

REGULAR MEETING – AUGUST 8, 2017

The regular meeting of the Common Council of the City of Marshall was held August 8, 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, John DeCramer, and James Lozinski. Absent: Glenn Bayerkohler and David Sturrock. Staff present included: Sheila Dubs, Interim City Administrator, Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; Scott VanDerMillen, Director of Community Services; Ilya Gutman, Plan Examiner; Andy Meulebroeck, Senior Maintenance Worker Airport; 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 with the addition of a brief time for a public statement regarding Surface Water Management after approval of the minutes.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 25, 2017 AND THE MINUTES OF THE WORK SESSION HELD ON JULY 31, 2017:

Member **(Steven Meister)** Moved, Member **(Craig Schafer)** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on July 25, 2017 and the minutes of the work session held on July 31, 2017 be approved and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

At this time Kevin Stroup provided a brief statement regarding the use of the Surface Water Management Fund.

CONDUCT PUBLIC HEARING ON THE ORDINANCE AMENDING CHAPTER 86, SEC. 86-27 NONCONFORMING USES, (B) DISCONTINUANCE; ADOPTION OF ORDINANCE AMENDING CHAPTER 86, SEC. 86-27 NONCONFORMING USES, (B) DISCONTINUANCE:

This was the date and time set for a public hearing on the Ordinance Amending Chapter 86, Sec. 86-27 Nonconforming Uses. Glenn Olson, Director of Public Works/City Engineer, indicated a council member brought up a State Statute that allows cities to permit continuation of nonconforming uses and structures in case they are destroyed by fire or other peril if the owner applies for a building permit to rebuild the structures within 180 days. The city attorney reviewed the State Statute and concurred. Therefore, the City staff has revised the Ordinance accordingly to help people avoid extra expenses. A provision is also added to prevent this from being abused (for example; building a two-car garage instead of a burned one car garage).

Member **(Craig Schafer)** Moved, Member **(James Lozinski)** Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the ordinance amending Chapter 86, Sec. 86-27 Nonconforming uses, (b) Discontinuance'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

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Member **(Steven Meister)** Moved, Member **(James Lozinski)** Seconded to approve the **NEW** motion 'that the Council adopt ORDINANCE NUMBER 722, SECOND SERIES, which is the Ordinance Amending Chapter 86, Sec. 86-27 Nonconforming uses, (b) Discontinuance'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

CONDUCT PUBLIC HEARING ON THE ORDINANCE AMENDING CHAPTER 86, SEC. 86-282 EXTERIOR MATERIALS; ADOPTION OF ORDINANCE AMENDING CHAPTER 86, SEC. 86-282 EXTERIOR MATERIALS:

This was the date and time set for a public hearing on the Ordinance Amending Chapter 86, Sec. 86-282 Exterior Materials. Glenn Olson, Director of Public Works/City Engineer, indicated that during the last Planning Commission meeting they discussed a variance for not complying with the exterior appearance standards. Several members of the Planning Commission said that they do not qualify and do not feel comfortable making decisions regarding appearance and aesthetics. Consequently, the City staff is changing the Ordinance to remove a provision allowing the Planning Commission to make any aesthetics decisions choosing materials for the Central Heritage District, a change similar to the one made to general Exterior appearance standards ordinance.

Mr. Olson indicated that the intent was to minimize variances for building materials in the downtown area. He indicated that the original color pallet that was reviewed and approved was earth tones to comply with brick and mortar and that look in the downtown area. Franchise colors for businesses were added to the downtown business area. Continue to have requests from different cultures to be able to use different colors.

LeRoy Affolter indicated that the Planning Commission has several members each one with their own personalities and thoughts. He asked how many people is the council going to delegate the decision process to and could there be personality clashes between the people wanting something done and the people making the decision. Mr. Affolter felt that it would be a more fair consideration if the Planning Commission could maintain the power rather than delegating the decision to one or two people.

Al Greig with Greig and Gregerson stated that they felt it would be better to leave the process the way it is with the Planning Commission. They found that the Planning Commission has been very diligent and fair in what they have done. He indicated that the Council does not have the time to review in depth like another committee can do.

