

REGULAR MEETING – DECEMBER 18, 2012

The regular meeting of the Common Council of the City of Marshall was held on December 18, 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; 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 with the addition of new business item for Mayoral Commission appointments and Reconsideration of Resolution to Adopt Special Assessments for Project Z05: Tiger Park Stormwater Detention Pond Project.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 11, 2012:

Member (**Jennie Hulsizer**) moved, Member (**Larry Doom**) seconded to approve the minutes of the regular meeting held on December 11, 2012 as corrected 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**

PUBLIC HEARING TO AMEND WAGES FOR MAYOR AND COUNCIL MEMBERS:

This was the date and time set for a public hearing to amend wages for the Mayor and Council Members. Ben Martig, City Administrator, indicated that in accordance with the City of Marshall Charter, Section 2.07, the Mayor and City Councilmember's should discuss salary wage rate increase at the first council meeting in July. Section 2.07. "Salaries of the Councilmember's and Mayor shall be discussed as an agenda items at the first council meeting in July of each year. After said discussion, the council shall set and determine said salaries in accordance with the applicable state law." At the meeting August, Council suggested a policy to follow what other non-union employees receive for adjustments on an annual basis going forward. This would require a lag of one year as the 2012 rate was adopted with a 2% wage rate increase and the 2013 rate was adopted with a 2% wage rate increase. Staff and the City Attorney's office agrees the ordinance should have fixed dollar amounts to be in compliance with state statutes. The ordinance is proposed for this meeting in order to go into effect the first of January 2013. This amount was used for budgeting purposes as well.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on amending wages for Mayor and Council members'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER ORDINANCE AMENDING WAGES FOR MAYOR AND COUNCIL MEMBERS:

Member (**Jennie Hulsizer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to adopt ORDINANCE NUMBER 666, SECOND SERIES, amending wages for Mayor and Council members'. This ordinance provides for the salary of the Mayor to be \$700.91 per month and the salary for the Council Members to be \$443.33 per month effective January 1, 2013 and the salary for the Mayor to be \$714.93 per month and the salary for the Council Members to be \$452.20 per month effective January 1, 2014. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING ON AMENDMENT TO THE CITY CODE OF ORDINANCES CHAPTER 70 - TAXATION RELATED TO IMPLEMENTATION OF A .5% GENERAL SALES AND USE TAX:

This was the date and time set for a public hearing on the amendment to the City Code of Ordinances Chapter 70 Taxation related to the implementation of a .5% general sales and use tax. Ben Martig, City Administrator, indicated that Attorney Mike Norton, Kennedy & Graven, has included revisions proposed by the State of Minnesota to initiate the implementation of the .5% general sales and use tax authorized by voters this November.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the amendment to the City Code of Ordinances Chapter 70 Taxation related to implementation of a .5% General Sales and Use Tax'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Jennie Hulsizer voting no.

CONSIDER ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES CHAPTER 70 TAXATION RELATED TO IMPLEMENTATION OF A .5% GENERAL SALES AND USE TAX:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to adopt ORDINANCE NUMBER 667, SECOND SERIES Amending City Code of Ordinances Chapter 70 Taxation related to the implementation of a .5% General Sales and Use Tax'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Jennie Hulsizer voting no.

PUBLIC HEARING ON ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES CHAPTER 70 - TAXATION RELATED TO IMPLEMENTATION OF AN ADDITIONAL 1.5% LODGING TAX:

This was the date and time set for a public hearing on the ordinance to amend the City Code of Ordinances Chapter 70 Taxation related to the implementation of an additional 1.5% Lodging Tax. This ordinance is required in order to initiate the State approval of the special tax authorized by the voters in November.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on amendment of the City Code of Ordinances Chapter 70 Taxation related to implementation of an additional 1.5% Lodging Tax'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES
CHAPTER 70 - TAXATION RELATED TO IMPLEMENTATION OF AN
ADDITIONAL 1.5% LODGING TAX:**

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to adopt ORDINANCE NUMBER 668, SECOND SERIES Amending Chapter 70 of the Code of Ordinances for the City of Marshall Amending Article II Lodging Tax. This amendment provides for the implementation of an additional 1.5% Lodging Tax'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 - 1** with Jennie Hulsizer voting no.

