

REGULAR MEETING – SEPTEMBER 12, 2017

The regular meeting of the Common Council of the City of Marshall was held September 12, 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: 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; Preston Stensrud, Parks Superintendent; Jane DeVries, City Clerk and Kyle Box, City Clerk effective December 1, 2017.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'that the agenda be approved'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 22, 2017 AND THE WORK SESSION HELD ON AUGUST 22, 2017:

Member (**John DeCramer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on August 22, 2017 and the work session held on August 22, 2017 be approved 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**

CONDUCT PUBLIC HEARING ON THE MODIFIED TAX INCREMENT FINANCE PLAN AND THE TAX INCREMENT FINANCE DISTRICT NO. 1-14:

This was the date and time set for the public hearing on the Modified Tax Increment Finance Plan and the Tax Increment Finance District No. 1-14. 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. Terri Heaton, Senior Vice President/Consultant from Springsted Incorporated, was in attendance at the meeting to review the Modified Redevelopment Plan for the Redevelopment Project and Establishing the TIF District and the TIF Plan. Terri provided a power point that reviewed the following:

- What is Tax Increment Financing (TIF)?

- Tax Increment Definition

- How is TIF Calculated

- Tax Increment Financing (TIF)

- Process for Approving TIF District

- Tax Increment Financing Public Improvement Costs Allowed

- Tax Increment Financing Public Improvement Costs Not Allowed

- Tax Increment Financing Common Methods for Financing Costs

- Statutory Findings to Approve TIF District

- Marshall TIF Project Area #1 Map

- Proposed TIF District 1-14 Map and Summary

TIF Plan Budget
Timetable

Council Member Bayerkohler was concerned that the City was requesting approval prior to the Planning Commission review and approval of their resolution. Ms. Heaton indicated that it was ok for the Planning Commission to consider the resolution after the Council approved their resolution because if the Planning Commission does not approve the resolution there will not be a TIF District.

Charlie Sanow spoke on behalf of the Lyon County Commissioners. He indicated that they believe TIF is a good tool, but they were concerned with the City of Marshall continuing to collect tax increments for other TIF Districts, even after they recovered the funding they were made for. He indicated that Lyon County urges the City of Marshall to close TIF Districts when incurred expenses have been collected and recovered via TIF instead of continuing to collect increments for the full duration of the district type.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the TIF Plan and TIF District'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) Moved, Member (**Craig Schafer**) Seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4426, SECOND SERIES, which is a resolution approving the Modified Redevelopment Plan for Redevelopment Project No. 1 and establishing TIF District No. 1-14 and TIF Plan'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion **Passed 4 – 3**, with Bayerkohler, Lozinski and Meister voting no.

PROJECT Z38: SOUTH 2ND STREET / LUCILLE STREET / MAPLE STREET / WILLIAMS STREET RECONSTRUCTION PROJECT – 1) PUBLIC HEARING ON ASSESSMENT; 2) CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on Project Z38 South 2nd Street / Lucille Street / Maple Street / Williams Street Reconstruction Project. Glenn Olson, Director of Public Works/City Engineer, indicated that 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. Mayor Byrnes provided information on how a property owner can object to their assessment and preserve their right to challenge the assessment.

At this time Glenn Olson, Director of Public Works/City Engineer briefly reviewed the City special assessment procedures for both projects:

1. Water main and water service line replacements are paid for by MMU.
2. Sanitary sewer main replacements are paid for by the Wastewater fund.
3. Storm sewer main and catch basin replacements are paid for by the Surface Water Management Utility Fund.

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4. Street replacement costs associated with the replacement of the water, sewer and storm sewer mains are paid for by the respective utilities.
5. ADA required sidewalk ramps at the intersections are paid for by the City.
6. The remaining street costs, including public sidewalks are split 50/50 between the property owners and the City.
7. The private sanitary sewer connections including the wye and the service line to the property line are the responsibility of each property attached to the sewer main.
8. The removal and/or replacement of the individual driveways are the responsibility of the property owner as each driveway is different in size and serves only the property involved.
9. The removal and/or replacement of private sidewalks from the curb to the property (walk-ups) are the responsibility of the property owner.
10. The maximum street assessment for residential properties will be \$5,500 for assessments. This maximum DOES NOT include the individual improvements for the sanitary sewer service line, removal and replacement of private driveways, sidewalk walk-ups or new, additional driveway improvements within City rights-of-way.

