

REGULAR MEETING – DECEMBER 11, 2012

The regular meeting of the Common Council of the City of Marshall was held on December 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 present: Ellayne Conyers, Glenn Bayerkohler, Jennie Hulsizer, John DeCramer, Larry Doom and Mike Boedigheimer. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Sheila Dubs, Human Resource Coordinator; 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.

ADMINISTER THE OATH OF OFFICE TO MAYOR AND COUNCIL MEMBERS:

Finance Director-City Clerk, Meulebroeck, administered the Oath of Office to Mayor Byrnes and Council Members Ellayne Conyers, Glenn Bayerkohler and Larry Doom.

APPROVAL OF AGENDA:

It was the general consensus of the council that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE WORK SESSION HELD ON NOVEMBER 20, 2012, THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 27, 2012, THE MINUTES OF THE WORK SESSION HELD ON NOVEMBER 27, 2012 AND THE MINUTES OF THE SPECIAL MEETING HELD ON DECEMBER 4, 2012:

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the ORIGINAL motion 'that the minutes of the work session held on November 20, 2012, the minutes of the regular meeting held on November 27, 2012, the minutes of the work session held on November 27, 2012 and the minutes of the special meeting held on December 4, 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: 6 Nay: 0 Abstain: 1. The motion **Passed 6 - 0** with Glenn Bayerkohler abstaining.

PROJECT Z05: TIGER PARK STORMWATER DETENTION POND PROJECT - PUBLIC HEARING ON ASSESSMENT:

This was the date and time set for a public hearing on the Tiger Park Stormwater Detention Pond Project Z05. 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 construction of the stormwater ponding includes the entire runoff area associated on the proposed Drainage Plan. Included in the runoff area is an area of approximately 9.3 acres located adjacent to and just outside the city limits, currently owned by Michael A. Geurts of Marshall, Minnesota. After discussions with City Attorney Simpson and a previous directive not to place deferred special assessments outside of the current city limits, it is

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recommended to pay for the storm water management costs of this 9.3 acres from the Surface Water Management Utility Fund until such time as the area is annexed. At that time, the property will be billed for reimbursement of these surface water management costs according to the area annexed within this assessment area.

Glenn Bayerkohler asked if there was a way that the County Recorder's Office could record a future assessment on a piece of property. Staff indicated that they are not sure how this can be handled, but will check into. Mr. Bayerkohler also wanted to know if SMSU owns the west pond. Mr. Olson indicated that SMSU does own the property and the city is currently going through the process to transfer this area to the City.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z05: Tiger Park Stormwater Detention Pond Project'. 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 ADOPTING ASSESSMENT:**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3828, SECOND SERIES, which is the "Resolution Adopting Assessment" for the project, with any adjustments deemed appropriate'. This resolution Adopts the Assessment for Tiger Park Stormwater Detention Pond Project Z05, setting the interest rate at 4% and the assessment being paid in equal annual installments extending over a period of 10 years with the first installment being paid in 2014. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AWARD OF BID FOR THE PICKUP OF GARBAGE AND TRASH FOR
VARIOUS CITY LOCATIONS.**

A bid was received, opened and read on November 21, 2012 for the pickup of garbage and trash for various City locations. The bid received, opened and read was from:

Southwest Sanitation
Marshall, Minnesota
\$15,248.93 for 2 years

It was indicated that the bid of \$15,248.93 reflects a 76% increase. Dan Ritter, Southwest Sanitation, indicated that during the time he was on the City Council he was removing garbage and trash at various city locations way under cost.

There was a brief discussion on the requirement of a performance bond. This will not be a requirement in the future.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to award the contract for the pick-up of garbage and trash to Southwest Sanitation, Inc., for 2013-2014 in the amount of \$15,248.93'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

AWARD OF BIDS FOR STREET DEPARTMENT TRUCK CHASSIS AND DUMP BOX & SNOWPLOW:

In August 2012, a 2001 Dodge one-ton, 4-wheel drive truck was damaged in a vehicle accident. The insurance company totaled the vehicle and will reimburse the City \$17,750, plus tax and some minor miscellaneous costs. Bids were received on December 6, 2012 for the replacement of the one-ton, 4-wheel drive truck chassis damaged in a vehicle accident in August 2012, including the dump box and snowplow, for the Street Department. The snowplow and controls were in need of replacement due to age, type and condition. The bids received, opened and read were from:

Nelson Auto Center
Fergus Falls, Minnesota
2013 GMC Sierra 3500
\$55,249.01

Lockwood Motors, Inc.
Marshall, Minnesota
2013 Chevrolet 3500HD
\$55,274.72

Kruse Ford
Marshall, Minnesota
2013 Ford F350
\$58,701.34

Kruse Ford
Marshall, Minnesota
2013 GMC K3500
\$56,617.64

State of Minnesota Cooperative
Purchasing Venture (CPV)
2013 Chevrolet 3500HD
\$53,570.55 plus mileage

Glenn Olson, Director of Public Works/City Engineer, indicated that the apparent low bid was from Nelson Auto Center of Fergus Falls, Minnesota, in the amount of \$55,249.01. The second low bidder was Lockwood Motors, Inc. of Marshall, Minnesota in the amount of \$55,274.72, a difference of \$325.71. State Statutes require using the State of Minnesota Cooperative Purchasing Venture (CPV) for available purchases estimated to exceed \$25,000 which is addressed in the City's Purchasing Policy. The CPV cost would be \$53,570.55 plus \$1.95 per mile for mileage from Polar Chevrolet in White Bear Lake, Minnesota. The City's purchasing policy allows the local lowest bidder to match the State CPV price. Lockwood Motors was given the opportunity to match the CPV price and declined.

Council Member Doom indicated that the difference between Lockwood Motor bid and the bid from Polar Chevrolet was very minimal when the mileage is added to the bid.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'to award the bid for a 4-wheel drive truck chassis, including the dump box and snowplow, for the Street Department to Lockwood Motor, Inc., Marshall, Minnesota in the amount of \$55,274.72'.

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Council Member Glenn Bayerkohler asked if there was any difference in the warranty work if the vehicle is purchased in Marshall or White Bear Lake. Mr. Olson indicated that there is no difference.

Ben Martig indicated State Statutes require using the State of Minnesota Cooperative Purchasing Venture (CPV) for available purchases estimated to exceed \$25,000 which is addressed in the City's Purchasing Policy and this motion is in direct violation of the City's Purchasing Policy.

Mayor Byrnes indicated that the justification for the awarding of the bid to Lockwood Motor was that the difference between the bid from Polar Chevrolet and Lockwood Motors was approximately \$1,200.

Council Member Boedigheimer indicated that the City of Marshall is required to follow state purchasing policies. Boedigheimer is not in favor of awarding the bid to an out of town vendor, but there is a City policy allowing local bidders to meet the CPV, which was offered to Lockwood and they chose not to match the price.

Council Member Doom indicated that part of the reason for awarding this bid locally was that whenever the City is looking for donations Lockwood Motors always supports the City.

Bill Ziegenhagen supports Doom's motion and indicated that Lockwood Motors always support the events in the City of Marshall. Bill indicated that for a difference of \$1,500 the bid needs to be awarded locally.

Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion **Passed 4 – 3**, with Glenn Bayerkohler, Jennie Hulsizer and Mike Boedigheimer voting no.

CONSIDER APPROVAL OF CONSENT AGENDA:

Council Member Bayerkohler requested that the following items be removed from the consent agenda: consider Under 21 Exemption for liquor establishments for 2013; approval of Wage Schedule Amendment for Temporary/Seasonal Employees; Engagement Letter for Audit Services for 2012 Financial Statements; Amendments to the Personnel Policy Manual; Marshall Senior Citizen Agreement; and Lease Agreement with Lutheran Social Services (LSS) for the Adult Community Center.

Member (**John DeCramer**) Moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the council approve the following 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 renewal of the On-Sale Intoxicating Liquor Licenses, Sunday On-Sale Intoxicating Liquor Licenses, Wine License, 3.2 Malt Liquor Beverage On-Sale Licenses, 3.2 Malt Beverage Off-Sale Licenses, and Tobacco Licenses for 2013 contingent upon certificates of insurance being received, the appropriate fees being paid and all requirements of the City code being complied with.

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ON-SALE INTOXICATING LIQUOR LICENSE (\$4,200 per year)

American Legion	Applebee's Neighborhood Grill & Bar
Caldo Italian Kitchen	Dickey's Barbecue Pit
El Rancho #2	Gambler
Hitching Post Eatery and Saloon	Mariachi Fiesta
Marshall Bowl	Marshall Golf Club
Ramada	Sam's Place
TK's Steakhouse and Pappy's	Varsity Pub
Wooden Nickel	

ON-SALE INTOXICATING SUNDAY LIQUOR LICENSE (\$200 per year)

American Legion	Applebee's Neighborhood Grill & Bar
Caldo Italian Kitchen	Dickey's Barbecue Pit
El Rancho #2	Hitching Post Eatery and Saloon
Mariachi Fiesta	Marshall Bowl
Marshall Golf Club	Ramada
Sam's Place	TK's Steakhouse and Pappy's
Varsity Pub	Wooden Nickel

WINE LICENSE (\$800 per year)

Hunan Lion

3.2 MALT BEVERAGE ON-SALE LICENSE (\$250 per year)

Hunan Lion	Pizza Hut
Pizza Ranch	Prairie Event Center

3.2 MALT BEVERAGE OFF-SALE LICENSE (\$90 per year)

Casey's General Store	Cattoor's
County Fair	Express Way of Marshall
Freedom Value Center	Hy-Vee Food Store
Hy-Vee Gas Station	La Mexicana
Prairie Pride Cooperative – Ampride West	Wal-Mart

TOBACCO LICENSE (\$75 per year)

American Legion	Casey's General Store
Cattoor's	County Fair
Express Way of Marshall	Freedom Value Center
Hy-Vee Food Store	Hy-Vee Gas Station
Marshall Golf Club	Marshall Liquor Store
Marshall Tobacco Inc.	Prairie Pride Cooperative – Ampride Main
Prairie Pride Cooperative – Ampride West	Sam's Place
Super America	Wal-Mart

The Council acknowledges and authorizes the final payment application to Duininck, Inc. of Prinsburg, Minnesota, in the amount of \$32,710.04 for the Madrid Street Bridge Project Y60, contingent upon receipt of final closeout documents.

The Council acknowledges and authorizes the final payment application to R&G Construction Co. of Marshall, Minnesota in the amount of \$53,089.67 for the Marshall Airpark East Entrance Road Project Y67, contingent upon receipt of final closeout documents.

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The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on January 13, 2013 at the SMSU Upper Conference Center, 1501 State Street, Marshall, Minnesota for the HyVee Holiday Party.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University to use on January 24, 2013 at the SMSU Upper Conference Center, 1501 State Street, Marshall, Minnesota for the Baseball Wild Game Feed.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 81936 through 82156.

APPROVAL OF ITEMS PULLED FROM CONSENT:

CONSIDER UNDER 21 EXEMPTIONS FOR LIQUOR ESTABLISHMENTS FOR 2013:

Per Section 6-215 (c), of Ordinance Number 646, Second Series, those establishments that hold a Liquor License from the City may request an exemption under this ordinance if there Liquor Sales are less than 30% of their gross sales.

Council Member Bayerkohler indicated that he didn't see a need for the Council to formally approve an exemption. Attorney Simpson indicated that this has always been approved by the Council.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'Staff recommends a motion to grant the Under 21 Exemption for 2013 to Applebee's, Hitching Post, Marshall Bowl, Marshall Golf Club, and TK's Steakhouse & Pappy's as per Ordinance Number 646, Second Series, Section 6-215 (c)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF WAGE SCHEDULE AMENDMENT FOR TEMPORARY/SEASONAL EMPLOYEES:

Council Member Glenn Bayerkohler wanted to know why the proposed amendment was only for the Public Ways Workers. Sheila Dubs, Human Resource Coordinator, indicated that all of the temporary/seasonal classifications are reviewed on an annual basis by the department and the Personnel Committee. The request at this time is for increasing the range for one classification, the Public Ways Worker; by \$0.25 for each step. This change would be effective 1/1/2013. The Personnel Committee met on November 26, 2012 and voted unanimously to approve the amended wage schedule.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'Staff recommends a motion to approve the amended Wage Schedule for Temporary/Seasonal Employees'. This amendment would increase the pay range by \$0.25 for each step under the Public Ways Worker Temporary/Seasonal Classification. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER ENGAGEMENT LETTER FOR AUDIT SERVICES FOR 2012 FINANCIAL STATEMENTS:

Council Member Glenn Bayerkohler indicated that according to the Engagement Letter for Audit Services the audit would be completed no later than June 30, 2013. Mr. Bayerkohler indicated that he checked with other cities that use Abdo Eick & Meyers LLP and their audit reports are completed earlier and wanted to know if there was any way that the City's audit could be completed earlier.

Thomas M. Meulebroeck, Finance Director/City Clerk indicated that June 30, 2013 is date the audit needs to be sent to the State of Minnesota.

Mr. Bayerkohler indicated that the audit should be done sooner and Mr. Meulebroeck indicated that the schedule depends on when staff is able to complete the necessary paperwork required for the auditors to complete the audit.

Member (**Glenn Bayerkohler**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to approve the engagement letter for Abdo, Eick & Meyers, LLP to perform the audit services for the City of Marshall's 2012 Financial Statements'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 – 0**

CONSIDER APPROVAL OF AMENDMENTS TO THE PERSONNEL POLICY MANUAL:

Council Member Glenn Bayerkohler was concerned with amendment to section 6.2 of the Personnel Policy - Group Health and Welfare (6.2): insert the word "eligible". Under the current policy, full-time and ¾ time employees are eligible for health insurance benefits, part-time and temporary employees are not eligible. There is a waiting period for eligible employees--- coverage becomes effective on the 1st of the month following 30 days of employment. By inserting the word "eligible", the term "30 days of eligible employment" in the policy becomes clear that a part-time or temporary employee is not automatically eligible for benefits at Day 1 of their promotion or transfer; a waiting period still applies.

Mr. Bayerkohler was concerned with there not being a definition of "eligible". Mr. Bayerkohler also indicated that eligible should be changed to enrollment.

Sheila Dubs, Human Resource Coordinator, provided Mr. Bayerkohler with the background information and indicated that the Personnel Committee has reviewed these proposed amendments. Finance Director/City Clerk Thomas Meulebroeck indicated that the word "enrollment" should not replace the word "eligible".

Mayor Byrnes indicated that this discussion should be continued by the Personnel Committee and the approval of these amendments should be tabled.

Member (**Jennie Hulsizer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the amendments to the Personnel Policy Manual be tabled and referred to personnel committee for recommendation'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Larry Doom voting no.

APPROVAL OF THE MARSHALL AREA SENIOR CITIZEN AGREEMENT:

Council Member Glenn Bayerkohler asked what is the purpose of the Marshall Area Senior Citizen Agreement. This lease provides for Marshall Area Senior Citizen's Inc. (MASC, Inc.) to rent space at the Adult Community Center. They pay \$550.00 per month for this agreement.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve the rental Agreement Proposal between the Marshall Area Senior Citizen's Inc. (MASC, Inc) and the Marshall Senior Citizen's Commission'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF LEASE AGREEMENT WITH LUTHERAN SOCIAL SERVICES (LSS) FOR THE ADULT COMMUNITY CENTER:

Council Member Glenn Bayerkohler asked how the rate of \$0.20 per meal is determined and if this covers the utilities costs. Mayor Byrnes indicated that the rate per meal is determined by the Minnesota Department of Health.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'approve the lease agreement between the City of Marshall and Lutheran Social Services (LSS) at a rate of 20 cents per meal'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF SHORT-TERM STAFFING SOLUTIONS IN POLICE DEPARTMENT:

Sheila Dubs, Human Resource Coordinator, indicated that City staff is requesting the City Council approval to schedule a part-time officer for more than 30 hours per week on a short-term basis, lasting approximately 4 to 6 months. The City has received resignations from two full-time police officers in the past 30 days, have information on one additional full-time officer that will be resigning shortly, and have one other full-time officer out on a medical leave of absence for an undetermined amount of time. This is causing staffing issues in the short-term. Staff has initiated the hiring process for Police Officers; however, this process requires compliance with POST (Peace Officers Standards and Training) regulations as well as state laws that require extensive backgrounding of candidates for an eligibility roster. The process to hire an officer will take approximately 30 days and the field training for new officers takes 14 weeks. Therefore, as a short-term solution, staff would like the ability to schedule the current part-time officer for more hours, filling vacant shifts. In accordance with the Personnel Policy City Council approval is required to schedule a part-time employee for an average of 30 hours per week or more during a 12-month period. The employee would be returned to a part-time schedule (less than 30 hours per week) when the new officers have completed field training. There would be no impact to benefits as part-time employees are not eligible for benefits. The employee would be eligible for overtime in accordance with the City's overtime policy for non-union employees. Staff is also reviewing opportunities with the resigning employees to return to work on a sporadic basis to fill vacant shifts until the newly hired officers have completed their field training.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion ' the scheduling of a part-time Police Officer for an average of 30 or more

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hours per week on a short-term basis'. 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 CHANGE ORDER NO. 1 WITH R&G CONSTRUCTION CO:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall has contracted with R&G Construction Co. for the construction of three stormwater detention and treatment ponds for the runoff area located north of T.H. 19 and east of T.H. 23. During the construction of the ponds, the City received approval by the voters for the funding of an amateur sports center located in this area. Upon review of some basic needs of a future facility, one of the items discussed was the need for water for irrigation for the sports fields and adjacent areas. The expansion of the existing high school pond would enable water to be used from the pond for irrigation purposes for both the future amateur sports facilities and possibly the existing high school facilities as well. As the contractor was already excavating the pond, it seemed prudent to investigate the possibility of deepening that pond by 2 feet to allow a greater volume to be utilized for the irrigation thereby reducing water costs from water utilized from Marshall Municipal Utilities (MMU). After discussions with MMU, they felt it was also a good idea as the water supply for the City of Marshall is minimal at best at this time, and they are in the process of constructing new wells to supplement their existing supply for future city needs. The additional excavation will be utilized on the adjacent property for the development of the amateur sports center's fields. This potential change order has been brought to a previous Council meeting and indicated that staff would be bringing this change order forward as soon as possible prior to the first of the year.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council approves Change Order No. 1 with R&G Construction Co. resulting in a contract increase in the amount of \$84,995.00'. This Change Order is for the tiger Park Stormwater Detention Pond Project Z05. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**APPROVE RESOLUTION FINAL PLAT OF WESTERN MENTAL HEALTH CENTER
ADDITION:**

Dennis Simpson, City Attorney, indicated that Marshall City Subdivision Ordinances requires formal subdivision of land resulting from the split of property previously unplatted. The plat was previously prepared and was approved by Council on December 22, 2009. Approval of the plat is good for a period of 90 days pursuant to Marshall Ordinance 66-72. The plat was circulated for signature but was not returned to the City until recently. Again, ordinance 66-72 indicates that plat must be filed within 90 days of approval of the plat. The original plat is at City Clerk's office. Mr. Simpson indicated that it is required that the authorizing resolution and plat be filed simultaneously with the recorder's office. This resolution does authorize filing of the plat within 90 days of this resolution approval. The resolution is a technical change required for the filing of the Western Mental Health Center Addition plat.

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Council Member Glen Bayerkohler was concerned with the “whereas” in the resolution and he was not sure that was necessary. Mr. Simpson indicated that it seems appropriate.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3829, SECOND SERIES approving of the final plat for Western Mental Health Center Addition'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVE RESOLUTION FINAL PLAT OF HUDSON AVENUE ADDITION:

Marshall City Subdivision Ordinances requires formal subdivision of land resulting from the split of property previously unplatted. Property along Hudson Avenue is not platted and subdivision ordinances require platting of property. The Plat was previously prepared and was approved by Council on July 28, 2009. Approval of the plat is good for a period of 90 days pursuant to Marshall Ordinance 66-72. An ownership issue of the property to be platted was changing and as such it was difficult to obtain signatures on the plat within the 90 days time period. The specific problem involved ownership of property by the Federal Housing and Urban Development Agency and also State non-profit organization. Ownership changed and the plat has been redrafted and amended several times. Original plat is at City Attorney’s office and we are attempting to obtain final necessary signatures. The resolution is necessary as it is required that the authorizing resolution and plat be filed simultaneously with the recorder’s office. This resolution does authorize filing of the plat within 90 days of this resolution approval. The resolution is a technical change required for the filing of the Hudson Avenue Addition plat.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3830, SECOND SERIES approving the final plat for Hudson Avenue addition'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

NOMINATION AND CONSIDERATION OF APPOINTMENT OF CITY ATTORNEY:

Mayor Byrnes recommended that Dennis Simpson be appointed as City Attorney for a two year term from December 11, 2012 to January 13, 2015.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that Dennis H. Simpson, an attorney with the firm of Quarnstrom, & Doering, P.A., be appointed as City Attorney through the approval of the Memorandum of Understanding'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER MAYORAL APPOINTMENT FOR COUNCIL MEMBERS TO BOARDS/COMMISSIONS AND COMMITTEES:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'approval of the Mayoral appointments to the various Boards/Commissions and Committees.' Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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Personnel Committee

John DeCramer
Larry Doom
Jennie Hulsizer

Legislative & Ordinance Committee

Glenn Bayerkohler
Ellayne Conyers
Mike Boedigheimer

Ways & Means Committee

Glenn Bayerkohler
Mike Boedigheimer
John DeCramer

Equipment Review Committee

Mike Boedigheimer
Larry Doom
Glenn Bayerkohler

Public Improvement Committee/ Transportation Committee

Jennie Hulsizer
Larry Doom
Ellayne Conyers

Airport Commission: Mike Boedigheimer
Community Services Advisory Board: Ellayne Conyers
Economic Development Authority (2): Mike Boedigheimer, John DeCramer
Housing Commission: Glenn Bayerkohler
Human Rights Commission: Ellayne Conyers
Library Board: Glenn Bayerkohler
M.E.R.I.T. Center Commission (2): Mike Boedigheimer, John DeCramer
Planning Commission: Jennie Hulsizer
Police Advisory Board: Jennie Hulsizer
Senior Citizen Center Commission: Ellayne Conyers
Utilities Commission: John DeCramer
Convention & Visitors Bureau: Larry Doom
Marshall Area Transit Committee: Jennie Hulsizer
Southwest Minnesota Amateur Sports Center: Larry Doom
(Mayor Byrnes Boardmember)

SELECTION OF PRESIDENT PRO TEM BY CITY COUNCIL:

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that Michael Boedigheimer be appointed as President Pro Tem for the City Council'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion **Passed 6 - 0** with Mike Boedigheimer abstaining.

COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes No report.

Hulsizer No report.

Doom No report.

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DeCramer No report.

Boedigheimer No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

There were no Council Member individual items.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that a budget request from Western Community Action would be included on the agenda on the December 18, 2012 council meeting. The final pay request from TSP for the Marshall Lyon County Library will be presented at the December 18, 2012 council meeting.

Glenn Olson, Director of Public Works/City Engineer, indicated that the snow removal of city streets went well. There were a few concerns from the residents, but Mr. Olson asked that the residents be patient. There are three crews that do various areas around town and that all the streets get a onetime though by the snow plow on the day after the storm and they go back later to complete the snow removal.

Council Member Boedigheimer was concerned with there being no where to park along parts of Main Street due to the fact that the businesses remove snow from the sidewalks to the street.

Mr. Olson indicated that he will talk to MN/DOT about coordinating their snow removal with the city snow removal including the area where cars park along Main Street.

Dennis Simpson, City Attorney, indicated that all the Ralco documents have been executed.

PENDING ITEMS:

There were no questions on the current list of 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, Boedigheimer 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 7:18 P.M. Those present at the closed session included: Byrnes, Hulsizer, Doom, Bayerkohler, DeCramer, Boedigheimer and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Finance Director/City Clerk. Others in attendance included: Cal Brink, CEO Marshall Area Chamber of Commerce.

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The Council came out of closed session at 7:32 P.M.

CONSIDER APPROVAL OF DIVERSION CHANNEL LAND SALE TO CENTROL CROP CONSULTING:

Cal Brink, CEO Marshall Area Chamber of Commerce, reviewed the purchase agreement for the sale of property to Centrol Crop Consulting. Mr. Brink indicated that this area consists of 2.56 acres and a purchase price of \$75,000. Centrol Crop is responsible for relocating storm sewer based on their needs; for all of the costs associated with the preparation of the Plat; and for all conditions subject to and contingent upon the approval of the Marshall City Council. There is no commitment to building time frame or plans.

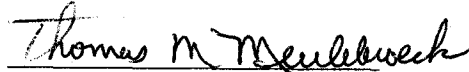
Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve purchase agreement with Centrol Crop Consulting for 2.56 acres located along the Diversion Channel at a cost of \$75,000'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) 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:



Financial Director/City Clerk