

REGULAR MEETING – NOVEMBER 22, 2016

The regular meeting of the Common Council of the City of Marshall was held on November 22, 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, Glenn Bayerkohler, David Sturrock and Ellayne Conyers. Absent: John DeCramer. Staff present included: Nick Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; Scott VanDerMillen, Director of Community Services; Ilya Gutman, Plan Examiner, and Jane DeVries, 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 with the deletion of item number 19, which is to consider a Resolution Redistributing Assessments for West Main Street Sanitary Sewer Replacement Project Y87.

CONSIDER APPROVAL OF THE MINUTES OF THE WORK SESSION HELD ON OCTOBER 20, 2016; THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 25, 2016; THE MINUTES OF THE WORK SESSION HELD ON OCTOBER 25, 2016 AND THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 1, 2016:

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the work session held on October 20, 2016; the minutes of the regular meeting held on October 25, 2016; the minutes of the work session held on October 25, 2016 and the minutes of the regular meeting held on November 1, 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**

REMOVAL OF DISEASED TREE FROM PRIVATE PROPERTY IN THE CITY OF MARSHALL - 1. PUBLIC HEARING ON ASSESSMENT; 2. CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on the removal of a diseased tree from private property. Dennis Simpson, City Attorney, indicated that the City shall conduct a public hearing to consider approving of special assessment to be levied against City property to allow for collection of costs incurred by the City to remove a diseased tree on private property. City Attorney recommends adoption of the special assessment after closing the public hearing. Minnesota Statutes Chapter 429.101 does set forth the various types of City charges that can be assessed against property taxes pursuant to the special assessment process. Minnesota Statutes §429.101 subd. 1(a) (6) removal of a diseased tree from private property may be assessed against property owners. The procedure by which those types of costs incurred by the City may be assessed against private property owners is outlined in Minnesota Statute §429.061 and procedures further outlined in a Minnesota Court of Appeals decision Sykes v. Rochester City Council Court of Appeals case A13-2421. The Sykes decision does require full compliance with §429.061, when levying those costs as assessments against private property. §429.061 does require public hearing to be held before those amounts can be assessed. The City Council has previously passed a resolution declaring the costs to be assessed as required by Minnesota

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Statute §429.061 and further that a second resolution has been passed calling for a public hearing regarding those costs to be assessed. Notice of public hearing has been sent to property owners and has been published in the Marshall Independent as required by Statute.

Member **(Larry Doom)** moved, Member **(David Sturrock)** seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the assessment for removal of a diseased tree from private property in the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member **(Larry Doom)** moved, Member **(Ellayne Conyers)** seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4323, SECOND SERIES, which is the "Resolution Adopting Assessment" for the removal of a diseased tree from private property in the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

APPROVAL OF CONSENT AGENDA:

Member **(Larry Doom)** moved, Member **(Craig Schafer)** 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**

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Holy Redeemer Church to hold a raffle on January 31, 2017, at Holy Redeemer Church Parish Center, 503 West Lyon 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.

BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to the Buffalo Ridge Gobblers NWTF to hold a raffle on January 14, 2017 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.

The approval of a Temporary On-Sale Liquor License for the Friends of the Orchestra LTD to use on December 13, 2013 at Holy Redeemer Church, 501 West Lyon Street, Marshall, Minnesota.

The adoption of RESOLUTION NUMBER 4324, SECOND SERIES and the contract between PATROL (Police Accredited Training Online) and the City of Marshall. Staff also recommends approving Rob Yant as administrator of the contract.

That the bills and project payments be authorized for payment as presented.

CHLORIDE LIMITS PRESENTATION – WASTEWATER/MMU:

Glenn Olson, Director of Public Works/City Engineer, indicated that the MPCA issued the City of Marshall Wastewater Facility a Chloride limit in its NPDES Permit issued in 2014. The limit has a compliance schedule to meet this limit by 2024.