Russ Labat on Planning Commission for less than 1-year. He said that the minutes from the Planning Commission indicated that most of the variance requests for the downtown area are color related and they voted to leave as is. Mr. Labat was wondering why the Central Heritage District was brought before the council.

Ilya Gutman, Plan Examiner, indicated that the request is to take the material selection decision away from the Planning Commission. Mr. Olson indicated that the proposed amendments for this public hearing and the next public hearing are being proposed to allow for consistency.

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Council Member DeCramer indicated that when this was reviewed by the Legislative and Ordinance Committee the recommendation was as approved by city staff and now the request is that it be approved by City Council. Mr. Olson indicated that the intent is for staff to approve what they can approve and if they cannot approve then it would be brought to the City Council.

Council Member Schafer indicated that if staff denies the request then a variance permit would be required which will slow down the process and there would be additional costs.

Council Member Lozinski indicated that when he was on the Planning Commission there was great discussion on the variance requests. He is not in favor of taking this away from the Planning Commission.

Member **(Craig Schafer)** Moved, Member **(John DeCramer)** Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the ordinance amending Chapter 86, Sec. 86-282 Exterior materials'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

CONDUCT PUBLIC HEARING ON THE ORDINANCE AMENDING CHAPTER 86, SEC. 86-260 EXTERIOR APPEARANCE STANDARDS, (2) C. 2. I CLASSES OF MATERIALS; ADOPT ORDINANCE AMENDING CHAPTER 86, SEC. 86-260 EXTERIOR APPEARANCE STANDARDS, (2) C. 2. I CLASSES OF MATERIALS:

This was the date and time set for a public hearing on the Ordinance Amending Chapter 87, Sec. 86-260 Exterior Appearance Standards, (2) c. 2. i Classes of Materials. Glenn Olson, Director of Public Works/City Engineer, indicated that during the May 10, 2017 Planning Commission meeting, they discussed a variance for not complying with exterior appearance standards. Chairman Fox brought up an existing Ordinance provision that permits the Planning Commission to approve materials as comparable or superior to those listed in the Ordinance within each material class. As a result, a material that looked like wood or fiber cement siding, which are both listed as Class III materials in the Ordinance, was approved as a Class II material. During the meeting, several members of the Planning Commission said that they do not feel comfortable making decisions regarding appearance and aesthetics. Consequently, the City staff is recommending changing the Ordinance to remove a provision requiring the Planning Commission to make any aesthetics decisions. Accordingly, people who desire to use a material not specifically listed in the Ordinance will have to apply for a variance permit which will be ultimately decided by the Council. As an alternative, they will be able to ask for the Ordinance change to include a new material on a list of approved materials.

Mr. Olson also indicated that maybe there should be a material standard and not a Class of materials.

LeRoy Affolter provided a before and after picture of his business. He indicated that when he was a member of the Planning Commission the members were encouraged to look at the building that the variance was being requested for. He indicated that they need to use common sense when making decisions.

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James Carr, Carr Properties, indicated that these ordinances should be tabled, reviewed and come to a consensus.

Council Member Schafer indicated that this should go back to the Legislative and Ordinance Committee for review.

Council Member Lozinski indicated that developers and contractors be invited to the meeting.

Council Member DeCramer stated that he would like to see by participants is to come in with very specific people come in with specific changes and comments.

Council Member Meister indicated that stakeholders like property owners, business owners and builders should be involved in the process. He indicated that the town should be built so that the towns people like it.

Council Member Schafer indicated that a decision needs to be made so that the property owners do not have to go through the expense of a variance permit.

