SECOND SERIES Awarding the Sale of General Obligation Tax Abatement Bonds, Series 2016C, Fixing Their Form and Specifications, Directing Their Execution and Delivery; and Providing for Their Payment'. These Bonds were sold to Robert W. Baird & Co., Inc., at a price of \$2,862,413.40; a net interest cost of \$833,969.93; and a true

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interest rate of 2.4521%. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion Passed 6 – 1, with Bayerkohler voting no.

Paul Steinman, Springsted, reviewed the following bids that were received for the \$3,440,000<sup>(a)</sup> General Obligation Utility Revenue Refunding Bonds, Series 2016D.

Bidder	Price	Net Interest Cost	True Interest Rate
Robert W. Baird & Co., Inc.	\$3,543,463.30 <sup>(b)</sup>	\$348,588.09 <sup>(b)</sup>	1.5933% <sup>(b)</sup>
C. L. King & Associates			
Cronin & Company, Inc.			
Vining-Sparks IBG, Limited Partnership			
Edward D. Jones & Company			
Samco Capital Markets, Inc.			
Coastal Securities L.P.			
WNJ Capital			
Crews & Associates			
Davenport & Company LLC			
Duncan-Williams, Inc.			
Ross, Sinclair & Associates, LLC			
Dougherty & Company LLC			
Loop Capital Markets, LLC			
Country Club Bank			
Oppenheimer & Co., Inc.			
Sumridge Partners			
R. Seelaus & Co., Inc.			
Sierra Pacific Securities			
Isaak Bond Investments, Inc.			
Alamo Capitol			
IFS Securities			
Rafferty Capital Markets			
First Empire Securities			
UMB Bank, N. A.			
W.H. Mell Associates			
Wayne Hummer Investments LLC			
Piper Jaffray & Co.	\$3,653,655.00	\$355,937.50	1.5999%
Stifel, Nicolaus & Co., Inc.	\$3,694,203.40	\$386,689.93	1.7171%

<sup>(a)</sup>Subsequent to bid opening, the issue size increased from \$3,440,000 to \$3,630,000.

<sup>(b)</sup>Subsequent to bid opening, the price, net interest cost, and true interest rate have changed to \$3,739,286.06, \$373,087.55, and 1.5975% respectively.

Member (Craig Schafer) moved, Member (John DeCramer) seconded to approve the NEW motion 'the adoption of RESOLUTION NUMBER 4287, SECOND SERIES Awarding the Sale of General

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Obligation Utility Revenue Refunding Bonds, Series 2016D, Fixing Their Form and Specifications, Directing Their Execution and Delivery; and Providing for Their Payment'. These Bonds were sold to Robert W. Baird & Co., Inc., at a price of \$3,739,286.06; a net interest cost of \$373,087.55; and a true interest rate of 1.5975%. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**APPROVAL OF CONSENT AGENDA:**

The following items were pulled from the consent agenda: Consider approval of the amended Joint Powers Agreement between the City of Marshall and Independent School District #413 relating to the Establishment and Operation of a Jointly Sponsored Community Education and Recreation Program and the Joint Powers Agreement for the Regional Emergency Communication Board.

Member (**Craig Schafer**) 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: 7 Nay: 0. The motion **Carried 7 - 0**

That the Council acknowledge receipt of a petition for the vacation of a utility easement in Western Mental Health Center Addition and call for a public hearing to be held on June 14, 2016.

That the City Council schedule a public hearing for Thursday, June 16, 2016 regarding the MS4 Permit Program and a Summary of the 2015 Activities.

That the Council approve the request for the closure of North 3<sup>rd</sup> Street from West Main Street to West Lyon Street on Thursday evenings from June 2, 2016 to June 30, 2016 from 2:00 P.M. to 7:00 P.M. with the requirement that proper MUTCD traffic control devices are in place for the "Thursdays on Third" events.

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 September 17, 2016 at Borch's Sporting Goods, 1309 East College Drive, 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.

Authorization be granted to the Department of Public Safety to dispose of 4 (four) 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 adoption of RESOLUTION NUMBER 4288, SECOND SERIES, which is the Resolution Authorizing Execution of Grant of Utility Easement to MMU to acquire easements over the existing underground facilities on City-owned property along a portion on part of Lot 7 and the vacated alley, Lot 2, "A" Addition.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 98603 through 98847.

