

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, September 24, 2019**

The regular meeting of the Common Council of the City of Marshall was held September 24, 2019 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, Russ Labat and James Lozinski. Absent: Steven Meister. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Jason Anderson, Assistant City Engineer/ Zoning Administrator; Scott VanDerMillen, Director of Community Services; Ilya Gutman, Plans Examiner/ Assistant Zoning Administrator; Preston Stensrud, Parks Superintendent; Dave Parsons City Assessor; Jim Marshall Director of Public Safety and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

**Consider approval of the minutes of the regular meeting held on September 10, 2019.**

Motion made by Councilmember Schafer, Seconded by Councilmember Labat that the minutes of the regular meeting held on September 10, 2019 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**301 London Road – 1) Public Hearing regarding a home property tax abatement request, 2) Consideration of Resolution Number 4656, Second Series, a resolution approving home property tax abatement.**

On September 10, 2019 a public hearing was called for and to be held on September 24, 2019 regarding a home property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The property is located at 301 London Road with an estimated market value of \$176,200 with the difference of improvement being \$162,800. The approximate amount of assistance is \$924 a year or \$1,848 over a maximum period of 2 years as Non-Homestead or \$833 a year or \$1,666 over a maximum period of 2 years as a Homestead.

City Clerk Kyle Box provided the background information on the agenda item.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to close the Public Hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to approve Resolution Number 4656, Second Series, a resolution approving home property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Bayerkohler. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 4-1-1**

**303 London Road – 1) Public Hearing regarding a home property tax abatement request, 2) Consideration of Resolution Number 4657, Second Series, a resolution approving home property tax abatement.**

On September 10, 2019 a public hearing was called for and to be held on September 24 regarding a home property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The property is located at 301 London Road with an estimated market value of \$184,100 with the difference of improvement being \$172,300. The approximate amount of assistance is \$978 a year or \$1,956 over a maximum period of 2 years as Non-Homestead or \$888 a year or \$1,776 over a maximum period of 2 years as a Homestead.

City Clerk Kyle Box presented the background information on the agenda item.

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion made by Councilmember Labat, Seconded by Councilmember Schafer to approve Resolution Number 4657, Second Series, a resolution approving home property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Bayerkohler. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 4-1-1**

**Canoga Park Childcare, LLC - 1) Public Hearing regarding a business tax abatement request, 2) Consideration of Resolution Number 4658, Second Series, a resolution approving business tax abatement.**

On August 27, 2019 a public hearing was called for and to be held on September 24 regarding a business property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The proposed project is a 1,680 square foot addition to the existing facility. The space will include a new primary entrance, office and meeting area, two handicap assessable restrooms, utility room, and a large open room that will double as a school-age classroom and a gym for younger children.

Economic Development Director Tara Onken presented the background information on the agenda item.

Councilmember Schafer is not in favor of the 25% penalty imposed on the tax abatement request due to a late application.

City Administrator Hanson commented on Lyon County's tax abatement policy accepting abatement applications back to 2019.

Councilmember DeCramer provided discussion from the EDA Board.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Motion made by Councilmember Schafer, Seconded by Mayor Byrnes to approve Resolution Number 4658, Second Series, a resolution approving business property tax abatement with no reduction. Voting Yea: Mayor

Byrnes, Councilmember Schafer, Councilmember Labat. Voting Nay: Councilmember Bayerkohler, Councilmember DeCramer. Voting Abstaining, Councilmember Lozinski. The motion **Failed. 3-2-1**

Motion made by Councilmember DeCramer, Seconded by Mayor Byrnes to approve Resolution Number 4658, Second Series, a resolution approving business property tax abatement with a 25% reduction. Voting Yea: Mayor Byrnes, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Bayerkohler, Councilmember Schafer. Voting Abstaining, Councilmember Lozinski. The motion **Failed. 3-2-1**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve Resolution Number 4658, Second Series, a resolution approving business property tax abatement with a 10% reduction. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Bayerkohler. Voting Abstaining: Councilmember Lozinski. The motion Passed. **4-1-1**

**Public Hearing and Adoption of Ordinance Amendment to Section 86-96 to permit a gun range as a Conditional Use.**

The original MERIT Center master plan included a gun range shown west of the driving track north of Erie Road. A gun range is not listed as a permitted or conditional use in any zoning district. The area north of Erie Road is zoned A - Agricultural District.