Brad Roos, Marshall Municipal Utilities General Manager, and Jeff Larson, MMU Water Operations Manager, provided a presentation on possible changes to the way MMU treats city, water, which could help Marshall meet higher wastewater quality standards. A lot of the chlorides in Marshall wastewater come from the salt used in home water softeners. One way to reduce this would be for MMU to soften the water using lime and soda ash, which would require an expansion to MMU's water softening systems as well as a recarbonation system to control the acidity of the treated water. The estimated capital cost of this project would be more than \$9 million for a 2019 construction timeline. There would also be additional costs for operation and maintenance.

CONSIDER APPROVAL OF MMU & CITY 2017 PARTNERSHIP AGREEMENT:

Brad Roos, MMU General Manager, briefly reviewed the 2017 Partnership agreement between the City of Marshall and Marshall Municipal Utilities.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'to approve the 2017 Partnership agreement with MMU'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER AND APPROVE SPONSORSHIP AGREEMENT BETWEEN CITY OF MARSHALL AND REINHART FOODSERVICE, LLC REGARDING THE RED BARON™ ARENA & EXPO:

Dennis Simpson, City Attorney, indicated that City staff has been soliciting sponsorship agreements and has been working with various entities regarding financial commitment and sponsorship of the Red Baron™ Arena & Expo. Reinhart Foodservice, LLC has agreed to serve, provide equipment and cash to sponsor the facility with total commitment of \$75,000 over a five year period of time. The sponsorship agreement does grant to Reinhart Foodservice exclusivity of sponsorship regarding primary broad line food distributor for said facility. Mr. Simpson indicated that Schwan's Shared Services has a sponsorship agreement in place, giving to Schwan's the right of first refusal for perspective competitive food service suppliers and/or sponsors of product categories. Product categories are in the areas of pizza brands, Mexican products, Asian products, appetizers, ice cream, ice cream novelties, frozen desserts, frozen yogurt and other frozen food products. A copy of the sponsorship agreement between the City and Reinhart's has been provided to the legal department of Schwan's Shared Services.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the approval of the sponsorship agreement between the City of Marshall and Reinhart Foodservice, LLC regarding the 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.

PROJECT Z47: COMMERCE INDUSTRIAL PARK PHASE I (WATER, SANITARY, STORM, POND, OUTLET) AND PROJECT Z48: COMMERCE INDUSTRIAL PARK PHASE II (STREETS) – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City is in the process of developing a portion of the Commerce Industrial Park (formerly known as the DeRuyck site). The current industrial site has been substantially developed and does not have significant developed areas to allow major industrial users to construct new facilities. The EDA is in the process of developing a grant request for the partial development of the Commerce Industrial Park, including utility infrastructure (watermain, sanitary sewer main, and storm sewer system), roadway development, and site grading to allow a portion of the Commerce Industrial Park to be “shovel ready”. The timing on the next round of DEED grants has indicated that preliminary plans should be available as soon as possible as the funding is based upon money availability within the State program. The State has indicated the funds are available on a first-come, first-serve basis but must include complete plans and specifications prior to consideration. As the timing for the DEED grant is such that City staff would not be able to meet the timeline for early approval, the City Council at their meeting on November 1, 2016, authorized entering into a Professional Services Agreement for Commerce Park Stormwater Study and Michigan Road Street and Utility Design with Bolton & Menk, Inc. of North Mankato, Minnesota.

Member **(Larry Doom)** moved, Member **(Craig Schafer)** seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4325, SECOND SERIES, which is the Resolution Ordering Preparation of Report on Improvement for Commerce Industrial Park Phase I (Water Sanitary, Storm, Pond Outlet) Project Z47 and for Phase II (Streets) Project Z48'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

PROJECT Z56 / SAP 139-129-002: NORTH 7TH STREET RECONSTRUCTION PROJECT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed North 7th Street Reconstruction Project Z56 / SAP 139-129-002. This project consists of the reconstruction of North 7th Street from the North 7th Street Diversion Channel north to CSAH 33. There will also be watermain replacement on a portion of the project, as well as revisions to the storm sewer system.

