

REGULAR MEETING – AUGUST 22, 2018

The regular meeting of the Common Council of the City of Marshall was held August 22, 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: Steven Meister, Glenn Bayerkohler, John DeCramer, David Sturrock and James Lozinski. Council Member Schafer arrived late. Absent: none. 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; Rob Yant, Director of Public Safety; Dave Parsons, City Assessor; Cathy Lee, Executive Assistant; and Jane DeVries, City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

It was the general consensus of the council that the agenda be approved with the deletion of agenda item number 16, which is to consider approval of a Transient Merchant License for Thomas Hager, Charter Spectrum.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 8, 2017:

Member **(Steven Meister)** Moved, Member **(James Lozinski)** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on August 8, 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 Abstain: 1. The motion **Passed 5 – 0 – 1** with Bayerkohler abstaining.

Member **(Steven Meister)** Moved, Member **(John DeCramer)** 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: 6 Nay: 0. The motion **Carried 6 - 0**

The approval for Detective Joe Krogman to purchase his Glock .40 caliber handgun, serial number VVU131 including 3 magazines upon his retirement. Joe's duty gun is valued at \$475.00, which he will pay to the City of Marshall.

That miscellaneous vehicle accessories from the Police Department be declared as surplus property.

Out-of-state travel be authorized for Detective Jason Buysse to attend a High Threat Close Quarters Combat Instructor Training Course in Omaha, Nebraska from September 19 through 22, 2017.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 104975 through 105146.

Be it noted the arrival of Council Member Schafer at 5:36 P.M.

CONSIDER RESOLUTION AUTHORIZING THE BOND SALE AND CALL FOR A PUBLIC HEARING ON THE MODIFIED REDEVELOPMENT PLAN AND THE TIF PLAN TO BE HELD TUESDAY, SEPTEMBER 12:

Karla Drown, Finance Director and Terri Heaton, representative from Springsted's indicated that the 2017B Bonds will finance three items: 1) Z47 Commerce Industrial Park and Michigan Road 2) Street Reconstruction 3) Refunding the 2006C Bonds A public hearing authorizing the reconstruction financing portion was held on May 9, 2017. The refunding does not require a hearing. In order to authorize bonding for the Z47 Commerce Industrial Park and Michigan Road, a hearing adopting a TIF plan is required. The improvements are within the Project 1 Industrial Park. The improvements are necessary in order to prepare the industrial park for anticipated development. Capturing tax increment revenues are necessary to: a) allow bonding authority to finance the entire project, and b) generate specific taxes from the properties benefitting from the road improvements. City Council is asked to consider and approve two resolutions: 1) Resolution authorizing notice of a hearing on September 12, 2017 to consider and approve the Amended TIF Plan for District 1-14 within Project 1 Industrial Park 2) Resolution authorizing the sale of bonds on September 26, 2017.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4422, SECOND SERIES, which is a resolution calling for a public hearing on the Modified Redevelopment Plan for Redevelopment Project No. 1 and the TIF Plan for TIF District No. 1-14'. This public hearing will be held on September 12, 2017. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 - 1** with Bayerkohler voting no.

Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **NEW** motion 'the adoption of RESOLUTION NUMBER 4423, SECOND SERIES, which is a resolution Providing for the Issuance and Sale of the City's General Obligation Bonds, Series 2017B, in the Approximate Aggregate Principal Amount of \$4,435,000'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **2**. The motion **Passed 5 - 2** with Bayerkohler and Meister voting no.