It seems to make sense to add outdoor gun ranges for law enforcement officers as a conditional use to A - Agricultural Districts. Several other cities that have outdoor shooting ranges were contacted and it seems to be a common way to have them listed as a conditional use in a rural or agricultural district.

A few other minor changes are also proposed to streamline the Agricultural District Section and make it more consistent with the rest of the ordinances.

At the June 12, 2019, regular Planning Commission meeting Steen made a motion, second by Schroeder to recommend to city council an approval as recommend by staff. All voted in favor of the motion.

At the meeting on August 21, 2019, Legislative and Ordinance Committee voted to recommend to council the approval of revisions amending Section 86-96 A - Agricultural District as recommended by staff.

The Ordinance Amendment to permit a gun range as a Conditional Use in an A – Agricultural District was introduced at the September 10, 2019, City Council meeting.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to close the public hearing and adopt Ordinance Number 741, Second Series, Amending Section 86-96 A - Agricultural District to permit a gun range as a Conditional Use in an A – Agricultural District. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

**Consider approval of the Consent Agenda**

Councilmember DeCramer requested the item number 16, Consider approval of a Transient Merchant License for Fish & Chips, LLC, be removed for further discussion.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Approval of the renewal of the group Long-Term Disability Insurance policy

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

Approval of Resolution Number, 4659, Second Series, a Resolution Authorizing a National Highway Traffic Safety Grant.

Approval of an amendment to the Personnel Policy Manual--Appendix B--Maximum Allowable Reimbursement/Per Diem Rates

Approval of Wastewater Treatment Facilities Improvement Project - Consider Payment of Bolton & Menk, Inc. Invoice 0237705.

Awarding farm lease for City owned property located in Commerce Industrial Park to Keith Wambeke.  
Approval of the bills/project payments

**Consider approval of Transient Merchant License for Fish & Chips, LLC**

Fish & Chips, LLC is seeking approval of a transient merchant license. If approved this license would expire on 10/25/19.

Councilmember DeCramer asked a clarifying question on the time limit on the license.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat the approval of a Transient Merchant License for Fish & Chips, LLC, to operate a mobile food unit in Marshall from September 25, 2019 through October 25, 2019 contingent upon all requirements being completed at a fee of \$30.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**Coalition of Greater Minnesota Cities update.**

Marty Seifert from Flaherty & Hood P.A. provided an update on Coalition of Greater Minnesota Cities items that came up before the legislature.

**MnDOT College Drive Project.**

Gene East, Project Manager with MnDOT discussed that MnDOT is planning for a World Café event on October 15th; at noon and in the evening on upcoming projects.

**Consider the approval of the Cable TV Franchise Ordinance between the City of Marshall and Spectrum Mid-America, LLC L/K/A/A Charter Communications.**

The existing Cable TV Franchise agreement between Charter Communications and the City of Marshall recently expired. The parties have been operating on six-month extensions of the prior agreement. The extensions have been in place for approximately the past two years.

Recent negotiations between Scott VanDerMillen, Community Services Director and City Attorney Dennis Simpson have resulted in negotiated agreement between the parties for an additional 10-year cable TV franchise agreement/ordinance. The agreement/ordinance was introduced on September 10, 2019 and it is recommended that final approval occur on September 24, 2019. The ordinance includes the following:

1. Requires Charter to maintain a 750MHZ capacity system;
2. Imposes a franchise fee of 5% of annual gross revenues;
3. Establishes a 10-year franchise term;
4. Requires Charter to provide 3 channels for public, educational and governmental programming;
5. Requires Charter to provide a subscriber network drop, free of charge, to specified public and educational institutions;
6. Requires Charter to provide a letter of credit in the amount of \$10,000. In addition, the parties have negotiated that the subscriber PEG payment shall continue at a rate of \$1.50 per subscriber per month. PEG charges are subject to a 5-year review.

City Attorney Dennis Simpson presented the agenda item to Council. City Administrator Hanson commented that it may be beneficial to have the League of Minnesota Cities Insurance Trust complete a review of the Indemnification language in the agreement with Chart/Spectrum.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to Approve Cable TV Franchise Ordinance Number 742, Second Series between the City of Marshall and Spectrum Mid-America, LLC L/K/A/A Charter Communications contingent upon review by the LMCIT on the Indemnification language. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Block 11 Redevelopment Project – Presentation of Proposed Development from APX Construction Group, LLC.**

The City has been working over the past 10+ years acquiring the dilapidated parcels on this block. The Marshall EDA approved the Block 11 RFP on December 13, 2018 and received two RFP's on April 30, 2019 (one from APX Construction Group, LLC).