Jimmy Sakura, homeowner indicated that things have changed. Amazon has taken over a lot of the shopping and now is the time when downtowns are starting to be revitalized with small boutiques. If Marshall has very restrictive ordinances it makes it very difficult for these businesses to operate.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the Ordinance Amending Chapter 86, Sec. 86-260 Exterior appearance standards, (2) c. 2. i Classes of materials'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **NEW** motion 'that the ordinance amending Chapter 86, Sec. 86-282 Exterior Materials; and the ordinance amending Chapter 86, Sec. 86-260 Exterior Appearance Standards, (2) c. 2. i Classes of Materials be referred to the Legislative and Ordinance Committee for review and to waive the variance process while the ordinances are being reviewed'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

PROJECT Z60: INDEPENDENCE PARK PARKING LOT PROJECT - CONSIDER RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, reviewed Independence Park Parking Lot Project Z60. This project consists of the construction of a parking lot in Independence Park, including curb and gutter, bituminous pavement and storm sewer. Bids were received on August 2, 2017 from:

D & G Excavating, Inc.
Marshall, Minnesota
\$247,938.64

A&C Excavating
Marshall, Minnesota
\$250,488.75

Duininck, Inc.
Prinsburg, Minnesota
\$251,011.39

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Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4414, SECOND SERIES, which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with D&G Excavating, Inc. of Marshall, Minnesota, in the amount of \$247,938.64 for Project Z60: Independence Park Parking Lot Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

AWARD OF BIDS FOR OPEN STATION COMPACT TRACTOR FOR PUBLIC WAYS DEPARTMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that on June 26, 2017, the Equipment Review Committee approved the specifications for a 4-Wheel Drive Open Station Compact Tractor for the Public Ways Maintenance Department. Bids were received, opened and read from:

Kesteloot Enterprises
Marshall, Minnesota
Bid amount \$42,143.00
Trade-in (13,743.00)
Net bid \$28,400.00
Meets all specifications

Kibble Equipment
Marshall, Minnesota
Bid amount \$42,000.00
Trade-in (10,000.00)
Net bid \$32,000.00
Meets all specifications

Lyon County Implement
Tracy, Minnesota
Bid amount \$31,707.50
Trade-in (4,907.50)
Net bid \$26,800.00
Low bid meeting all specifications

Wayne's Tractor Repair
Marshall, Minnesota
Bid amount \$30,385.00
Trade-in (7,000.00)
Net bid \$23,385.00
Does not meet all specifications

The low bidder meeting all specifications was Lyon County Implement of Tracy, Minnesota, in the amount of \$26,800.00, including trade-in. This unit will replace a 2003 John Deere 4710 Open Station with Mid-Mount PTO and 72" 7-Iron Deck with 4,690 hours on it and has required a lot of maintenance because of the number of hours on it.

Following comments from the council; Andy Meulebroeck, Airport Senior Maintenance Worker indicated that the current tractor is used every day, requires a lot of maintenance and is starting to use oil.

Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'that the Council award the bid of a 4-Wheel Drive Open Station Compact Tractor for the Public Ways Maintenance Department to Lyon County Implement of Tracy, Minnesota, in the amount of \$26,800.00, including trade-in'. Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **2**. The motion **Passed 3 – 2** with Lozinski and Meister voting no.

AWARD OF BIDS FOR SELF-PROPELLED MOWER FOR PUBLIC WAYS

DEPARTMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that on June 26, 2017, the Equipment Review Committee approved the specifications for a self-propelled, 72-inch, front mount mower for the Public Ways Maintenance Department. Bids were received, opened and read from:

Kesteloot Enterprises	Kibble Equipment Co.	Lyon County Implement
Marshall, Minnesota	Marshall, Minnesota	Tracy, Minnesota
Bid amount \$36,429.00	Bid amount \$26,400.00	Bid amount \$27,680.00
Trade-in (9,829.00)	Trade-in (7,150.00)	Trade-in (3,180.00)
Net bid \$26,600.00	Net bid \$19,250.00	Net bid \$24,500.00
Low bid meeting all	No cab	Non-removable cab
Specifications		

The low bidder meeting all specifications was Kesteloot Enterprises Inc. of Marshall, Minnesota, in the amount of \$26,600.00. This unit will replace a 2006 John Deere 1445 4WD with Cab and 72" Side Discharge Mower Deck with 3,800 hours on it and has required a lot of maintenance because of the number of hours on it.

