

REGULAR MEETING – JANUARY 24, 2017

The regular meeting of the Common Council of the City of Marshall was held January 24, 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; Preston Stensrud, Parks Superintendent 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 as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 10, 2017:

Member (**Craig Schafer**) moved, Member (**James Lozinski**) seconded to approve the **ORIGINAL** motion 'the minutes of the regular meeting held on January 10, 2017 be approved as corrected 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**

UCAP SCDP GRANT APPLICATION PUBLIC HEARING:

This was the date and time set for a public hearing on the United Community Action Partnership (UCAP) SCDP Grant Application. Jeff Gladis, representative from United Community Action Partnership was in attendance to review the grant application for rehabilitation funds from the Department of Employment and Economic Development (DEED), Small Cities Development Program.

Mr. Gladis indicated that UCAP in conjunction with the City of Marshall is applying for \$1,068,520 in Small Cities Development grant funding to do rehab work on a mix of homes, commercial and mixed-use buildings. The funding would have expected match funds of approximately \$401,200. The City of Marshall would be the entity receiving the development grant and UCAP would administer the rehab program.

Council Member Bayerkohler was concerned that the council had not received a copy of the actual grant application and the map of the area eligible for the grants.

Motion #1

Member (**John DeCramer**) moved, Member (**Steven Meister**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'the adoption of RESOLUTION NUMBER 4340, SECOND SERIES which authorizes the Submission of the Grant Application'. This resolution was approved contingent upon a copy

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of the grant application and map being provided to the Council prior to submission of the grant. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1** Abstain: **1**. The motion **Passed 5 – 1 – 1** with Bayerkohler voting no and Lozinski abstaining.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'the adoption of RESOLUTION NUMBER 4341, SECOND SERIES which is a resolution Identifying Slum and Blight Conditions'. This resolution was approved contingent upon a copy of the grant application and map being provided to the Council prior to submission of the grant. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1** Abstain: **1**. The motion **Passed 5 – 1 – 1** with Bayerkohler voting no and Lozinski abstaining.

APPROVAL OF CONSENT AGENDA:

Member (**John DeCramer**) moved, Member (**James Lozinski**) 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 following items from the Fire Department be declared surplus property: 1973 homemade trailer and an ATV Plow (HomePlow by Meyer).

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to the Rocky Mountain Elk Foundation Southwest Great Divide Chapter to hold a raffle on April 1, 2017, at the Ramada, 1500 E. 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.

The adoption of RESOLUTION NUMBER 4342, SECOND SERIES which is an Employee Recognition Resolution for Harry Weilage, Director of Community Services.

The adoption of RESOLUTION NUMBER 4343, SECOND SERIES which is an Employee Recognition Resolution for Thomas M. Meulebroeck Finance Director/City Clerk.

The adoption of RESOLUTION NUMBER 4344, SECOND SERIES which is an Employee Recognition Resolution for Todd Ellis, Police Department Corporal.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 100988 through 100991; 102227 through 102379; Draft No. 198 through 215.

CONSIDER AUTHORIZATION TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN A BATTERY, 1-151 AND THE MARSHALL POLICE DEPARTMENT/LYON COUNTY SHERIFF'S OFFICE:

The Memorandum of Agreement with A Battery, 1-151 provides for the Marshall Police Department to patrol and to respond to alarms at the National Guard Armory in Marshall. There was some discussion on whether this agreement could be for more than a one-year period of time.

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Member (**David Sturrock**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'Approval of a Memorandum of Agreement between A Battery, 1-151 and the Marshall Police Department/Lyon County Sheriff's Office'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVE SPECIFICATIONS AND AUTHORIZE BIDS TO BE RECEIVED FOR A BALL DIAMOND DRAGGING MACHINE FOR THE PARKS DEPARTMENT:

The Equipment Review Committee met on Thursday, January 19, 2017 to review the specifications for a Ball Diamond Dragging Machine for the Parks Department. They approved the specifications and recommended to bring to city council for approval.

Preston Stensrud, Parks Superintendent, was in attendance at the meeting and indicated he was also at the Equipment Review Committee meeting where the specs were discussed and approved.

Following additional discussion, Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the specifications and authorize advertisement for bids for a Ball Diamond Dragging Machine for the Parks Department'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Lozinski voting no.

