

REGULAR MEETING – SEPTEMBER 11, 2012

The regular meeting of the Common Council of the City of Marshall was held on September 11, 2012 in the Professional 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: Jennie Hulsizer, Larry Doom, Charlie Sanow, John DeCramer, Mike Boedigheimer and Dan Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Cathy Lee, Executive Assistant; Bob VanMoer, Wastewater Treatment Facility Superintendent; Thomas M. Meulebroeck, Finance Director/City Clerk and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

It was the general consensus of the Council that the agenda be approved as presented with the removal of item number 19, which is to consider approval of an Amended MERIT Center Lease with MnWest Community & Technical College.

CONSIDER APPROVAL OF THE MINUTES OF THE WORK SESSION HELD ON AUGUST 21, 2012, THE REGULAR MEETING HELD ON AUGUST 28, 2012 AND THE WORK SESSION HELD ON AUGUST 28, 2012:

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the minutes for the work session held on August 21, 2012, the regular meeting held on August 28, 2012 and the work session held on August 28, 2012 be approved as filed with each member 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 A PUBLIC HEARING FOR A NEW ON-SALE LIQUOR LICENSE FOR BRIDGET'S OF MARSHALL, INC., DBA DICKEY'S BARBECUE PIT:

This was the date and time set for a public hearing to consider a new On-Sale Intoxicating Liquor License for Bridget's of Marshall, Inc., dba Dickey's Barbecue Pit, 900 Clarice Avenue to be effective September 12, 2012.

Member (**Charlie Sanow**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF ON-SALE INTOXICATING LIQUOR LICENSE FOR BRIDGET'S OF MARSHALL, INC., DBA DICKEY'S BARBECUE PIT:

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'the approval of an On-Sale Intoxicating Liquor License for Bridget's of Marshall, Inc., dba Dickey's Barbecue Pit, 900 Clarice Avenue'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING FOR BUSINESS SUBSIDY AGREEMENT BY AND BETWEEN THE CITY OF MARSHALL, ECONOMIC DEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MARSHALL, AND RALCO NUTRITION, INC:

This was the date and time set to continue the public hearing on the Business Subsidy Agreement by and between the City of Marshall, Economic Development Authority in and for the City of Marshall, and Ralco Nutrition, Inc. Ben Martig, City Administrator, indicated that staff is continuing to finalize agreements with Ralco Nutrition and a presentation along with the documents will be prepared for the September 25, 2012 Council meeting.

Member (**Charlie Snow**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'to continue the Public Hearing to September 25, 2012 for the Business Subsidy Agreement By and Between the City of Marshall, Economic Development Authority In and For the City of Marshall and Ralco Nutrition, Inc'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

AWARD OF BIDS - MARSHALL AIRPARK EAST - PHASE 2: APRON AND TAXIWAY CONSTRUCTION – CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City Council and Airport Commission have previously committed to the development of the Marshall Airpark East including the Madrid Street Bridge, roadway and utility improvements, and the development of aprons and taxiway to connect to the existing runways. This project is the last phase of the surface work necessary for aircraft usage in the airpark east development area. At the City Council meeting of May 8, 2012, the City Council received a State FY2013 Funding Offer for "Ramp Area and Signage to Marshall Airpark East". The offer for the Ramp Area and Signage to Marshall Airpark East is included in State FY2013, which begins July 1, 2012. The project priority list by Mn/DOT-Aeronautics has included this project for funding. According to the current Airport Capital Improvement Program (CIP), it was the intent of the City to fund this project in City FY2013. However, in order to accept the grant offer the City must commit to the project funding earlier than anticipated. As authorized by the Council at the May 8, 2012 meeting, the City submitted a letter of intent for a grant request for the apron and taxiway extension. On August 13, 2012, the City Council approved the plans and specifications and ordered the advertisement for bids for Project Y67: Marshall Airpark East – Phase 2. The project was bid in two schedules in accordance with the attached plan. The total bid for the construction of Schedule 1 is \$2,048,693.91. The total bid for the construction of Schedule 2 is \$564,419.40. The total bid for both schedules is 2,613,113.31. The additional amount for engineering design and construction inspection is \$232,300.00 for a total project cost of \$2,845,413.31. It is the intent to request 70% of the total project cost from Mn/DOT-Aeronautics. To date, Mn/DOT Aeronautics has set aside \$1,050,000-\$1,500,000 for the construction of this project. The estimated City participation in the project would be 30% of the total cost of the project which is approximately \$853,600. In its 2013 budget request, City staff has included local participation costs for Ramp Area (\$450,000) and Business Site Development (\$750,000), in accordance with the Airport CIP approved by the City Council at the June 12, 2012, for a total of \$1,200,000.