City and EDA staff has been working with APX Construction Group, LLC on the development proposal and terms of a Preliminary Development Agreement (PDA). The primary purpose of a Preliminary Development Agreement is to give the proposed developer exclusive rights to the property and provide a proposal that is satisfactory to the City in a defined period of time. It basically outlines the initial terms both parties are working towards before committing to the project and a clear understanding of expectations. If things don't work out as expected in that period of time, the agreement can be terminated or extended.

It should be known that in the City of Marshall Comprehensive Plan, it states that the Central Business District (CBD) is a very important element in the City of Marshall. It also lays out the following goals under Downtown:

- 1) Create an atmosphere in the downtown area that is conducive and supportive of housing in the downtown area.
- 2) Identify and promote an appropriate mix of retail and service businesses in the downtown area.
- 3) Encourage appropriate redevelopment of the downtown area.
- 4) Promote the cooperation of the public and private sector in redevelopment consistent with the need to maintain a strong downtown area.
- 5) Encourage a positive, vital and unique image for the downtown area.

Staff believes this project meets these outlined goals and will bring forward the Preliminary Development Agreement with APX Construction Group, LLC at the October 8 City Council meeting for review and input.

Economic Development Director, Tara Onken introduced the agenda item via power point. Director Onken also introduced Jorge Lopez, Leap Chear, and Shawn Crowley with APX and EAPC who together will be developing the project.

**Consider Resolution Number 4660, Second Series, Authorizing Use of Tax Increment Financing Funds to Reimburse City Expenditures.**

At the September 10, 2019 Council Meeting, the City Council awarded the Demolition of Building Structures in Block 11 to Landwehr Construction Inc in the amount of \$106,300.

The cost of acquisition of the buildings in block 11 were reimbursed with pooled TIF.

To keep the funding source consistent, a resolution authorizing the use of pooled TIF for the demolition of buildings in Block 11.

The intention of pooled TIF funds use in block 11 is to reimburse the funds back into TIF when the property is sold to taxable status.

Motion made by Councilmember DeCramer, Seconded by Councilmember Labat to approve Resolution Number 4660, Second Series, Authorizing Use of Tax Increment Financing Funds to Reimburse City Expenditures. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 5-1**

**Consideration of approval for a Food Services Agreement renewal with Marshall Amateur Hockey Association, a Minnesota non-profit corporation (MAHA).**

The City of Marshall and MAHA is recommending renewal of the current Food Services Agreement at the Red Baron Arena & Expo. Events will be staffed with volunteer workers by MAHA. MAHA has been providing services for two calendar years (2017-2019) and is agreeable in renewing services pursuant to terms of the agreement.

The renewal has been drafted and is provided for Council review. Please note that staff is recommending that all commissions due by operator be waived during the 2019/2020 year of the agreement. Staff supports to have MAHA continue as its food service provider and believes that the waiver of commission will assist MAHA in continuing growth in its youth programs and can benefit the community as a service provider.

Director of Community Services Scott VanDerMillen presented the item to Council. Councilmember Bayerkohler and Labat requested to review the financial records of MAHA before waiving the 5% concession fees. There was further discussion by the full council on the agreement with MAHA.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to approve the agreement as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler, Councilmember Labat. The motion **Passed. 4-2**

**MERIT Center Road Course - Phase 2 Project Costs.**

Per the current change order authorization procedures as adopted by the City Council on February 12, 2019, The Council must approve change orders that increase the value of the contract to more than \$25,000 beyond the project's contingency funding.

For the above referenced project, contract cost of \$2,712,530.50, plus 5% contingency of \$135,626.00, plus \$25,000 totals \$160,626. To date, there is one change order on the project totaling \$34,929.

Below is a listing of project overrun items completed to date:

Common Excavation Overrun for moving dirt for berm: \$35,000  
Extra tile quantity (Graef bad numbers): \$22,000  
Extra Class 5 quantity (Graef bad numbers): \$50,000  
MERIT Outlet Structure/Pipe Change: \$22,000  
Move fabric to bottom of section: \$13,000  
Geogrid for small area: \$3,000

In addition, the following are items yet to be addressed: insulating cold storage building, MMU/electrician costs to bring power to building/gate, cost to install gate, cost to grade/fill water hole between Phase I and Phase II, and any other slight changes in quantity. The entire project remains within the limits of our grant funds.