Member **(Larry Doom)** moved, Member **(Ellayne Conyers)** seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4326, SECOND SERIES, which is the Resolution Ordering Preparation of Report on Improvement for North 7th Street Reconstruction Project Z56 / SAP 139-129-002'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

PROJECT BP6: SOUTHWEST MINNESOTA REGIONAL AMATEUR BALLPARK CONCESSIONS BUILDING – CONSIDER CHANGE ORDER NO. 4 AND CHANGE ORDER NO. 5 WITH MOHS CONTRACTING, INC:

Glenn Olson, Director of Public Works/City Engineer, reviewed two change orders for Project BP6 Southwest Minnesota Regional Amateur Ballpark Concessions Building, indicating the work proposed as additional items for the development of the Concessions Building as supported

by the Proposal Request (PR) documents. Change Order No. 4: Modify Stairs at Grandstands +\$928.00 and Hardwired Automatic Sensor Flush Valves and Lavatory Faucet Valves +\$466.00. Change Order No. 5: Allen Block Material deduct \$2,808.59 and Water Cooler Change deduct \$803.25. The Parks Department has reviewed the change orders and has recommended approval.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 4 with Mohs Contracting, Inc. resulting in a contract increase of \$1,394.00'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **NEW** motion 'that the Council approve Change Order No. 5 with Mohs Contracting, Inc. resulting in a contract decrease of \$3,611.84'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER AND APPROVE SPORTS MEDICINE/ATHLETIC TRAINING SERVICE AGREEMENT BETWEEN CITY OF MARSHALL, AVERA MARSHALL AND BIG STONE THERAPIES REGARDING THE RED BARON™ ARENA & EXPO:

Dennis Simson, City Attorney, indicated that City staff has been working with numerous local businesses regarding sponsorship agreements and service agreements at the Red Baron™ Arena & Expo. Avera Marshall is a major financial benefactor of that facility and is granted the sole and exclusive rights to provide medical service at the facility. Avera Marshall and the City desire to enter into a sports medicine and training service agreement with Big Stone Therapies, Inc. to provide donated services and fee services at the arena. The City agrees to provide specific "trainers/training room" and to provide sufficient storage units within that building for designated training supplies. While Big Stone Therapies will provide the initial supplies, the City and Big Stone thereafter will split the cost of medical supplies as are used within the facility. Services outlined within the City agreement are very similar and often mirror the services Big Stone provides to the Marshall Public Schools at school events. The City, Avera and Big Stone will develop a schedule for those events where Big Stone Therapies will be donated and further will develop list of scheduled events where Big Stone will be paid for services provided. It is anticipated that MAHA and high school athletic events will be on a fee basis with Big Stone Therapies. The initial annual schedule has not yet been negotiated. This agreement is for a five year period of time.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **SUBSTITUTE** motion 'that the Sports Medicine/Athletic Training Service Agreement between the City of Marshall, Avera Marshall and Big Stone Therapies be tabled to the next regular council meeting'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER RESOLUTION REDISTRIBUTING ASSESSMENTS IN Nwakama ADDITION RELATING TO PROJECT Y28: BASELINE ROAD AND SUSAN DRIVE IMPROVEMENT PROJECT AND PROJECT Y33 / 139-132-02: CLARICE AVENUE FROM SUSAN DRIVE TO T.H. 23 IMPROVEMENT PROJECT:

Glenn Olson, Director of Public Safety/City Engineer; and Dennis Simpson, City Attorney, reviewed the request to redistribute assessments for the Nwakama Addition relating to Project Y28 Baseline Road and Susan Drive Improvement and Project Y33 / 139-132-02 Clarice Avenue from Susan Drive to T.H. 23. This redistribution will affect the following parcels: 27-658004-0; 27-658005-0; 27-658006-0; a portion of 27-658008-0; and a portion of 27-658016-0.

In accordance with the First Development Contract for Nwakama Addition dated June 4, 2007, Item 25.B., "The Developer shall convey Outlot A to the City of Marshall by a quit claim deed, free and clear of all liens and encumbrances, upon completion and certification of the construction of the storm water pond and its storm water piping by the Developer's engineer, and the acceptance of Outlot A by the City.