**CONSIDER APPROVAL OF THE AMENDED JOINT POWERS AGREEMENT BETWEEN THE CITY OF MARSHALL AND INDEPENDENT SCHOOL DISTRICT #413 RELATING TO THE ESTABLISHMENT AND OPERATION OF A JOINTLY SPONSORED COMMUNITY EDUCATION AND RECREATION PROGRAM:**

On Tuesday, March 22, 2016, the City Council reviewed and approved a Joint Powers Agreement between the City and the School District relating to a jointly sponsored community education and recreation program. The Marshall Public School Board met on May 2, 2016 and approved the agreement, with minor changes. City Staff and City Attorney Simpson have reviewed the amended agreement approved by the School District and find no substantive changes; therefore, City Staff recommend approval of the agreement, as amended.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve the Joint Powers Agreement between the City of Marshall and Independent School District #413 relating to the establishment and operation of a jointly sponsored community education and recreation program'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER JOINT POWERS AGREEMENT FOR THE REGIONAL EMERGENCY COMMUNICATION BOARD:**

Council Member Bayerkohler questioned the wording of this Joint Powers Agreement. Rob Yant, Director of Public Safety, indicated that is Joint Powers Agreement is a renewal of the current Joint Powers Agreement. The City of Marshall has been a participant in the Southwest Minnesota Regional Radio Board since June 2, 2008. The Southwest Minnesota Regional Radio Board consists of 13 counties in Southwest Minnesota and the cities of Marshall and Worthington. All parties have entered into a Joint Powers Agreement regarding coordination of emergency services.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4289, SECOND SERIES, which is a resolution Approving Modifications to the Joint Powers Agreement for the Regional Emergency Communication Board'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPROVING RED BARON™ ARENA & EXPO CONCRETE DELAMINATION – STIPULATED SETTLEMENT AGREEMENT:**

Dennis Simpson, City Attorney, indicated that on April 26, 2016 the Council approved a change order regarding the addition of rubber tile flooring. This change order was a result of the concrete topping not adhering properly to the precast stadia planning at various locations. Moline Concrete Products, Inc., and Innovative Builders of Alexandria, Inc., are the contractors involved in this change order. The final proposed settlement agreement has been reviewed by the City, construction manager Wenck & Associates, and construction architect ATS&R. It is proposed that the City approve the settlement agreement and circulate that agreement for signature by contractors, construction manager and architect.

The warranty provisions of the original flooring and of the new flooring is the contractual one year warranty as set forth within the various construction documents. City Attorney's office

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continues to believe that the proposed settlement is in the best interest of the City, so as to allow for completion of the project in a timely manner. Litigation to resolve this matter would be time consuming and expensive. Any litigation involves insurance providers and surety companies. Litigation would also require mediation which ultimately may require flooring correction to the affected area, as is agreed herein. Time is of the essence, and City Attorney believes the Stipulated Settlement Agreement is an appropriate resolution of a complicated situation. The proposed settlement incorporates changes as proposed by construction manager and architect. The costs for the correction to the problem are less than previously anticipated. The rubber tile flooring has been ordered and installation of the flooring is set to occur this week and the next week.

Council Member Doom indicated that he was concerned that there is cracked concrete. Hovelson from Wenck & Associates indicated that the area that had cracks was not structural, but a surface layer applied to precast concrete. The concrete has also passed compression testing. He indicated that this is an aesthetic concern.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'approval of the Stipulated Settlement Agreement regarding the concrete delamination matter at the Red Baron™ Arena & Expo'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

### **CONSIDERATION OF APPOINTMENT OF FINANCE DIRECTOR:**

Sheila Dubs, Interim City Administrator / Human Resource Manager, indicated that the City received the resignation notice from current Finance Director, Tom Meulebroeck to be effective August 31, 2016. City Staff have completed the recruitment and selection process for this position. Three candidates were interviewed for the position. City Councilmember John DeCramer, as Chairperson of the Ways and Means Committee, also participated in the finalist interview process. Ms. Drown has accepted the position, all pre-employment screening has been completed, and staff have arranged for Ms. Drown to begin work for the City effective June 6, 2016. This will give Mr. Meulebroeck time to transition knowledge and responsibilities to Ms. Drown before his retirement. In accordance with Section 3.03 of the City Charter, the Finance Director shall be appointed by the City Council. Staff recommend appointment of Ms. Karla Drown as Finance Director effective September 1, 2016. Mr. Meulebroeck will retain the position (and appointment) of Finance Director until his retirement date of August 31, 2016. On September 1, 2016, Ms. Drown would assume the Finance Director signatory and other Finance Director responsibilities as appointed.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'appoint Ms. Karla Drown as the City's Finance Director effective September 1, 2016'. 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 RSCHOOLTODAY SCHEDULING AGREEMENT WITH MARSHALL PUBLIC SCHOOLS-CITY OF MARSHALL:**