Questions and comments included:

Steve Otto, 414 South 1st Street, was concerned that the City replaced sidewalk that he had already replaced. Steve is requesting a credit for this.

Kim Allen, 119 Maple Street, indicated that there was a petition from the residents to not install sidewalk. Her concern is who is responsible for removing snow when they are gone. Mr. Olson indicated that sidewalk was only installed on one side and the property owner is responsible for snow removal.

Susan Gropel, 412 South 1st Street, indicated that there was no work done in front of her property, but she is being assessed.

Barb Warlop, 117 West Maple Street, requested a breakdown of the assessment. She was also concerned with the policy on installing sidewalks and who pays for them. Mr. Olson indicated that everyone pays 50% and this is included in the street costs.

Gene Hanson, 403 South 2nd Street, lives on a corner lot and was concerned with the amount assessment. He was informed that the \$5,500 maximum assessment is for the street assessment only.

Mr. Olson indicated that he had received a written objection from Ashley Potter, 301 South 2nd Street.

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Prior to the close of the public hearing there were six property owners that provided written objections and have preserved their right to file formal appeal of those special assessments. The property owners include:

Susan Gropel, 412 South 1st Street, Marshall, Minnesota
Patrick Coequyt, 502 South 1st Street, Marshall, Minnesota
Steve Otto, 414 South 1st Street, Marshall, Minnesota
Gene Hanson, 403 South 2nd Street, Marshall, Minnesota
Phillip & Kim Allen, 119 West Maple Street, Marshall, Minnesota
Barb Warup, 117 West Maple Street, Marshall, Minnesota

Member (**Craig Schafer**) Moved, Member (**David Sturrock**) Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments 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: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **SUBSTITUTE** motion 'that the Council adopt RESOLUTION NUMBER 4427, SECOND SERIES, which is the "Resolution Adopting Assessment" for Project Z38: South 2nd Street / Lucille Street / Maple Street / Williams Street Reconstruction Project with any modifications deemed necessary'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z45: EAST LYON STREET / JEAN AVENUE / EAST REDWOOD STREET / "B" STREET RECONSTRUCTION PROJECT – 1) PUBLIC HEARING ON ASSESSMENT; 2) CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on Project Z45 East Lyon Street / Jean Avenue / East Redwood Street / "B" Street Reconstruction Project. Glenn Olson, Director of Public Works/City Engineer indicated that 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.

Mr. Olson reviewed the process for determining the assessment for corner lots. Bayerkohler suggested that the corner lots only be assessed for the front yard side of their lot and not the side yard side. DeCramer suggested that the City use the same policy as MMU.

Questions and comments included:

Tom Scholtes, 406 South Whitney, Street, Greg Solomon, 408 South Whitney Street and Michael Swan, 410 South Whitney Street indicated that they were not in favor of how the assessment was assessed for the corner lot on Jean Street. Mr. Scholtes indicated that the property cannot be assessed if it does not increase the value of the property.

Mike Slagel, 208 East Redwood, spoke against the assessment for his property and his mother's property located at 303 East Redwood. He indicated that itemized bills should be sent out to each property owner for them to review.

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Danielle Waldschmidt, 305 Jean Avenue, was disappointed with the process and indicated that there was damage to her property. Her driveway is not 6 inches thick, she had no access to her driveway for 3 months and the construction specifications were not followed.

Mr. Olson, apologized and indicated he would follow up with her concerns. He indicated that the contractor is responsible to any damage done to her property.

Council Member Lozinski indicated that staff needs to monitor the projects better.

Ken VanKeulen, 200 “B” Street, indicated that the driveway was removed and installed. He indicated that the sidewalk to the corner of his property does not extend on the other side of the road.

LeRoy Affolter, 302 Jean Avenue, indicated that the calculation for a side yard assessment for the corner lots is not fair. He also indicated that there should be better communication to the property owners of the time frame for the work to be done.