As a portion of this outlot has since had improvements made to the southeast 50' x 225', this portion of Outlot B should be split and combined with the above-referenced parcels, prior to conveying the remainder of the outlot to the City. The split of Parcel Number 27-658008-0 should be accomplished prior to this combination. An access easement to Outlot A should also be provided to allow the City to operate and maintain the pond in the future.

The split of 27-658008-0 should require some sort of access agreement for drainage to Outlot A. The parking lot for the Sleep Inn encroaches into Parcel Number 27-658002-0 and approximately 15 feet is required to be split from this parcel and added to the Sleep Inn property (Parcel 27-658001-0).

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **SUBSTITUTE** motion 'the adoption of RESOLUTION NUMBER 4327, SECOND SERIES, which is a Resolution Redistributing Assessments in Nwakama Addition Relating to Project Y28: Baseline Road and Susan Drive Improvement Project and Project Y33 / 139-132-02: Clarice Avenue from Susan Drive to T.H. 23 Improvement Project contingent upon the combination of the various parcels be provided to the Lyon County Assessor and Lyon County Recorder'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

PROJECT Y87: WEST MAIN STREET SANITARY SEWER REPLACEMENT PROJECT - CONSIDER RESOLUTION REDISTRIBUTING ASSESSMENTS:

This item was removed from the agenda.

**SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER
(SMASC) – CONSIDER CHANGE ORDERS: 1) CHANGE ORDER NO. 4 (0345.004)
FOR CONTRACT #0345 PRECAST ARCHITECTURAL CONCRETE WALLS AND
PANELS WITH FABCON PRECAST, LLC; 2) CHANGE ORDER NO. 5 (0345.005) FOR
CONTRACT #0345 PRECAST ARCHITECTURAL CONCRETE WALLS AND PANELS
WITH FABCON PRECAST, LLC; 3) CHANGE ORDER NO. 9 (0990.009) FOR
CONTRACT #0990 PAINTING/COATINGS WITH STEINBRECHER PAINTING, INC:**

These change orders have been prepared, reviewed and recommended for approval by the City's Construction Manager, Wenck.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the following change orders resulting in a contract decrease: Change Order No. 4 (0345.004) for Contract #0345 Precast Architectural Concrete Walls and Panels with Fabcon Precast, LLC of Savage, Minnesota, resulting in a contract decrease in the amount of \$9,867.00. Change Order No. 5 (0345.005) for Contract #0345 Precast Architectural Concrete Walls and Panels with Fabcon Precast, LLC of Savage, Minnesota, resulting in a contract decrease in the amount of \$15,415.00. Change Order No. 9 (0990.009) for Contract #0990 Painting/Coatings with Steinbrecher Painting, Inc. of Princeton, Minnesota, resulting in a contract decrease in the amount of \$1,428.00'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Mayor Byrnes called for a 5-minute recess at 7:00 P.M.

**CITY STAFF IS RECOMMENDING THAT UNPAID SURFACE WATER
MANAGEMENT UTILITY CHARGES BE CERTIFIED TO THE LYON COUNTY
AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES TO BE DUE IN 2017:**

