

REGULAR MEETING – MAY 23, 2017

The regular meeting of the Common Council of the City of Marshall was held May 23, 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; Jason Anderson, Assistant City Engineer; Karla Drown, Finance Director; Scott VanDerMillen, Director of Community Services; Marc Klaith, Fire Chief; Preston Stensrud, Parks Superintendent; Bob VanMoer, Wastewater Facility Superintendent; Cal Brink, CEO Marshall Area Chamber of Commerce; and Jane DeVries, City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

It was the consensus of the Council that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 9, 2017:

Member (**Craig Schafer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on May 9, 2017 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**

CONSIDER REQUEST REGARDING ARTICLE V SECTION 22 OF THE MARSHALL CODE OF ORDINANCES BE REPEALED:

This was the date and time set for a public hearing regarding Article V Section 22 of the Marshall Code of Ordinance that deals with the regulation of taxi cabs operating within the City of Marshall. Section 22-111 is the definitional section of that article. Sections 22-126 through 22-131 set forth the requirements for the issuance of taxi cab license, payment of fee, display of markings, insurance, rates and mechanical conditions of the vehicles. The City of Marshall currently has issued taxi cab licenses to three separate businesses. However, several of those businesses have complained that there are other non-licensed taxi cab operators within the City of Marshall. The taxi cab/ride for hire business is changing rapidly. The innovation of the Uber/Lyft type businesses has upset the traditional type taxi cab business model. Marshall Police Department continues to receive complaints of unauthorized taxi cab businesses and ride for hire businesses and the complainants have asked that Police Department and the City Attorney's office enforce the existing regulations. It is, however, difficult to enforce the current taxi cab ordinances. The alleged unlicensed operators are not forthcoming with information and their clients refuse to provide information as to whether or not they are paying for rides.

Representatives from the Marshall Police Department, Marshall City Attorney's office and City Administrator met with two representatives of the licensed taxi cab businesses. While numerous complaints are alleged, proof of those complaints and enforcement of the ordinances is difficult at best. At the conclusion of the meeting, City staff did discuss and recommend to the Legislative and Ordinance Committee that the City ordinance for regulation of taxi cabs be eliminated.

REGULAR MEETING – MAY 23, 2017

A review of Minnesota Statutes does not obligate municipalities to regulate taxi cab businesses operated within their jurisdiction. Minnesota Statutes §221.091 subd. 2(a) does indicate that the City “may” regulate taxi cabs, and if so, the City must provide ordinances for driver qualifications, insurance, vehicle safety and periodic vehicle inspections. Our current City ordinances address all of the requirements of State statutes.

City staff continues to recommend that taxi cab regulation be repealed. The Legislative and Ordinance Committee met and discussed this matter. The Legislative and Ordinance Committee is recommending that taxi cab regulation ordinances be repealed. It is recommended that the repeal be effective June 1, 2017 and that a pro-rata portion of the license fee paid for 2017 be refunded to the taxi cab businesses after the effective date of June 1, 2017.

Marshall taxi owner Sami Saad El-Dein met with Attorney Simpson and indicated that Taxi License requirements are important for public safety. They allow for background checks of taxi operator and drivers.

Bob Quasius, Southwest Minnesota Services, indicated that some Minnesota Cities require taxis traveling in from other community to be licensed. Without a Marshall Taxi License, Quasius indicated that he would not be allowed to drop off passengers in those communities.

Mr. Quasius and Armando Ruguma, Ruguma’s Taxi, indicated that there are unlicensed taxis operating in the City of Marshall. Mr. Ruguma, speaking through an interpreter, indicated that unlicensed taxi services affect the licensed taxi services in Marshall. They are able to offer cheaper fares because they are not paying for a license, taxi insurance and vehicle inspections.

Rob Yant, Director of Public Safety, indicated that his department has challenges in enforcing local taxi regulations. It is not easy to identify an unlicensed taxi – passengers in a vehicle can deny that they paid for a ride. Yant also indicated that his officers need to be careful that investigation of complaints doesn’t turn into harassment of an alleged unlicensed taxi operator. There was also a brief discussion on unlicensed taxi operators not having the required insurance.