APPROVE SPECIFICATIONS AND AUTHORIZE BIDS TO BE RECEIVED FOR A ROTARY STRIPING MOWER FOR THE PARKS DEPARTMENT:

The Equipment Review Committee met on Thursday, January 19, 2017 to review the specifications for a Rotary Striping Mower for the Parks Department. They approved the specifications and recommended to bring to city council for approval.

Preston Stensrud, Parks Superintendent, was in attendance at the meeting and indicated he attended the Equipment Review Committee meeting where the specs were discussed and approved.

Following additional discussion, Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the specifications and authorize advertisement for bids for a Rotary Striping Mower for the Parks Department'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 - 2** with Meister and Lozinski voting no.

CONSIDER AWARD OF PROPOSALS FOR NEW DIVING TOWERS AND DIVING BOARDS FOR THE MARSHALL AQUATIC CENTER:

Four proposals were received for new Diving Towers and Diving Boards for the Marshall Aquatic Center from:

Lincoln Aquatics
Concord, California
\$53,355.95

Recreation Supply Company
Bismarek, North Dakota
\$56,316.09

Recreonics, Inc.
Louisville, Kentucky
\$44,350.96

Horizon Commercial Pool Supply
St. Paul, Minnesota
\$58,147.22

Preston Stensrud, Parks Superintendent, indicated that the existing diving stands are original from the construction of the pool facility. They were re-galvanized close to 20 years ago. The existing frames are in very poor shape and are a safety hazard to Aquatic Center patrons. Parks staff will do the removal and installation of all new equipment and comply with all pool codes for the installation. Some concrete work may need to be done to complete the installation. If so, the remaining budgeted funds will be used to complete this work via local contractors. Council has approved the replacement of this equipment in the amount of \$52,500.00 in the 2017 budget.

Member (**Steven Meister**) moved, Member (**James Lozinski**) seconded to approve the **ORIGINAL** motion 'that the new Diving Towers and Diving Boards for the the Marshall Aquatic Center be purchased from Recreonics, Inc., Louisville, Kentucky in the amount of \$44,350.96'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF RESOLUTION AUTHORIZING SPLIT OF PLATTED PARCEL AND SUBSEQUENT CONSOLIDATION OF THE SPLIT PARCEL WITH THE ADJOINING PLATTED PARCELS SO AS TO CONVERT THREE SEPARATE TAXABLE PARCELS TO TWO TAX PARCELS:

Dennis Simpson, City Attorney, reviewed the petition from the property owners setting forth current ownership of the properties and requests regarding a proposed subsequent sale of the property. Property identified legally as Lot One (1), Block One (1) of Southview Third Subdivision to the City of Marshall, Lyon County, Minnesota, is the location of the Discovery Daycare Center. Present owners have a purchase agreement in place to sell that property. In addition to Lot 1, the purchase agreement does indicate that the property owners would sell the north half of Lot 2, Block 1 to the same property owners. Therefore, the current owners are petitioning the City Council to approve the split of Lot 2, Block 1. The actual split of that property would create two unbuildable/undevelopable lots in contravention to the City subdivision ordinances. The petition from the property owners does indicate that the current owners are requesting the split and then subsequent consolidation of north half of Lot 2 in combination of Lot 1. The petition further indicates that the south half of Lot 2 would then be consolidated with Lot 3. Basically, three separate tax parcels would now be consolidated into two separate tax parcels. City Attorney Simpson is recommending that the City Council approve the split and subsequent consolidation of tax parcels so as to assist in the property transfers.

There are several small storage and garage type structures already located on the north half of Lot 2 which would be transferred to the new owners of the Discovery Daycare Center. This transfer would also allow for any subsequent expansion of that facility should the new owners desire to do so. Attorney Simpson is recommending that this matter be approved and that a certified copy of this resolution be provided for recording along with any subsequent deeds transferring property as set forth in the petition.