**PUBLIC HEARING TO AMEND THE CITY CODE OF ORDINANCES CHAPTER 70
TAXATION RELATED TO IMPLEMENTATION OF A 1.5% PREPARED FOOD &
BEVERAGE TAX:**

This was the date and time set for a public hearing on the ordinance to amend the City Code of Ordinances Chapter 70 Taxation related to the implementation of a 1.5% Prepared Food and Beverage Tax.

Kris Shover, Marshall Bowl was concerned how this tax would be calculated related to contracts they are committing to and when it will be effective. Mr. Martig indicated that the State of Minnesota Department of Revenue would need to answer specific questions. Information will be available once the ordinances are implemented.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to close the public hearing on amendment to the City Code of Ordinances Chapter 70 Taxation related to implementation of a 1.5% Prepared Food & Beverage Tax'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

**CONSIDER ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES
CHAPTER 70 - TAXATION RELATED TO IMPLEMENTATION OF A 1.5%
PREPARED FOOD & BEVERAGE TAX:**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to adopt ORDINANCE NUMBER 669, SECOND SERIES Amending Chapter 70 of the Code of Ordinances for the City of Marshall Adopting a Food and Beverage Tax. This amendment provides for the implementation of a 1.5% Prepared Food and Beverage Tax'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed. 6 - 1** with Jennie Hulsizer voting no.

**CONSIDER AWARD OF PROPOSAL FOR LARGE FORMAT PLOTTER FOR THE
ENGINEERING DEPARTMENT:**

Proposals were received, opened and read on December 10, 2012 for a 60" Ink Jet Large format Plotter for the Engineering Department. The proposals received, opened and read were from:

A & B Business Solutions
Sioux Falls, South Dakota
HP Z6200 - \$20,000.00

Computer Man
Marshall, Minnesota
Canon IPF 94005 - \$13,450.85

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Computer Man
Marshall, Minnesota
HP Z6200 - \$16,771.35

Franz Reprographics
Brooklyn Center, Minnesota
Canon IPF 94005 - \$11,327.07

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the bid for a Large Format Plotter (Canon IPF 94005) for the Engineering Department to Franz Reprographics of Brooklyn Center, Minnesota in the amount of \$11,327.07, including sales tax'. 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 Glenn Bayerkohler requested that the consideration of the Taxi License for Downtown DD LLC dba Marshall Taxi be pulled from the consent agenda.

ORIGINAL - Motion

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) 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 approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on January 23, 2013 at Avera, 300 South Bruce Street, Marshall, Minnesota.

The introduction of an ordinance to rezone a part of the property located at 604 Village Drive from R-2 (One to Four Family Residence District) to R-4 (Higher Density Multiple Family Residence District).

The approval of the On-Sale Intoxicating Liquor License for the Eagles Club for 2013 contingent upon all requirements of the City code being complied with

The adoption of RESOLUTION NUMBER 3831, SECOND SERIES, which is a resolution Approving the Re-appointment of a Commissioner to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution re-appoints Michael Boedigheimer for a five (5) year term to expire on December 31, 2017 to the Marshall Housing and Redevelopment Authority.

The adoption of RESOLUTION NUMBER 3832, SECOND SERIES, which is a resolution Approving the Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution appoints Ellayne Conyers and Glenn Bayerkohler for five (5) year terms to expire on December 31, 2017 to the Marshall Housing and Redevelopment Authority.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 82157 through 82297.