Public awareness is part of the problem and it was suggested that there be better public communication in different languages.

Following discussions several council members indicated that they were no longer in support of repealing the Taxi Ordinance.

Nick Johnson, City Administrator, indicated that the recommendation to council is to not repeal the ordinance and he supported the idea of more outreach and education on taxis.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **SUBSTITUTE** motion 'that Article V Section 22 of the Marshall Code of Ordinances not be repealed and the Legislative and Ordinance Committee review the ordinance and to recommend additional updates to the ordinance if needed'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF CONSENT AGENDA:

The following item was removed from the consent agenda: Consider authorization to declare body armour as surplus property for the Marshall Police Department.

Member (**Steven Meister**) 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**

The adoption of RESOLUTION NUMBER 4388, SECOND SERIES, which is a resolution Dedicating City Owned Property as Public Road Right of Way.

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 a Transient Merchant License for the Country Stop to sell fresh produce at Perkins parking lot located at 1020 Southview Drive.

The approval of a Temporary On-Sale Liquor License for the Lyon County Historical Society to use at 301 West Lyon Street, Marshall, Minnesota on June 10, 2017.

That the City Council meetings for 2018 be held on the second and fourth Tuesday of the month at the Marshall Middle School Professional Development Room, 401 South Saratoga Street at 5:30 p.m. be approved.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 103795 through 103822; 103824 through 104025 and Draft No. 305 through 314.

CONSIDER AUTHORIZATION TO DECLARE BODY ARMOUR AS SURPLUS PROPERTY FOR THE MARSHALL POLICE DEPARTMENT:

Rob Yant, Director of Public Safety, indicated that Aaron Quesenberry is leaving the Marshall Police Department to work for another law enforcement agency and has requested that he be allowed to purchase his vest. Rob indicated that old vests are difficult to dispose of and of little value to the Department, except for keeping a couple on hand for newly hired officers to wear until new vests are ordered.

The vest that Aaron is requesting to have is in its three (3) plus years of a five-year life-span. The vest is specially fitted for the officer. It was purchased for just over \$700 (half of this is paid by the State of Minnesota) and is of little value to the department or the City. The Department that Aaron is going to will not be eligible for state funding for a new vest for Aaron until this vest is five years old. Rob is recommending that the vest be sold to Aaron for \$50.00.

Council Member Meister indicated that the vest should be worth more than \$50.00 and asked how the value was determined. Rob indicated that it is a matter of helping the officer and it is hard to determine a price for the vest. He also indicated that when officers are hired from other

communities they sometimes bring their vests. Meister suggested that the department pro-rate the cost of the vests.

Member (**James Lozinski**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'That the vest be declared surplus property by the City of Marshall and agreed that it could be sold to Aaron Quesenberry for \$50.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AUTHORIZATION FOR DNR FIRE ASSISTANCE GRANT:

Marc Klaith, Fire Chief, indicated that the Minnesota Department of Natural Resources implements several grants throughout the State of Minnesota. One of their grant programs allows volunteer fire departments to request funding to assist with small equipment purchases. The Volunteer Fire Assistance Grant program awards grants up to \$5,000 with a 50% match requirement. The request is for 2 skid pump units. The units are self-contained 55 gallon pumpers which sit in the back of a UTV. They are utilized with UTVs to reach wild land areas where a full-size pumper truck may have difficulty reaching. The cost per unit is \$2,400 for a total cost of \$4,800. The new units would replace the existing units. The 50% match would come from the Marshall Fire Department Relief Association. No City funding is required.