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Mr. Olson indicated that the Minnesota Department of Aeronautics has indicated that due to the lack of funding they are not able to fund more than \$1,050,000 at this time. Council Member Boedigheimer was concerned when the funding would be available and what the deadline was for awarding the contract. Mr. Olson indicated that the deadline is October 1, 2012.

Member (**Mike Boedigheimer**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'to table the award of bids for Marshall Airpark East Phase 2 until September 25, 2012 due to the lack of available funding at this time'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**MARSHALL AIRPARK EAST - PHASE 2: APRON AND TAXIWAY CONSTRUCTION –
CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to table the resolution accepting bid for Marshall Airport East Phase 2 until September 25, 2012 Council meeting due to the lack of available funding at this time'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Council Member Boedigheimer requested that Authorization for the Marshall Police Department to enter into a test security agreement with I/O Solutions in order to evaluate effectiveness in future hiring's be removed from the consent agenda.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the council approve all remaining consent agenda items as presented'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

The approval of a Temporary On-Sale Liquor License for the Marshall Area Fine Arts Council to be used on October 4, 2012 at the parking lot of Walnut Grove Mercantile, 1501 East Lyon Street, Marshall, Minnesota. The fee for this license is \$30.00.

The approval of a Sunday Liquor License for Bridget's of Marshall, Inc., dba Dickey's Barbecue Pit, 900 Clarice Avenue. The fee for this license is \$200.00

BE IT RESOLVED that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the LG220 Application for Exempt Permit for Southwest Minnesota Ducks Unlimited to hold a raffle on October 9, 2012 at the Prairie Event Center, 1507 East College Drive and that the waiting period be waived.

Authorization be granted to the Department of Public Safety to dispose of surplus City property – three (3) vehicles. These vehicles will be auctioned using the State's On-Line auction process. Those vehicles that don't receive the minimum bid will be taken to Alter Metal Recycling for disposal.

To approve the amendment to the Personnel Policy Manual, Appendix B: Maximum Allowable Reimbursement / Per Diem Rates for Non-Local Travel. The only change to the GSA table for federal fiscal year 2013 are the effective dates.

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Authorization be granted to the Parks Department to dispose of a 1997 Ford F150 Pickup. This vehicle will be will be auctioned using the State's On-Line auction process.

That the proper city personnel be authorized to enter into an agreement with TLO for the Marshall Police Department. The TLO system provides similar information to help solve crimes as the CLEAR system but at this time has no cost. The Marshall Police Department would like to try TLO.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 80871 through 81022.

APPROVAL OF ITEMS PULLED FROM CONSENT - AUTHORIZATION FOR THE MARSHALL POLICE DEPARTMENT TO ENTER INTO A TEST SECURITY AGREEMENT WITH I/O SOLUTIONS IN ORDER TO EVALUATE EFFECTIVENESS IN FUTURE HIRINGS:

In the past the Marshall Police Department has utilized Stanard and Associates testing materials in order to evaluate that the potential applicant possesses the basic cognitive skills necessary to successfully perform the job. These tests are specifically designed for law enforcement. This test is utilized along with other evaluating criteria. At this time, the Marshall Police Department would like to evaluate I/O Solutions testing material for comparison.

Council Member Boedigheimer was concerned with switching to a new evaluation system. He indicated that the Police Department should continue to use the current system and the new system for a certain time period in order to evaluate the new system.

Ben Martig, City Administrator, indicated that the Test Security Agreement with I/O Solutions would allow the Police Department to evaluate I/O Solutions testing material for comparison only.

Member (**Mike Boedigheimer**) moved, Member (**Charlie Sanow**) seconded to approve the **ORIGINAL** motion 'that the Council approve the Marshall Police Department to enter into a Test Security Agreement with I/O Solutions in order to evaluate effectiveness in future hirings'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF 2013 RESOLUTION FEES:

Ben Martig, City Administrator, indicated that historically the stormwater fees and wastewater fees were set by separate resolution. However, staff implemented a change to include wastewater on the overall fee resolution last Decemeber and are now proposing to include stormwater fees in this location as well. The centralizing of fees by resolution allows ease of referencing all related fees and this change is suggested. The resolution would result in no change to stormwater fees for 2013 and an increase in wastewater fees of 4.5% for 2013. This is 4.0% less than the last wastewater fee analysis that had been completed in 2010. Council had reviewed the rate analysis in detail at a previous worksession in August. Staff is recommending setting the resolution fees in September each year at the same time as setting the preliminary tax levy. This is a result of past requests by significant industrial users who had indicated it would be beneficial to receive the rates earlier in the year to coincide with their budget planning. In the past, the City had typically adjusted utility rates in December. The significant industrial users have been notified of the proposed rate