Harry Weilage, Director of Community Services, reviewed the rSchoolToday Scheduling Agreement with Marshall Public Schools and the City of Marshall with the Red Baron Arena and Expo ready to open in June, there is a need for a web-based, user-friendly online facility reservation/scheduling program. Currently, Marshall Community Services (MCS) uses the Marshall Public Schools (MPS) facility scheduling program to schedule all of the programs/activities in the school buildings. This program was developed in 2005 specifically for the school district. It is not web-based and there have been no program updates since its inception. Extensive research over the past 2 years was conducted on other programs (EMS-Event Management Systems, SchoolDude, Maximum Solutions) and it is staff's recommendation that rSchoolToday is the best fit for the partner's needs. This program would allow on-line customer reservation requests for renting facilities, including the new Red Baron Arena & Expo as well as park shelters and ball fields. The City would share the cost for this web-based program with MPS. This system is currently used by the MPS Activities Department as well as the Big South Conference.

The proposal includes the breakdown of cost per entity and the cost for a new MCS on-line registration program which is a module of rSchoolToday. The current MCS Online Registration program was developed specifically for MCS in December 2004 by Versatile Solutions. This program no longer receives technology support and/or enhancements or updates due to program author's job change. This new program would interface with the proposed facility scheduling program, would have the capability of producing a master calendar of events happening in Marshall and would interface with the MPS activity schedule.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'the approval of rSchoolToday Scheduling Agreement between the Marshall Public Schools and the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER ADOPTION OF RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY FOR THE MARSHALL FIRE DEPARTMENT:**

Thomas M. Meulebroeck, Finance Director, indicated that Sandy Mosch would like to donate a trailer on behalf of Douglas L. Mosch Estate to the Marshall Fire Department. Ms. Mosch indicated that value of the trailer is \$7,500.00.

Council Member Bayerkohler stated that per Internal Revenue Code Section 170(f)(11)(C) taxpayers are required to obtain a qualified appraiser for donated property for which a deduction of more than \$5,000 is claimed. Bayerkohler also indicated that the the donor of the property or the donee of the property cannot determine the value of the donated property.

Member (**Craig Schafer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **SUBSTITUTE** motion 'the adoption of RESOLUTION NUMBER 4290, SECOND SERIES Accepting the Donation of Personal Property for the Marshall Fire Department with no value being stated in the resolution'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Doom voting no.



**MERIT CENTER ADDITION PROJECT – CONSIDER CHANGE ORDER NUMBER 006 WITH MOHS CONTRACTING, INC:**

Change Order Number 006 for the MERIT Center provides added hardware on three doors for a contract increase in the amount of \$2,791.00. The original contract did not include panic hardware for each of the doors exiting from two training rooms and one closure hardware at the mechanical room. The Code requires that this hardware be installed on these doors.

Dave Maroney from ATS&R indicated that they were concerned that this was not included in the original bid and they are reimbursing the city \$922.00 for two (2) door openers.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the ORIGINAL motion 'that Council approve Change Order Number 006 for the MERIT Center Addition to provide added hardware on three doors for a contract increase in the amount of \$2,791.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

**PROJECT BP4: PUMP STATION CONSTRUCTION PROJECT-IRRIGATION WATER LINE FOR MARSHALL HIGH SCHOOL - 1. CONSIDER CHANGE ORDER NO. 2 (FINAL); 2. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 2:**

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the ORIGINAL motion 'that Council approve Change Order No. 2 (Final) for Project BP4 Pump Station Construction Project – Irrigation Water Line for Marshall High School with D&G Excavating, Inc. resulting in a contract increase in the amount of \$3,412.50'. 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 acknowledge Final Pay Request (No. 2) for Project BP4 Pump Station Construction Project – Irrigation Water Line for Marshall High School with D&G Excavating, Inc., in the amount of \$6,021.88'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

**SCHWAN REGIONAL AMATEUR SPORTS CENTER – CONSIDER CHANGE ORDERS: 1) CHANGE ORDER NO. 4 (0330.004) FOR CONTRACT #0330 – CAST-IN-PLACE CONCRETE WITH INNOVATIVE BUILDERS OF ALEXANDRIA, INC.; 2) CHANGE ORDER NO. 5 (0330.005) FOR CONTRACT #0330 – CAST-IN-PLACE CONCRETE WITH INNOVATIVE BUILDERS OF ALEXANDRIA, INC.; 3) CHANGE ORDER NO. 3 (3100/3300.003) FOR CONTRACT #3100/3300 EARTHWORK AND SITE UTILITIES WITH R&G CONSTRUCTION CO:**