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'that the City Council authorize submission of the DNR Fire Assistance Grant application'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER CITY OF MARSHALL PLACEMENT ON THE CLEAN WATER REVOLVING LOAN FUND 2018 INTENDED USE PLAN - WASTEWATER TREATMENT PROJECT BMI PROJECT NUMBER T22/108560:

Bob VanMoer, Wastewater Facility Superintendent, reviewed the request for authorization to submit a request to be placed on the Minnesota Public Facilities 2018 Intended Use Plan for the Clean Water Revolving Loan Fund in the amount of \$17,662,500 for Wastewater Treatment Facility improvements for the City of Marshall.

Bolton & Menk has prepared a Facility Plan for the Wastewater Treatment Facility to address current and future needs. As part of the plan staff had them look at possible funding options. The City of Marshall Wastewater Treatment Facility is listed on the State of Minnesota's Project Priority List for funding potential of low interest loans or grants. A hearing was held on this Plan on March 14, 2017, at City Council and was approved.

The request for the 2018 Intended Use Plan is to identify the maximum amount of funding that would be needed. The request does not commit the City to any funding offers from the Public Facilities Authority. We can decide if any future offer will suit our needs for funding and accept or reject any offer that is awarded to the City.

Phase 1 of the Facility Plan is for current needs of the treatment plant to address equipment issues and capacity issues as our treatment facility is approximately 30 years old. The facility plan estimated these needs as \$9,475,000. Phase 1 is eligible for low interest loan.

REGULAR MEETING – MAY 23, 2017

Phase 2 Alternative A addresses future permit requirements for Total Nitrogen removal. The estimate for Phase 2 is \$8,187,500. Phase 2 improvements would be eligible for up to \$7,000,000 in grant funding.

The City needs to request the maximum amount potentially needed to qualify for the funding in the event we would decide to go forward with both phases.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'that the Council authorize the City of Marshall's request to be placed on the Clean Water Revolving Loan Fund 2018 Intended Use Plan – Wastewater Treatment Project BMI Project Number T22.108560'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

SERVICE AGREEMENT BETWEEN SMSU AND STUDIO 1 TV:

In April 2016 SMSU requested that a Service Agreement between the City and SMSU be entered into. This agreement was for one year (July 1, 2016 - June 30, 2017) and would allow for the installation of internet access service on campus for Studio 1 TV offices/programming needs. Both parties have agreed to renew this service agreement. The service agreement has been reviewed by the City Attorney. Marshall Community Services Director and Media Communications Specialist will be available at Council meeting for questions.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'that the proper city personnel be authorized to enter the Service Agreement between Southwest Minnesota State University and Marshall Community Services / City of Marshall for July 1, 2017 through June 30, 2018 at a fee of \$1,000'. 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 RESOLUTION AUTHORIZING EXECUTION OF MASTER PARTNERSHIP CONTRACT BETWEEN THE CITY OF MARSHALL AND THE STATE OF MINNESOTA:

Jason Anderson, Assistant City Engineer, reviewed the Master Partnership Contract with Mn/DOT. This agreement provides for the authorization of the Commissioner of Transportation to enter into agreements with the City for several types of services as shown in the recitals of the agreement. Mn/DOT wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government. Mn/DOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads. This agreement allows the City and Mn/DOT to respond quickly and efficiently to such opportunities for collaboration and have determined that having the ability to write "work orders" against a master contract would provide the greatest speed and flexibility in responding to identified needs. The City Attorney has reviewed and approved the content of this agreement.

Member (**Steven Meister**) Moved, Member (**David Sturrock**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4389, SECOND SERIES, which is a Resolution Authorizing Execution of Mn/DOT Master Partnership Contract'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z47: COMMERCE INDUSTRIAL PARK/MICHIGAN ROAD IMPROVEMENT PROJECT - CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX EXEMPT BONDS:

Jason Anderson, Assistant City Engineer, reviewed Commerce Industrial Park/Michigan Road Improvement Project Z47. This project includes subdivision grading, the installation of sanitary sewer, watermain, storm sewer improvements and street improvements on Michigan Road from a point approximately 650 west of Lake Road to Pacific Avenue, and the construction of a storm sewer and watermain along Minnesota Trunk Highway 68 from Lake Road to Pacific Avenue.