INTRODUCTION AND CALL FOR A PUBLIC HEARING REGARDING AMENDMENTS TO THE TAXI CAB ORDINANCE:

Dennis Simpson, City Attorney, is recommending the introduction of an ordinance to amend Marshall City Ordinance Section 22-128. The amendment to the ordinance will now require that the City of Marshall issue a decal from the City to be displayed on taxi cabs licensed by the City and operating within the City of Marshall. The regulation of taxi cabs operating within the City of Marshall is regulated by Sections 22-111 through Section 22-131 of the Marshall City Code of Ordinances. The Legislative & Ordinance Committee recently met and discussed whether or not changes needed to be made within the City Ordinances regulating operation of taxi cabs. After some discussion, the Legislative & Ordinance Committee recommended changing Section 22-128. The Legislative & Ordinance Committee believes that the City should issue approved tags/decal for those taxi cabs licensed to operate within the City of Marshall. The Legislative & Ordinance Committee believes that the issuance of the appropriate tags/decal would assist the public in identifying licensed versus unlicensed taxi cabs operating within the City of Marshall. The City will design and have available the appropriate tags/decal to be

affixed to licensed taxi cabs. The City would also propose to highlight the issuance of those properly licensed decals through additional information provided on the City website. It is proposed that the ordinance amendment be introduced and then call for a public hearing on the new ordinance. The public hearing will be held at the September 12, 2017 Council meeting. City Attorney has provided a copy of the proposed amendment to the licensed taxi cabs operating within the City of Marshall and has invited comments from the taxi cab operators. The licensed taxi cab operators have been invited to the public hearing to be held on September 12, 2017.

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'the introduction of an ordinance amending taxi cab regulations and call for public hearing to be held September 12, 2017'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION FOR TERMINATION OF PRAIRIENET WAN JOINT POWERS AGREEMENT:

Scott VanDerMillen, Community Services Director, indicated that in December 2003, the City of Marshall, Marshall Municipal Utilities and the Independent School District #413 formed the PrairieNet Wide Area Network, a Joint Powers entity created pursuant to the Joint Exercise of Powers Act, MN Statute 471.59. Since that formation in 2003, the three entities have worked to advance their respective expertise in the areas involving the infrastructure and staffing of telecommunication and technology solutions for respective public organizations. The governing body of PNWAN unanimously recommends the termination of this agreement as it has not functioned as was the original vision. The governing body supports replacing the agreement with a similar, but more informal organized effort that will be referred to as the PrairieNet WAN User Group.

Member (**John DeCramer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4424, SECOND SERIES which is a resolution for dissolution of the PrairieNet Wide Area Network (WAN) Joint Powers Agreement'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

RECONVENING OF CABLE COMMISSION:

Scott VanDerMillen, Community Services Director, indicated that the Cable Commission was established by the City of Marshall in March, 1982. This Commission and Ordinance Number 112, Second Series assures compliance with Minnesota Cable Communications Standards as well as state and federal laws. This commission last met in April, 2011 due to lack of agenda items that needed to be reviewed/acted upon. In April, 2014 the City began the process of entering into cable franchise agreements with both Charter and Vast. These agreements began generating additional revenue (PEG funding) from a per subscriber fee that the City, SMSU and School District could jointly utilize in capital improvements for the local cable access channels. This additional revenue and upcoming renewals of those franchise agreements identify a need to reconvene the Cable Commission.

This was an informational item; therefore, no action was taken.

APPROVE RESOLUTION AUTHORIZING APPLICATION FOR A CONTRACT WITH THE STATE OF MINNESOTA FOR A REGIONAL HAZARDOUS MATERIALS CHEMICAL ASSESSMENT TEAM:

Rob Yant, Director of Public Safety and Devin Boushek, CAT member, were in attendance at the meeting to review the application for a contract with the State of Minnesota for a Regional Hazardous Materials Chemical Assessment Team. Responding to the release of hazardous materials into the environment is a difficult task requiring specialized equipment and training. The Southwest Minnesota Chemical Assessment Team (C.A.T.) was formed fifteen years ago. The teams were formed to provide a team with the training and equipment to safely respond to any incident within the City of Marshall and Southwest Minnesota to provide assistance to the Fire Fighters in our region who have primary responsibility in hazardous materials responses. The response area for the team has grown to now include West-Central Minnesota. The local team now has the fourteen counties of Region 6. The rest of Minnesota, especially the adjacent region, is the secondary response region.

