

## REGULAR MEETING – OCTOBER 23, 2012

The regular meeting of the Common Council of the City of Marshall was held on October 23, 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 present: Larry Doom, Jennie Hulsizer, Charlie Sanow, John DeCramer, Mike Boedigheimer and Dan Ritter. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Ilya Gutman, Building Official; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk. Others in attendance included: Cal Brink, CEO Marshall Area Chamber of Commerce.

The Pledge of Allegiance was recited at this time.

### **APPROVAL OF AGENDA:**

Member (**Dan Ritter**) moved, Member (**Charlie Sanow**) seconded to approve the **ORIGINAL** motion 'approve the agenda as presented with the additions of the following: 19. Consider 2013 Employee Dental Benefit Renewal with Guardian. 20. Consider 2013 Employee Long Term Disability Insurance Renewal with Madison National. 21. Consider 2013 Employee Basic Life and Accidental Death & Disability Insurance Renewal'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 9, 2012:**

Member (**Charlie Sanow**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on October 9, 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**

### **PROJECT E22: CORPS/DIKE VEGETATION REMOVAL PROJECT -- CONSIDER AWARD OF PROPOSAL FOR TREE RELOCATIONS ON FLOOD PROTECTION DIKE SYSTEM:**

Ben Martig, City Administrator, indicated that the U.S. Army Corps of Engineers (Corps) has directed the removal of all vegetation except grass from the City's flood protection dike in order to preserve its integrity for flood protection. The City must comply with this directive in order to allow the Corps to continue to certify the adequacy of the dike for flood protection to the Federal Emergency Management Agency (FEMA). All vegetation, other than grass, must be removed from the dike prism and within 15 feet of the toe of the dike within the dike easement area. The easement area has been surveyed, and the trees needing removal have been marked. All trees will either be relocated or removed at the direction of the City. If the property owner wishes to retain the moveable trees on their property, the property owner needs to designate the location where they want them on their property. The location must be accessible with equipment used by the City's contractor. The City or its contractor will not be responsible for the guarantee that the tree will live after relocation, any damages to lawns from the moving equipment, or any incidental items related to the move outside of the established dike easement area. The property owner has been given the opportunity to contract with his own contractor for removal or relocation, and the City will reimburse the property owner for the amount the city would have paid its contractor after the property owner has provided the City with the paid invoices for the relocations. Any trees relocated by the property owner's contractor must be relocated by October 23, 2012 or the

REGULAR MEETING – OCTOBER 23, 2012

City's contractor(s) will have them removed. The property owners have been advised of these conditions. The quantities will be adjusted to reflect actual trees relocated. At the meeting of September 25, 2012, the City Council awarded the proposal for the relocation of trees to D&G Excavating, Inc. of Marshall, Minnesota, in the amount of \$51,250.00. At the meeting of October 9, 2012, the City Council rescinded the award to D&G Excavating, Inc. for tree relocation and proceed with requesting proposals for the tree relocation and there be no penalties against D&G Excavating, Inc.

Request for Proposals were requested for the Tree Relocation portion of the project. The proposal received from Scott's Tree Service of Marshall, Minnesota was received before the RFP's were requested. Their proposal was in a different form than the other because the City Engineering Department had started requesting quotes for tree relocation before an amended request for proposals was released. The other two proposals were received after the RFP's went out and were from Gleason Tree Company, Inc. of Sioux Falls, South Dakota; and Rogge Excavating, Inc. of Ghent, Minnesota. D&G Excavating, Inc. was contacted and given the opportunity to submit a new proposal for this work. They declined to submit a proposal. After the proposals were reviewed, it is recommended that Scott's Tree Service be determined to be the best proposal. All removals and relocations must be completed prior to February 28, 2013 to enable the City to certify by March 31, 2013 to the Corps that the work was completed. However, because of frozen ground it is necessary to proceed with the project as soon as possible to have the relocation of the trees completed prior to freezing.

Dennis Simpson, City Attorney, indicated that the City has the right to waive any irregularities in the proposal and if the council wanted to award the project to Scott's Tree Service they needed to formally find each of the irregularities not material to the proposal. The irregularities included the fact that the proposal didn't use the same specifications as the city bid form, that it wasn't signed and that it said the business would not be responsible for damage or track marks on the dike.