On April 20, 2017, three bids were received. The low base bidder was R&G Construction of Marshall, Minnesota, in the amount of \$3,792,178.50. The total project cost for the base bid, including 5% allowance for contingencies and 16% for engineering and administrative costs is \$4,618,873.41.

An alternate bid was also requested including a potential for DEED funding. The low alternate bidder was Midwest Contracting LLC of Marshall, Minnesota, in the amount of \$4,004,847.25. The total project cost for alternate bid, including 5% allowance for contingencies and 16% for engineering and administrative costs is \$4,877,903.95.

The award of bids will be dependent upon the level of DEED participation after the legislative session and allocation of funds by DEED. The above referenced project, or a portion thereof, may be financed by the sale of bonds with repayment coming from various sources including assessments. It is required that action be authorized by City Council resolution. The resolution includes the contract amount plus engineering and administrative expenses plus a small additional amount for contingencies for an amount totaling \$4,650,000. Staff is recommending to bring this forward at this time due to the requirements for DEED grant funding.

Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4390, SECOND SERIES, which is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF A TEMPORARY 3.2 PERCENT MALT LIQUOR LICENSES FOR THE MARSHALL BASEBALL ASSOCIATION:

At the Council meeting on April 25th the Council approved a Temporary 3.2 Percent Malt Liquor License to be used at the Softball Complex located along Channel Parkway for the month of May. The intent was that the new Softball Complex would be ready for use by June 1, 2017. Due to unforeseen delays the new Softball Complex is not ready for use; therefore, the Baseball

REGULAR MEETING – MAY 23, 2017

Association is requesting to extend their license through June 30, 2017 and that the fee be waived.

Member **(Steven Meister)** Moved, Member **(David Sturrock)** Seconded to approve the **ORIGINAL** motion 'the approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use at Softball Complex located along Channel Parkway from June 1, 2017 through June 30, 2017 and that the fee for this be waived'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

REVIEW AND CONSIDER EASEMENT VACATION ALONG WITH CALLING FOR A PUBLIC HEARING REGARDING EASEMENT VACATION IN COMMERCE INDUSTRIAL PARK:

Dennis Simpson, City Attorney, indicated that the MMU Commission agreed to a request from City/HRA to accept transfer of land from HRA to MMU, land being located in Commerce Industrial Park Addition. Land to be transferred is described as all of Lot 2, Block 4 and the Easterly 551.76 of Lot 1, Block 4, Commerce Industrial Park Addition to the City of Marshall, Lyon County, Minnesota. In anticipation of said land transfer, pursuant to the City/MMU industrial land development agreement, MMU has requested that various easements identified on the property to be transferred, and on MMU owned property, be vacated. Vacation of easements must occur pursuant to Section 62-4 of the Marshall City Code of Ordinances. In compliance with Section 62-4, it is recommended that a public hearing be scheduled to address the requested vacation of easement interests as subsequently defined. It is recommended that the appropriate notice of public hearing be published in the Marshall Independent and that the appropriate affected property owners be notified of the scheduled public hearing.

Pursuant to the industrial land development agreement between City of Marshall and MMU, it was anticipated that certain Commerce Industrial Park property would be transferred to MMU. The land anticipated to be transferred to MMU is identified as all of Lot 2, Block 4 and the Easterly 551.76 of Lot 1, Block 4, Commerce Industrial Park Addition to the City of Marshall, Lyon County, Minnesota. It is anticipated that a deed will subsequently be executed by Housing and Redevelopment Authority in and for the City of Marshall, Grantor to Marshall Municipal Utilities, as Grantee. Proposed deed will be executed in the near future.

Secondly, MMU is requesting that seven plat identified easements and two "paper" easements as appearing of record, be vacated. The descriptions of the easements to be vacated are identified as follows:

Platted Easement Description to be vacated:

1. The Easterly 10 feet, except the Northerly 20 feet and the Southerly 7.5 feet, of Lot 1, Block 4, of Commerce Industrial Park.
2. The Westerly 10 feet, except the Northerly 20 feet and the Southerly 7.5 feet, of Lot 2, Block 4, of Commerce Industrial Park.
3. The Easterly 10 feet, except the Northerly 20 feet, of Lot 2, Block 4, of Commerce Industrial Park.
4. The Southerly 7.5 feet, except the Westerly 7.5 feet, of Lot 2, Block 4, of Commerce Industrial Park.

REGULAR MEETING – MAY 23, 2017

5. The Southerly 10 feet of Lot 2, Block 1, of the Industrial Park Third Addition.
6. The Westerly 10 feet of Lot 2, Block 1, of the Industrial Park Third Addition.
7. The Westerly 10 feet of the Westerly 290.4 feet of Lot 1, Block 1, of the Industrial Park Third Addition.

Paper Easement Description to be vacated:

- The Northerly 15 feet of the Southerly 25 feet of Lot 2, Block 1, of the Industrial Park Third Addition.

- o Recorder's Document: #127246, Date Acquired: 1/18/2000, Grantor: Housing & Redevelopment Authority, Grantee: City of Marshall, Uses Authorized: Electric, Telecom, Current Uses: None

- The Northerly 100 feet of the Westerly 33 feet of the Southeast Quarter of Section 32, Township 112 North, Range 41 West lying North of Trunk Highway No. 68 right of way.

- o Recorder's Document: #32037, Date Acquired: 4/12/1978, Grantor: Sonstegard, Grantee: City of Marshall, Uses Authorized: Electric, Telecom, Current Uses: None.

Easements to be vacated are on MMU owned property within Lot 1, Block 1, Lot 2, Block 2, Marshall Industrial Park Third Addition, Lot 1, Block 2, Sonstegard Subdivision II, City of Marshall, and the proposed property for acquisition as described above.

Based upon the map as prepared and identified by MMU, it appears that the adjacent owned property regarding the requested vacation of easements, is all owned by MMU and HRA/Marshall.

Member **(Craig Schafer)** Moved, Member **(John DeCramer)** Seconded to approve the **ORIGINAL** motion 'that the proper city personnel call for a public hearing to consider easement vacation in Commerce Industrial Park'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER AND APPROVE RIGHT OF FIRST REFUSAL TO UNITED COMMUNITY ACTION PARTNERSHIP (UCAP) FORMERLY KNOWN AS WESTERN COMMUNITY ACTION FOR SEVEN LOTS IN PARKWAY II ADDITION AND STOCKHOLM ADDITION TO THE CITY OF MARSHALL:

Nick Johnson, City Administrator, indicated that the Economic Development Authority in and for the City of Marshall (EDA) is the owner developer of the Parkway II Addition property and the Stockholm Addition property in Marshall. The EDA has recently entered into a purchase agreement for the sale of five lots to be sold to United Community Action Partnership (UCAP). Single family homes are to be developed on those lots. Development on all five lots is to begin prior to 12/31/2017.

In addition, UCAP has requested right of first refusal for an additional seven lots. UCAP would have the right to match price and terms for the purchase of any of those seven lots, if either EDA or the City receives bona fide offers for any of the seven lots. EDA and UCAP have approved the right of first refusal. It is recommended that the City also approve the right of first refusal, so as to recognize rights of first refusal if individual purchaser or developer would approach the

REGULAR MEETING – MAY 23, 2017

City of Marshall for the acquisition of the first refusal lots. It is recommended that City approve this document and then it would be recorded in the office of the Lyon County Recorder. The rights of first refusal apply to any offers for purchase of property on the designated lots within calendar year 2017. Right of first refusal would expire January 1, 2018.

There was a brief discussion on the number of additional lots. City Attorney Simpson will verify if there are seven or eight lots.

