

REGULAR MEETING – DECEMBER 12, 2017

The regular meeting of the Common Council of the City of Marshall was held December 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: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; Scott VanDerMillen, Director of Community Services; Sheila Dubs, Human Resource Manager; Ilya Gutman, Plan Examiner; Preston Stensrud, Parks Superintendent; Cal Brink, Executive Director of the Marshall Area Chamber of Commerce and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

There was a general consensus by the council to approve the agenda.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 28, 2017 AND A COUNCIL WORK SESSION HELD ON NOVEMBER 29, 2017:

Member (**Steven Meister**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on November 28, 2017 and a council work session held on November 29, 2017 be approved and that the reading of the same be waived.'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion (**Carried**). **6 – 0 – 1** with DeCramer abstaining.

APPROVAL OF CONSENT AGENDA

Council Member, Lozinski, requested that item 9, Maintenance Agreement between Doron Precision Systems, INC. and the Marshall Police Department and item 10, Outdoor Fireworks Display be removed for further discussion. Council Member, DeCramer requested that item number 12 be removed as he will be abstaining.

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: **7** Nay: **0**. The motion **Carried**. **7 - 0**

Approval of the annual renewal for the On-Sale Intoxicating Liquor Licenses, Sunday On-Sale Intoxicating Liquor Licenses, Wine Licenses, Brewer Taproom License, 3.2 Malt Liquor Beverage On-Sale License, 3.2 Malt Beverage Off-Sale License, Micro/Small Brewer Off-Sale Liquor License (Growlers) and Tobacco License for 2018.

Approval of Under 21 Exemption for Liquor Establishments for 2018.

Approval of renewal of Service Agreements for Wellness Programs in 2018 with Southwest West Central Service Cooperative (SWWC) Wellness Institute.

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Approval of Taxi License Renewal for Downtown DD LLC dba Marshall Taxi; Rugama's and Southwest Minnesota Services.

Adoption RESOLUTION 4448, SECOND SERIES for Vacation of Road right-of-way in the City of Marshall.

Approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce.

Approval of the bills/project payments.

**CONSIDER APPROVAL OF THE MAINTENANCE AGREEMENT BETWEEN
DORON PRECISION SYSTEMS, INC. AND THE MARSHALL POLICE
DEPARTMENT:**

Council Member, Lozinski, pulled the item for further discussion on the item concerning the break down on the costs of maintenance. Member, DeCramer, was able to provide background information on the item.

Member **(James Lozinski)** Moved, Member **(David Sturrock)** Seconded to approve the **ORIGINAL** motion' to approve the maintenance agreement between Doron Precision Systems, Inc. and the Marshall Police Department.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**CONSIDER AND APPROVE THE OUTDOOR PUBLIC FIREWORKS DISPLAY
SCHEDULED FOR DECEMBER 31, 2017, PURSUANT TO THE PERMIT AS
COMPLETED BY PRAIRIE HOME HOSPICE AND COMMUNITY CARE:**

City staff is recommending that the City Council approve the outdoor public fireworks display pursuant to the permit as completed by Prairie Home Hospice and Community Care. The outdoor fireworks display is scheduled for 11:59PM on December 31, 2017. Fireworks display is scheduled to last approximately 12 minutes and will be held at the SMSU campus. Minnesota State law (Statute §624.20 through 624.25 and the Minnesota State Fire Code) requires that public or private organizations requesting outdoor fireworks display obtain a permit from the City where the outdoor public fireworks display will be held. Prairie Home Hospice and Community Care has completed the permit form and is requesting approval of the New Year's Eve public fireworks display. It appears that all of the state requirements for conducting the outdoor public fireworks display have been met. A licensed agency will be conducting the fireworks display. The appropriate levels of insurance have been provided. The City of Marshall is not the sponsoring agency, but is the permitting agency as required by Minnesota State law. Minnesota law does allow for private party to host a fireworks display if the appropriate permit is obtained. City staff recommends the issuance of the permit so as to allow for the public fireworks display on New Year's Eve.

Member Lozinski, pulled the item to give the event further attention as a good example of public and private entities coming together for the community.

Member (**James Lozinski**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'Consider and approve the outdoor public fireworks display scheduled for December 31, 2017, pursuant to the permit as completed by Prairie Home Hospice and Community Care.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER RENEWAL OF TRANSPORTATION AGREEMENT FOR 2018 WITH UNITED COMMUNITY ACTION PARTNERSHIP:

Consideration of the agreement between United Community Action Partnership and the City of Marshall for transit operations within the City of Marshall for the period January 1, 2018 through December 31, 2018. This Agreement includes the projected capital improvement costs for two bus replacements. Local share will be approximately \$32,400 from the City of Marshall. UCAP presented the bus purchase information at the September 20, 2017 Council Work Session.

Member (**David Sturrock**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'The approval of the Transportation Agreement with United Community Action Partnership for January 1, 2018 through December 31, 2018'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion (**Carried**). **6 – 0 – 1** with DeCramer abstaining.

CONSIDER ASSIGNMENT OF TASK FORCE MEMBERS:

The Task Force shall recommend, review, comment and advise on how best to facilitate compliance with laws, codes, rules, standards, and licensing requirements relating to building construction and make recommendations to the Council. The Task Force shall advise the Council on recommended changes to City adopted ordinances that impact building construction, remodeling and growth. The Task Force shall review building code ordinance related fees with cities comparable to Marshall's population and report to the Council their findings.

Mayor, Robert Byrnes, introduced the item to Council and provided a list of Council Members and Community Members to serve on the Task Force. City Administrator, Sharon Hanson, discussed the item further. The Task Force members include: Brad Meulebroeck, James Carr, Greg Bladholm, Travis Madden, Mike Fox and Jason Anderson with Brad Gruhot, Chamber of Commerce Director, acting as Facilitator. City Administrator, Sharon Hanson, will sit on the Task Force – but not as a voting member.

Council Member, Bayerkohler, provided information on the item. Member, Bayerkohler, asked if the task force members were citizens of Marshall - No, but all have property in Marshall. Bayerkohler asked for the task force members occupations. Mayor, Byrnes provided the occupations of each task force member which was confirmed with Mike Fox. Council Member, Bayerkohler, expressed concerns that the task force was made up of mostly contractors and indicated that the task force needed to be more representative of the Marshall community. There was further discussion by Council.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'Approve Task Force members.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion (**Carried**). **6 - 1** with Bayerkohler voting no.

CONSIDER ACCEPTANCE OF THE DONATION OF FUNDS FROM MARSHALL AMATEUR YOUTH BASEBALL ASSOCIATION (MAYBA), MARSHALL SHADES OF THE PAST CAR CLUB, MARSHALL COMMUNITY FOUNDATION, BRETT BENNETT FOR THE PARKS DEPARTMENT:

Brett Bennett Donation Resolution, Marshall Community Foundation Donation Resolution, Marshall Area Youth Baseball Association (MAYBA) Donation Resolution, Marshall Shades of the Past Car Club Donation Resolution

MAYBA would like to donate \$5,000 for the planting of evergreen trees between the lighted baseball field at Independence Park to provide a better atmosphere for the players utilizing the fields and cutting down on highway traffic noise. MAYBA has also agreed to donate \$9,500 to install tile on both infields at Independence Park.

The Marshall Shades of the Past Car Club would like to donate \$1,600 to assist in the purchase of two new spring rocker toys at the Independence Park playground. The Car Club has purchased cars in the past for the playground but they have seen their useful life span and have been removed for safety reasons.

The Marshall Community Foundation would like to donate \$3,000 for the purchase of a Rally Master Rebounder for the newly renovated tennis courts at Legion Field. The previous rebounder was removed during the project and could not be re-used due to wear.

Brett Bennett has agreed to donate the trees to be moved into Independence Park Baseball Fields which would be an estimated cost of \$400 or higher per tree to purchase. Brett Bennett donated a total of 26 trees.

Total costs of these improvements, without donations would be \$33,500. Due to the generous donations, the net cost of these to the City of Marshall is \$4,000.

\$2,000 will be funded from Account#101-70276-2227 (General-Park Maintenance-Maint Other) and \$2,000 will be funded from Account #401-70276-5530 (Capital-Parks-Improvements Other).

Preston Stensrud, Parks Superintendent, presented the item to Council. There was further discussion by Council.

Member **(Steven Meister)** Moved, Member **(David Sturrock)** Seconded to approve the **ORIGINAL** motion 'Adoption of RESOLUTION NUMBER 4449, SECOND SERIES accepting the donation of funds from the Marshall Area Youth Baseball Association (MAYBA) for tree planting and tiling at Independence Park Baseball Fields.

Adoption of RESOLUTION NUMBER 4450, SECOND SERIES accepting the donation of funds from Marshall Shades of the Past Car Club to purchase two new spring rocker toys to be installed at Independence Park playground.

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Adoption of RESOLUTION NUMBER 4451, SECOND SERIES accepting the donation of funds from Marshall Community Foundation to assist in the purchase of a Rally Master Rebounder for the tennis courts at Legion Field.

Adoption of RESOLUTION NUMBER 4452, SECOND SERIES accepting the donation of property from Brett Bennett to plant trees at Independence Park.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER RESOLUTIONS FOR SCHOOL ZONE SPEED LIMITS AND TRAFFIC CALMING SIGNAGE TRANSPORTATION ALTERNATIVES PROJECT GRANT:

Glenn Olson, Director of Public Works/City Engineer, presented the item to Council. This project is not scheduled to take place with MN/Dot until 2022 but may take place as early as 2019 as project priorities change. The project involves the installation of solar-powered pedestrian activated crosswalk signals and school activated radar speed indication signage adjacent to four public and private schools. The estimated cost is estimated at \$280,000. The grant program funds the installation of these facilities at 80% State with 20% local match. The 20% local match is intended to be funded 50% from the City and 50% from the school affected by the project. After the project is designed and a firm estimated cost is established, the individual schools will be requested to submit their commitment for funding for the installations adjacent to their school. There was further discussion by Council.

Member **(David Sturrock)** Moved, Member **(John DeCramer)** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4453, SECOND SERIES, which is the "Resolution Authorizing Agent of Sponsoring Agency for Transportation Alternatives Project".'. 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 NUMBER 4454, SECOND SERIES, which is the "Resolution Identifying Responsibility for Operation and Maintenance for Transportation Alternatives Project."'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

PROFESSIONAL SERVICES AGREEMENT FOR TESTING SERVICES WITH AMERICAN ENGINEERING TESTING, INC. (AET) FOR VARIOUS INSPECTION SERVICES FOR THE PERIOD ENDING DECEMBER 31, 2020:

At the meeting on May 12, 2015, the City Council authorized entering into a Professional Services Agreement for Testing Services with American Engineering Testing, Inc. (AET) for various inspection services ending December 31, 2017. A request was submitted to AET for a renewal agreement for a 3-year term with the rates for the various tests being reevaluated on an annual basis (January-December of each year) with approval of the rates approved by City Council in December for the following year.

Glenn Olson, Director of Public Works/City Engineer, presented the item to Council. There was further discussion by Council.

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Member (**Steven Meister**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'that the Council authorize entering into a Professional Services Agreement for Testing Services with American Engineering Testing, Inc. (AET) for various inspection services ending December 31, 2020.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

PROJECT Z61: O'CONNELL STREET EXTENSION PROJECT -- 1) CONSIDER CHANGE ORDER NO. 1 (FINAL); 2) ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 5 WITH DUININCK, INC:

Change Order No. 3 (Final) results in a contract decrease in the amount of \$12,102.46 and a total contract amount of \$382,070.62. The original contract amount was \$394,173.08.

The change order and final payment, including release of retainage, will be funded from Account #462-60211-5570 (2017 Public Improvements-Streets-Infrastructure).

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) Seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 (Final) with Duininck, Inc. of Prinsburg, Minnesota, resulting in a contract decrease in the amount of \$12,102.46 and acknowledge Final Pay Request (No. 5) in the amount of \$19,802.73.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER FEE RESOLUTION AMENDMENT FOR 2018:

The full city council had reviewed the 2018 storm water and wastewater rates. The Ways & Means Committee reviewed the amendments to the Fee Resolution schedule at their meeting on December 6, 2017. Staff and Ways and Means Committee are recommending Council approval.

Karla Drown, Finance Director, presented the item to Council. Council Member, Lozinski, discussed the rentals with City tents and picnic tables. Preston Stensrud, Parks Superintendent provided information on the item. Council Member, Meister, discussed the Sunday Liquor License. Kyle Box, City Clerk, was able to provide information on the item. Council Member, Bayerkohler, also discussed the liquor license fees. There was further discussion by Council.

Member (**John DeCramer**) Moved, Member (**David Sturrock**) Seconded to approve the **ORIGINAL** motion 'Staff and the Ways and Means Committee are proposing the attached fee schedule amendment effective in January 1, 2018.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

2018 LEVY AND BUDGET UPDATE:

The recommended 2018 tax levy is \$6,449,178 which is a 5% increase from 2017. This amount is a 1.2% tax capacity increase, with a 3.8% levy increase. The tax levy supports the general fund, capital improvements, Economic Development Authority and debt service payments. The 2018 budget shall provide revenues in the amount of \$12,105,043 and expenditures of \$12,171,032 with expenditures over revenues in the amount of \$65,989. This amount will be paid from reserves as \$65,989 was levied for in 2017 for expenditures that will occur in 2018.

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Karla Drown, Finance Director, presented the item to Council. Council Member, Lozinski, discussed the 5 % increase in the property tax levy. There was further discussion by Council and Staff. It was asked by Council to review the budget by further decreasing the budget to 2%. Sheila Dubs, Human Resource Manager, discussed with Council that any reductions would be in staff training, equipment and maintenance on existing equipment.

CONSIDER APPROVAL OF A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE:

Member (**John DeCramer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on January 26, 2018'. 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 APPOINTMENT TO VARIOUS BOARDS AND COMMISSION:

Eric DeGroot was appointed to the Library Board to serve a three (3) year term ending, 12/31/20.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'approval of appointment to the various boards and commissions.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried**. 7 - 0

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No Report

Schafer Library Board met and held a performance review for Michelle Leining, Director of the Marshall-Lyon County Library. The Library has also been working with Library's without borders.

MERIT Center marketing committee met and discussed the possibility of new training props for railroad and pipeline training.

SW MN Amateur Sports Commission will have a team building exercise on 12/13/17.

Meister No Report

Bayerkohler No Report

DeCramer No Report

Sturrock Airport Commission met on 12/4/17.

Lozinski No Report

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COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member, Meister, was sent an email, by a constituent, with a photo of a city bike path that was packed down with snow. Member, Meister cited the City ordinance regarding snow and ice removal.

Sec. 62-2. - Ice and snow on public sidewalks.

- (a) Declared a nuisance. All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within 12 hours after such snow and ice has ceased to be deposited.

Meister mentioned that he contacted Preston Stensrud, Parks Superintendent, to discuss City responsibility of snow removal.

Council Member, Lozinski, thanked the Staff for their work on the budget.

Council Member, Sturrock, discussed the 2020 Census Local Update of the Census Addresses Operations (LUCA) and whether or not the City is participating. Kyle Box, City Clerk, informed Council that the City is participating in the program. There was further discussion by Council.

Mayor, Byrnes, will be attending a MN DOT meeting on 12/15/17. Byrnes also discussed the budget.

CITY ADMINISTRATOR:

City Administrator, Sharon Hanson, discussed a document that she would be providing to Council that will layout her goals and objectives over the next six months. Administrator, Hanson, will also be taking over supervision of the Building Inspection Department for an interim period starting January 1, 2018 for approximately nine months. Council Member, Bayerkohler, stated he was not in favor of this transition.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, discussed completion of projects for the winter season. Olson also discussed future projects that included replacement of Saratoga Street and Bruce Street.

CITY ATTORNEY:

City Attorney, Dennis Simpson, provided his findings on the request of Council Member, Sturrock, regarding the Marshall Cemetery Association.

Pending Items

There were no questions on the pending items.

Information


There were no questions on the information items.

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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: 7
Nay: 0. The motion **Carried. 7 - 0**



Mayor

Attest:



City Clerk