

REGULAR MEETING – DECEMBER 27, 2016

The regular meeting of the Common Council of the City of Marshall was held on December 27, 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, 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; Karla Drown, Finance Director; Scott VanDerMillen, Director of Community Services; Marc Klaith, Fire Chief; Sheila Dubs, Human Resource Manager; Preston Stensrud, Parks Superintendent; Alex Peterson, Media Communications Specialist and Jane DeVries, City Clerk. Others in attendance included: Cal Brink, CEO Marshall Area Chamber of Commerce and Darin Rahm, CVB Director.

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 item number 15, which is the Resolution Granting a Petition for Vacation of a Portion of a Street, Drainage Easement and Utility Easements in proposed Menard Second Subdivision being acted on before item number 14, which is the Resolution Approving the Final Plat of Menard Second Addition.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 13, 2016:

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on December 13, 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: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING ON PRELIMINARY PLAT AND APPROVAL OF PRELIMINARY PLAT OF MENARD SECOND SUBDIVISION:

This was the date and time set for a public hearing on the Preliminary Plat of Menard Second Subdivision. Glenn Olson, Director of Public Works/City Engineer reviewed the preliminary plat of Menard Second Subdivision in Marshall, Minnesota. ISG of Mankato, Minnesota, the surveyor and engineer for Menard, Inc., has submitted the Menard Second Subdivision plat in the City of Marshall. The purpose for the plat is to allow expansion of the building materials yard on the northerly and easterly side of the Menards building. Included in the new plat is a partial relocation of Boyer Drive and its rights of way, retention of utility easements for existing utilities installed in Boyer Drive, new utility easements along and adjacent to the relocated portions of Boyer Drive, and revisions to Outlot B of Menard Subdivision. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing and approve the Preliminary Plat of Menard Second Subdivision'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING ON RESOLUTION GRANTING PETITION FOR VACATION OF A PORTION OF A STREET, DRAINAGE EASEMENT AND UTILITY EASEMENTS IN PROPOSED MENARD SECOND SUBDIVISION:

This was the date and time set for a public hearing on the vacation of a portion of a street, drainage easement and utility easements in proposed Menard Second Subdivision. Glenn Olson, Director of Public Works/City Engineer, indicated that the purpose of all the vacations is to allow expansion of the building materials yard on the northerly and easterly side of the Menards building as presented and shown on the proposed plat of Menard Second Subdivision.

STREET VACATION - A request for petition for vacation of the eastern portion of Boyer Drive was submitted from the sole owner(s) of all of the abutting properties of the section of street proposed to be vacated.

DRAINAGE EASEMENT VACATION - A request for petition for vacation of a portion of the existing drainage easement was submitted from the sole owner(s) of all of the abutting properties of the portion of the drainage easement to be vacated. This vacation petition is a result of the dedication of the new right of way for relocated Boyer Drive and is not necessary within a public right of way.

UTILITY EASEMENT VACATION - A request for petition for vacation was submitted from the sole owner(s) of all of the abutting properties of the utility easements to be vacated. This is for the vacation of the utility easements along and adjacent to both sides of the eastern portion of Boyer Drive. In addition, the vacation of a portion of utility easement just north of existing Boyer Drive and westerly of the existing drainage easement located within the proposed new relocated Boyer Drive.

All utility companies have been contacted. CenturyLink has replied with their requirements. It was indicated that Menards would be responsible for any expense associated with this.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing'. 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**

The proper City personnel be authorized to enter into a maintenance agreement between Doron Precision Systems, Inc., and the Marshall Police Department for the driving simulator currently at the MERIT Center.

The proper City personnel be authorized to enter into a contract between TASER International and the Marshall Police Department for a one-year purchase agreement.

Authorization be granted to the Department of Public Safety to dispose of two (2) 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 the Engagement Letter for Abdo Eick & Meyers, LLP to perform the audit services for the City of Marshall's 2016 Financial Statements.

Approve to renew the City's Workers' Compensation Insurance with the League of Minnesota City Insurance Trust for 2017 with an estimated premium of \$260,919.

Approval of the renewal of Service Agreements for union and non-union employees for wellness programs in 2017 with Southwest West Central Service Cooperative Wellness Institute.

That the following bills and project payments be authorized for payment ACCOUNTS PAYABLE, Voucher No. 100976 through 100986; 101791 through 102001; and Draft No. 169 through 177.

CONSIDER RESOLUTION GRANTING A PETITION FOR VACATION OF A PORTION OF A STREET, DRAINAGE EASEMENT AND UTILITY EASEMENTS IN PROPOSED MENARD SECOND SUBDIVISION:

Glenn Olson, Director of Public Works/City Engineer, indicated that the purpose of all the vacations is to allow expansion of the building materials yard on the northerly and easterly side of the Menards building as presented and shown on the proposed plat of Menard Second Subdivision.

STREET VACATION - A request for petition for vacation of the eastern portion of Boyer Drive was submitted from the sole owner(s) of all of the abutting properties of the section of street proposed to be vacated.

DRAINAGE EASEMENT VACATION - A request for petition for vacation of a portion of the existing drainage easement was submitted from the sole owner(s) of all of the abutting properties of the portion of the drainage easement to be vacated. This vacation petition is a result of the dedication of the new right of way for relocated Boyer Drive and is not necessary within a public right of way.

UTILITY EASEMENT VACATION - A request for petition for vacation was submitted from the sole owner(s) of all of the abutting properties of the utility easements to be vacated. This is for the vacation of the utility easements along and adjacent to both sides of the eastern portion of Boyer Drive. In addition, the vacation of a portion of utility easement just north of existing Boyer Drive and westerly of the existing drainage easement located within the proposed new relocated Boyer Drive.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4332, SECOND SERIES, which is the Resolution Granting Petition for Vacation of a Portion of a Street, Drainage Easement and Utility Easements in proposed Menard Second Subdivision. This

resolution was approved under the condition that the City receive a signed maintenance agreement that pertains to the watermain, sanitary sewer and storm sewer'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION APPROVING FINAL PLAT OF MENARD SECOND SUBDIVISION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Menard Second Subdivision in Marshall, Minnesota. ISG of Mankato, Minnesota, the surveyor and engineer for Menard, Inc., has submitted the Menard Second Subdivision plat in the city of Marshall. The purpose for the plat is to allow expansion of the building materials yard on the northerly and easterly side of the Menards building. Included in the new plat is a partial relocation of Boyer Drive and its rights of way, retention of utility easements for existing utilities installed in Boyer Drive, new utility easements along and adjacent to the relocated portions of Boyer Drive, and revisions to Outlot B of Menard Subdivision.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4333, SECOND SERIES, which is the "Resolution Approving the Final Plat of Menard Second Subdivision", contingent upon City Attorney review and approval of the First Development Contract'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z38: SOUTH 2ND STREET / LUCILLE STREET / MAPLE STREET / WILLIAMS STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 1 WITH D&G EXCAVATING, INC:

Glenn Olson, Director of Public Works/City Engineer, reviewed Changer Order No. 1 for Project Z38 South 2nd Street / Lucille Street / Maple Street / Williams Street with D & G Excavating, Inc. This change order relates to modification of the storm sewer system and modification of miscellaneous water and sanitary items that occurred during construction.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council approves Change Order No. 1 with D&G Excavating, Inc. of Marshall, Minnesota resulting in a contract increase in the amount of \$13,795.00 and a total contract amount of \$1,303,123.15'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

REQUEST FOR APPROVAL TO PURCHASE TRANSPORT VEHICLE FOR STUDIO 1 TV CHANNEL:

Bids were received for a 2017 Dodge 1500 ProMaster Transport Vehicle from:

Dodge of Burnsville, Inc.	Lockwood Motor
Burnsville, Minnesota	Marshall, Minnesota
\$23,913.00 (State bid)	\$24,945.00

The van could be used for transporting equipment and give Studio 1 the ability to produce live feeds at community events. This vehicle will be paid through Public, Educational and Governmental Access Channel (PEG) funding.

REGULAR MEETING – DECEMBER 27, 2016

The City may purchase the 3000W Power Inverter locally at a cost not to exceed \$500.00 and have the Street Department employees install it in the vehicle for an installation price not to exceed \$500.00.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **SUBSTITUTE** motion 'that the 2017 Dodge 1500 ProMaster Transport Vehicle be purchased from Lockwood Motors in the amount of \$24,945.00 and the City of Marshall Street Department staff install the 3000W power inverter'. This will be paid out of account number 101-40671-5550. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **3**. The motion **Passed 4 – 3**. Voting in favor of the motion were Sturrock, Conyers, Doom and Byrnes. Voting no were Schafer, Bayerkohler and DeCramer.

REQUEST FOR APPROVAL TO PURCHASE CONCESSION FOOD TRAILER FOR NEW BALLFIELD COMPLEX:

Preston Stensrud, Parks Superintendent, reviewed the Concession trailer specs, price quote from Southern Lawn & Equipment and trailer pictures. As per the initial planning stages of the new baseball/softball fields complex, a concessions trailer will be necessary to provide hot foods and additional amenities for patrons at such events. Preston indicated that a food trailer would be less costly than installing a full kitchen with a vent hood and fire suppression systems, and it could be used for other city events. One quote was received from:

Southern Lawn & Equipment
Antioch, TN
\$32,129.00

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'To purchase the Concession Food Trailer for the new Ballfield Complex from Southern Lawn & Equipment, Antioch, Tennessee in the amount of \$32,129.00 pending approval by the Department of Health'. This will be paid out of account number 413-70577-5540. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **2**. The motion **Passed 5 – 2** with Sturrock and Bayerkohler voting no.

CONSIDERATION OF APPROVAL OF INFORMATION SECURITY POLICY INCLUDING THIRD PARTY CONNECTION AGREEMENT:

Nick Johnson, City Administrator, indicated that the City currently has an Information Security Policy adopted January 26, 2016. MMU and City staff, through the efforts of the Data Security Committee, are recommending an amendment to the policy. The amendment is a language addition to Policy, Computer and Information Control, D.4. to the end of the paragraph: "Third party agreements will be developed and used with third parties wishing to access the City and/or MMU network. The City Administrator is authorized to sign third party agreements. Third party agreements once signed will be provided to the MMU Network Administrator." This is an added security measure to protect the network. Third parties have been granted access previously without this Third Party Connection Agreement in place. The introduction of this measure will ensure any third party understands, acknowledges, and abides by the security policies in place by MMU and the City. The Policy and Third Party Connection Agreement have both been reviewed

REGULAR MEETING – DECEMBER 27, 2016

by MMU, City staff, and the City Attorney. MMU will be adopting a similar policy and agreement after City Council has adopted.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'approval of the revised Information Security Policy with the addition of a Third Party Connection Agreement'. 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:

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4334, SECOND SERIES Accepting the Donation of Personal Property to be used by the Marshall Fire Department for equipment'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AUTHORIZATION OF PHASE II - GATEHOUSE RED BARON ARENA HOTEL DEVELOPMENT:

During the December 8, 2016 Workshop Council received a presentation of the Hotel Market Study as well as proposed concept development for a hotel and convention center to be located by the Red Baron Arena. The general concept would be a Courtyard by Marriot with various amenities as well as a convention center to complement the Red Baron Arena. Phase II will provide detailed plans and specifications, financing cost, financing methods, and all other pre-construction details. The general financing structure is as follows: Hotel 60% Senior Loan 30% Mezzanine Loan (City Bonding Authority) 10% Equity Convention Center 100% Bond (City Bonding Authority) The hotel would pay for the interest and principal Senior Loan as well as the Mezzanine Loan. The Mezzanine Loan would have a principal balloon payment at 20 years. The hotel would pay the principal on the Convention Center as a 20-year balloon and the City would pay the interest portion only.

Cal Brink, CEO Marshall Area Chamber of Commerce, indicated that the pre-construction planning would have a cost of \$130,000 and that funding would come from the EDA.

Council Member Bayerkohler asked if this decision could wait until the new council members begin their term in January. He did not think that this decision should be rushed.

Staff indicated that the decision on whether to proceed with the construction of this project would come back to the City Council after they received detailed information from Phase II.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve commencement of Phase II with Gatehouse for the proposed hotel and convention center development by the Red BaronTM Arena'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

CITY OF MARSHALL AND ATS&R CHANGE ORDER RECONCILIATION REPORT:

Nick Johnson, City Administrator, indicated that City staff have met with ATS&R to review the status of change orders for the Red Baron Arena & Expo to determine responsibility. The City currently has \$158,180.93 in outstanding invoices to ATS&R. Staff believes the fair and equitable responsible amount associated with architectural coordination issues comes to \$103,023 of the total change orders. This leaves a balance of \$55,157.93 to be paid to ATS&R. Council did have some concerns about paying this. Council Member Bayerkohler indicated that this looks like a final payment. The City should withhold a percent in case there are future issues with any change orders.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **SUBSTITUTE** motion 'to approve the reconciled year to date change order list and payment to ATS&R in the amount of \$55,157.93. and staff needs to determine how much the city should retain'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

ORDINANCE AMENDMENT FOR BOARDS & COMMISSIONS - INTRODUCTION OF ORDINANCE:

Staff is recommending a change to Chapter 2, Article VI. Boards, Commissions and Authorities Division 1. Generally, Sec. 2-142 (d) Employment by city of board or commission members. Current Language states that: "No appointed board or commission member shall be an employee of the city except those which are members by virtue of their office." Proposed Language is "No appointed board or commission member shall be employed full-time, 3/4 time or part-time by the City of Marshall (as defined in the Personnel Policy Manual), except those who are members by virtue of their office. There cannot be a conflict of interest with the board, commission, bureau, or authority." At the Legislative & Ordinance Committee Meeting on November 9, 2016 the committee voted unanimously to bring to City Council the amendment to the Boards & Commission.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council introduce an Ordinance amending Chapter 2 relating to appointments to Boards & Commissions'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

APPROVAL OF APPOINTMENT TO THE LIBRARY BOARD:

Per the recommendation of the Mayor, Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'approval of appointment to the Library Board'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

Library Board – Pam Gladis be appointed to a three-year term to expire on December 31, 2019

Mayor Byrnes called for a 5-minute recess at 7:02 P.M.

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MARSHALL AND LAW ENFORCEMENT LABOR SERVICES, INC. (LELS) LOCAL 190 (POLICE OFFICERS):

The City and LELS Police Officers Local No. 190 (Police Officers unit) failed to reach an agreement both in negotiations and through mediation proceedings through the Bureau of Mediation Services. The City entered into arbitration proceedings with LELS Police Officers Local No. 190 on October 13, 2016. Arbitrator Ogata issued his award on December 10, 2016. Arbitration awards are binding on both parties. In summary, the award is as follows: -No change to Grievance Procedure language -No change to Probationary Period language -No change to Shift Differential -No change to Uniform language -No change in Severance Pay -No change in Holidays -Wages: 3% in 2016, 3% in 2017, and 3.25% in 2018 -Duration of agreement: 3 years (2016-2018) -Retroactivity: Retroactive to January 1, 2016. Staff has prepared a final agreement for approval. Staff has also prepared a MOU which define dates for general wage increase implementation for the life of the contract consistent with Council direction and agreement with AFSCME and the non-union employees.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4335, SECOND SERIES, which provides for approval of the 2016-2018 labor agreement with LELS Local 190'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER LABOR AGREEMENT BETWEEN THE CITY OF MARSHALL AND LAW ENFORCEMENT LABOR SERVICES, INC. (LELS) LOCAL 245 (POLICE SUPERVISORS):

Nick Johnson, City Administrator, indicated that the Council met in closed session on December 13th to review the union contract. Nick indicated that the Council direction was to offer the same package to the Law Enforcement Labor Services, Inc., (LELS) Local 245 (Police Supervisors).

The most current labor agreement between the City and Law Enforcement Labor Services, Inc., Local #245 (Police Supervisors union) expired on December 31, 2015. Negotiations have resulted in a tentative multi-year agreement with the following changes to terms and conditions of the agreement: 1. Duration: Multi-year contract 2016-2018. This is consistent with the LELS Patrol and AFSCME terms. 2. Wages: 3% for 2016, 3% for 2017, 3.25% for 2018. This is consistent with wages awarded in arbitration to the Patrol Officers union. 3. Insurance: Amend dates to reflect contract duration. 4. Sick Leave Provision: Expansion of the use of sick leave accruals for extended family members and a safety leave provision, both consistent with Minnesota law titled "Sick Leave Benefits; Care of Relatives" (MN Stat. Section 181.9413). This language amendment is also consistent with the LELS Patrol, AFSCME, and City Personnel Policy manual language previously approved by the Council. 5. Memorandum of Understanding relating to the implementation dates for the general wage increases for the life of the agreement. This MOU is consistent with Council direction and approvals with LELS Patrol, AFSCME, and non-union employees. All other terms and conditions will remain the same. This agreement is consistent with the LELS Patrol Officers' agreement for the same period, 2016-2018, as awarded by Arbitrator Ogata.

REGULAR MEETING – DECEMBER 27, 2016

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4336, SECOND SERIES, which is a resolution approving the collective bargaining agreement between LELS Local 245 and the City of Marshall and authorizes proper City officials to sign said Agreement'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MARSHALL AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL NO. 65 (AFSCME):

The City and LELS 190 (Patrol Officers unit) received an arbitration award for contract years 2016-2018. Included in that award was a general wage increase of 3% for 2016, 3% for 2017, and 3.25% for 2018. Previously, the City entered into an agreement with AFSCME for general wage increases of 2.5% for 2016, 2.5% for 2017, and 2.75% for 2018. Per Council direction, staff has prepared a Memorandum of Agreement that increases the general wage increases for the term of the contract by 0.5% each year, consistent with the arbitration award for the LELS Patrol Officer's labor agreement. The Memorandum of Agreement serves the purpose of the City and AFSCME agreeing to an amended wage schedule for the life of the agreement without opening the contract. The AFSCME union has ratified the agreement.

Council Member Bayerkohler indicated that AFSCME accepted their current contract and is not sure why the Council is considering giving them an additional increase.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council approves the Memorandum of Agreement between the City and AFSCME Council No. 65 for general wage increases of 3% for 2016, 3% for 2017, and 3.25% for 2018'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER APPROVAL OF AMENDED WAGE SCHEDULES FOR 2016-2018:

Staff is recommending Council consideration and approval of amended wage schedules for 2016, 2017, and 2018. The schedules reflect general wage increases of 3% for 2016, 3% for 2017, and 3.25% for 2018 for all three bargaining units (LELS Patrol Officers, LELS Police Supervisors, AFSCME) and the non-union employees. These general wage increases are consistent with the arbitration ruling awarded to the City and LELS Patrol Officers union on December 10, 2016.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approves the amended wage schedules for 2016-2018 as presented'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR FEBRUARY 3, 2017:

Member (**Craig Schafer**) 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

REGULAR MEETING – DECEMBER 27, 2016

February 3, 2017, 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: **6** Nay: **0** Abstain: **1**. The motion **Passed 6 – 0 – 1** with Bayerkohler abstaining.

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

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on February 3, 2017 at the Upper Level Conference Center, 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.

STATEMENT OF PERFORMANCE REVIEW FOR NICHOLAS JOHNSON, CITY ADMINISTRATOR, PURSUANT TO MINN. STAT. SECTION 13D.05, SUBD. 3:

Nicholas Johnson began employment on July 11, 2016 in the position of City Administrator. His current salary is \$98,883.20, corresponding to Step 1 on the City's 2016 Wage Schedule. Mr. Gary Weiers, the City's search consultant from David Drown Associates was present to facilitate the semi-annual evaluation with the City Council. At the time of Nicholas Johnson's hire, it was decided by the Council that the semi-annual evaluation would occur after 5 months of employment, instead of 6 months, so that if there were newly elected officials in January, the Council members that worked with him would be evaluating his performance. In accordance with Nicholas Johnson's employment Agreement, compensation increases are determined by the Council, in its sole discretion, after each performance review. In accordance with City personnel policies and pay practices, salary increases are considered with a satisfactory or better performance evaluation on an employee's 1-year anniversary date, and annually thereafter, until the employee reaches Step 6 of the wage schedule.

Mayor Byrnes provided a summary of the conclusions of the evaluation of the performance of Nicholas Johnson.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council accepts the semi-annual performance evaluation for City Administrator Johnson'. 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 No report.

REGULAR MEETING – DECEMBER 27, 2016

Doom Convention and Visitors Bureau will no longer be responsible for the rental of the MERIT Center, approved the 2017 budget and thanked Matt and Nick for their years of service on the CVB Board. EDA approved their 2017 budget, and they are looking for ways to market the Parkway Addition.

Bayerkohler No report.

DeCramer Utilities Commission approved their budget for 2017. Moody's have upgraded their bond rating from an A-3 to an A-2

Sturrock Airport Commission will meet on January 3, 2017; Police Advisory Board met on December 15th.

Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Conyers appreciated being on the City Council for the past 4 years and thanked everyone for all their help. Council Member DeCramer indicated that there are several sidewalks along Main Street that the snow has not been removed. He indicated there are about 30 homes in Marshall that are not being lived in and there is one that the City may be able to acquire. Council Member Doom thanked Mayor Byrnes, Cathy Lee and all the city employees for all the work that they do. Council Member Bayerkohler thanked Conyers and Doom for their years of service. Mayor Byrnes also thanked Conyers and Doom for all their time serving as a Council Member.

CITY ADMINISTRATOR

Nick Johnson, City Administrator, thanked Council Member Conyers and Doom for their service. Nick also provided an update on work EDA has done with the Parkway accounts. He met with Randy Walker in regard to the sculpture that will be at the Arena. WCCO has named the Red BaronTM Arena and Expo Center as the Best Hockey Rink in Minnesota.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer thanked staff for getting involved with each Council member and Marshall was number 1 over the weekend for wind speed.

CITY ATTORNEY:

Dennis Simpson, City Attorney, is working to finalize year end projects.

PENDING ITEMS

There were no questions on the pending items.

INFORMATION:

There were no questions on the information items.

REGULAR MEETING – DECEMBER 27, 2016

UPCOMING MEETINGS

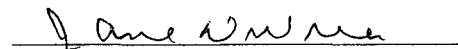
There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



City Clerk