Mr. Simpson indicated that the council had other options which included: 1. they could accept the next best proposal, 2. Reject all of the proposals or rebid; and 3. Table the issue until the next council meeting. Mr. Simpson did indicate that the tree removal needs to be completed before the ground freezes.

Council Member Sanow indicated that the City had requested Scott's to provide a quote instead of a formal proposal, which is what they did.

The quotes and proposals received were from:

	Relocate tree 0"-6" Diam On property	Relocate tree 0"-6" Diam off property within City limits
Gleason Tree Company Sioux Falls, South Dakota	\$34,300.00	\$27,000.00
Rogge Excavating Inc. Ghent, Minnesota	\$35,000.00	\$35,000.00

REGULAR MEETING – OCTOBER 23, 2012

Scott's Tree Service, Marshall, Minnesota provided the following quote:

Moving trees only on property	\$250.00 per tree
Moving trees off property within City limits	\$350.00 per tree
Need 2 ramps built	

Moving trees including filling tree holes on property	\$385.00 per tree
Moving trees including filling tree holes off property	\$550.00 per tree
Need 2 ramps built	

Scott's Tree service indicated that they are not responsible for any damage or tracks

Dennis Simpson indicated that the City did not seek bids, but requested RFP's.

Council Member Boedigheimer indicated that the quote from Scott's Tree Service indicated that they would not be responsible for damage. He indicated that if they award this bid to Scott's the City only has a verbal response from Scotts Tree Service that they will take care of any damage.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'reject the bid from Scotts Tree Service because it does not meet specifications and award the contract to the second lowest bidder which is Gleason Tree Company'.

DeCramer was also concerned with cleaning up the area after the trees were removed and that the clean up was included in the bid from Gleason Tree Company.

Sanow indicated that Scott's have agreed to clean up after they remove the trees. There only concern was with any damage that was done before the removed the trees. Sanow indicated that the clean up could be made as part of the motion.

Mr. Martig also indicated that this could be made part of the motion. Ben indicated that he verbally talked to Scott's Tree Service and followed up with an email, but did not receive a response on the email.

Mr. Simpson was concerned with verbal discussion. He indicated that he was not sure if they could amend their contract by a verbal discussion.

Council Member Boedigheimer called the question.

Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **4**. The motion **Failed 3 – 4** Sanow, Hulsizer, Doom and Byrnes voted no. Ritter, DeCramer and Boedigheimer voted yes.

Member (**Charlie Sanow**) moved, Member (**Dan Ritter**) seconded to approve the **NEW** motion 'find the irregularities in the bid by Scott Tree Service are none material and accept his bid if they agree to the specifications of the RFP and sign a contract with the City'.

REGULAR MEETING – OCTOBER 23, 2012

Council Member Boedigheimer was concerned with the plan of action if Scott's Tree Service does not agree with the specifications. He indicated that time is of the essence.

Mayor Byrnes indicated that if this happens they could call for a special meeting. Council Member Hulsizer indicated that they are meeting on November 5<sup>th</sup>.

Council Member DeCramer was concerned that Scott's Tree Service is aware of the type of fill that is required for this project.

Council Member Sanow called the question.

Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Carried 6 – 1**, with Boedigheimer voting no.

**CONSIDER APPROVAL OF CONSENT AGENDA:**

Council Member Ritter requested that the request for authorization to advertise for bids for the pick up of garbage and trash for various City locations be removed from the consent agenda.

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

That the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the LG220 for Exempt Permit for SMSU Foundation to hold a raffle at SMSU, 1501 State Street, Marshall, Minnesota on February 22, 2013 and that the 30 day waiting period be waived

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation for December 7, 2012 at the SMSU PE Gym, 300 North O'Connell Street, Marshall, Minnesota. The fee for this license is \$30.00.

The approval of a Temporary On-Sale Liquor for Southwest Minnesota State University Foundation to use on February 22, 2013 at the SMSU Conference Center - Upper Level, 1501 State Street, Minnesota. The fee for this license is \$30.00.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 81389 through 81568.

**APPROVAL OF ITEMS PULLED FROM CONSENT –AUTHORIZATION TO ADVERTISE FOR THE PICK UP OF GARBAGE AND TRASH FOR VARIOUS CITY LOCATIONS:**

The City of Marshall has a two year (2011-2012) contract with Southwest Sanitation to furnish the equipment and labor to pick up and remove garbage and other items of junk from the various city locations. This contract expires on December 31, 2012. The current contract has been reviewed by the various City Departments.

Sanow moved, Doom seconded, that the proper city personnel be authorized to advertise for bids for the pickup of garbage and trash for various city locations. These bids are to be received at 10:00 A.M. on November 21, 2012. All voted in favor of the motion, except Ritter who abstained.

**CONSIDER THE REQUEST OF BRUCE GROW FOR A ONE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR A LIVE BAIT SHOP BUSINESS:**

Ben Martig, City Administrator, reviewed the request from Bruce Grow for a one-year renewal of a Conditional Use Permit for home occupation to conduct a live bait business at 207 North 7<sup>th</sup> Street in an R-1 One Family Residence District. The original Conditional Use Permit was granted in 1998 and there are no comments on file.

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council approve the request of Bruce Grow for a one-year renewal of a Conditional Use Permit for a Home Occupation for a live bait business'. This Conditional Use Permit is for 207 North 7<sup>th</sup> Street with the following conditions: 1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such premises are located therein shall be conformed with; 2. That the City reserves the right to revoke the Conditional Use Permit in the event that the owner has breached the conditions contained in this permit provided first, however, that the City serve the owner with written notice specifying items of any such default and thereafter allow the owner a reasonable time in which to cure any such default; 3. That the owner maintain the property to conform with the Housing Code, Zoning Ordinance, Building Code, and not cause or create negative impact on existing or future properties adjacent thereto; 4. The hours of business shall be between 6:00 a.m. and 10:00 p.m. only; 5. The permit expires one year after approval. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER THE REQUEST BY SUSAN BROMEN FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT AN ADDITION TO HER HOUSE LOCATED ON A LOT THAT DOES NOT MEET ORDINANCE REQUIREMENTS FOR MINIMAL SIZE:**

Ben Martig, City Administrator, reviewed the request from Ms. Sue Bromen for a Variance Adjustment Permit to construct an addition to her house located on a lot that does not meet Ordinance requirements for minimal size. Ms. Bromen wants to build a 16 foot by 7 foot addition on the back of the house to allow for a new handicapped ramp accommodation. The lot size is 66 feet by 66 feet resulting in just 4,356 SF of area. The City Ordinance requires all lots in R-1 one family residence zoning district to have an area of not less than 8,000 SF and dimensions of not less than 70 feet wide and 110 feet deep. Despite small lot size, the new addition will comply with all yard regulations.

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council approve the variance request to construct a 16 foot by 7 foot addition to the house located on a lot that does not meet Ordinance requirements for minimal size'. This variance is for 202 East Redwood Street with the following conditions: 1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with; 2. That the City reserves the right to

REGULAR MEETING – OCTOBER 23, 2012

revoke the Variance Adjustment Permit in the event that any person has breached the conditions contained in this permit provided first, that the City service the person with written notice specifying items of any default, and allow the applicant a reasonable time in which to cure any such default; 3. That the conditions contained in this permit shall be binding upon the successors and assigns of the applicant. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER THE REQUEST BY DOUG & KATHLEEN ANDRIES FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT AN ATTACHED GARAGE THAT WILL PROTRUDE 10 FEET INTO REQUIRED REAR YARD:**

Ben Martig, City Administrator, reviewed the request from Doug and Kathleen Andries, 1003 Travis Road, for a Variance Adjustment Permit to construct an attached garage that will protrude 10 feet into required rear yard. The garage addition would be built on a piece of property which has a considerably smaller depth than the rest of the lot. The City Code Section 86-99 (e) (4) calls for rear yard equal to 25% of the lot depth. Based on the lot depth at that location, the rear yard depth shall be 15.75 feet allowing for only 22 foot garage depth and making it two feet shorter than the existing garage. The owners requested 32 feet deep garage because they want to have some storage area at the back of the garage. The staff's opinion is that the requested depth brings the building too close to the back property line. Lining up the new garage wall with existing wall makes sense because it is easier to build and will look better while view obstruction may be achieved by a fence.

Ilya Gutman, Building Official, indicated that staff is recommending that a Variance Adjustment be approved to construct an attached garage that will protrude 2 feet into required rear yard so the new garage addition back wall will line up with the existing garage wall.

Doug Andries indicated that they would like to withdraw their request for a 10 foot variance and would agree to proceed with a 2 foot variance as recommended by City staff.

Brian Olson, 905 Country Club Drive, indicated that even with the 2 foot variance the addition would be next to their property line and he requested that the variance be denied.

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council approve the variance as recommend by staff, to construct an attached garage that will protrude 2 feet into required rear yard so the new garage addition back wall will line up with the existing back garage wall'. This variance is for 1103 Travis Road with the following conditions: 1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with; 2. That the City reserves the right to revoke the Variance Adjustment Permit in the event that any person has breached the conditions contained in this permit provided first, that the City service the person with written notice specifying items of any default, and allow the applicant a reasonable time in which to cure any such default; 3. That the conditions contained in this permit shall be binding upon the successors and assigns of the applicant. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Y60 / S.P. A4201-78 & S.A.P. 139-133-01: MADRID STREET BRIDGE PROJECT – CONSIDER SUPPLEMENTAL AGREEMENT NO. 3 WITH TKDA:**

Ben Martig, City Administrator, reviewed Supplemental Agreement No. 3 for Additional Engineering Services with TKDA for the Madrid Street Bridge Project. At the February 10, 2009 meeting, City Council authorized entering into a Professional Services Agreement with TKDA to provide engineering services for design and construction inspection in the amount of \$48,400 for bridge design through the bidding phase. At the March 9, 2010 meeting, City Council authorized Supplemental Agreement No. 1 to the Professional Services Agreement with TKDA for preparation of the project memorandum, wetland delineation, Section 106 evaluation, noise study, and completion of required applications for processing of all required permits. This additional work resulted in an additional contract amount of \$6,400 and a total contract amount not to exceed \$54,800. At the February 8, 2011 meeting, City Council authorized Supplemental Agreement No. 2 to the Professional Services Agreement with TKDA for construction phase services through final inspection and documentation. This additional work resulted in an additional contract amount of \$113,600, and a total not to exceed contract amount of \$168,400. This Supplemental Agreement No. 3 expands the existing contract with TKDA to include additional construction phase services for the Madrid Street Bridge project due to the contractor, Duinick, Inc., not completing the work within the specified number of working days. These additional costs have already been charged to the contractor for reimbursement of the City expense for TKDA.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the City Council approve Supplemental Agreement No. 3 to the Madrid Street Bridge Project Professional Services Agreement with TKDA of St. Paul, Minnesota, for an additional engineering services for the Madrid Street Bridge Project in the amount of \$5,000, and a total not to exceed contract amount of \$173,400'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Carried 6 – 1**, with Charlie Sanow voting no.

**CONSIDER ADOPTION OF RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY FOR THE MARSHALL FIRE DEPARTMENT:**

Member (**Mike Boedigheimer**) moved, Member (**Charlie Sanow**) seconded to approve the **ORIGINAL** motion 'adopt RESOLUTION NUMBER 3818, SECOND SERIES Accepting the Donation of Personal Property by the City of Marshall and that a letter be sent to the donors acknowledging their donation'. This will be used by the Marshall Fire Department to purchase a pickup, ATV and trailer. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER PERSONNEL POLICY AMENDMENT TO SECTION 8.12 TOBACCO-FREE WORKPLACE:**

Ben Martig, City Administrator, indicated the current City policy prohibits tobacco use in all City buildings and vehicles. At the October 9, 2012 City Council meeting, the Council approved an Administrative Code policy that designates specific smoking areas for employees. This proposed amendment would add to the prior approvals (no smoking in City buildings or vehicles and smoking only in designated locations) to also prohibit employee tobacco use during paid time, this would include paid employee breaks. Staff is recommending the effective date of

REGULAR MEETING – OCTOBER 23, 2012

March 1, 2013 in advisement from our labor attorney in order to provide adequate time for implementation questions and for employee tobacco cessation actions. This policy was reviewed and unanimously recommended for approval by the Council Personnel Committee at their October 9, 2012 meeting.

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'to approve the personnel policy amendment to Section 8.12 Tobacco-Free Workplace to be effective March 1, 2013'. Staff rationale for the policy amendment includes: 1) Creates a safer and more healthy working environment; and 2) Reduction of employee absenteeism; and 3) Increased employee productivity; and 4) Tobacco-free worksite policies motivate tobacco users to quit; and 5) Direct health care costs can be reduced; and 6) Building maintenance costs can be reduced; and 7) Reduced risk of fire. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Carried 5 – 2**, with Jennie Hulsizer and Mike Boedigheimer voting no.

**CONSIDER THE BLUE CROSS BLUE SHIELD PLAN FOR EMPLOYEE HEALTH INSURANCE RENEWAL WITH EMPLOYER AND EMPLOYEE CONTRIBUTION FOR 2013:**

Ben Martig, City Administrator, indicated that Bill Chukuske and staff have been working on different scenarios for health insurance contributions based on the Blue Cross Blue Shield Plan. The health insurance rate increase this year is 6%. Mr. Chukuske did seek quotes from other insurance carries. Two responded that they could not match the City rate; one responded that their rates were higher (state plan mandated to bid) and one did not respond at all. Therefore, it is recommended to stay with Blue Cross Blue Shield. The Personnel Committee met on Tuesday, October 9, 2012 to review the employee health insurance contributions. There was a motion by DeCramer seconded by Ritter to recommend to Council approve the 2013 change with a "50-50" split on the share of the premium increase. The two members in attendance approved the recommendation. This information was also presented at the October 16, 2012 budget worksession.

Doom moved, Ritter seconded, to approve the 2013 health insurance renewal contributions as presented with a "50-50" split on the share of the premium increase. All voted in favor of the motion.

**CONSIDER ENGAGEMENT AGREEMENT WITH MOSS & BARNETT FOR CABLE FRANCHISE AGREEMENT RENEWAL NEGOTIATIONS:**

Ben Martig, City Administrator, indicated that the City's existing cable franchise agreements with Knology (now WOW) and Charter are set to expire in 2013. The engagement agreement will provide staff a legal agreement to proceed in working further with Moss and Barnett on the renewal negotiations. The City of Marshall worked with them previously. It is important to use Moss & Barnett for some consulting service as this is a specialized field. Moss and Barnett has provided a draft work plan as an illustration of some items that will be addressed at the meeting. Some of these may be determined worthy to pursue but some or all may not. Staff will be further reviewing and discussing and providing a recommendation to Council if we do pursue. It is important to begin the process for negotiations and outside legal advice is important to understand what is or is not negotiable under the law.



Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to approve agreement with Moss & Barnett for Cable Franchise Agreements negotiations'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**CONSIDER 2013 EMPLOYEE DENTAL BENEFIT RENEWAL WITH GUARDIAN:**

Ben Martig, City Administrator, indicated that staff has been working with Bill Chukuske on the renewal of dental benefits. The City currently funds 80% of the employee dental plan premium. The provider is Delta Dental. They are proposing an 11.79% increase in the current plan rates for renewal. Staff asked Chukuske to look at alternative plans. Upon review by Chukuske, the Met Life and Simple options were not comparable to the current plan. Therefore, he recommended going with Guardian which he has worked with before. Chukuske also has contacted several dentists in town and they do accept this provider. If the City changes providers staff will also be initiating an agent change from National Insurance Services of WI to Mr. Chukuske. The 2012 annual employer cost with Delta Dental is \$72,717 and the 2013 annual employer cost with Guardian will be \$71,383.

Mr. Chukuske indicated that Guardian's plan is equal to or better than the current plan with Delta Dental.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve the 2013 employee dental benefit plan with Guardian and to continue the 80% employer premium contribution'. The annual premium will be \$71,383. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER 2013 EMPLOYEE LONG TERM DISABILITY INSURANCE RENEWAL WITH MADISON NATIONAL:**

Ben Martig, City Administrator, indicated that the long term disability with Madison National had the same rates proposed for the 2013 renewal as 2012. Staff has been working with Bill Chukuske on the renewal of long term disability to get alternative proposals to see if any money could be saved. Upon review, the current rates are considerably more favorable than the alternatives pursued.

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'to approve the 2013 Employee Long Term Disability Insurance Renewal with Madison National'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER 2013 LIFE INSURANCE POLICY RENEWAL WITH GUARDIAN:**

Ben Martig, City Administrator, indicated that the life insurance with US Able was proposed to increase for the 2013 renewal. Staff worked with Chukuske on getting alternate proposals. The City of Marshall pays 100% of the premium for the basic life and AD&D police. The current monthly cost is \$189.20. The renewal with US Able will increase to \$232.20 per month. The monthly premium with Guardian would be \$172.00 per month.

REGULAR MEETING – OCTOBER 23, 2012

Member (**John DeCramer**) moved, Member (**Charlie Sanow**) seconded to approve the **ORIGINAL** motion 'to approve the 2013 Life Insurance Policy Renewal'. The Life Insurance for 2013 will be with Guardian at a cost of \$172.00 per month and that the Voluntary Plan for employee paid additional insurance could be implemented provided that the required 10 employees of 25% of eligible employees whichever is greater is met. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**COMMISSION/BOARD LIAISON REPORTS:**

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

Byrnes            No report.

Hulsizer        Convention and Visitors Bureau met last week but Hulsizer was unable to attend.

Doom            Planning Commission items were acted on earlier in the meeting.

Sanow           Marshall Area Transit met last week – they are discussing purchasing cameras for the buses.

DeCramer      EDA met last week the Brau Brothers loan was reviewed; Utilities Commission will meet on Wednesday.

Ritter           EDA met but Ritter was unable to attend the meeting.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Council Member Sanow asked about the possibility of using Block 11 for the new liquor store; Council Member DeCramer indicated that the Historical Society held their annual meeting and were concerned with the whereabouts of the room doors from the old library.

**STAFF REPORTS**

Ben Martig, City Administrator, indicated that there will be a worksession on November 5, 2012 to work on the budget; there are three community watch meetings scheduled in regard to the recent burglaries to talk about neighborhood watch programs and get information out to the public.

Dennis Simpson, City Attorney, indicated that the closing for the Brau Brothers will be next week.

**REVIEW OF PENDING ITEMS:**

There were no questions on the pending agenda items.

**INFORMATION ONLY:**

There were no questions on the information items.

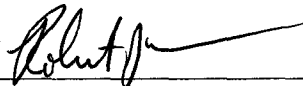
**CONSIDERATION TO MOVE TO CLOSED SESSION TO DISCUSS SALE PRICE OF REAL ESTATE IN ACCORDANCE WITH MN STATUTE 13D.05 SUBD. 3(C)(3) FOR DIVERSION CHANNEL PROPERTY:**

Doom moved, Sanow seconded, to go into closed meeting to discuss sale price of real estate in accordance with MN Statute 13D.05 subd. 3(c)(3) for Diversion Channel property. All voted in favor of the motion.

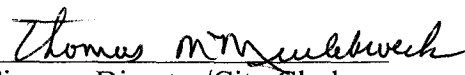
The Council went into closed session at 6:45 P.M. Those present at the closed session included: Byrnes, Hulsizer, Doom, Sanow, DeCramer, Boedigheimer and Ritter. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Finance Director/City Clerk. Others in attendance included: Cal Brink, CEO Marshall Area Chamber of Commerce.

The Council came out of closed session at 7:05 P.M.

Doom moved, DeCramer seconded, that the meeting be adjourned. All vote in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Finance Director/City Clerk