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adjustment. Bob VanMoer, Wastewater Superintendent, indicated that he had talked to Turkey Valley Farms and that there was no negative feedback from any of the significant industrial users.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3789, SECOND SERIES, which is a resolution approving Specific Fees to be Charged by the City of Marshall to be effective for January 1, 2013'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER LABOR AGREEMENT BETWEEN THE CITY OF MARSHALL AND LAW ENFORCEMENT LABOR SERVICES, INC. (LELS) NO. 245:

Ben Martig, City Administrator, indicated that on 3/13/12, the City Council approved a 3-year agreement with the AFSCME union reflecting a 0% wage increase for 2011, 2% for 2012, and 2% for 2013. On 6/26/12, the Council approved a 2-year agreement with LELS 190 (Patrol Officers) reflecting a 0% wage increase for 2011 and 2% for 2012, but no settlement was reached for 2013 with LELS 190.

Mr. Martig briefly reviewed the proposed agreement from the LELS 245 (Police Supervisors) union. This agreement, which is consistent with the terms agreed to by the LELS 190 (Patrol Officers) union and for contract years 2011 and 2012, the terms of the general wage increase proposed is also consistent with the non-union and AFSCME.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3790, SECOND SERIES, which is a resolution authorizing staff to execute the agreement between the City of Marshall and Law Enforcement Labor Services, Inc., Local Number 245 to be effective through December 31, 2012'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AMENDED 2012 WAGE SCHEDULE:

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the amended 2012 wage schedule reflecting a 2% general wage increase to the Police Sergeant classification'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Y80 WALKER LANE/PARK AVENUE RECONSTRUCTION PROJECT / PROJECT Z02 SOUTH HIGH STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 1 WITH D & G EXCAVATING, INC:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 1 with D&G Excavating, Inc. resulting in a time extension only to the Substantial Completion Date of eight (8) calendar days from August 31, 2012 to September 8, 2012 and no change to the contract amount'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT NO. 01869 (S.P. A4201-87 FOR THE TREE REMOVAL AND CONCRETE PAVEMENT REPAIR AT THE AIRPORT:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3791, SECOND SERIES, which is the Resolution to Authorize and to Execute Mn/DOT Grant Agreement No. 01869 - Grant Agreement for Airport Improvement Excluding Land Acquisition for Tree Removal and Concrete Pavement Repair at the Southwest Minnesota Regional Airport'. This agreement will remain in effect until June 30, 2016 and provides for project costs not to exceed \$19,510.00. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER ACCEPTANCE OF FAA AGREEMENT FOR ENVIRONMENTAL ASSESSMENT FOR POSSIBLE LAND ACQUISITION (PROJECT NO. 3-27-0056-11-12):

Glenn Olson, Director of Public Works/City Engineer reviewed the FAA Grant Agreement for Project No. 3-27-0056-11-12 for Environmental Assessment for Land Acquisition at the Southwest Minnesota Regional Airport with project costs of \$32,000 per the Project Application dated August 28, 2012 with federal participation (90%) of \$28,800. A companion State agreement is forthcoming at this evening's meeting for local participation (10%) in the amount of \$3,200.00. The City has included acquisition of three properties located within the Runway Protection Zone of Runway 12/30 in the current Airport Capital Improvement Program (CIP). The properties include Helena Chemical, Bud Rose Flowers and Farmers Co-Op Association gas facility. The environmental work necessary for the land acquisition of the properties within the Runway Protection Zone have been on the CIP for several years. Recently, the City has been contacted by Helena Chemical and Bud Rose Flowers potentially interested in the sale of their property to the City. In order to proceed with land acquisition, the FAA requires environmental discovery prior to acquisition. This process will be especially needed in the case of the Helena Chemical property.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council accept FAA Grant Agreement for Project No. 3-27-0056-11-12 for Environmental Assessment for Land Acquisition at the Southwest Minnesota Regional Airport'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MINNEOSTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT NO. 01870 / S.P. A4201-84 FOR ENVIRONMENTAL ASSESSMENT AND LAND ACQUISITION AT THE AIRPORT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Mn/DOT Grant Agreement No. 01870. The agreement provides for project costs not to exceed \$32,000.00 and will remain in effect until September 30, 2016. The City has included acquisition of three properties located within the Runway Protection Zone of Runway 12/30 in the current Airport Capital Improvement Program (CIP). The properties include Helena Chemical, Bud Rose Flowers and Farmers Co-Op Association gas facility. The environmental work necessary for the land acquisition of the properties within the Runway Protection Zone have been on the CIP for several years. Recently, the City has been contacted by Helena Chemical and Bud Rose Flowers potentially interested in the sale of their property to the City. In order to proceed with land acquisition, the FAA requires environmental