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

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the ORIGINAL motion 'that the Council approve the following change orders resulting in a contract decrease: Change Order No. 4 (0330.004) for Contract #0330 – Cast-in-Place Concrete with Innovative Builders of Alexandria, Inc. of Alexandria, Minnesota resulting in a contract decrease in the amount of \$3,150.00. Change Order No. 3 (3100/3300.003) for Contract #3100/3300

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Earthwork and Site Utilities with R&G Construction Co. of Marshall, Minnesota resulting in a contract decrease in the amount of \$8,568.00'. 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 **NEW** motion 'that the Council approve the following change orders resulting in a contract increase: Change Order No. 5 (0330.005) for Contract #0330 – Cast-in-Place Concrete with Innovative Builders of Alexandria, Inc. of Alexandria, Minnesota resulting in a contract increase in the amount of \$12,097.00'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 – 2** with Bayerkohler and Doom voting no.

**APPROVAL OF APPOINTMENT TO THE AIRPORT COMMISSION:**

Per the recommendation of Mayor Byrnes, Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'approval of appointment to the Airport Commission'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Airport Commission – Thomas Larson be appointed to a 3-year term to expire on May 31, 2019

**COMMISSION/BOARD LIAISON REPORTS:**

- Byrnes            Regional Development Commission met but he was unable to attend.
- Schafer           Marshall Area Transit Committee discussed expanding their services.
- Doom              No report.
- Bayerkohler     No report.
- DeCramer        EDA will meet on May 25<sup>th</sup>; Utilities Commission met but he was unable to attend. DeCramer indicated that there will be an open house at the MERIT Center on May 27<sup>th</sup> He also provided an update on the presentation of the sculptures for the Avera Plaza.
- Sturrock          Indicated that he had concerns with sidewalks in the Windstar Park area; on May 11<sup>th</sup> he attended a presentation at MN/DOT on the Highway 23 needs; on May 17<sup>th</sup> he attended a meeting in Cottonwood on the Highway 23 by-pass; he had several conference calls with the Board of the Coalition of Greater Minnesota Cities;
- Conyers           Community Services Advisory Board met – she provided an update on ACT on Alzheimer's

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Council Members Schafer and Conyers provided updates on the noise and trash issues from residents in Ward 3; Mayor Byrnes indicated that the Legislature adjourned on Sunday – the

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bonding bill for the MERIT Center driving track did not pass, but the tax bill did pass for Local Government Aid.

**CITY ADMINISTRATOR:**

Sheila Dubs, Interim City Administrator / Human Resource Manager; provided updates on:

Finalized information with Gary Weiers for the City Administrator interviews.

The Red Baron Arena & Expo open house will be held on June 7, 2016.

Cathy Lee will provide the council with a list of upcoming events.

The Community Services Director Position.

Dave Parsons, Appraiser has successfully completed the requirements to advance his license to the SAMA (Senior Accredited Minnesota Assessor) level.

**DIRECTOR OF PUBLIC WORKS:**

No comments.

**CITY ATTORNEY:**

EDA will meet at noon on June 8<sup>th</sup>.

Action Manufacturing has paid off their loan.

Update on Parkway II Addition.

**PENDING ITEMS:**

There were no questions on the pending items.

Mayor Byrnes called for a 5-minute recess at 7:06 P.M.

**CONSIDERATION TO GO INTO CLOSED SESSION FOR THE PURPOSES OF ATTORNEY CLIENT PRIVILEGE:**

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to consider going into closed session'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

The Council went into closed session at 7:11 P.M. Those present at the closed session included: Byrnes, Schafer, Doom, Bayerkohler, DeCramer, Sturrock and Conyers. Staff present included: Sheila Dubs, Interim City Administrator / Human Resource Manager; Dennis Simpson, City Attorney; Harry Weilage, Director of Community Services; Thomas M. Meulebroeck, Finance Director; and Jane DeVries, City Clerk.

The Council came out of closed session at 7:22 P.M.

**CONSIDERATION ACTION FROM CLOSED SESSION FOR THE PURPOSES OF ATTORNEY CLIENT PRIVILEGE:**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the approval of the Release and Indemnity Agreement with Linda's Lyrics, LLC'. The consideration for this Release and Indemnity Agreement is in the amount of \$2,000.00 payable to Linda Ellis. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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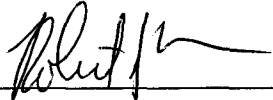
**INFORMATION ONLY:**

There were no questions on the information items.

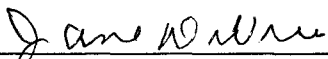
**UPCOMING MEETINGS**

There were no questions on the upcoming meeting list.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

  
\_\_\_\_\_  
Mayor

ATTEST:

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