Andy Meulebroeck, Senior Maintenance Worker Airport, indicated that this unit is used at the airport to mow in the summer and for snow removal in the winter. This unit came from the Parks Department in 2007 and currently requires a lot of maintenance. Council Member DeCramer asked if this unit could be purchased under state grant. Mr. Olson indicated that the state grants are used for larger pieces of equipment. Dan Ritter indicated that only one bid meets specs.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'that the Council award the bid of a self-propelled, 72-inch, front mount mower for the Public Ways Maintenance Department to Kesteloot Enterprises Inc. of Marshall, Minnesota, in the amount of \$26,600.00, including trade-in'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1. The motion **Passed 4 – 1** with Lozinski voting no.

APPROVAL OF CONSENT AGENDA:

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) 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: 5 Nay: 0. The motion **Carried 5 - 0**

The adoption of ORDINANCE NO. 723, SECOND SERIES, which is an ordinance amending Chapter 2, 6, 22, 30, 38, 42, 50, 54, 62, 66, 70, 74, 78 and 82 of the Code of Ordinances.

The adoption of SUMMARY ORDINANCE NO. 723, SECOND SERIES which will be used or publication.

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The approval of Change Order No. 1 with Duininck, Inc. of Prinsburg, Minnesota for a change in contract time only for an extension of the completion date from September 1, 2017 to September 22, 2017.

The approval of the Grant of Permanent Utility Easement to give the City of Marshall the right to enter upon and occupy, and to maintain and replace utility facilities on property owned by Shawn & Melissa Dieken in Westwood Acres, Block One, Lot 18.

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Marshall M Club to hold a raffle on October 18, 2017 at Schwan Regional Event Center - Southwest Minnesota State, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 104807 through 104974 and Draft No. 363 through 364.

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

Dennis Simpson, City Attorney, indicated that the City of Marshall and Helena Chemical have been negotiating for the purchase of property infringed upon by the Airport's Runway Protection Zone (RPZ). The Housing and Redevelopment Authority (HRA) has signed a purchase agreement to acquire the property so it may be subdivided and sold to various entities in the future. The proposed method of financing the project is an interfund loan to the HRA from the Wastewater Fund. The amount-not-to-exceed is \$400,000 at an interest rate of 4% per annum over a 10-year period.

Member (**Craig Schafer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the City Council adopt RESOLUTION NUMBER 4415, SECOND SERIES approving the HRA property acquisition and interfund loan from Wastewater Fund in an amount not to exceed \$400,000'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

CONSIDER REQUEST OF HOLY REDEEMER CATHOLIC CHURCH FOR COLUMBARIUM STREET PEDESTRIAN ACCESS AND RESTRICTED PARKING AT CALVARY CATHOLIC CEMETERY:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Holy Redeemer Catholic Church for access to the columbarium plaza located just east of "H" Street and north of East Main Street. The request is to install an ADA compliant sidewalk access in the curb on the east side of "H" Street and restrict parking (no parking) on an area 10 feet on both sides of the ramp access (approximately 30 feet total). Typically, the City does not allow sidewalk access to the public street at locations other than intersections. In addition, the project would eliminate public parking across from a residential area. Quentin Brunsvold, a representative from Holy Redeemer has made contact with both affected property owners

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regarding the project, and they are both in favor of the project. Since this is a special request, City staff referred the project to the Public Improvement/Transportation Committee. At their meeting on August 3, 2016, the PIT Committee reviewed the request and recommended Council approval of the request.

Member **(Steven Meister)** Moved, Member **(Craig Schafer)** Seconded to approve the **ORIGINAL** motion 'that the Council approve the request of Holy Redeemer Catholic Church to install an ADA compliant sidewalk access in the curb on the east side of "H" Street and restrict parking (no parking) on an area 10 feet on both sides of the ramp access (approximately 30 feet total)'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

PROJECT Z38: SOUTH 2ND STREET / LUCILLE STREET / MAPLE STREET / WILLIAMS STREET RECONSTRUCTION PROJECT – 1. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; 2. CONSIDER RESOLUTION FOR THE HEARING ON PROPOSED ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the South 2nd Street / Lucille Street / Maple Street / Williams Street Reconstruction Project Z38. This project consisted of the reconstruction of streets and utilities on South 2nd Street from Grimes Street to Gray Place, Lucille Street from South 2nd Street to South 4th Street, Maple Street from South 2nd Street to South 1st Street, and Williams Street from Grimes Street to Maple Street. Items of work included in this project were sanitary sewer replacement, watermain replacement, storm sewer replacement, bituminous surfacing, aggregate base, sidewalks, curb and gutter and other minor work.