Director of Public Works/City Engineer Glenn Olson opened the agenda item and presented the background information. Assistant City Engineer/Zoning Administrator Jason Anderson provided the specifics on the cost changes.

There was further discussion on the agenda item by the full council.

Motion made by Councilmember Schafer, Second by Councilmember DeCramer that the Council authorize proceeding with the MERIT Center Road Course - Phase 2 project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Council member DeCramer. Voting Nay: Councilmember Bayerkohler, Councilmember Labat, Councilmember Lozinski. The motion **Failed. 3-3**

There was further discussion by council and staff to request a reduction in fees by the Graef Engineering for their error.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council authorize proceeding with the MERIT Center Road Course - Phase 2 project and to also start to action towards Graef Engineering. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat. Voting Nay: Councilmember Bayerkohler, Councilmember Lozinski. The motion **Passed. 4-2**

At 7:14 P.M., Mayor Byrnes called for a recess.

### **Cooperation Agreement Between the United States of America and the City of Marshall, MN for Rehabilitation of a Federal Flood Control Work.**

Following recent high-water events in the Redwood River, staff has identified various locations of slope failure along our flood control project.

The U.S. Army Corps of Engineers (USACE) staff is currently in the process of designing plans and lining up project permitting to complete some work yet this fall/winter. The other locations may have completion schedules into 2020.

At the August 13, 2019 meeting, Council authorized for sponsor participation of US Army Corps of Engineers Flood Control Project betterments in the amount of approximately \$190,000.00. At that time, the USACE staff advised that they intended to complete this project in cooperation with the City of Marshall under the same 'Project Cooperation Agreement' that both parties entered in 1996. The Office of Counsel of the USACE reviewed the current 1996 Project Cooperation Agreement in place between the City of Marshall and the Department of the Army for the construction of the Flood Control Works. After said review, the Office of Counsel of the USACE has ordered preparation of a new agreement.

The draft agreement is under review with USACE Office of Counsel for legal sufficiency. The USACE will finalize this as soon as the District Engineer approves the Project Information Report (Article IA) and Office of Counsel is satisfied document is legal. The document has also been provided to the City Attorney for his review. The USACE staff is advising that the USACE will be responsible for all project design, permitting, inspection, and construction costs related to reinstating the flood control project to its as-built condition prior to recent high-water events. The City of Marshall will be responsible for identifying and procuring material borrow sites, material disposal sites, and construction easement or access agreements as required to reach project locations. Further, the City is responsible for any 'betterments' costs. The 'betterments' are improvements, typically slope armoring, to help prevent these failures from occurring at these locations in the future. The City Council approved the levy 'betterments' at the August 13, 2019 meeting.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council authorize execution of the Cooperation Agreement Between the United States of America and the City of Marshall, MN for Rehabilitation of a Federal Flood Control Work. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. the motion **Carried. 6-0**

**Consider the request that City of Marshall join and sign the purchase agreement regarding acquisition of Helena property on West Highway 19, Marshall, Minnesota**

HRA met on Tuesday, September 24, 2019 to consider entering into a purchase agreement for the purchase of Helena property located on West Highway 19, Marshall, Minnesota. A term of the purchase agreement requests that the City of Marshall join in the signature regarding acquisition of property. Specifically, City of Marshall acknowledges that the property is acquired "as is, where is with all faults" and further that the City will not proceed with any action compelling Helena to either raze or repair the Quonset building currently in disrepair.

The acquisition of Helena property is an important piece in the acquisition of property so as to comply with aeronautical requirements for a Runway Protection Zone (RPZ) and it is recommended that the City consent and join in the signature required on the purchase agreement with Helena.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer That the City Council consider and approve joining in signature of purchase agreement to purchase Helena property located on west Highway 19.



Councilmember Bayerkohler commented on the purchase of the property and that the City is spending too much on the property.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 5-1**

#### **North Star Brand Research and Strategy Presentation**

North Star, the City's hired branding firm, has completed the research collection and data review and will soon begin the next step in the process which is creation of the brand and development of action plan to implement the brand. A local committee will guide North Star and provide input.

To gather research for the brand development, North Star conducted on and off-site one-on-one interviews with the community, toured the community, a competitive review, conducted surveys with community leaders and stakeholders and did a community-wide survey. The research data collected will support the brand that will eventually be developed.

Ed Barlow, North Star Senior Vice President/Director of Strategic Planning presented the research data and early conceptions of brand development via PowerPoint.