Member (**Craig Schafer**) Moved, Member (**David Sturrock**) Seconded to approve the **ORIGINAL** motion 'approval of the Right of First Refusal to United Community Action Partnership (UCAP) formerly known as Western Community Action for seven lots in Parkway II Addition and Stockholm Addition to the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0** Abstain: **2**. The motion **Passed 5 – 0 – 2** with Lozinski and DeCramer abstaining.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes Regional Development Commission will meet in Walnut Grove on June 5th.

Schafer No report.

Meister EDA item was acted on earlier in the meeting.

Bayerkohler Planning Commission there was considerable discussion on a variance to build an apartment building.

DeCramer Utilities Commission discussed cash redemption of a bond improvement. Police Advisory Board met last week.

Lozinski Adult Community Center Commission met last week.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Schafer provided information on a noise complaint that he received from a property owner by Turkey Valley Farms on South 6th Street. Council Member Schafer indicated that Turkey Valley conducted several noise tests and they are in compliance. The homeowner is not happy about the noise and he would like the full council to come to his property to hear the noise.

Mayor Byrnes called for a 5-minute recess at 7:07 P.M.

CITY ADMINISTRATOR:

Nick Johnson, City Administrator, provided the following information:

The School District held their second strategic planning committee session Monday evening. Scott VanDerMillen and Scott are taking part as committee members. The strategic planning efforts are being facilitated by the Minnesota School Boards Association. This second session

REGULAR MEETING – MAY 23, 2017

focused on identifying core values, mission statements, and vision statements. The third and final session is planned for June 7th.

The City's auditors were on site the week of May 8th to continue work on the audit. They spent the entire week working with our staff and commented to me how good it was to work with them. The week was stressful but went very well. We are planning the presentation of the audit at the June 27 Council meeting.

MERIT Center position. Applications closed on May 5 and we have 23 applicants. We are going through the process of hiring with first round interviews taking place June 8 and 9. The finalists will be invited to take a tour of the MERIT Center and meet with the MERIT Center board on June 21. We anticipate the new position to start in July. Nick thanked Sheila and Rob for their work on this.

The bike extravaganza at YMCA on Monday went well despite the rain. This is the 10th year of the event. There were about 230 people attend with 100 bikes registered. People enjoyed the event and we look forward to it again next year.

The MERIT Center hosted a special event emergency response planning class. 27 attendees came from our region and across the state to participate. Feedback was positive from the attendees.

On Monday May 15; 17 of our staff participated in a DiSC workshop. DiSC is a self-assessment tool to discover your particular workplace style. The workshop facilitator distributed our reports and guided us in understanding what our individual style meant and how we can interact better with other styles. It was an excellent team building exercise and staff feedback has been very good about it.

Senator Dahms and Representative Swedzinski will be having a town hall meeting Thursday morning at 7:30pm at the YMCA. Staff received confirmation this would not change due to the special session.

A special session was called and the Legislature is working on passing omnibus bills. They want to have everything to the Governor by end of Wednesday. The BDPI bill is included and funding would be at \$12 million. We should hear soon after from DEED regarding funding for Commerce Park. The legislation supporting Ralco's tru Shrimp venture is also in the agriculture omnibus bill. The legislation expanding the sales tax exemption for cities is also in the omnibus tax bill.

DIRECTOR OF PUBLIC WORKS:

No report.

REGULAR MEETING – MAY 23, 2017

CITY ATTORNEY:

Dennis Simpson, City Attorney, provided an update on the acquisitions of the 5 lots in Parkway Addition.

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):**

Member (**Craig Schafer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'adjourn to closed session'. 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 7:21 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; Karla Drown, Finance Director; Cal Brink, CEO Marshall Area Chamber of Commerce; and Jane DeVries, City Clerk.

The council came out of closed session at 7:57 P.M.

UPCOMING MEETINGS

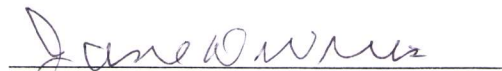
There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



City Clerk

This page intentionally left blank