CONSIDER APPROVAL OF TAXI LICENSE FOR DOWNTOWN DD LLC DBA MARSHALL TAXI:

Council Member Glenn Bayerkohler was concerned that there was a consent form for an individual that was not included on the application and there was an individual on the application that did not complete a consent form. It was indicated that staff will follow up on this.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve a Taxi Cab License for Downtown DD LLC dba Marshall Taxi'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER THE REQUEST OF JAMES SKEWES, FOR A VARIANCE ADJUSTMENT PERMIT TO REVISE THE CONDITIONS OF THE PREVIOUSLY ISSUED VARIANCE ADJUSTMENT PERMIT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from James Skewes of Skewes Jewelry for a Variance Adjustment Permit to revise a previous variance adjustment permit granted in September 2012. The owner requests that condition number four, which is the new building, shall have at least 3 foot high masonry veneer and no metal panels shall be used for siding and roofing be omitted. The owner is constructing a new building that will house an RC car racing track. The site already contains an established jewelry store and is relatively tight. Previously the owner applied for a variance to reduce the number of parking spaces and encroach into required rear yard. That request was granted with four conditions one of which was that the new building shall have at least 3 foot high masonry veneer and no metal panels shall be used for siding and roofing. The purpose for this condition was to match the existing building and make the site look better in consideration of the variance provisions. However, currently there is nothing in the Ordinance for standards pertaining to the building appearance. During the original variance request hearing the owner concurred with all conditions and stated that installing a matching veneer and siding was his intent to begin with. The owner has now suggested their intent would be to side the entire building with vinyl siding with 2-colors. However, by removing that entire section there would be no standards in place. Also, for future considerations if not in the variance then there could be changes made to the building at any time. Since this is purely an aesthetics issue and affects the appearance of the building only, the City Staff refrains from recommendations. Please note that staff has had design standards for building and landscaping on a work task list for some time and have a draft that is intended to come forward in 2013. Also, the development of design standards have been identified as a goal in the City Comprehensive Plan as well.

James and Brandon Skewes were in attendance at the meeting and indicated that by removing condition number 4 they would be able to use vinyl on the outside of building at a savings of approximately \$6,000. Brandon indicated that with the setback change the building is larger than the original plan.

Member (**Mike Boedigheimer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council approve the variance adjustment to revise the conditions of the previously issued variance adjustment permit'. This permit would remove the condition that the new building shall have at least 3 foot high masonry veneer and no metal panels shall be used for

siding and roofing. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Larry Doom voting no.

PROJECT Y93 / SP 4210-40 / SAP 139-010-015: T.H. 68/LAKE STREET TURN LANE IMPROVEMENTS – CONSIDER CHANGE ORDER NO. 2:

Glenn Olson, Director of Public Works/City Engineer, indicated that Project Y93 / SP 4201-40 / SAP 139-010-015 T.H. 68/Lake Street Turn Lane improvements included the installation of turning lanes and an acceleration lane at the intersection of T.H. 68 and Lake Road, including the Lake Road approach and truck acceleration lane on T.H. 68. The improvement included excavation and embankment, drainage, gravel base, asphalt surfacing, traffic control, and miscellaneous items. The items on the final change order are generally the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the City Council approves Change Order No. 2 (Final) with McLaughlin & Schulz, Inc. of Marshall, Minnesota, resulting in a contract decrease of \$(550.68) and a total contract amount of \$670,843.67'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z08: BITUMINOUS CHIP SEAL PROJECT – CONSIDER CHANGE ORDER NO. 1:

Glenn Olson, Director of Public Works/City Engineer, indicated that the items on the final change order for the Bituminous Chip Seal Project Z08 are generally the result of final measurements and changes in item quantities during construction.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the City Council approves Change Order No. 1 (Final) with McLaughlin & Schulz, Inc. of Marshall, Minnesota, resulting in a contract decrease of \$(6,183.24) and a total contract amount of \$44,066.28'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z09: BITUMINOUS OVERLAY PROJECT – CONSIDER CHANGE ORDER NO. 1:

Glenn Olson, Director of Public Works/City Engineer, indicated that the items on the final change order for the Bituminous Overlay Project Z09 are generally the result of final measurements and changes in item quantities during construction. The additional quantities resulted from extra mill of rutting and overlay adjacent to the sanitary sewer replacement project on West College Drive adjacent to the Armory and additional mill and overlay for the curb lane on Elm Street. All work has been completed in accordance with the specifications.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the City Council approves Change Order No. 1 (Final) with McLaughlin & Schulz, Inc. of Marshall, Minnesota, resulting in a contract increase of \$29,565.12 and a total contract amount of \$250,491.22'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Y87: WEST MAIN SANITARY SEWER IMPROVEMENT PROJECT --
CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of sanitary sewer and storm sewer utilities, partial street reconstruction, and partial resurfacing. The proposed project will impact West Main Street from North T.H. 59 to the bridge over the Redwood River Diversion Channel. Mn/DOT recently completed a milling and overlay of T.H. 68 from the Redwood River Diversion Channel west to Porter, Minnesota. The section of the Mn/DOT project from T.H. 59 to the Redwood River Diversion Channel was deferred until the City replaced the sanitary sewer main and major storm sewer crossing in that section. This proposed project will be coordinated with Mn/DOT and includes their proposed improvements and their financial participation with the surfacing. The plans and specifications have been prepared by the City staff.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3833, SECOND SERIES which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Y87: West Main Sanitary Sewer Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT E22: LEVEE TREE REMOVAL AND RESTORATION PROJECT-PHASE II
-- AUTHORIZE ADVERTISEMENT FOR BIDS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the removal of trees, stumps and shrubs along portions of the flood protection levee system in the southwest portion of the city. 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). The plans and specifications have been prepared by the City staff. The Corps has given the City until March 2013 to complete these improvements. The Corps has also indicated they will work with the City concerning this project for extension of the deadline based upon the City's cooperation and intent to make the improvements.

Member (**Ellayne Conyers**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council authorize advertisement for bids for Project E22: Levee Tree Removal and Restoration Project-Phase II'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Mayor Byrnes called for a 5-minute recess at 7:05 P.M.

**PROJECT Y93 / SP 4210-40 / SAP 139-010-015: T.H. 68/LAKE STREET TURN LANE
IMPROVEMENTS – ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the City Council acknowledges the Final Payment Application for Project Y93 / SP 4201-40 / SAP 139-010-015 T.H. 68/Lake Street Turn Lane Improvements to

McLaughlin & Schulz, Inc. of Marshall, Minnesota, in the amount of \$45,542.11'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z08: BITUMINOUS CHIP SEAL PROJECT – ACKNOWLEDGMENT OF FINAL PAYMENT APPLICATION:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the City Council acknowledges the Final Payment Application for Bituminous Chip Seal Project Z08 to McLaughlin & Schulz, Inc. of Marshall, Minnesota, in the amount of \$2,203.31'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z09: BITUMINOUS OVERLAY PROJECT – ACKNOWLEDGMENT OF FINAL PAYMENT APPLICATION:

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the City Council acknowledges the Final Payment Application for Bituminous Overlay Project Z09 to McLaughlin & Schulz, Inc. of Marshall, Minnesota, in the amount of \$13,552.50'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RENEWAL OF TRANSPORTATION AGREEMENT FOR 2013 WITH WESTERN COMMUNITY ACTION:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the agreement between Western Community Action, Inc., and the City of Marshall for transit operations within the City of Marshall for the period January 1, 2013 through December 31, 2013. This agreement has been reviewed by the Transit Advisory Committee who did not have a quorum at their November meeting, but those in attendance were supportive of recommending to the City Council to approve this agreement. The only change in the agreement is in Section B-2, which is the amount of \$18,200 that is included in the City Budget for 2013. There is a vehicle replacement scheduled for 2013 per the STIP; therefore the agreement requests the City to fund the 20% or \$14,000 for a vehicle and \$4,200 for the local share to install 3 additional Bus Stop Shelters.