#### **Authorize the Commencing of Bid Letting for City Hall Renovation/Construction Project**

City Council and staff have been in the planning and development stage for a renovated City Hall over the last year and a half with architect Engan and Associates. In order to be aligned with the capital improvement bond financing schedule, City staff are recommending that Council authorize the commencement of bid letting for this project. The proposed timeline will ensure that bonds are sold within the 2019 year, thereby facilitating the ability to secure favorable interest rates on the bond.

City Administrator Sharon Hanson provided the background material on the agenda item. There was continued discussion on the City Hall project by the full council.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to adopt Resolution 4661 Authorizing the Commencing of Bid Letting for City Hall/Renovation/Construction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler, Councilmember Labat. The motion **Passed. 4-2**

#### **Municipal Building Renovation Project – Authorize Call for Bids for Removal of Hazardous Materials from the Municipal Building (City Hall).**

This portion of the project includes provision of all labor, materials, and equipment necessary for the proper removal and disposal of all hazardous building materials from the Municipal Building (City Hall) as indicated in the "Asbestos Inspection Report & Summary" dated February 2014.

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski that Council authorize call for bids for Removal of Hazardous Materials from the Municipal Building (City Hall). Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler, Councilmember Labat. The motion **Passed. 4-2**

#### **Consider Resolution Adopting Preliminary Levy for 2020.**

At the August 13th work session, staff proposed a general levy increase of \$406,142 or 5.99%. The main contributing factors for this increase are a new levy item for street mill and overlays, increased salary and health care costs. Staff have been directed by the Council to reduce this increase for the preliminary levy that will be set in September. All cities must adopt proposed budget by resolution and certify proposed tax levy to the county auditor on or before this date. Final levies may be lower than the proposed levy but may not exceed the proposed levy. Staff is recommending a 2020 preliminary levy increase of \$270,642 or 3.99%. With this being a preliminary levy, the City can decrease the final levy in December but may not increase it.

City Administrator Sharon Hanson introduced the agenda item with a recommendation on setting the preliminary levy at 3.99%. There was further discussion by Council.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Bayerkohler. The motion **Passed. 5-1**

#### **Setting Truth-in-Taxation Meeting for Payable 2020.**

Counties, cities with a population over 500, school districts, and metropolitan special taxing districts are required to hold a meeting at which the budget and levy will be discussed, and the public allowed to speak. The meeting must be after Nov. 24 and no later than Dec. 28 and held at 6:00 p.m. or later. This meeting may be part of a regularly scheduled meeting. If a regular meeting is not scheduled after Nov. 24 and no later than Dec. 28 at 6:00 p.m. or later, it will be necessary to schedule a special meeting for this purpose.

City Administrator Sharon Hanson introduced the agenda item with a recommendation on setting the date for the Truth and Taxation hearing for December 10, 2019. There was further discussion by Council.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer to set the Truth-in-Taxation Meeting for Payable 2020 for December 10, 2019 at 6:00 PM, during its regular council meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

#### **Consider approval of a Temporary On-Sale Intoxicating Liquor Licenses for Marshall Area Chamber of Commerce.**

Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at the Southwest Minnesota State University on October 28, 2019.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to approve a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at the Southwest Minnesota State University on October 28, 2019. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 5-0-1**

#### **Commission/Board Liaison Reports**

Byrnes            No Report

Schafer MERIT Center Commission met and discussed continued trainings that are being held at the MERIT Center.

Bayerkohler No Report

DeCramer No Report

Labat No Report

Lozinski No Report

### **Councilmember Individual Items**

Councilmember Lozinski commented on the resignation letter received by the Economic Development Director.

Councilmember Labat was asked about stop signs at C Street and Saratoga. Director of Public Works/City Engineer Glenn Olson commented that intersection is being studied with the construction of the new school.

Councilmember DeCramer commented on the presentation provided by North Star.

Councilmember Schafer commented on the culvert installation near County Road 7 and the Airport.

Mayor Byrnes recommended for the City Administrator to present the best options for the City Council to take action on regarding the future of the Director of Economic Development Position.

### **City Administrator**

City Administrator Sharon Hanson discussed future potential for the EDA position and that a work session would be scheduled for further discussion to discuss roles and responsibility.

### **Director of Public Works**

No Report

### **City Attorney**

No Report

### **Information Only**

There were no questions on the information items.

### **Upcoming Meetings**

There were no questions on the upcoming meetings.

### **Adjourn Meeting**

At. 8:58 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Labat to adjourn.  
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer,  
Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk