

REGULAR MEETING – JANUARY 23, 2018

The regular meeting of the Common Council of the City of Marshall was held January 23, 2018 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 Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Glenn Bayerkohler, John DeCramer, David Sturrock and James Lozinski. Absent: Steven Meister. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Assistant City Engineer; Karla Drown, Finance Director; Fire Chief, Marc Klaith; Human Resource Manager, Sheila Dubs; Plan Examiner, Ilya Gutman; Wastewater Facility Superintendent, Bob VanMoer and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

There was a general consensus to approve the agenda as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 9, 2018:

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on January 9, 2018 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**. The motion **Carried. 6 - 0**

CONDUCT PUBLIC HEARING OF ORDINANCE AMENDMENT CHANGING DECK PROJECTIONS INTO REQUIRED YARDS AND ADOPTION OF ORDINANCE:

The existing Zoning Ordinance requires a 25 feet front yard along the street for houses but allows decks to project 6 feet into that required front yard making the front yard effectively 19 feet for decks. However, regulations in other cities vary. Some cities do not allow any deck encroachment into required yards, some allow less than Marshall, and some allow more (up to 10 feet in some cities). Based on above information the staff is recommending revising yard projections for decks from 6 to 8 feet. During the June December 13, 2017, regular Planning Commission meeting, this amendment was discussed and recommended for adoption by 6 to 0 vote. At the meeting on December 28, 2017, Legislative and Ordinance Committee voted to recommend to council the approval of Amendments to section 86-162 Yard Modification to increase Deck Projections into Required Yards from 6 feet to 8 feet as recommended by staff. The ordinance amending Sec. 86-162 Yard Modification to increase Deck Projections into Required Yards from 6 feet to 8 feet was introduced at January 9, 2018, City Council meeting.

Assistant City Engineer Jason Anderson, presented the item to Council. Leroy Affolter discussed the sizes of decks and effecting the view of the neighbors. Council Member Lozinski, clarified with Anderson the deck projections.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the ordinance amending to section 86-162 Yard Modification to increase Deck Projections into Required Yards from 6 feet to 8 feet.'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

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Member **John DeCramer** Moved, Member **David Sturrock** Seconded to approve the **NEW** motion 'that the Council adopt Ordinance No. 725, Second Series, which is the Ordinance Amending Chapter 86, Sec. 86-162 Yard Modification to increase Deck Projections into Required Yards from 6 feet to 8 feet.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

APPROVAL OF CONSENT AGENDA:

Council Member Lozinski, requested that item number 12, Call for a Public Hearing for the Small Cities Development Grant Application, be removed from the consent agenda.

Member **Craig Schafer** 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**

Approval of RESOLUTION NUMBER, 4466, 4467, 4468, SECOND SERIES expressing appreciation to retiring city employees.

Approval of an application for an On-Sale Intoxicating Liquor License for Holy Redeemer Church for April 14, 2018.

Approval of a LG220 Application for Exempt Permit for Holy Redeemer Church for April 14, 2018.

Approval of a LG220 Application for Exempt Permit for Shades of the Past for June 2, 2018.

Authorization to declare vehicles as surplus property for the Marshall Police Department.

Authorization for the approval for SWMN CAT (Southwest Minnesota Chemical Assessment Team) to apply for HMEP (Hazardous Materials Emergency Planning) grant funds from the State of Minnesota Department of Homeland Security and Emergency Management (HSEM).

Approval of the bills/project payments.

CALL FOR PUBLIC HEARING FOR THE SMALL CITIES DEVELOPMENT GRANT APPLICATION:

As required by the Minnesota Department of Employment and Economic Development (MN DEED), the public hearing will include a review of the Small Cities Development Grant Application. The meeting will include an open forum for answering questions from the general public. The attached grant application is DRAFT and expect changes to the final numbers following preliminary review by MN DEED.

Council Member Lozinski, pulled the item to note his abstention.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'that City Council schedule a public hearing for Tuesday, February 13, 2018 at 5:30 p.m. regarding the Small Cities Development Grant Application.'. Upon a roll call vote

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being taken, the vote was: Aye: 5 Nay: 0 Abstain: 1. The motion **Carried. 5 – 0 – 1**, with Lozinski abstaining.

CONSIDER ACCEPTANCE OF FINANCIAL DONATION FROM THE JOHN & ESTHER MCLAUGHLIN FOUNDATION:

This donation is to be earmarked for the Veteran's Memorial Final Phase project to be constructed at Memorial Park. Fire Chief Marc Klaith will present the gift on behalf of the McLaughlin family and recognize them for their generosity, as well as commitment to the community.

Member (**Craig Schafer**) Moved, Member (**David Sturrock**) Seconded to approve the **ORIGINAL** motion 'Remove the item from the table.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

Marc Klaith Fire Chief presented the item to Council. Council Member Sturrock, asked Mr. Klaith where they were in the design phase of the Memorial Park project. Klaith commented that they would like the to begin development this spring and would be only operating with monies that are donated.

Member (**David Sturrock**) Moved, Member (**Craig Schafer**) Seconded to approve the **NEW** motion 'Approval of Resolution Number 4469, Second Series, Accepting the donation of funds from John & Esther McLaughlin Foundation.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

CONSIDER RESOLUTION APPROVING THE 2018 CITY OF MARSHALL PAY EQUITY REPORT:

The City is required to submit a Pay Equity report every three years in compliance with a Minnesota law called the Local Government Pay Equity Act. This law requires all public jurisdictions to eliminate any sex-based wage inequities in compensation and to submit reports on a three-year cycle. The required report has been prepared for submission to the Minnesota Management and Budget Office (attached). This report shows data in place as of December 31, 2017. The statistical results of the report indicate that the City is in compliance with pay equity requirements. By law, the report must be approved by the governing body and submitted to the State by January 31, 2018. The City Council is required to approve the Pay Equity Report prior to submission. The report is required by the Local Government Pay Equity Act, M.S. 471.991-471.999 and Minnesota Rules, chapter 3920. The City's next compliance report will be due in three years.

Human Resource Manager, Sheila Dubs, presented the item to Council. Council Member, Bayerkohler, commented on the point system and that there could be flaws in the system regarding the number of points equaling a set pay scale, more specifically, the Director of Community Services position. Dubs responded that during the last compensation study a report was complete and the points assigned to that job were correct. There was also a market search to compare salaries with like positions. Dubs commented that the point system and the comparable salary do not always align. There was further discussion by Council.

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'the adoption of Resolution Number 4470, Second Series, approving the 2018 Pay Equity Report for submission to the State of Minnesota Management & Budget Office.'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

CONSIDER RESOLUTION AUTHORIZING THE TRANSFER AND CLOSURE OF CONSTRUCTION FUND 409:

Tall Grass Liquor Store Construction Fund 409 is the related fund to the 2015 Revenue Lease Bond Series that was called for repayment by resolution number 4 by the Economic Development Authority on January 21, 2015 and resolution number 4125 on January 27, 2015. The funds from the Construction Fund 409 will be transferred to the Tall Grass Liquor Fund 609 and committed to the prepayment of the debt service. As of December 31, 2017, the remaining \$3,304,590 (principal + interest) is owed on the bond series. This Revenue Lease Bond is callable as of December 1, 2022, as which time, \$1,920,053 (principal + interest) will be outstanding. Staff's intent is to continue to pay for the bond payment with ongoing revenue generated from Tall Grass Liquor and place the funds from the construction fund into a money market account until the time the bond is callable.

Finance Director Karla Drown, presented the item to Council. Council Member Bayerkohler, discussed the amount of money left over and the transfer of ownership. There was further discussion by Council.

Member (**Craig Schafer**) Moved, Member (**James Lozinski**) Seconded to approve the **ORIGINAL** motion 'the adoption of Resolution Number 4471, Second Series authorizing transfer and closure of Construction Fund 409'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

WASTEWATER TREATMENT FACILITY, SEWER CAMERA REPLACEMENT:

The Wastewater Treatment Facility has reviewed a replacement Sewer Camera System and has been involved in a demonstration of said system. There is an opportunity to use already acquired equipment saving thousands of dollars by staying with the same brand. There is \$75,000 budgeted and the estimated cost is \$65,000 less any trade in value. The system is on the state contract pricing so competitive bidding will not apply. The current contract has expired but is still being honored at the same price.

Wastewater Facility Superintendent Bob VanMoer, presented the item to Council. There was further discussion by Council.

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the motion 'approval of purchase of a sewer camera system.'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

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CONSIDER APPOINTMENT TO VARIOUS BOARDS AND COMMISSION:

Airport Commission Leland Sorum, term set to expire 5/31/20
Community Services Advisory Board Lucas Youngsma, term set to expire 2/28/21
Community Services Advisory Board Melissa Doherty, term set to expire 2/28/21

Member (**James Lozinski**) Moved, Member (**Craig Schafer**) 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: 6 Nay: 0. The motion **Carried. 6 - 0**

CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR APRIL 27, 2018:

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 April 27, 2018, 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: 5 Nay: 0 Abstain: 1. The motion (**Carried**). 5 – 0 – 1, with Bayerkohler abstaining.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes Fire Relief Association met and discussed the current retirement fund and reported a healthy fund and 5 – 6 retirements within the next 12-18 months.

Schafer MERIT Center met and discussed continued efforts in this year's bonding bill at the State level to finalize the driving track.

Bayerkohler No Report

DeCramer Economic Development Authority met and discussed housing incentives in comparison with surrounding areas. There was a contract renewal with Webtomix, a website host.

Sturrock Convention and Visitors Bureau met and discussed future promotions at the Red Baron Arena.

Lozinski Marshall Area Transit met and discussed the number of Southwest Minnesota State University students that use the bus services.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Schafer, mentioned a fundraiser for the Ormberg Family as member of the family is fighting cancer.

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Council Member Lozinski, discussed the budget for snow and what happens to the funds that are not used for that specific item. Karla Drown, Finance Director, discussed that when a budgeted line item is not used, those funds are then moved to another budgeted item, such as tree trimming, or tree removal from the Redwood River. Any remaining funds at the end of the year move to the City's Fund Balance which is governed by its Fund Balance Policy.

Council Member DeCramer, commented on Assistant to the Director of Community Services, Doug Goodmund's, retirement.

CITY ADMINISTRATOR:

City Administrator Sharon Hanson, mentioned that she would be attending a career fair at the Marshall Middle School. There is a public meeting regarding Saratoga Street reconstruction February 1, 2018. There is a Building Task force meeting February 13, 2018 and a Work Session has been scheduled to discuss City Hall and Street Assessments on February 15, 2018 at 5:30 p.m.

DIRECTOR OF PUBLIC WORKS:

Assistant City Engineer Janson Anderson, commented that they are still in the design phase for the Saratoga project and that the public meeting will be held at the Library on February 1, 2018.

CITY ATTORNEY:

City Attorney Dennis Simpson, mentioned that there are several ordinances that will need to be reviewed or deleted due to changes in the State Legislator. There are a few issues at the Red Baron Arena that need to be finalized.

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

ADJOURN MEETING:

Member (Craig Schafer) Moved, Member (David Sturrock) Seconded to approve the ORIGINAL motion 'Adjourn Meeting'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion Carried. 6 - 0



Mayor

Attest:



City Clerk