discovery prior to acquisition. This process will be especially needed in the case of the Helena Chemical property.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3792, SECOND SERIES, which is the Resolution to Authorize and to Execute Mn/DOT Grant Agreement No. 01870 - Grant Agreement for Airport Improvement Excluding Land Acquisition for Environmental Assessment for Land Acquisition at the Southwest Minnesota Regional Airport'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION GRANTING PETITION FOR VACATION OF UTILITY EASEMENT IN SONSTEGARD SUBDIVISION I:

Glenn Olson, Director of Public Works/City Engineer, indicated that a request for petition for vacation of utility easements was received from the property owners of all property abutting various utility easements in Sonstegard Subdivision I as follows: Lot 5, Lot 6, Lot 7, Lot 9 and Lot 10 of Block One; Lot 1 and Lot 3 of Block Two; and Outlots A, B, and C. The purpose of the vacation is to accommodate the new lot configurations and easements in the proposed plat of Sonstegard Subdivision II.

Member (**Charlie Sanow**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3793, SECOND SERIES, which is a Resolution Granting Petition for Vacation of Utility Easements in Sonstegard Subdivision I'. This vacation is for Lot 5, Lot 6, Lot 7, Lot 9 and Lot 10 of Block One; Lot 1 and Lot 3 of Block Two; and Outlots A, B, and C, in the City of Marshall, County of Lyon, State of Minnesota. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

SONSTEGARD SUBDIVISION II – CONSIDER RESOLUTION ADOPTING THE FINAL PLAT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Sonstegard Subdivision II. This area was previously platted as Sonstegard Subdivision I. Since that time, changes to the subdivision include revision of outlots in the area of the storm water detention pond due to the completion of the Northwest Industrial Area Stormwater Study, construction of an additional stormwater detention and treatment pond adjacent to Lot 1, Block One, of proposed Sonstegard Subdivision II; revision of lot layouts for potential sale/transfer of property to Lot 4, Block One; and inclusion of an additional storm sewer easement along the westerly edge of Lot 1, Block One.

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3794, SECOND SERIES, which is the Resolution Approving the Final Plat of Sonstegard Subdivision II'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

LOCKWOOD ADDITION – CONSIDER RESOLUTION ADOPTING THE FINAL PLAT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Lockwood Addition. This subdivision is a result of the property owner's request to subdivide and combine certain properties located within previously platted and unplatted areas contiguous to each other,

including property purchases splitting previously platted and unplatted properties. This plat combines unplatted and previously platted properties into individual lots and blocks to more easily define property boundaries and tax parcels. The plat also includes the dedication of Peterson Street, previously not platted and not well defined as a dedicated City street. The City Attorney is reviewing the status of the ownership of the previously constructed Peterson Street immediately adjacent to the Lockwood property.

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3795, SECOND SERIES, which is the Resolution Approving the Final Plat of Lockwood Addition'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z05 TIGER PARK STORMWATER DETENTION POND PROJECT –
CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project includes the expansion of the existing Marshall High School storm water pond, the construction of two new storm water ponds in the northeast and northwest portions of the intersection of East College Drive (TH 19) and (TH 23), and related storm sewer work. The proposed work will provide storm water storage and storm water treatment prior to the outfall to Branch 10 of the Lyon County Ditch System. The project is necessary due to the impending commercial development of the areas served by these proposed stormwater detention ponds. The current plan consists of proposed automobile dealerships, Amateur Sports Commission facilities, and other supportive commercial developments. This will require stormwater detention and treatment ponding to accommodate the entire undeveloped area. The proposed stormwater detention ponds include three separate ponds, two on site and one off site located on property owned by Minnesota State Colleges and Universities System (MnSCU) (Southwest Minnesota State University) to provide the necessary acreage for the detention and treatment of surface water runoff for the entire area. An agreement with MnSCU will be necessary prior to the development of a stormwater pond on their property. The plans and specifications have been prepared by the City's consultant, Bolton & Menk, Inc., for this project. Mr. Olson indicated that these are intended to be wet ponds with four feet of water under normal conditions.

