

REGULAR MEETING – JANUARY 10, 2017

The regular meeting of the Common Council of the City of Marshall was held January 10, 2017 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, Steven Meister, Glenn Bayerkohler, John DeCramer, David Sturrock and James Lozinski. 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 and Jane DeVries, City Clerk.

The Pledge of Allegiance was recited at this time.

ADMINISTRATION OF THE OATH OF OFFICE FOR THE MAYOR AND COUNCIL MEMBERS:

City Clerk DeVries administered the Oath of Office to Mayor Byrnes and Council Members Steven Meister, Glenn Bayerkohler and James Lozinski.

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 WORK SESSION HELD ON DECEMBER 8, 2016 AND THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 27, 2016:

Member (**Craig Schafer**) moved, Member (**Steven Meister**) seconded to approve the **ORIGINAL** motion 'the minutes of the work session held on December 8, 2016 and the minutes of the regular meeting held on December 27, 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**

APPROVAL OF CONSENT AGENDA:

Member (**John DeCramer**) 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: 7 Nay: 0. The motion **Carried 7 - 0**

The adoption of RESOLUTION NUMBER 4337, SECOND SERIES, which is a resolution Designating the Marshall Independent as the Official Newspaper for the City of Marshall.

The adoption of RESOLUTION NUMBER 4338, SECOND SERIES which is a resolution Appointing the Official Depositories for City Funds for 2017.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 100987; 102003 through 102004; 102011 through 102012; 102026; 102041 through 102044; 102046 through 102203; Draft No. 178 through 179 and 189 through 197.

SELECTION OF PRESIDENT PRO TEM BY CITY COUNCIL:

Council Member Sturrock was nominated as the President Pro-Tem; therefor Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion that the nominations cease and that David Sturrock be appointed as President Pro-Tem for the City Council'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER MAYORAL APPOINTMENT FOR COUNCIL MEMBERS TO
BOARDS/COMMISSIONS AND COMMITTEES:**

Member (**Steven Meister**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'Approval of Mayoral Appointment for Council Members to Boards/Commissions and Committees'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Equipment Review Committee

Glenn Bayerkohler
Craig Schafer
James Lozinski

Legislative & Ordinance Committee

Steven Meister
Glenn Bayerkohler
John DeCramer

Personnel Committee

Steven Meister
Craig Schafer
John DeCramer

Ways & Means Committee

Glenn Bayerkohler
John DeCramer
David Sturrock

Public Improvement/Transportation Committee

Craig Schafer
David Sturrock
James Lozinski

Adult Community Center: James Lozinski

Airport Commission: David Sturrock

Community Services Advisory Board: Steven Meister

Convention & Visitors Bureau: David Sturrock

Economic Development Authority (2): Steven Meister and John DeCramer

Library Board: Craig Schafer

Marshall Municipal Utilities Commission: John DeCramer

M.E.R.I.T. Center Commission: Craig Schafer

Planning Commission: Glenn Bayerkohler

Police Advisory Board: David Sturrock

Public Housing Commission: Glenn Bayerkohler

Joint Law Enforcement Center Management Committee: James Lozinski

Marshall Area Transit Committee: James Lozinski

City Council-County Board/Library Agreement & Operations: Craig Schafer and Mayor Byrnes

SW MN Emergency Communication Board (ECB): Craig Schafer, Mayor Byrnes (alternate)

SW MN Amateur Sports Commission: Craig Schafer

ORDINANCE AMENDMENT FOR BOARDS & COMMISSIONS - ADOPTION 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: "No appointed board or commission member shall be an employee of the city except these which are members by virtue of their office." Proposed Language "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 (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt ORDINANCE NUMBER 716, SECOND SERIES, which is amendments to Boards and Commissions'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF THE RESOLUTION THAT KEEPS CITY FUNDING OPTIONS AVAILABLE IF CITY APPROVES ACQUISITION OF BLOCK 11 PROPERTIES:

Nick Johnson, City Administrator, indicated that the City Council has previously authorized City staff to discuss acquisition of additional property located in Block 11. Discussions concerning those property acquisitions will be conducted in closed session later in this meeting. Financial Advisor Springsted has identified pooled TIF funds as a proposed funding source for the acquisition of these properties. Springsted is advising that the City Council pass a resolution authorizing use of those pooled TIF funds prior to entering into agreements for acquisition of Block 11 properties.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4339, SECOND SERIES, which is a resolution Authorizing use of Tax Increment Financing Funds to Reimburse City Expenditures'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Bayerkohler voting no.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes Fire Relief Association quarterly meeting will be held in February; Regional Development Commission will meet on January 19th.

Schafer Library Board met on January 9th. They discussed substantial savings on the operations of the library.

Bayerkohler Public Housing Commission discussed their non-smoking policy; they will hold a public hearing on their annual plan and there was a wage increase for 2017 and 2018.

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DeCramer No report.

Sturrock Airport Commission discussed long-term planning.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Schafer questioned the snow removal policy for sidewalks. Glenn Olson, Director of Public Works/City Engineer, indicated that they are handled on a complaint basis. He indicated that if the sidewalk is not cleaned, the City will have it cleared and bill the property owner. There was also a concern on tagging and towing vehicles. Mr. Olson indicated that this information is on the City web site and that different areas of town have different parking requirements. There was a brief discussion on the grant and plans for the industrial park. Mayor Byrnes provided three possible dates for a Council work session to provide information to the new Council Members.

CITY ADMINISTRATOR:

No report.

DIRECTOR OF PUBLIC WORKS:

No report.

CITY ATTORNEY:

Dennis Simpson, City Attorney, provided an update on the demolition of the property located on Hill Street known as the "green house".

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items.

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(3) RELATED TO PURCHASE OF REAL PROPERTY AND PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD.3(B) PURSUANT TO ATTORNEY-CLIENT PRIVILEGE:

Member **(David Sturrock)** moved, Member **(Craig Schafer)** seconded to approve the **ORIGINAL** motion 'to go into Closed Session Pursuant to Minnesota Statute 13D.05 Subd. 3(C)(3) Related to Purchase of Real Property'. 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 6:26 P.M. Those present at the closed session included: Byrnes, Schafer, Meister, Bayerkohler, DeCramer, Sturrock and Lozinski. Staff present included: Nick Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; and Jane DeVries, City Clerk.

The council came out of closed session at 6:39 P.M.

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Member (**David Sturrock**) moved, Member (**James Lozinski**) seconded to approve the **ORIGINAL** motion 'to go into Closed Session Pursuant to Minnesota Statute 13D.05 Subd.3(b) pursuant to attorney-client privilege'. 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 6:40 P.M. Those present at the closed session included: Byrnes, Schafer, Meister, Bayerkohler, DeCramer, Sturrock and Lozinski. Staff present included: Nick Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; and Jane DeVries, City Clerk.

The council came out of closed session at 6:59 P.M.

**TO CONSIDER APPROVAL OF OFFERS OR COUNTEROFFERS FOR THE
PURCHASE OF REAL PROPERTY PURSUANT TO MINN. STAT. §13D.05
SUBD. 3(C)(3):**

Dennis Simpson, City Attorney, reviewed the proposed purchase agreement with Sandra K. Mosch Revocable Living Trust for the property located at 100 West Main Street in the amount of \$165,000 and the purchase agreement with Steven L. and Cathy A. Malherek for the property located at 102 West Main Street in the amount of \$125,000.

Council Member Bayerkohler was not in favor of the City purchasing these properties. He would like to see a private developer come in and develop this area. He was also concerned about the purchase price being higher than the assessed value.

Council Member Lozinski indicated that this was part of a bigger plan for the city. The goal was to sell the property on Block 11 to a private developer.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the proper city personnel be authorized to enter into purchase agreements with Sandra K. Mosch Revocable Living Trust for the property located at 100 West Main Street in the amount of \$165,000 and the purchase agreement with Steven L. and Cathy A. Malherek for the property located at 102 West Main Street in the amount of \$125,000 pursuant to Minnesota Statute §13D.05 subd. 3(c)(3)'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Carried 6 – 1** with Bayerkohler voting no.

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UPCOMING MEETINGS

There were no questions on the upcoming meeting list.

Meister moved, Lozinski seconded, the meeting be adjourned. All voted in favor of the motion.



Mayor

ATTEST:

City Clerk