

REGULAR MEETING – AUGUST 8, 2016

The regular meeting of the Common Council of the City of Marshall was held on August 8, 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, Craig Schafer, Glenn Bayerkohler, John DeCramer, David Sturrock and Ellayne Conyers. Absent: none. Staff present included: Nick Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Sheila Dubs, Human Resource Manager; Cathy Lee, Executive Assistant; Mary Tate, Community Services Administrative Assistant; Jane DeVries, City Clerk and Thomas M. Meulebroeck, Finance Director. Other staff included: Karla Drown, Finance Director effective September 1, 2016.

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 REGULAR MEETING HELD ON JULY 26, 2016:

Member (Larry Doom) moved, Member (Ellayne Conyers) seconded to approve the ORIGINAL motion 'the minutes of the regular meeting held on July 26, 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 Abstain: 1. The motion Passed 6 – 0 – 1 with Schafer abstaining.

CONDUCT A PUBLIC HEARING OF AN ORDINANCE “OPTING-OUT” OF THE NEW STATUTORY REQUIREMENT FOR TEMPORARY FAMILY HEALTH CARE DWELLINGS:

This was the date and time set for a public hearing on an Ordinance “Opting-Out” of the new statutory requirement for temporary family health care dwellings. Dennis Simpson, City Attorney, indicated that on Thursday, July 7, 2016, the Legislative & Ordinance committee met to consider an ordinance allowing the City to opt-out of the temporary family health care dwellings statute recently passed by the Minnesota legislature. The Legislative & Ordinance committee recommended that the ordinance opting out of the new statutory provisions allowing for temporary family healthcare dwellings be introduced and adopted by the City of Marshall. This spring, a new law was passed creating a procedure that allows home owners to place a mobile unit on their property to temporarily accommodate sick family members. The law allows the cities to opt out of the new temporary family health care dwellings act. The League of MN Cities is recommending that cities opt out. City staff and the Legislative & Ordinance committee recommend that the City opt out of the new law. Allowing people to have a relative living in a structure in their back yard may create problems for the neighbors and may create a difficult situation for the City. Further, since the law does not fully describe several important aspects of the permitted structures, it will become subject to interpretation and a conflicting point between City staff and applicants. Additionally, this law requires the City to receive private health information about tenants to determine eligibility which may complicate record keeping and bring privacy issues into discussion. The City does not anticipate many people using this option as it makes more sense to let sick family members in an actual house rather than a 300 square foot backyard shed, but it is prudent to be proactive and opt out of this law while it is possible.

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The League of MN Cities has created a simple opt out ordinance. The City must opt out of allowing the temporary family health care dwellings prior to September 1, 2016.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) 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 (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **NEW** motion 'adopt an ORDINANCE NO. 711, SECOND SERIES, which is an ordinance “opting-out” of the new statutory requirement for temporary family health care dwellings'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF CONSENT AGENDA:

Member (**Craig Schafer**) moved, Member (**Larry Doom**) 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 Marshall Fire Department 1980 Rural Tanker be declared as surplus property.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 99715 through 99898.

CONSIDERATION OF APPOINTMENT OF THE DIRECTOR OF COMMUNITY SERVICES:

Sheila Dubs, Human Resource Manager, indicated that in accordance with Personnel Policy 3.1 titled Hiring Authority, the City Administrator is responsible to manage the hiring process for all positions within the City, except for Division Directors, which is subject to final approval of the City Council. City Staff have completed the recruitment and selection process for this position and the pre-employment screening has also been completed. In addition, the Minnesota Board of School Administrators has approved our variance request for the Community Education Licensure. In filling the position, City staff engaged in a collaborative and community engagement hiring process. Members of the public were invited to meet the candidates at an open house and two interview panels provided input to the selection committee. Together, the selection committee, comprised of City and School District representatives, partnered on all aspects of the selection process. Mr. Scott VanDerMillen has accepted the position and is ready to begin working on August 9th.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'appoint Mr. VanDerMillen as the City's Director of Community Services effective August 9, 2016'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER LETTER OF AGREEMENT WITH THE MARSHALL RADIO CONTROL CLUB FOR OPERATION OF RECREATIONAL REMOTE CONTROLLED UNMANNED AIRCRAFT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Letter of Agreement with the Marshall Radio Control Club for Operation of Recreational Remote Controlled Unmanned Aircraft. The Marshall Radio Control Club (MRCC) owns and operates a parcel of land southwest of the city of Marshall for the purpose of operation of recreational remote controlled unmanned aircraft. The Letter of Agreement includes a copy of the Academy of Model Aeronautics National Model Aircraft Safety Code; a copy of the See and Avoid Guidance and a list of the 2016 Marshall RC Club officers. As the Airport Commission did not have a quorum at their last meeting, this does not have a recommendation from them.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council authorize execution of the Letter of Agreement with the Marshall Radio Control Club for Operation of Recreational Remote Controlled Unmanned Aircraft'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDERATION OF TEMPORARY EXTENSION OF ALCOHOL LICENSE AREA FOR BRAU BROTHERS BREWING COMPANY AT 1010 EAST SOUTHVIEW DRIVE ON SEPTEMBER 9 - 10, 2016:

Brau Brothers Brewing Company has applied for a Temporary Extension of an Alcohol License for the Hop Fest Celebration to be held at Brau Brothers Brewing Company on September 9 - 10, 2016. The current alcohol license approved by the City and State is for a taproom and identifies the area to include the inside of the brewery and the exterior areas under the overhangs. The State does allow the City to allow for a temporary extension of the designated area if they are contiguous with the other areas of the license holder. The City has complete discretion of any approval or conditions that may be applied as determined necessary. There is no additional state notifications or approval.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'to approve the Temporary Extension of Alcohol License for Brau Brothers Brewing Company at 1010 East Southview Drive for September 9 - 10, 2016'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on September 30, 2016 at the RA Facility, 1501 State Street, Marshall, Minnesota; and on October 1, 2016 at the RA Facility Parking Lot, 1501 State Street, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1** with Bayerkohler abstaining.

CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY OF MARSHALL AND TOM MEULEBROECK FOR PHASED RETIREMENT:

Nick Johnson, City Administrator, indicated that Tom Meulebroeck will be retiring on August 31, 2016 after 37 years of service with the City of Marshall. PERA (Public Employees Retirement Association) of Minnesota implemented a program in 2010 which allows a retiree to continue limited employment with the organization post-retirement. The goal of this program is to help facilitate the knowledge transfer in an organization. The positions of City Administrator, Finance Director, and Assistant Finance Director have new people in them. These positions are critical to the formation and implementation of the City's Annual Budget. City staff find necessary value in participating in the PERA program to engage Tom's services in post-retirement to assist with knowledge transfer.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the approval of an Agreement between the City of Marshall and Tom Meulebroeck for Phased Retirement'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

COMMISSION/BOARD LIAISON REPORTS:

- Byrnes No report.
- Schafer Library Board is working on a proposed budget.
- Doom Personnel Committee acted on earlier in the meeting.
- Bayerkohler Public Housing Commission met to discuss some housekeeping items and they are working on a survey for a no smoking policy; Planning Commission will meet on August 10th.
- DeCramer Utilities Commission is working on their strategic plan.
- Sturrock No report.
- Conyers Community Services Advisory Board met but she was not able to attend.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Schafer indicated that on August 24th there will be a rail safety meeting at the Red Baron Arena and Expo Center; Sturrock provided a brief update on a survey from the Coalition regarding transportation; the sidewalk project on East Main is progressing.

CITY ADMINISTRATOR:

Nick Johnson, City Administrator, is continuing to meet with City staff; he has visited all the City facilities; National Night Out was well attended. Staff is working on a meeting to review the change orders for the Red Baron Arena and Expo Center. He is continuing to meet with the local businesses and organizations in the City of Marshall. Nick also indicated that the cell phone service is not very good in the downtown area.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer; provided updates on the current projects. He also indicated that staff has contacted the property owners adjacent to Westmar Circle about street construction for this area.

CITY ATTORNEY:

Dennis Simpson, City Attorney, indicated that the sponsorship agreements for the Red Baron Arena and Expo Center are being worked on. There was a MRES meeting last week. Joe Bot has requested one more walk through of the hotel.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION:

The following items were provided as informational items for the Council.

Project Y62 / S.A.P. 139-111-005: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project - Punch List Items.

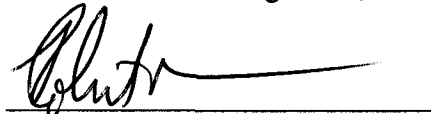
Fire Relief Association Annual Financial Report for the year ended December 31, 2015. The contribution for 2017 will be \$48,227. The contribution for 2016 was \$21,500. The 2016 Maximum Lump Sum Benefit Level under Minnesota Statute 424A.02, Subd. 3 is \$6,700 per year of service.

There was a brief discussion on the policy the Fire Relief Association used to invest the money. This is reviewed every year. The City contribution varies each year.

UPCOMING MEETINGS

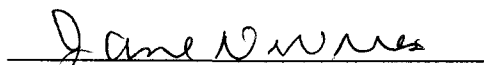
There were no questions on the upcoming meeting list.

Member (**Larry Doom**) moved, Member (**David Sturrock**) 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