Member (**Steven Meister**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4345, SECOND SERIES which is a Resolution Authorizing the Division of Land and City Council Approval of Land Conveyances and Tax Parcel Consolidation and subsequent consolidation of the split parcel with the adjoining platted parcels so as to convert three separate taxable parcels to two tax parcels'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z39 / MINNESOTA DNR PARKS AND TRAILS LEGACY PROGRAM
PROJECT NO. L025-13-4B: DIVERSION CHANNEL BIKE TRAIL PROJECT
(DIVERSION CHANNEL TO T.H. 19) - CONSIDER ENTERING INTO A CROSSING
SURFACE INSTALLATION AGREEMENT WITH BNSF AND OBTAINING LICENSE
FOR BICYCLE PATH/PEDESTRIAN WALKWAY AND OBTAINING PIPELINE
LICENSE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Crossing Surface Installation Agreement with BNSF Railway Company (BNSF). This agreement outlines the responsibilities of BNSF and the City relating the trail crossing of the BNSF railroad tracks. BNSF is responsible for installing a new surface covering a total length of 16 feet from the edge of the pavement on the south side of the tracks to the edge of the pavement on the north side of the tracks. The new surface will extend 5 feet in both directions from the centerline of the tracks.

BNSF requires the City of Marshall to possess for this project:

License No. 16-56344: License for Bicycle Path/Pedestrian Walkway

License No. 16-56414: Pipeline License

Both of these licenses require a separate policy for Railroad Protective Liability Insurance. If the City Council chooses, an additional separate fee can be paid in the amount of \$1,166.00 and \$1,150.00, respectively, for BNSF's Railroad Protective Policy, in lieu of providing a separate policy for Railroad Protective Liability Insurance.

Karla Drown, Finance Director, contacted the League of Minnesota Cities and they do not carry this type of coverage.

The project is partially funded by a Legacy Grant through Lyon County as the sponsoring agent. The available funding is \$274,680.00, plus an additional \$90,000 in federal grant funds. The grant requires a 10% City match.

The estimated cost of the BNSF crossing surface is \$41,541.00 for a concrete surface installation. Upon execution of the work, the City will be invoiced for the actual construction costs. The cost of the required License No. 16-56344: License for Bicycle Path/Pedestrian

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Walkway may be up to \$12,363.00. The cost of License 16-156414: Pipeline License may be up to \$3,650.00.

The total estimated cost of the project is \$386,250, of which \$345,540 is expected to be reimbursed by the Legacy Grant funds and Federal Recreational Trail Funds, with the estimated local cost of \$40,710.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council authorize entering into a Crossing Surface Installation Agreement with BNSF Railway Company (BNSF) for Project Z39 / Minnesota DNR Parks and Trails Legacy Program Project No. L025-13-4B: Diversion Channel Bike Trail Project (Diversion Channel to T.H. 19) for an estimated amount of \$41,541.00, subject to City Attorney review and approval'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'that the Council authorize obtaining License No. 16-56344, which is a License for Bicycle Path/Pedestrian Walkway, in the amount of \$11,197.00, plus an additional \$1,166.00 for BNSF's Railroad Protective Policy, in lieu of providing a separate policy for Railroad Protective Liability Insurance, subject to City Attorney review and approval'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Steven Meister**) moved, Member (**David Sturrock**) seconded to approve the **NEW** motion 'that the Council authorize obtaining License No. 16-56414, which is a Pipeline License, in the amount of \$2,500.00, plus an additional \$1,150.00 for BNSF's Railroad Protective Policy, in lieu of providing a separate policy for Railroad Protective Liability Insurance, subject to City Attorney review and approval'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z37: NORTH "A" STREET / EAST REDWOOD STREET
RECONSTRUCTION PROJECT - 1) CONSIDER CHANGE ORDER NO. 2;
2) CONSIDER CHANGE ORDER NO. 3 (FINAL); 3) ACKNOWLEDGEMENT OF
FINAL PAY REQUEST NO. 9:**

This project consisted of the reconstruction of streets and utilities on North "A" Street from East Main Street to East Marshall Street and East Redwood Street from Jean Avenue to the Redwood River. Items of work included in the project were sanitary sewer, watermain, and storm sewer replacement, curb and gutter replacement, sidewalk replacement, bituminous surfacing, aggregate base, grading and other minor work. The items on Change Order No. 2 are liquidated damages applied to the project. The items on the Change Order No. 3 (Final Reconciling Change Order) are the result of final measurements and changes in item quantities during construction. Each individual line item is shown on the spreadsheet attached to the change order. All work has been completed in accordance with the specifications.