The City of Marshall has established a surface water management utility fund pursuant to ordinance in 2004. The surface water management utility is codified in Marshall City Code Section 78-116 through 78-142. The establishment of the surface water management utility is authorized pursuant to Minnesota Statutes Chapter 444. The billing of surface water management utility is handled by Marshall Municipal Utilities. The utility fund is established for the planning, capital expenditures, personnel and equipment necessary to manage surface water management matters. The fund has recently been used for funding source for clean out of the Independence Park ponds, for replacement of catch basins, manhole service, street sweeping, and the like. The general fund for the City of Marshall does count on that surface water management utility fund for payment of management fees throughout the year. As authorized by ordinance, MMU does provide to the City of Marshall a list of unpaid surface water management utility charges as of September 30th of each year. The list of unpaid bills for 2016 includes the list as indicated on the resolution. Total unpaid surface water management utility charges equals \$3,361.40. State statute and local ordinance does authorize certification of those unpaid utility charges to the Lyon County Auditor for collection with 2017 real estate taxes. City staff is recommending certification of unpaid surface water management utility charges to the Lyon County Auditor for collection. Certification does recommend payment of unpaid bills within one year with the interest on the unpaid principal at a rate of 3.31%. That interest rate is consistent with other unpaid charges. City staff believes that it is a reasonable step to be taken to collect the unpaid surface water management utility as authorized by statute.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4328, SECOND SERIES, which is a resolution Certifying Unpaid Surface Water Management Utility for Collection with Real Estate Taxes'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER THE REQUEST OF JM DEVELOPMENT, LLC, OF MARSHALL FOR A CONDITIONAL USE PERMIT FOR A TWO-FAMILY DWELLING UNDER SPLIT OWNERSHIP IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 1300 AND 1302 STOCKHOLM AVENUE:

Ilya Gutman, Plan Examiner, reviewed the request from JM Development, LLC, of Marshall to have a two family dwelling under split ownership in an R-1 One Family Residence District. The lot size is adequate for a duplex and all yard regulations will be complied with except the side yard regulations between the dwelling units. The City Zoning Ordinance lists 10 conditions under which such structures are permitted in an R-1 One Family Residence District and all are included in the action recommendation. One family residence district regulations are located in Section 86-97. The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the Conditional Use Permit (CUP) for a two-family dwelling under split ownership in an R-1 One Family Residence District with the following conditions:

- 1) That the City reserves the right to revoke the Conditional Use Permit in the event that the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.
- 2) That the owner maintain the structure to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
- 3) The dwellings have separate utility service lines to each unit.
- 4) The owner execute a common maintenance agreement containing covenants as to uniform of exterior appearance of the dwellings.
- 5) Proper separation of units exist as provided by the building code.
- 6) Such dwellings comply with all yard regulations for the single-family dwellings, except side yard regulations between the dwelling units.
- 7) The dwelling location on the lot be compatible with the neighborhood.
- 8) Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
- 9) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- 10) The dwellings shall be a maximum height of two stories.
- 11) Not more than 50 percent of the lot area shall be occupied by buildings.
- 12) No unit shall be eligible under this (use) unless the division of the dwelling occurs along the lot lines'.

Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER AN APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR SMSU FOUNDATION FOR DECEMBER 16, 2016:

Member (Larry Doom) moved, Member (Craig Schafer) seconded to approve the ORIGINAL motion 'the approval of a Temporary On-Sale Liquor License for SMSU Foundation to use at the Regional Event Center, 1501 State Street, Marshall, Minnesota on December 16, 2016'. 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 Regional Development Commission met but Byrnes was unable to attend.

Schafer No report.

Doom EDA met last week.

Bayerkohler No report.

Sturrock No report.

Conyers Community Services Advisory Board met.

COUNCILMEMBER INDIVIDUAL ITEMS:

There were no additional comments.

CITY ADMINISTRATOR:

Nick Johnson, City Administrator, indicated that the public hearing for the 2017 Budget and Levy will be held on November 29, 2016 and the final budget will be adopted on December 13, 2016. The Marshall Lyon County Library celebrated the 5-year anniversary on November 4th. Nick attended a tour of the new Western Mental Health Facility on November 21st. The Highway 23 Assessment Report is available on the City of Marshall web site.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, indicated that a resolution of support will be available for the highway safety improvement project by Mn/DOT. Work continues on street projects. Staff is continuing to work on the bike path project with the railroad, gas company, state and federal permits.

CITY ATTORNEY:

Dennis Simpson, City Attorney, indicated to the newly elected council members that he has an open door policy.

PENDING ITEMS:

There were no questions on the pending items.

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INFORMATION:

There were no questions on the information items.

UPCOMING MEETINGS

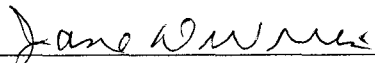
There were no questions on the upcoming meeting list.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Schafer voting no.



Mayor

ATTEST:



City Clerk