Doug Krogen, 301 East Redwood Street, indicated that the concrete that was installed is cracked and needs to be replaced.

Michael Slagel, 208 East Redwood Street, indicated that the concrete has cracked and the dirt that was used for the landscaping contained, glass, nails and rocks. He indicated that the quality of the work was not good.

Mr. Olson indicated that staff will invite the contractors to future assessment hearings. He also indicated that there is a 1 or 2-year warranty after the project is completed.

Comments from the Council included:

Fairness, quality of work, same issues when Marshall Street project was done, staff needs more control over the subs and the issues can only be taken care of if the City is aware of them.

Mr. Olson indicated that landscaping is one of the worst issues. He indicated that MMU does not have the contractor do their landscaping. MMU staff does the landscaping that way they have control over how it is done and the materials that are used.

Prior to the close of the public hearing the following property owners provided written objections and have preserved their right to file formal appeal of those special assessments. The property owners include:

Danielle Waldschmidt, 305 Jean Avenue, Marshall, Minnesota
Denise Ann Turner VanKeulen, 200 “B” Street, Marshall, Minnesota
Michael Slagel, 208 East Redwood Street, Marshall, Minnesota
Gregg Solomon, 408 South Whitney Street, Marshall, Minnesota
Thomas Scholtes, 406 South Whitney Street, Marshall, Minnesota
Michael Swan, 410 South Whitney Street, Marshall, Minnesota

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments 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: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) Moved, Member (**David Sturrock**) Seconded to approve the **SUBSTITUTE** motion 'that the Council adopt RESOLUTION NUMBER 4428, SECOND SERIES, which is the Resolution Adopting the Assessment for Project Z45 East Lyon Street / Jean Avenue / East Redwood Street / "B" Street Reconstruction Project with any modifications deemed necessary'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONDUCT PUBLIC HEARING AND RECOMMEND APPROVAL OF TAXI CAB ORDINANCE AMENDMENT:

This was the date and time set for a public hearing on the proposed amendment for Taxi Licenses. The regulation of taxi cabs operating within the City of Marshall is regulated by Sections 22-111 through 22-131 of the Marshall City Code of Ordinances. The Marshall Legislative & Ordinance committee recently met and discussed what changes needed to be made within the City ordinance regulating operation of taxi cabs. After some discussion, the Legislative & Ordinance committee recommending changing Section 22-128. The Legislative & Ordinance committee believes that the City should issue tags/decals for those taxi cabs licensed to operate within the City of Marshall. The Legislative & Ordinance committee believes that the issuance of the tags/decals would assist the public in identifying licensed versus unlicensed taxi cabs within the City of Marshall. The City will design and have available the appropriate tags/decals to be affixed to the licensed taxi cabs. The ordinance has been amended slightly to indicate the decal is to be attached to the passenger side front windshield and the back window of the licensed taxi cab. In addition, the taxi cabs, when placed in service, must have appropriate signage affixed to the vehicle identifying the vehicle as licensed taxi cab. Slight amendments were made to ordinance Section 22-128 after that introduction of an ordinance. The proposed ordinance changes have been provided to the three taxi cab operators within the City of Marshall.

There was a brief discussion on how to provide public awareness regarding licensed taxi vehicles. A suggestion was to provide fliers for passengers, apartment buildings and other public locations.

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

Member (**John DeCramer**) Moved, Member (**David Sturrock**) Seconded to approve the **NEW** motion 'The adoption of ORDINANCE NUMBER 724, SECOND SERIES which is an ordinance amending Section 22-128 – Issuance and Display; Vehicle Marking'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AWARD OF PROPOSAL FOR THE SPIRIT OF THE COMMUNITY
SCULPTURE PROPOSAL ITEMS TO BLADHOLM CONSTRUCTION, INC:**

Proposals were received, opened and read on August 15, 2017 for the construction of a public artwork project at the Red Baron Arena & Expo, including: 1. Augured concrete footing materials & installation cost per footing. 2. Limestone bench materials & installation cost per lineal foot. 3. Plant materials & installation cost per plant. 4. Light fixture & installation per fixture. Any contractor that wished to submit a proposal was required to attend a pre-bid meeting to discuss the requirements of the project. One contractor, Bladholm Construction, Inc. of Marshall, Minnesota, attended the pre-bid meeting and submitted a proposal for the work in the amount of \$69,873.00.

Expenses (site work, electrical wiring, lighting fixtures and planting materials) for the Spirit of the Community (SOTC) Sculpture will be billed to account number 456-70579-5530 and currently fall within the budgeted guidelines for the project.

Council Member Bayerkohler indicated that this was more than what was original agreed on. Scott VanDerMiller, Community Services Director, indicated that per discussions with Randy Walker he indicated that there would be enough in the budget to cover the additional costs.

Member (**John DeCramer**) Moved, Member (**David Sturrock**) Seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for the items identified in the proposal for the Spirit of the Community (SOTC) Sculpture at the Red Baron Arena & Expo to Bladholm Construction, Inc. of Marshall, Minnesota, in the amount of \$69,873.00'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion **Passed 4 - 3** with Bayerkohler, Lozinski and Meister voting no.

APPROVAL OF CONSENT AGENDA:

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 Marshall Fire Department be authorized to apply for a grant with the Otto Bremer Trust in the amount of \$47,500 to purchase a new set of cordless Jaws of Life Tools with the City of Marshall being the Sponsor and Fiscal Agent. The purchase of this unit will be funded from Account Number 401-50352-5540 (Capital-Fire Department-Equipment). If the grant is awarded in full, the City would be reimbursed for the full cost of the equipment.

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Holy Redeemer Church to hold a raffle on January 31, 2018, 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.

The approval of the Agreement for safety consulting services and training for the next fiscal year with Minnesota Municipal Utility Association (MMUA). The new agreement reflects an

increase of \$350.00 annually. The costs are allocated as follows: General Fund 76%; Wastewater 14%; Library 6% and Liquor Operations 4%.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE Packet Number 6048, 6056, 6065, 6071, 6072 and 6074.

CONSIDERATION OF SPIRIT OF THE COMMUNITY SCULPTURE AMENDED AGREEMENT FOR SERVICES:

Scott VanDerMillen, Community Services Director, indicated that Randy Walker was selected by the Spirit of Sculpture Committee in June 2016 to provide the SCULPTURE to be created and installed in the Avera Plaza at the Red Baron Arena & Expo. In November, 2016, the City Council approved the original services agreement for Randy Walker and the Spirit of the Community (SOTC) project. Due in part to the potential hotel/convention center concept and as per the original agreement (3.3), the City granted an extension to Randy Walker for the completion of this project. The timelines for the project have changed along with the necessary expenses.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'the approval of the Spirit of the Community Sculpture Committee Agreement for Services between the City of Marshall and Randy Walker, dba Walker Design Studio, LLC'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

PROJECT Z56 / SAP 139-129-002: NORTH 7TH STREET RECONSTRUCTION PROJECT (FAIRVIEW TO CSAH 33) - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Z56 / SAP 139-129-002 North 7th Street Reconstruction Project. The project consisted of the reconstruction of North 7th Street from the North 7th Street Diversion Channel north to CSAH 33. There was also a watermain replacement on a portion of the project under a separate contract through MMU, as well as revisions to the storm sewer system. An "Agreement of Assessment and Waiver of Irregularity and Appeal" has been executed by each of the affected properties.

Flint Hills Resource Pine Bend LLP, Diversion Channel, 27-25203-0

Flint Hills Resource Pine Bend LLC, 901 North 7th St., 27-534001-1

Duininck, Inc., 905 North 7th Street, 27-534001-2

Archer Daniels Midland Co., 1401 North 7th Street, 27-544002-0 and 27-544001-0

Archer Daniels Midland Co., North 7th Street, 06-033004-0

Member (**Craig Schafer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4429, SECOND SERIES, which is the "Resolution Adopting Assessment" for Project Z56 / SAP 139-129-002: North 7th Street Reconstruction Project (Fairview To CSAH 33)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**RUNWAY 2/20 MILL & OVERLAY PROJECT / FAA AIP NO. 3-27-0056-015-2017 /
STATE PROJECT NO. A4201-98 – CONSIDER ACCEPTANCE OF FAA GRANT
AGREEMENT NO. 3-27-0056-015-2017:**