Member **(John DeCramer)** Moved, Member **(Craig Schafer)** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4416, SECOND SERIES, which is a "Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment" for Project Z38: South 2nd Street / Lucille Street / Maple Street / Williams Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

Member **(Craig Schafer)** Moved, Member **(Steven Meister)** Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4417, SECOND SERIES, which is a "Resolution for Hearing on Proposed Assessment" for Project Z38: South 2nd Street / Lucille Street / Maple Street / Williams Street Reconstruction Project setting the hearing date on the proposed assessments for September 12, 2017'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

PROJECT Z45: EAST LYON STREET / JEAN AVENUE / EAST REDWOOD STREET / "B" STREET RECONSTRUCTION PROJECT – 1. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; 2. CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the East Lyon Street / Jean Avenue / East Redwood Street / "B" Street Reconstruction Project Z45. This project consisted

of the reconstruction of streets and utilities on East Lyon Street from “A” Street to “C” Street, “B” Street from East Main Street to East Redwood Street, East Redwood Street from “A” Street to East Lyon Street, and Jean Avenue from East Redwood Street to South Whitney Street.

Member (**John DeCramer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4418, SECOND SERIES, which is a “Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment” for Project Z45: East Lyon Street / Jean Avenue / East Redwood Street / “B” Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4419, SECOND SERIES, which is a “Resolution for Hearing on Proposed Assessment” for Project Z45: East Lyon Street / Jean Avenue / East Redwood Street / “B” Street Reconstruction Project setting the hearing date on the proposed assessments for September 12, 2017'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

PROJECT Z47: COMMERCE INDUSTRIAL PARK/MICHIGAN ROAD RESOLUTION DESIGNATING USE OF GENERAL FUND RESERVES:

Karla Drown, Finance Director, indicated that the City of Marshall has been approved for a \$2,000,000 DEED Business Development Public Infrastructure (BDPI) Grant for participation in the Commerce Industrial Park/Michigan Road Improvement Project – Z47. Before DEED will award the \$2,000,000 DEED Grant, the City needs to designate Unrestricted General Funds to show that there is full funding after including the anticipated bonding for the project. Once the funds are designated, DEED will award the Grant and the construction of Project Z47 can begin. After the \$2,000,000 DEED Grant award, the funds that were designated to Project Z47 will be used to fund draw requests and then will then be reimbursed from the DEED Grant Award and then moved back to the Unrestricted General Fund Reserves.

Member (**Craig Schafer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4420, SECOND SERIES which provides for a Resolution Designating Use of General Fund Reserves'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

CONSIDER RESOLUTION CALLING FOR PREPAYMENT AND REDEMPTION FOR SERIES 2007C AND SERIES 2009A BONDS:

Karla Drown, Finance Director, indicated that the City previously issued and sold its General Obligation Utility and Improvement Bonds, Series 2007C, dated July 1, 2007, in the original aggregate principal amount of \$4,390,000, of which \$460,000 in principal amount will be outstanding after October 1, 2017. Series 2007C Bonds maturing on or after February 1, 2017, are subject to call for prior redemption on February 1, 2016, or on any date thereafter at a price of par plus accrued interest.

The City previously issued and sold its General Obligation Utility and Improvement Bonds, Series 2009A, dated November 15, 2009, in the original aggregate principal amount of

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\$2,550,000, of which \$775,000 in principal amount will be outstanding after October 1, 2017. Series 2009A Bonds maturing on or after February 1, 2018, are subject to call for prior redemption on February 1, 2017, or on any date thereafter, at a price of par plus accrued interest.

As a result of the 2016 Audited Financial Report and the direction from Council, it has been verified that there are sufficient funds available to call the Series 2007C and Series 2009A Bonds.