Cathleen Almich, Western Community Action, indicated the Bus Stop Shelters would be located at the Birch Street Apartments; City Side Apartments and at the corner of North 4th Street and Lyon Street.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'to approve the Transportation Agreement with Western Community Action, Inc for 2012'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0** with John DeCramer abstaining.

CONSIDER APPROVAL OF WORKERS COMPENSATION INSURANCE RENEWAL:

Thomas M. Meulebroeck, Finance Director/City Clerk, provided a recap of the Workers Compensation Insurance rates and premium for 2013 in comparison to 2012. The experience modification has decreased from .87 in 2012 to .79 for 2013. The experience modified is based on the claims for the previous three years (2009 – 2011). The renewal effective January 1, 2013

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with the League of Minnesota Cities reflects the deductible remaining at \$5,000.

ORIGINAL - Motion

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to renew the City's Workers Comp Insurance with the League of Minnesota City Insurance Trust for 2013 at an estimated premium of \$161,324.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVE THE CITY OF MARSHALL CAPSTONE ENDOWMENT FUND 2013 PROJECT APPROPRIATION DISCUSSION:

Ben Martig, City Administrator, indicated that the request for the City of Marshall Capstone Endowment Fund 2013 Project Appropriations were presented at a prior budget meeting. Based on the budget requests, staff is suggesting the following 2013 contributions toward the Capstone Endowment Fund: a. Liberty Park Irrigation \$5500; b. Adult Community Center Notebooks (4@\$450 each) \$1800; and c. Sounds of Summer Banners \$2885 (main and liberty park). Subtotal \$10,185 contingency = \$465 The Adult Community Center Ipads would be used to encourage the use of technology for seniors for entertainment, family web connections, and more. Additionally, intergenerational training and interaction would be able to be facilitated with this technology. The irrigation would allow the City to match with 50% private funds that would be solicited in the upcoming year through service clubs and other individual giving. Liberty Park is used for musical performances, weddings, plays and also for general park use of the playground and picnicing. The irrigation will allow for turf that will be able to withstand the usage levels and provide a more quality use of the facility and aesthetic enhancement to one of our signature parks. The Sounds of Summer contribution would allow for the purchase of Sounds of Summer banners in the downtown area and Liberty Park for the dedicated banner pieces. The Sounds of Summer logo is colorful and fun representing the annual community festival and value of music in the community. There will be matching private funds for the banners as well as for the 2013 Sounds of Summer Event that is now the City's signature community event.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'approve the City of Marshall Capstone Endowment Fund 2013 project appropriations as follows: a. Liberty Park Irrigation \$5500; b. Adult Community Center Notebooks (4@\$450 each) \$1800; and c. Sounds of Summer Banners \$2885 (main and liberty park). Subtotal of \$10,185 with a contingency of \$465'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Jennie Hulsizer voting no.

CONSIDER ADOPTION OF RESOLUTION APPROVE 2103 BUDGET:

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 3834, SECOND SERIES adopting the 2013 budget'. This resolution provides for the General Fund revenues of \$10,040,581 and expenditures of \$10,040,581 of which revenues will be supported with a tax levy of \$3,267,392. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0 Abstain: 2. The motion **Passed 5 - 0** with Ellayne Conyers and Glenn Bayerkohler abstaining.

CONSIDER ADOPTION OF RESOLUTION APPROVE 2012 TAX LEVY, COLLECTIBLE IN 2013:

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 3835, SECOND SERIES Adopting 2013 Tax Levy, Collectible in 2013'. This resolution provides for a tax levy as follows:

<u>General Fund Levy</u>		\$3,267,392
<u>Special Levy (Library)</u>		\$524,405
<u>Special Levy (Economic Development Authority)</u>		\$119,677
<u>Special Levy (Debt Service)</u>		
316 2006 "C" Storm Sewer Impr. District Bonds	210,000	
361 2002 "A" Airport Improvement Bonds	0	
363 2005 "A" G. O. Public Improvement Bonds	79,675	
364 2006 "B" G. O. Public Improvement Bonds	40,787	
365 2007 "C" G. O. Public Improvement Bonds	132,861	
366 2008 "B" G. O. Public Improvement Bonds	47,286	
317 2008 G. O. Equipment Certificates	89,208	
367 2009 G. O. Public Improvement Bonds	44,627	
368 2010 G. O. Public Improvement Bonds	40,875	
321 2010 G.O. Capital Improvement Bonds Library	55,331	
369 2011 "B" G.O. Public Improvement Bonds	21,344	
370 2011 "A" G.O. Tax Increment Bonds	26,240	
371 2012 G.O. Public Improvement Bonds	37,775	
2013 G. O. Public Improvement Bonds	50,000	
378 2000 G. O. Public Improvement Bonds	<u>65,683</u>	
		\$1,063,509
<u>Special Levy Tax Abatement (Debt Service)</u>		
369 2011 Tax Abatement (Country Club Dr.)	0	
____ Tax Abatement (Parkway)	<u>0</u>	
		<u>0</u>
TOTAL LEVY		<u>\$4,974,983</u>

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.

CONSIDER AMENDMENT TO THE LIAISONS TO BOARDS AND COMMISSIONS FOR 2013:

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to approve Mayoral Committee assignment revision for Councilmember Hulsizer to move from Planning Commission to Library Board and Councilmember Bayerkohler to move from the Library Board to the Planning Commission'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER MOTION TO RECONSIDER RESOLUTION 3828, SECOND SERIES
ADOPTING ASSESSMENTS FOR PROJECT Z05: TIGER PARK STORMWATER
DETENTION POND PROJECT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that at the December 11, 2012 meeting, the City Council adopted Resolution Number 3828, Second Series, adopting the assessments for the Tiger Park Stormwater Detention Pond Project Z05. The current parcels as assessed include areas defined for storm water detention and treatment areas. These areas are intended to be transferred to the City by agreement for future ownership and maintenance. As these areas will be redefined as new parcels and utilized for storm water detention and treatment, these areas will not be included in the assessable areas. This reassessment will increase the assessment rate for the remaining developable property. However, this reassessment will still reduce the proposed assessment to the property owners in their assessment hearing notice dated December 7, 2012. This reassessment would be consistent with the procedure the City would use as if the ponding property was recorded. Staff is recommending a motion to reconsider. This requires any member voting in the affirmative from last meeting (Mayor and all council voted yes last meeting) and then approval by majority to basically null and void the action from last meeting. Staff then would recommend a motion be made to approve the new amended Resolution adopting assessments.

Member (**John DeCramer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'to Reconsider Resolution 3828, Second Series Adopting 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**

Doom moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3836, SECOND SERIES, which is a Resolution Amending Resolution Number 3828, Second Series Adopting Assessment for Project Z05 Tiger Park Stormwater Detention Pond. 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. All voted in favor of the motion.

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 Planning Commission discussed landscaping.

Bayerkohler No report.

DeCramer No report.

Boedigheimer No report.

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Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Hulsizer indicated that she has been approached by several people wondering how much the City spent on advertising for the referendum. Mr. Martig indicated that the vote yes campaign was funded by private donations. Mr. Martig indicated that staff can put together the city costs for the next council meeting.

Council Member Bayerkohler indicated that the food and beverage sales tax ordinance has a sunset date but the other two ordinances on sales tax and lodging tax do not have sunset dates. Mr. Martig indicated that the attorney drafting the ordinances reference the sunset date by indicating the State Statute that applies. Bayerkohler stated that the sunset date should be included on all the ordinances and the City has the right to include that language in the ordinance.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that staff has worked with TSP on the closeout of the Library Project. Staff received the documentation on December 10, 2012 and are processing for approvals on January 8. This will still allow the City to close out the project for purposes of the 2012 audit. Mr. Martig provided a Rule of Order for the Public in attendance at council meetings. Staff is working on scheduling committee meetings.

Mr. Martig referenced the newspaper article in regard to the School Resource Officers (SCO) time at the school being cut back by one day per week. Mr. Martig indicated that this is due to staffing issues within the Police Department and not a reduction in their budget as reported by the Marshall Independent.

Rob Yant, Director of Public Safety, explained the proposed change included having the SCO serve in a patrol capacity during one day per week.

Mr. Yant indicated that his department needs to meet a 24/7 coverage. Mr. Yant explained that this is one of many scheduling adjustments being made to manage multiple scheduling limitations due to resignations and medial leaves within the Department. These issues are very unusual and very challenging to the department to manage workload needs. The School Resource Officer will be working the same schedule when not at the school and would be the first officer to respond to the school if needed.

Mr. Martig indicated that a part-time officer had been promoted to a full-time position before the budget was approved. Staff has expedited the hiring of a new officer due to the shortage of staff.

Council Member Boedigheimer criticized the decision to cut back the resource officer hours by 20 percent. He indicated that staff can make procedure changes but not policy changes to an agreement.

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Council Member Bayerkohler asked what hours the School Resource Officer works. Mr. Yant indicated that the School Resource Officer works Monday through Friday 8 hours per day and covers all of the schools and will assist the department on other calls if needed.

Council Member Boedigheimer indicated that this is a partnership agreement between the City of Marshall and the School District and he wants the agreement followed and the Resource Officer put back in the school system. Yant indicated that the intent was to place the Resource Officer back in the school system once the staffing issue was resolved.

Boedigheimer moved, Bayerkohler seconded, that City staff follow the policy and partnership agreement that is in existence and restore the 20% cut and the Resource Officer be placed back in the school system immediately.

After some discussion Boedigheimer called the question. Voting in favor of the motion were: Boedigheimer, Hulsizer and Conyers. Voting no were: Byrnes, DeCramer and Doom. Bayerkohler abstained. The motion failed.

Bayerkohler indicated that he abstained because he does not know the terms of the agreement. Bayerkohler agrees with Boedigheimer that the agreement should be put back to full strength, go back and look at the agreement and work with the School District on this issue and together come to an agreement. He would like to have the City Attorney review the agreement.

Bayerkohler moved, Boedigheimer seconded, that the School Resource Officer be returned to the previous staffing level; request that the City Attorney review the written agreement between the City of Marshall and the Marshall School District regarding the School Resource Officer program; after conferring with the City Attorney, the City Administrator and the Director of Public Safety shall discuss the current staffing situation with Marshall School District officials; the City Administrator and the Director of Public Safety will then attempt to reach an agreement with the Marshall School District on how best to resolve the issue of how to provide necessary security for Marshall School District students in light of the fact that, due to recent unforeseen resignations, the Marshall Police Department is currently understaffed; after coming to an agreement with the Marshall School District, the Director of Public Safety shall come back to the City Council with a recommendation on what course of action should be taken regarding the School Resource Officer program; and until the Director of Safety reports back to the City Council with his recommendation, the City Council directs the Director of Public Safety to temporarily restore the School Resource Officer to its regular full-time position.

Council Member DeCramer indicated that he agrees with Bayerkohler, but he is also concerned with the safety of the school and the officers. DeCramer was supportive of extra overtime if needed. City Attorney Simpson indicated that there will be a school break coming up that will provide additional time to resolve.

Council Member Conyers indicated that the number of officers was cut a few years ago and that maybe staff should look at increasing the number of officers. Mr. Yant indicated that when he started there were 21 fulltime officers and now there are 19 fulltime officers and 1 part-time officer. There was some additional discussion relating to staffing needs.

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All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer; and Dennis Simpson, City Attorney, did not have a staff report.

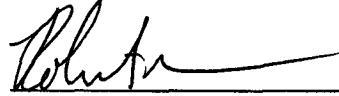
PENDING ITEMS:

There were no questions on the current list of pending agenda items.

INFORMATION ONLY:


There were no questions on the information items.

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