Glenn Olson, Director of Public Works/City Engineer, reviewed FAA Grant Agreement No. 3-27-0056-015-2017 and required Airport Improvement Program Sponsor Certifications. Per the cover letter, a companion State grant agreement will follow soon to facilitate payments to the City. At the June 27, 2017 Council Meeting, the City Council authorized Director of Public Works Glenn Olson to apply for State and Federal grant funding for this project. The City Council also adopted Resolution Number 4399, Second Series, "Resolution Accepting Bid (Awarding Contract)" authorizing entering into an agreement for this project with Duinneck, Inc. of Prinsburg, Minnesota, in the amount of \$592,525.50, contingent upon receipt of State and Federal grant funding.

Member **(Steven Meister)** Moved, Member **(David Sturrock)** Seconded to approve the **ORIGINAL** motion 'that the Council accept FAA Grant Agreement No. 3-27-0056-015-2017 for the Runway 2/20 Mill & Overlay Project in the amount of \$640,822'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT AIRPORT
MAINTENANCE & OPERATION AGREEMENT NO. 1028943 (SFY 2018-2019):**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Grant Agreement for Airport Maintenance and Operation. This agreement provides for the State to reimburse the City of Marshall 75% of the eligible maintenance and operation costs not reimbursed by any other source, not to exceed \$88,646.00 of state aid for each State fiscal year 2018 and 2019 (July 1, 2017 to June 30, 2019).

Member **(Craig Schafer)** Moved, Member **(Steven Meister)** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4430, SECOND SERIES, which is the Resolution of Authorization to Execute Minnesota Department of Transportation Grant Contract No. 1028943 for Airport Maintenance and Operation, contingent upon City Attorney review and approval'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT BP5: BALLPARK PARKING LOT, ENTRANCE ROAD AND SIDEWALK
IMPROVEMENT PROJECT – 1) CONSIDER CHANGE ORDER NO. 2 (FINAL);
2) ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 7 WITH D&G
EXCAVATING, INC:**

This project includes construction of the parking lot, sidewalks, entrance road and miscellaneous work at The Southwest Minnesota Regional Amateur Sports Ballpark. The items on Change Order No. 2 (Final Reconciling Change Order) are the result of final measurements and changes in item quantities during construction. Each individual line item is shown on the spreadsheet attached to the change order. All work has been completed in accordance with the specifications.

Member **(Craig Schafer)** Moved, Member **(John DeCramer)** Seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 2 (Final) with D&G Excavating, Inc. of Marshall, Minnesota, resulting in a contract increase in the amount of \$10,507.74 and

acknowledge Final Pay Request (No. 7) in the amount of \$40,831.24'. 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.

CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY OF MARSHALL AND JANE DEVRIES FOR PHASED RETIREMENT PROGRAM:

Sheila Dubs, Interim City Administrator, indicated that Jane DeVries will be retiring on November 30, 2017 from the position of City Clerk. The City Clerk position performs a variety of responsibilities that are critical to the City's operations, including but not limited to: the administration of licensing, coordination of elections, and the custody/control of the City's official records. The City Clerk position has been filled; the new employee, Kyle Box, started on September 11th. Staff are requesting Council consideration to enter into an agreement permitting the transition period to continue, post-retirement, on a part-time basis to allow Jane to transfer her knowledge to the new City Clerk. PERA (Public Employees Retirement Association) of Minnesota implemented a program called Phased Retirement Option in 2010 which allows a retiree to continue limited employment, post-retirement, to accomplish the goal of facilitating the transfer of knowledge for the organization. This request follows the same program that was utilized when Tom Meulebroeck and Karla Drown transitioned the Finance Director position responsibilities. City staff and the new City Clerk would find great value in participating in the PERA Phased Retirement Option program to engage Jane's services in post-retirement. Under the program, we would have the capability of scheduling Jane up to 20 hours per week over a 12-month period. With the initial period of training occurring between September 11th and November 30th, staff anticipate the full 20 hours per week won't be needed in 2018; however, we will need the entire 12-month period of time for the transition of duties to be complete. This is due to training needs to coordinate the election activities in 2018 as well as responsibilities that occur only once annually-such as administration of fire service contracts for townships. Staff are estimating a maximum total of 16 hours on average per week over a 12-month period would be necessary to complete the transition of duties. As the new City Clerk is trained in, the number of hours scheduled for Jane would decline until the 2018 election preparations begin. If the agreement is approved, the City is not responsible for the retiree's health insurance premiums and the employee no longer accrues leave benefits. Staff are requesting Council approval of the Agreement between the City of Marshall and Jane DeVries. The Agreement would last 12 months, from 12-01-2017 through 12-01-2018.

Council Member Bayerkohler questioned the need for additional training. Sheila Dubs indicated that there are responsibilities that only happen annually and Jane would be available to provide training for these responsibilities which include the annual fire contracts with the area townships and the election that will be held in 2018.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'to approve the Agreement between the City of Marshall and Jane DeVries for Phased Retirement'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 - 1** with Bayerkohler voting no.

CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR DECEMBER 6, 2017:

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 Southwest Minnesota State University Foundation, to hold a raffle on December 6, 2017, at SMSU, 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.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes - No report.

Schafer Library Board talked about their audit report and questioned how they are charged for their share of the audit. They are having issues with the lighting and Meier Electric will check on this.

Meister No report.

Bayerkohler Public Housing and Planning Commission meet next week. He also made comments on the Legislative and Ordinance Committee issues that have been discussed recently.

DeCramer Utilities Commission did not receive the grant for the soft water facility that they applied for. Municipal Building Committee continues to discuss options for the Municipal Building or moving to a different location.

Sturrock No report.

Lozinski No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Lozinski indicated that there are a lot of tracks coming out of Independence Park – parking lot project and going down the street; in regard to the ordinance discussion in regard to the Planning Commission being allowed to determine building materials – the council approved no fees the variance adjustments until this was resolved. Lozinski indicated that this should be resolved. Bayerkohler suggested that this be reviewed after the new city administrator starts. Lozinski indicated that stakeholders should be invited to the L & O meeting. City Attorney Simpson indicated that the City does not send out individual notices to anyone.

There was a brief discussion on the special assessment process. Council Member DeCramer suggested that staff review MMU's process. Mayor Byrnes indicated that the assessment policy needs to be addressed. Council Member Schafer stated that the landscaping issue is a problem. Council Member Meister agreed that the assessment policy needs to be reviewed.

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Other concerns included:

TIF Funds and balances need to be addressed along with the policy on decertifying TIF Districts. Mayor Byrnes suggested this be done at a work session. The stop light at Whitney and College Drive was removed and now with the addition to Grace Life School maybe there needs to be a light installed for the crosswalk. Mayor Byrnes indicated that the Council has selected candidates for the City Administrator position and thanked Sheila Dubs for all her work. Council Member Schafer was thanked for participating in the 911 Memorial.

CITY ADMINISTRATOR:

Sheila Dubs, Interim City Administrator, indicated that there are additional attachments provided in the information section of the agenda. There was a request to map out the City storage facilities – there was a smaller and larger map attached. If there are any questions, please stop to see Sheila or Glenn in the Public Works Department. The Annual Utility Rate Survey is also attached to the agenda. The Downtown Decorations Committee is reviewing options for banners and holiday decorations.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, indicated that in the future when the public hearing notice is sent to property owners for special assessments staff will include a breakdown of their assessment for them to review.

CITY ATTORNEY:

Dennis Simpson, City Attorney, indicated that the Islamic place of worship is close to relocating to a different location.

PENDING ITEMS:

There were no questions on the pending items.


INFORMATION ONLY:

There were no questions on the information items.

UPCOMING MEETINGS

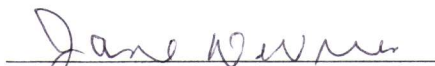
There were no questions on the upcoming meeting list.

Member (**David Sturrock**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1** with Schafer abstaining.



Mayor

Attest:



City Clerk