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4421, SECOND SERIES calling for prepayment and redemption – General Obligation Utility and Improvement Bonds, Series 2007C and General Obligation Utility and Improvement Bonds Series 2009A'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

CONSIDER APPROVAL OF A TRANSIENT MERCHANT LICENSE FOR KAROLIS BUDRYS:

This Transient Merchant License is for Karolis Budrys, Southwestern Advantage, to sell educational books. Karolis is requesting that the license fee of \$315.00 be waived

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) Seconded to approve the **SUBSTITUTE** motion 'the approval of a Transient Merchant License for Karolis Budrys, Southwestern Advantage to sell educational books in the City of Marshall contingent upon receipt of the license fee of \$31.50 and the bond in the amount of \$5,000'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **1**. The motion **Passed 4 – 1** with DeCramer voting no.

CONSIDER MAYORAL APPOINTMENT TO THE MARSHALL MUNICIPAL BUILDING PROJECT REVIEW COMMITTEE:

On July 31, 2017 at the City Council work session, the Council reviewed its goals and priorities for 2017-2018. Discussion by the Council, including an update by Staff related to the existing state of the mechanical systems, resulted in the Marshall Municipal Building (City Hall) being identified as a top priority. The Council reached consensus and gave direction to staff to move forward with appointments to a building review committee. Appointments to this committee will consist of Council members, City Staff, and citizens-at-large. This committee will review prior studies already performed, new information available related to the existing building/site, as well as alternative buildings/sites. With this information, the committee will formulate recommendations to the full Council on how to proceed.

Mayor Byrnes is recommending the following be appointed to the committee:

Council Members - John DeCramer (Chairman); Glenn Bayerkohler and David Sturrock
City Staff - Sheila Dubs, Scott VanDerMillen, Glenn Olson, Dave Parsons and Cathy Lee
Citizens at large - Art Olson, Ron Halgerson and Al Grieg

Member (**James Lozinski**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'approve appointments to the Marshall Municipal Building Project Review Committee as recommended by Mayor Byrnes'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

CONSIDER APPOINTMENT TO COMMUNITY SERVICES ADVISORY BOARD:

Mayor Byrnes and Steven Meister from City Council and Matt Coleman from the School Board interviewed a candidate for the student vacancy on the Community Services Advisory Board.

Per the recommendation of Mayor Byrnes, Member **(Steven Meister)** Moved, Member **(John DeCramer)** Seconded to approve the **ORIGINAL** motion 'approval of appointment to the Community Service Advisory Board'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

Community Services Advisory Board - Ammran Mohamed be appointed to a term to expire on May 31, 2019

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No report.

Schafer No report.

Meister Community Services Advisory Board discussed large projects that will be coming up and the municipal pool.

Bayerkohler No report.

DeCramer No report.

Lozinski No report.

Mayor Byrnes called for a 5-minute recess.,

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Schafer took this opportunity to thank Glenn Olson, Jason Anderson and the Public Works Department employees for all their help in cleaning at the fairgrounds for the 911 Memorial Trailer. Council member Meister is impressed with the students that volunteer and come forward to serve on City committees. Council Member Lozinski asked if it is cheaper to hire a contractor vs having City employees do the work. He asked that the employee costs be tracked to see if is cost effective. There was a brief discussion on junk in the back yard at property located on "H" Street. There will be an appreciation supper on Sunday, August 13th for the firemen that travel with the 911 Memorial Trailer, law enforcement and the local fire departments. Mayor Byrnes thanked Sturrock for taking his place at the last council meeting.

CITY ADMINISTRATOR:

No report.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, briefly discussed issues brought forward by residents along Skunk Hollow Road. He provided updates on construction projects. Glenn

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also indicated that the memorial service for Ray Johnson was held at the airport. This was the largest fly-in ever held at the airport.

CITY ATTORNEY:

No report.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

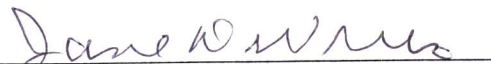
There were no questions on the information items.

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**



Mayor

ATTEST:



City Clerk