Rob indicated that they have built a strong team which includes members from area businesses, including the Schwan Food Company and Archer Daniel Midland, as well as many with specialized employment with agencies such as Minnesota Pollution Control and Pipeline safety. The local team members have a wide variety of backgrounds including chemists, engineers, and duties that include nursing and firefighting. SWMN CAT has well over a half-million dollars in vehicles and equipment for use that they would not have without being a team. This partnership results in area employers building their work force skills at no cost and the team members bring to the team their diverse skills. Most of the other teams throughout the state are career fire fighters. SWMN CAT primary funding is through a State contract and occasionally supplemental grants.

Rob believes it is important to continue as a team as there is no other team of this type closer than over two hours away. In Region 6, there are major rail lines, two of which are in or very close to Marshall. The rail line in Marshall is a major transporter of ethanol and North Dakota crude oil. There are many major pipelines going through our region, three pipelines come into the City of Marshall. There are many very busy highways in our region, including Interstate 90. All these are used to transport hazardous chemicals.

The transportation businesses have gotten very good at transporting hazardous materials safety, so we generally only respond to one significant spill each year. But when they happen time is critical. Several years ago one of our major industries had a leak in a container that held 10,000 gallons of concentrated hydrochloric acid. SWMN CAT responded with Marshall Fire Department and plugged the leak before the spill got beyond the capabilities of that facility. But had that not happened, we would have had to likely evacuate and shelter in place many residents close to that site and there was a definite risk to public safety. But the spill was contained and no one was hurt, or even inconvenienced.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4425, SECOND SERIES which is a resolution Authorizing Application for a Contract with the State of Minnesota for a Regional Hazardous Materials Chemical Assessment Team and authorize Director of Public Safety Rob

Yant to continue to be the point of contact for contract administration and to be the fiscal agent and administer the grant 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**

CONSIDERATION OF TEMPORARY EXTENSION OF ALCOHOL LICENSE AREA FOR BRAU BROTHERS BREWING COMPANY, 1010 EAST SOUTHVIEW DRIVE FOR HOP FEST ON SEPTEMBER 8 - 9, 2017:

Brau Brothers Brewing Company has applied for a Temporary Extension of an Alcohol License for the Hop Fest Celebration to be held at Brau Brothers Brewing Company on September 8 - 9, 2017. The current alcohol license approved by the City and State is for a taproom and identifies the area to include the inside of the brewery and the exterior areas under the overhangs. The State does allow the City to allow for a temporary extension of the designated area if they are contiguous with the other areas of the license holder. The City has complete discretion of any approval or conditions that may be applied as determined necessary. There is no additional state notifications or approval.

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'to approve the temporary extension of alcohol license area for Brau Brothers Brewing Company, 1010 East Southview Drive for Hop Fest on September 8 - 9, 2017'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER ACKNOWLEDGMENT OF A LG220 APPLICATION FOR EXEMPT PERMIT FOR PRAIRIE HOME HOSPICE INC:

Member (**John DeCramer**) 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 Prairie Home Hospice Inc., for a raffle on December 31, 2017 at Schwan's Regional Event Center - Southwest Minnesota State University, 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'. 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 APPROVAL OF A TRANSIENT MERCHANT LICENSE FOR THOMAS HAGER, CHARTER SPECTRUM:

This item was removed from the agenda.

CONSIDER AN APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR OCTOBER 13, 2017:

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on October 13, 2017'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Carried 6 - 0 – 1** with Bayerkohler abstaining.

CONSIDER AN APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR OCTOBER 30, 2017:

Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on October 30, 2017'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion **Carried. 6 - 0 - 1** with Bayerkohler abstaining.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No report.

Schafer No report.

Meister No report.

Bayerkohler Public Housing Commission is working on their no smoking policy.

DeCramer EDA approved their strategic plan, they discussed the Small Cities Grant; Utilities Commission adopted the resolution authorizing submittal of a grant request to support their Water Treatment Plant Softening System Improvements.

