

REGULAR MEETING – JUNE 13, 2017

The regular meeting of the Common Council of the City of Marshall was held June 13, 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, and James Lozinski. Absent: David Sturrock. Staff present included: Cathy Lee, Executive Assistant; 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.

APPROVAL OF AGENDA:

Member **(Steven Meister)** Moved, Member **(James Lozinski)** Seconded to approve the **ORIGINAL** motion 'that the agenda be approved with the deletion of item no. 21, which is to consider a Resolution Approving Property Acquisition and Interfund Loan between the City of Marshall and Housing and Redevelopment Authority'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 23, 2017:

Member **(Craig Schafer)** Moved, Member **(Steven Meister)** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on May 23, 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: **6** Nay: **0**. The motion **Carried 6 - 0**

Be it noted the arrival of Council Member Sturrock.

PUBLIC HEARING REGARDING EASEMENT VACATION IN COMMERCE INDUSTRIAL PARK:

This was the date and time set for a public hearing regarding an Easement Vacation in Commerce Industrial Park. Per a memo from Dennis Simpson, City Attorney, 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.

Pursuant to the industrial land development agreement between the 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.

REGULAR MEETING – JUNE 13, 2017

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

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NO. 4392, SECOND SERIES, authorizing vacation of easements for Commerce Industrial Park Addition and Industrial Park Third Addition

REGULAR MEETING – JUNE 13, 2017

to the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z57: BITUMINOUS CHIP SEALING PROJECT ON VARIOUS CITY STREETS - CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Bids were received on June 6, 2017 for Project Z57 – Bituminous Chip Sealing on Various City Streets. Two bids were received, opened and read from:

Asphalt Surface Technologies Corporation
St. Cloud, Minnesota
\$106,956.90

Caldwell Asphalt Co., Inc.
Hawick, Minnesota
\$123,792.70

Member (**Craig Schafer**) Moved, Member (**David Sturrock**) Seconded to approve the **SUBSTITUTE** motion 'that the Council adopt RESOLUTION NUMBER 4393, SECOND SERIES, which is the "Resolution Accepting Bid (Award Contract)" for Project Z57: Bituminous Chip Sealing on Various City Streets to Asphalt Surface Technologies Corporation of St. Cloud, Minnesota, in the amount of \$106,956.90; plus additional streets at the per unit rate up to the budgeted amount of \$145,000'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF CONSENT AGEND:

Member (**Steven Meister**) 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 City Council schedule a public hearing for Thursday, June 29, 2017 regarding the MS4 Permit Program and a summary of the 2017 Activities.

The Council call for a public hearing to be held on June 27, 2017 for the private use of public streets and parking lots for Sounds of Summer (August 18-20, 2017).

Authorization be granted to the Department of Public Safety to dispose of one (1) vehicle considered as surplus. This vehicle 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 TNT Fireworks to sell Minnesota approved Safe & Sane Fireworks in the Wal-Mart parking lot located at 1221 East Main Street, Marshall, Minnesota.

The approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use Complete Health Center, 111 Jewett Street, Marshall, Minnesota on June 28, 2017.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 104026 through 104028; 104032 through 104203 and Draft No. 315 through 323.

APPROVAL OF ITEMS PULLED FROM CONSENT:

CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR HOLY REDEEMER CHURCH FOR SEPTEMBER 29, 2017:

This LG220 application of Exempt Permit is for Holy Redeemer Church to hold a raffle on September 29, 2017 at Holy Redeemer Parish Center, 503 West Lyon Street, Marshall, Minnesota. Council Member Meister asked if the fee has been paid and why is the 30-day waiting period waived.

City Clerk DeVries indicated that the fee will be paid to the State when the application is submitted and the 30-day waiting period is waived to provide additional time to sell the raffle tickets.

Member **(Steven Meister)** Moved, Member **(Craig Schafer)** Seconded to approve the **ORIGINAL** motion 'BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Holy Redeemer Church to hold a raffle on September 29, 2017, at Holy Redeemer Parish Center, 503 West Lyon Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

RESOLUTION OF SUPPORT FROM THE CITY OF MARSHALL FOR THE LYON COUNTY ALL-HAZARD MITIGATION PLAN:

Lyon County has a county-wide disaster mitigation plan that has been reviewed and approved by both the State of Minnesota and the federal government. To be eligible to receive FEMA (Federal Emergency Management Agency) hazard mitigation funding a local jurisdiction needs to have an approved mitigation plan in place. However, the City of Marshall can agree to support and be a part of the Lyon County All-Hazard Mitigation Plan and meet the FEMA standard rather than develop its own mitigation plan.

Council Member Bayerkohler asked if the City has a copy of the plan. Rob Yant, Director of Public Safety, indicated that the plan has not been completed, but the County is looking for the City of Marshall support.