Member (**James Lozinski**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 2 with R&G Construction Co. of Marshall, Minnesota, resulting in a contract decrease in the amount of \$9,600.00 for Project Z37

North "A" Street / East Redwood Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Glenn Bayerkohler**) moved, Member (**Steven Meister**) seconded to approve the **NEW** motion 'that Council approve Change Order No. 3 (Final) with R&G Construction Co. of Marshall, Minnesota, resulting in a contract decrease in the amount of \$35,208.51 and acknowledge Final Pay Request (No. 9) in the amount of \$81,125.61 for Project Z37 North "A" Street / East Redwood Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z46 / S.P. 4210-55 (T.H. 68=068): COMMERCE INDUSTRIAL PARK TED PROJECT – CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT COOPERATIVE CONSTRUCTION AGREEMENT NO. 1004410 FOR GRADING & BITUMINOUS PAVING CONSTRUCTION ON T.H. 68:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Z46 / S.P. 4210-55 (T.H. 68=068) Commerce Industrial Park TED Project and Mn/DOT Cooperative Construction Agreement No. 1004410 for Grading & Bituminous Paving Construction on T.H. 68. The City of Marshall was awarded grant funding from the 2015 Economic Development (TED) from the 2015 Transportation Economic Development (TED) program to construct a new intersection and turn lanes at 240th Avenue (now Pacific Avenue) and TH 68. The grant was contingent upon entering into said Cooperative Construction Agreement with Mn/DOT. This project includes the installation of turning lanes and an acceleration lane at the intersection of T.H. 68 and 240th Avenue, including the 240th Avenue approach and truck acceleration lane on T.H. 68. The improvement will include excavation and embankment, drainage, gravel base, asphalt surfacing, traffic control, and miscellaneous items. These improvements will provide access from the newly developing industrial park (Commerce Industrial Park) on the northwest side of Marshall to T.H. 68. The purpose of the project is to provide both car and significant truck traffic in and out of the industrial park for newly developing businesses. The improvement will enable a much safer intersection as much of the traffic will be semi-truck traffic. There is a significant amount of commuter traffic on T.H. 68 during the morning and evening rush hour. Bypass lanes and left turn lanes on T.H. 68 will allow free traffic movements through the intersection. The acceleration lane for westbound traffic will provide a much safer merging situation for both cars and heavy trucks. This new roadway access from the newly developing industrial park to T.H. 68 will provide access to approximately 150 acres of industrial property. The City of Marshall is currently engaged with business entities seeking to develop industrial property along with associated office development. This will provide additional jobs and investment within the City of Marshall.

Council Member Lozinski asked if there was a need for this project. Council Member DeCramer indicated that there is very limited area of shovel ready lots and indicated that there is a letter from Ralco indicating that they have an interest in this area.

Member (**James Lozinski**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4346, SECOND SERIES which is the Resolution Authorizing Execution of Mn/DOT Cooperative Construction

Agreement No. 1004410 for Grading & Bituminous Paving Construction on T.H. 68'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR COMMERCE PARK STORMWATER STUDY AND MICHIGAN ROAD STREET AND UTILITY DESIGN WITH BOLTON & MENK, INC:

Glenn Olson, Director of Public Works/City Engineer, indicated that on November 1, 2016, the City Council 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 in the amount not to exceed \$50,000.00. 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. During the development of the project, it was determined that the entire subdivision would need to be regraded in order to provide adequate fill for the construction of Michigan Road, as well as the stormwater detention facilities for the entire site rather than for just Michigan Road and the immediate adjacent lots. In addition, in working with the Chamber of Commerce concerning the DEED grant applications, it was determined that the best method of requesting the grants would be to have the one project area broken up into two projects of equal costs (as much as possible for construction purposes). These alterations for the development of the site created a significant difference in the amount of work the consultant was asked to accomplish for the project. The additional cost, not to exceed \$15,000, is a very reasonable compensation for the work. The proposed revised design fee is only 1.2% of the estimated construction project cost of \$5,493,000.00.

Member **(David Sturrock)** moved, Member **(Craig Schafer)** seconded to approve the **ORIGINAL** motion 'that the Council approve Amendment No. 1 to the Professional Services Agreement for Commerce Park Stormwater Study and Michigan Road Street and Utility Design with Bolton & Menk, Inc. of North Mankato, Minnesota, for an additional \$15,000.00, for a total contract amount not to exceed \$65,000.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPOINTMENTS TO VARIOUS BOARDS/COMMISSIONS:

Per the recommendation of Mayor Byrnes, Member (**Steven Meister**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'approval of appointments to the various boards and commissions'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Community Services Advisory Board – Gustavo Estrada be reappointed to a 3-year term to expire on February 28, 2020.

Community Services Advisory Board – Tom Bolin be appointed to a 3-year term to expire on February 28, 2020.

Community Services Board – Lucas Youngsma be appointed to an unexpired term to expire on February 28, 2018.

Mayor Byrnes called for a 5-minute recess at 7:16 P.M.

President Pro-Tem Sturrock took over the meeting at this time.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No report.

Schafer Merit Center working with HR on a Director and with the Convention and Visitors Bureau for a contract for scheduling on the web site.

Meister No report.

Bayerkohler No report.

DeCramer EDA welcomed new member Steven Meister. Southwest Regional Development Commission provided information on their services. The clean-up of funding and accounts for the Parkway Addition is complete.

Sturrock No report.

Lozinski Marshall Area Transit provided information to bring Jim up to date. CDL Testing is no longer done in Marshall.

COUNCILMEMBER INDIVIDUAL ITEMS

Sturrock indicated that the pond association met with Glenn Olson to discuss dredging of the pond; Marshall Area Transportation Group is working on setting goals; DeCramer suggested that staff work with the Merit Center for CDL testing; Lozinski suggested surveying the public to get feedback on what is important to them; Sturrock suggested that this be added as an item for the work session.

CITY ADMINISTRATOR:

Nick Johnson, City Administrator, provided the following:

The Fire Department held their annual banquet, 35 retired members were in attendance.

The Wellness Committee sponsored a Family Fun Night on January 22nd at the arena.

The annual Employee Recognition Event will be held on January 27th. He thanked Cathy for planning this event.

There will be a Council Work Session on March 7th.

Gate House will provide an update at the February 28th meeting.

DIRECTOR OF PUBLIC WORKS:

No report

CITY ATTORNEY:

Dennis Simpson, City Attorney, provided updates on the sale of property on Main Street.

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. 3B ATTORNEY-CLIENT PRIVILEGE REGARDING REQUEST FOR LOAN FORGIVENESS:

Member (**Steven Meister**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to go into Closed Session Pursuant to Minnesota Statute 13D.05 Subd. 3B Attorney Client Privilege regarding a Request for Loan Forgiveness'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

The Council went into closed session at 7:38 P.M. Those present at the closed session included: Sturrock, Schafer, Meister, Bayerkohler, DeCramer and Lozinski. Staff present included: Nick Johnson, City Administrator; Dennis Simpson, City Attorney; Karla Drown, Finance Director and Jane DeVries, City Clerk.

The council came out of closed session at 7:46 P.M.

TO RECONVENE TO REGULAR MEETING AND TO FINALIZE ACTION REGARDING THE REQUEST FOR LOAN FORGIVENESS:

Dennis Simpson, City Attorney, reviewed the request from the family of Robert and Shirley McClain to forgive the outstanding balance of the loan they received through the Small Cities Development Program. Attorney Simpson is recommending that the loan balance in the amount of \$10,514.00 not be forgiven and any interest be waived.

Member (**Craig Schafer**) moved, Member (**James Lozinski**) seconded to approve the **ORIGINAL** motion 'that the outstanding balance of the loan that Robert and Shirley McClain

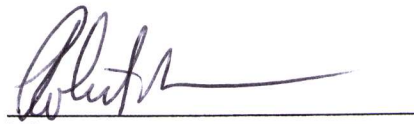
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received through the Small Cities Development Program not be foregiven'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

UPCOMING MEETINGS


There were no questions on the upcoming meeting list.

Member (**Craig Schafer**) moved, Member (**Steven Meister**) seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**



Mayor

ATTEST:



City Clerk

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