Sturrock No report.

Lozinski No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Lozinski indicated that Sounds of Summer was a success and he thanked the Police Department for a good job.

Council Member Sturrock attended a Coalition of Greater MN Cities Conference.

Council Member DeCramer indicated that there is a lot more bike traffic on Highway 59 heading to the Industrial Park in the morning and evening. Maybe it is time to provide a safer trail for them. Mayor Byrnes indicated that he along with Glenn Olson will be attending the Area Transportation Partnership meeting and suggested that this may be a good place to start discussion and funding for a trail.

Council Member Schafer indicated that the bikers who use the trail and the parking lot at the fairgrounds have positive comments. Craig indicated that he and his wife visited the 911 Memorial in Alexandria and according to the truck driver and his daughter they were treated very well in Marshall the previous weekend.

Mayor Byrnes indicated that Sounds of Summer was very successful.

REGULAR MEETING – AUGUST 22, 2018

CITY ADMINISTRATOR:

Sheila Dubs, Interim City Administrator, indicated that the work session scheduled for September 19th need to be changed due to a conflict. The City Administrator position posting closes on Wednesday, August 23rd. Gary Weiers, David Drown Associates, Inc., will screen the applicants and the Council will review on September 12th and interview dates will be reviewed. There will be a retirement party for Joe Krogman on August 30th from 4:00 p.m. to 5:30 p.m. at the LEC Training Room.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, provided updates on the bike path crossing by the railroad tracks; Kiosks have been installed along the bike trail. There are issues with being able to locate a 911 fiber along West Main for the watermain replacement project. MN/DOT is working on their project from Marshall to Vesta. Due to the large amount of rain several projects are on hold. The large amount of rain fall would have caused major flooding and sewer backup 25 years ago, but due to the infrastructure in the city this was not an issue.

CITY ATTORNEY:

Dennis Simpson, City Attorney, has meet with Brad Roos from MMU regarding the resolution that is being drafted authorizing them to apply for the Point Source Implementation Grant (PSIG) to support MMU's Water Treatment Plant Softening System Improvements.

PENDING ITEMS:

There were no questions on the pending items.

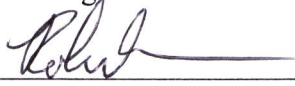
INFORMATION ONLY:

There were no questions on the information items.

UPCOMING MEETINGS

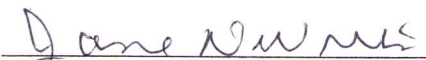
There were no questions on the upcoming meeting list.

Member (**David Sturrock**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Schafer voting no.



Mayor

Attest:



City Clerk

COUNCIL WORK SESSION – AUGUST 22, 2017

The work session of the Common Council of the City of Marshall was held on August 22, 2017 in the Professional Development Room at the Marshall, Middle School, 401 South Saratoga Street. The meeting was called to order at 6:57 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Schafer, Meister, Bayerkohler, DeCramer, Sturrock and Lozinski. Absent: none. Staff present included: Sheila Dubs, Interim City Administrator; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; Rob Yant, Director of Public Safety; Scott VanDerMillen, Director of Community Services; Dave Parsons, City Assessor; Annette Storm, Assistant Finance Director and Jane DeVries, City Clerk.

Dave Parsons, City Assessor, provided a power point presentation. He provided information on Historical Statistics, Levy, Tax Rate, Tax Capacity, Tax Levy Impact Analysis, General Fund, Library, EDA, Debt Service and Tax Dollar Usage.


Karla Drown, Finance Director, reviewed the proposed General Fund Budget (101) revenues in the amount of \$11,438,987 and expenditures in the amount of \$12,477,032. She also briefly reviewed Municipal State Aid (103) and Prop/Med Liability Insurance (106).

Lozinski moved, Schafer seconded, the meeting be adjourned at 7:42 P.M. All voted in favor of the motion.



Mayor

Attest:



City Clerk