Council Member Schafer indicated that cities are encouraged to be included in the plan and is in favor of providing a letter of support.

Bayerkohler was in favor of the letter of support but stated that they plan needs to be completed before the City approves it. Mr. Yant indicated that he had requested a copy of the plan for the region, but was informed that it is not completed at this time.

Member **(David Sturrock)** Moved, Member **(Craig Schafer)** Seconded to approve the **SUBSTITUTE** motion 'the adoption of RESOLUTION NUMBER 4394, SECOND SERIES, which is a resolution Supporting the Hazard Mitigation Planning Effort and to Affirm the City of

REGULAR MEETING – JUNE 13, 2017

Marshall's Support of the Existing Lyon County All Hazard Mitigation Plan'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR PRIDE IN THE TIGER FOUNDATION:

Member (**Steven Meister**) 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 Pride in the Tiger Foundation to hold a raffle on July 10, 2017, at Marshall Golf Club, 800 Country Club 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'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL FOR A TRANSIENT MERCHANT LICENSE FOR TAQUERIA EL GUERRERITO:

An application for a Transient Merchant License has been received for Taqueria El Guerrerito to operate a Food Truck in the City of Marshall. This license will expire on December 31, 2017.

Council Member Lozinski asked where the food truck would be allowed to park. Dennis Simpson, City Attorney, indicated that there currently is no policy on food trucks. Attorney Simpson's recommendation was for the Council to approve the license with the restriction that the food truck needs to operate on private property with permission from the owner.

Council Meister indicated that he did not think restrictions were necessary. The City should promote business and if there are any problems they can be dealt with then.

Glenn Olson, Director of Public Works/City Engineer, was concerned with liability issues if food trucks operate in city parks. Karla Drown, Finance Director, was concerned with food trucks competing with concessions at the Red Baron Arena.

Council Member DeCramer suggested that food trucks be restricted from doing business in the residential area and Council Member Schafer asked how the food and beverage tax would be collected.

Mayor Byrnes recommended that the Legislative and Ordinance Committee review the issue of food trucks.

Member (**James Lozinski**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'the approval of a Transient Merchant License for Taqueria El Guerrerito to operate a Food Truck in Marshall'. Upon a roll call vote being taken, the vote was: Aye: 3 Nay: 4. The motion **Failed 3 – 4**. Sturrock, Lozinski and Meister voted in favor of the motion and Schafer, Bayerkohler, DeCramer and Byrnes voted no.

Schafer moved, DeCramer seconded, the approval of a Transient Merchant License for Taqueria El Guerrerito to operate a Food Truck in Marshall with the restriction that they operate on private

REGULAR MEETING – JUNE 13, 2017

property with permission from the owner and that the Legislative and Ordinance Committee discuss regulating food trucks. All voted in favor of the motion.

CONSIDER REQUEST OF SOUTHWEST MINNESOTA STATE UNIVERSITY FOR HOMECOMING PARADE (SATURDAY-SEPTEMBER 30, 2017):

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the Council approves the SMSU Homecoming Day Parade on Saturday, September 30, 2017, subject to Mn/DOT approval of the permit'. 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.

MASTER PLAN UPDATE FOR THE SOUTHWEST MINNESOTA REGIONAL AIRPORT / RYAN FIELD:

John Peterson, Market Manager/Senior Registered Engineer and Cole Hartfiel, Planner representatives from TKDA were in attendance at the meeting to review the Master Plan Update for the Southwest Minnesota Regional Airport / Ryan Field. A master plan provides the sponsor and regulatory agencies a twenty-plus year guidebook for future development by identifying existing and future demand, facility requirement needs, sustainable development initiatives, NEPA and land use obligations, as well as funding and financial planning recommendations related to ultimate development. A master plan also incorporates the latest federal and state regulatory requirements to support airport safety and longevity. To summarize, it is an effective written and graphical representation of ultimate airport development. TKDA, the City's airport consultant has completed the draft of the Master Plan Update. This draft was presented to the Airport Commission and the Joint Airport Zoning Board on June 6, 2017 by the consultant. After the presentation, the Airport Commission voted unanimously to accept the draft of the Master Plan Update and recommend approval to the City Council. The Master Plan Update recommends specific airport improvements over time, mostly based upon the use of the facility and a design aircraft. These specific design items may change over time. The Master Plan Update does include recommendations for areas that are typically non-traditional airport uses. This was a significant request by Council due to the development discussions that took place for Action Manufacturing's request of development at the Airport. The crosswind runway has been recommended to be restricted for extension to 4,798 feet due to the proximity with existing development at the Sonstegard Industrial Park.

Council Member Bayerkohler felt that he did not have sufficient time to read the 470-page document and indicated that he does not vote on documents that he has not read. Therefore, he would abstain from voting on the agenda item.

Member (**James Lozinski**) Moved, Member (**David Sturrock**) Seconded to approve the **SUBSTITUTE** motion 'that the Council submit the Master Plan Update for the Southwest Minnesota Regional Airport / Ryan Field to FAA for their review'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1** Abstain: **1**. The motion **Passed 5 - 1 - 1** with Meister voting no and Bayerkohler abstaining.

CONSIDER RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE WITH PROCEEDS FROM TAX-EXEMPT BONDS WITH RESPECT TO CERTAIN CAPITAL EQUIPMENT:

Karla Drown, Finance Director, indicated that the City of Marshall will be considering the sale of 2017A Bonds to finance various projects. Included in the 2017A bonding is funding for capital equipment listed in Exhibit A of the resolution. The resolution enables the City to reimburse purchases prior to receipt of bond proceeds. The items listed in Exhibit A will be brought to the Equipment Review Committee for review then bid for City Council consideration at a future date.

Member **(Craig Schafer)** Moved, Member **(John DeCramer)** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4395, SECOND SERIES, which provides for Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Purchase of Certain Capital Equipment'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

At this time, Council Member Sturrock excused himself from the meeting.

CONSIDER RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION SERIES 2017A BONDS:

Terri Heaton, Springsted, reviewed the following bids that were received for the \$1,290,000 General Obligation Bonds, Series 2017A.

Bidder	Price	Net Interest Cost	True Interest Rate
Stifel, Nicholas & Co., Inc.	\$1,358,847.50	\$143,210.00	1.8688%
Robert W. Baird & Co., Inc.	\$1,360,954.00	\$150,431.00	1.9655%
C. L. King & Associates WMBE			
Dougherty & Company, LLC			
Edward Jones			
Fidelity Capital Markets			
Ross, Sinclair & Associates, LLC			
WNJ Capital			
Crews & Associates, Inc.			
Davenport & Co. L.L.C.			
Look Capital Markets			
Openheimer & Co.			
R. Seelaus & Company, Inc.			
IFS Securities			
Sierra Pacific Securities			
Alamo Capital WMBE			
Isaak Bond Investments, Inc.			
Wayne Hummer & Co.			
Sumridge Partners			

REGULAR MEETING – JUNE 13, 2017

Bidder	Price	Net Interest Cost	True Interest Rate
W.H. Mell Associates Rafferty Capital Markets Midland Securities FMS Bonds Inc. Central States Capital Markets			
Raymond James & Assoc, Inc.	\$1,431,233.85	\$158,756.15	2.0212%
Northland Securities, Inc.	\$1,350,323.25	\$161,061.75	2.1157%

Member **(Craig Schafer)** Moved, Member **(John DeCramer)** Seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4396, SECOND SERIES Awarding the Sale of General Obligation Bonds, Series 2017A, Fixing Their Form and Specifications, Directing Their Execution and Delivery, and Providing for Their Payment'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Meister voting no.

CONSIDER RESOLUTION APPROVING PROPERTY ACQUISITION AND INTERFUND LOAN BETWEEN THE CITY OF MARSHALL AND HOUSING AND REDEVELOPMENT AUTHORITY:

This item was removed from the agenda.

DAR ADDITION (FORMERLY KNOWN AS REED ADDITION) – CONSIDER RESOLUTION ADOPTING THE FINAL PLAT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the final plat of DAR Addition. Earlier this year, JR&R Partnership (Runnings) had filed the preliminary plat of Reed Addition located adjacent to TH 59, Boyer Drive, Margaret Avenue and Windstar Street. The proposed plat includes the subdivision of one existing large lot and an adjacent smaller lot. As this property has not been previously subdivided, the property owner wishes to plat the property with the intent of demolishing an existing building on the site and making the resultant property available for future commercial use. The owner intends to keep the existing metal storage building in place at this time. Copies of the proposed subdivision had been sent to the local utility companies for their review and their comments/requirements, if any, have been incorporated into the final plat. At their meeting on February 8, 2017, the Planning Commission recommended approval of the preliminary plat to the City Council and to call for a public hearing to be held on February 28, 2017. At the February 28, 2017 meeting, a public hearing was conducted and City Council approved the preliminary plat of Reed Addition. In discussions with the Office of the Lyon County Recorder, it was discovered there is an existing subdivision with a similar name (Fay F. Reed's Addition). Therefore, the developer subsequently revised the proposed subdivision name to DAR Addition. The applicant has not been able to contact the property owner for proposed Lot 3. It is necessary for all property owners to sign the final plat. Therefore, Lot 3 has been excluded from the final plat.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4397, SECOND SERIES, which is the "Resolution Approving the Final Plat of DAR Addition"'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

PROJECT Z61: O'CONNELL STREET EXTENSION PROJECT – CONSIDER RESOLUTION APPROVING PLANS & SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Z61 O'Connell Street Extension Project. This project consists of the reconstruction of a private road by Furniture Mart from Sherman Avenue to Mall Street, including storm sewer replacement and watermain construction. The plans and specifications have been prepared by the City staff.

Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4398, SECOND SERIES, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z61: O'Connell Street Extension Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Bayerkohler voting no.

CONSIDER SPECIAL EVENT PERMIT FOR SOUNDS OF SUMMER:

On April 25, 2017, the City Council adopted a resolution Declaring Sounds of Summer as a Community Festival. Sounds of Summer is scheduled for Thursday, August 17, 2017 through Sunday, August 20, 2017. This application identifies the various individuals, organizations and activities involved with the Sounds of Summer. Approval of this permit would allow the holder of a retail intoxicating liquor license to serve intoxicating liquor off their premises. By approving this Special Event Permit the Hitching Post will be allowed to serve alcohol at the Sounds of Summer.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'the approval of a Special Event Permit for the Marshall Festivals Inc., dba Marshall Sounds of Summer and approval for the Hitching Post to serve alcohol in the fenced off area of the parking lot on West College Drive from 12:00 P.M. (noon) on Saturday, August 19, 2017 to 1:00 A.M. on Sunday, August 20, 2017'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

CONSIDER APPOINTMENTS TO THE VARIOUS BOARDS, COMMISSIONS, BUREAUS AND AUTHORITIES:

Per the recommendation of Mayor Byrnes, Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'approval of an appointment to the following board'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Police Advisory Board – Ben Walker be appointed to an unexpired term to expire on May 31, 2018.

REGULAR MEETING – JUNE 13, 2017

Mayor Byrnes called for a 5-minute recess at 7:03 P.M.

Be it noted that Council Member Sturrock returned to the meeting at 7:21 P.M.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes Fire Relief Association held their quarterly meeting. Regional Development Commission approved their budget for July 1, 2017 to June 30, 2018.

Schafer Library Board the offer for office space in Slayton for Plum Creek has been withdrawn; staff is working to reform the Library Foundation and Friends of the Library; staff is working on the Preliminary Budget for the Library.
SW MN Amateur Sports Commission did not have a quorum for their meeting. They are continuing to work on sponsorship for the ball fields. They also discussed the number of sponsors and what the sponsorship fees would be used for. The sculpture will be moved back to its original location and design. There was discussion on the Sports.

Meister No report.

Bayerkohler Was not able to attend the Public Housing Commission meeting.

DeCramer No report.

Sturrock Airport Commission – Airport Master Plan was discussed earlier in the meeting; Police Advisory Board will meet on June 15th.

Lozinski No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Schafer was concerned with vehicles parked in the parking lot where the old middle school was located. Meister asked about the mowing ordinance. Bayerkohler was concerned with tournaments being held on Sundays. Meister and Lozinski indicated that it is not the city's responsibility, separation of church and state. There have been complaints that the city mows too often and that the city does not mow often enough. DeCramer discussed the possibility of the Police Department purchasing a smaller type vehicle to use on bike paths and trails. He indicated that a Council Member has an electric vehicle for sale.

CITY ADMINISTRATOR:

No report.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, provided an update on the following construction projects: Commerce Road; North 7th Street and the Watermain Project.

CITY ATTORNEY:

No report.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items


CONSIDER ADJOURNMENT TO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE §13D.05 SUBD. 3. MEETING MAY BE CLOSED AS AUTHORIZED BY ATTORNEY-CLIENT PRIVILEGE. CITY IS RECOMMENDING THAT MEETING BE CLOSED TO DISCUSS STATUS OF PENDING AND THREATENED LITIGATION VERSUS THE CITY OF MARSHALL AND TO REVIEW CITY ADMINISTRATOR'S ANNUAL PERFORMANCE EVALUATION:

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) 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 7:37 P.M. pursuant to Minnesota Statute 13D.05 Subd.3. Those present at the closed session included: Byrnes, Schafer, Meister, Bayerkohler, DeCramer, Sturrock and Lozinski. Staff present included: Dennis Simpson, City Attorney; Cathy Lee Executive Assistant and Jane DeVries, City Clerk. The council came out of closed session at 7:54 P.M.

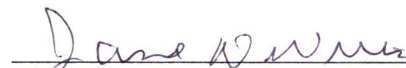
The council went into closed session at 7:56 P.M. for the City Administrator's Annual Performance Evaluation. Those present at the closed session included: Byrnes, Schafer, Meister, Bayerkohler, DeCramer, Sturrock and Lozinski. At 9:32 P.M. Mayor Byrnes stated that the closed session will continue at a future meeting.

Lozinski moved, DeCramer seconded, that the regular City Council meeting be adjourned. All voted in favor of the motion.



Mayor

ATTEST:



City Clerk

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