Member (**Dan Ritter**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3796, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z05: Tiger Park Stormwater Detention Pond Project'. Bids will be received on October 4, 2012. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Carries 6 – 1** with Charlie Sanow voting no.

**CONSIDER RESOLUTION APPROVING PRELIMINARY PROPERTY TAX LEVY FOR
2012, COLLECTIBLE IN 2013:**

Ben Martig, City Administrator, briefly reviewed the proposed Preliminary Levy for 2013. Mr. Martig indicated: A. The maximum increase in City property tax revenue would be \$312,433, or 6.5% from 2012 to 2013. B. The maximum "effective tax rate" for the City would be 2.9%. This is the actual impact to the individual taxpayer assuming equal property assessed value from 2012-

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2013. C. Based on current projections, the total tax rate for all local jurisdictions is projected to go down 2.61% for Marshall residents, the lowest total tax rate in over 10-years.

D. Marshall has a 2012 property tax levy that is \$144,229 less than 11 other comparable cities. E. General Fund revenues are projected to increase \$222,345 with the preliminary budget from 2012. However, total general fund expenditures are decreasing \$103,026.

Council Member Boedigheimer indicated that he is not in favor of a 6.5% tax levy, but would support a 3.5% tax levy.

Council Member Sanow indicated that he is also not in favor of the 6.5% tax levy.

Council Member DeCramer suggested that the tax levy be between 3.5% and 6.5%.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to adopt a Resolution approving the Preliminary Tax Levy of 6.5% for 2012, Collectable in 2013'. Upon a roll call vote being taken, the vote was: Aye: 3 Nay: 4. The motion **Failed 3 - 4** with Sanow, Ritter, Hulsizer and Boedigheimer voting no.

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'to adopt RESOLUTION NUMBER 3797, SECOND SERIES Approving the Preliminary Tax Levy of 3.5% for 2012, Collectable in 2013'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion **Passed 4 – 3** with Sanow, DeCramer and Doom voting no.

CONSIDERATION OF RESOLUTION APPROVING THE PRELIMINARY BUDGET FOR 2013:

Member (**Dan Ritter**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to approve the Resolution Approving the Preliminary General Fund Budget for 2013'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Sanow voting no.

COUNCIL MEMBER COMMISSION / BOARD LIAISON REPORTS:

Reports by the Mayor and Council Members of the various Boards and Commissions were presented at this time:

Byrnes No report.

Hulsizer No report.

Doom Community Services Advisory Board discussed the options for the Whitney Statute. There will be a mock crash at the MERIT Center.

Sanow No report.

DeCramer Utilities Commission has entered into an agreement with Excel Energy.

Boedigheimer Airport Commission items were acted on earlier in the meeting; MERIT Center Commission will have an open house on September 20, 2012.

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Ritter No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Other comments included: the Minneapolis Star and Tribune had an article about the Memorial Park and Mayor Byrnes was interviewed. The open house at the dog run was well attended.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that Rob Yant, Director of Public Safety, is back to work. Staff is very concerned about the two shootings that took place over the weekend. An employee was involved in a motor vehicle crash on August 20, 2012 and upon further investigation it has been determined that the employee violated City policy. Mr. Martig indicated that the City of Marshall has requested \$4 million in bonding dollars for the proposed sports complex and \$2.5 million for the MERIT Center expansion. Mr. Martig was informed by a DEED official that Marshall was not approved because it lacked a formal funding commitment for these projects. Closing is scheduled for Thursday for the sale of property to Trident Development. Ben and Bob Byrnes met with the cemetery association to discuss legislative issues; City Attorney Simpson is having some medical issues and there will be a closed session scheduled for September 18, 2012 to discuss the sale of property.

Glenn Olson, Director of Public Safety/City Engineer, indicated that they have received a request to eliminate one block of sidewalk from South 4th Street to South 5th Street on Kossuth Street. Mr. Olson indicated that he will be looking for feedback before the next Council meeting.


REVIEW OF PENDING ITEMS:

There were no questions on the pending agenda items.

INFORMATION ONLY:

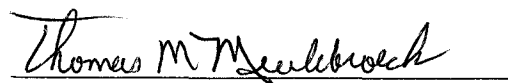
There were no questions on the information items.

Member (**Dan Ritter**) moved, Member (**Charlie Sanow**) seconded to approve the **ORIGINAL** motion 'that the meeting be adjourned'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk