

REGULAR MEETING – MARCH 12, 2013

The regular meeting of the Common Council of the City of Marshall was held on March 12, 2013 in the Professional Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Glenn Bayerkohler, Jennie Hulsizer, John DeCramer, Larry Doom, Mike Boedigheimer and Ellayne Conyers. Absent: None. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Eric Klenken, Police Officer; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on February 26, 2013 be approved as corrected and 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**

PUBLIC HEARING - PROJECT Z06: VICTORY DRIVE IMPROVEMENT PROJECT – PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Project Z06 Victory Drive Improvement Project. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the construction of sanitary sewer, watermain, storm sewer and street on Victory Drive from Tiger Drive to Commencement Boulevard.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the public hearing be closed and the adoption of RESOLUTION NUMBER 3869, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans" for Project Z06: Victory Drive Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING - PROJECT Z15: ELM STREET / NORTH 4TH STREET AREA SANITARY SEWER AND WATERMAIN REPLACEMENT PROJECT – PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Project Z15 Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of the watermain on Elm Street from North 3rd Street to North 4th Street, the watermain on North 4th Street from Elm Street to Whitney Street, the sanitary sewer in the rear yards within the block surrounded by Elm Street, North 4th Street and Whitney Street, and the reconstruction of Elm Street from North

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3rd Street to North 4th Street. He also indicated that a public informational meeting was held on March 5, 2013 at 5:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the public hearing be closed and the adoption of RESOLUTION NUMBER 3870, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans" for Project Z15: Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING - PROJECT Z19: PARK AVENUE RECONSTRUCTION / EAST COLLEGE DRIVE WATERMAIN REPLACEMENT PROJECT – PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Project Z19 Park Avenue Reconstruction / East College Drive Watermain Replacement Project. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of sanitary sewer, the replacement of watermain on Park Avenue from Marshall Street to East College Drive, the replacement of watermain on East College drive from Walnut Street to approximately 150 feet east of Park Avenue, and the reconstruction of Park Avenue from Marshall Street to East College Drive. He also indicated that a public informational meeting was held on March 5, 2013 at 5:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance.

Randy Serreyn, 101 Park Avenue, asked if sidewalks would be installed. Mr. Olson indicated that they would be replacing the sidewalks that are currently there according to ADA Requirements. Mr. Serreyn was also concerned with the condition of the Sanitary Sewer in the alley. Bob VanMoer, Wastewater Superintendent, indicated that this sewer line has been televised and will not be replaced.

Matthew Walker, 103 Park Avenue, indicated that he has underground sprinklers in the boulevard. Mr. Olson indicated that staff will make the contractor aware of this and that the owner should mark the location of the sprinklers.

Council Member Boedigheimer asked why the watermain is being extended. Mr. Olson indicated that the watermain is being extended to the area where the Whitney Statue will be placed.

The Parks Department has requested that the sidewalk be extended from Park Avenue into Liberty Park by the Gazabo.

Member (**Glenn Bayerkohler**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the public hearing be closed and the adoption of RESOLUTION NUMBER 3871, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans" for Project Z19: Park Avenue Reconstruction / East College Drive

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Watermain Replacement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

AWARD OF BIDS FOR WASTEWATER TREATMENT PLANT MOWER:

Bids were received, opened and read on February 5, 2013 for a new Mid-Mount Zero-Turn Commercial Mower with a 72” deck for the Wastewater Treatment. The bids received, opened and read were from:

Schuneman Equipment Marshall, Minnesota John Deere 2960R	\$4,949.38 Total Bid Amount including (\$7,250.00) Trade-In \$1,750.00 2014 Replacement Bid \$1,750.00 2015 Replacement Bid \$12.00 Hourly Cost over 180 hours
Kesteloot Enterprises, Inc. Marshall, Minnesota Grasshopper 329B-72	\$5,130.00 Total Bid Amount including (\$8,470.00) Trade-In \$1,700.00 2014 Replacement Bid \$1,700.00 2015 Replacement Bid \$20.00 Hourly Cost over 180 hours
Kesteloot Enterprises, Inc. Marshall, Minnesota Grasshopper 329-72	\$6,946.88 Total Bid Amount including (\$9,125.00) Trade-In \$1,800.00 2014 Replacement Bid \$1,800.00 2015 Replacement Bid \$20.00 Hourly Cost over 180 hours
Marshall Small Engine Marshall, Minnesota Cub Cadet Commercial Tank M72	\$5,343.75 Total Bid Amount including (\$7,599.00) Trade-In \$2,500.00 2014 Replacement Bid \$2,500.00 2015 Replacement Bid \$10.00 Hourly Cost over 180 hours
Patzer's Marshall, Minnesota Toro 2-Master Pro 6000 74938	\$5,919.81 Total Bid Amount including (\$5,100.00) Trade-In \$2,000.00 2014 Replacement Bid \$2,100.00 2015 Replacement Bid \$12.00 Hourly Cost over 180 hours

Glenn Olson, Director of Public Works/City Engineer, indicated that the Equipment Review Committee met on January 24, 2013 to review the specifications for this unit. The WWTF has an existing 72” lawn mower that is budgeted for replacement in 2013. Staff is currently mowing about 38 acres of the facility and lift stations and staff is using the existing unit approximately 160 hours/year and anticipates approximately 180 hours/year in the future due to the maintenance of an additional lift station area. Staff has priced the trade-in for new models from various local vendors. All vendors indicated they could offer an annual trade-in for a fixed price that would be cheaper than the current hourly cost to run the mower. The advantage of this is that the new mower would always be under warranty, and the dealer would have a good market value

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on the next year's trade in for resale. Bids were received for the new mower with the option of an annual trade-in allowance from the vendors and recommend not to award the bid to the lowest vendor that meets the minimum specifications, but to award to the vendor with the best value. The apparent low bid including all minimum specifications was from Schuneman Equipment, Inc. of Marshall, Minnesota, in the amount of \$4,949.38, including sales tax and trade-in, plus \$1,750/year for 2014 and 2015, plus an additional cost of \$12.00/hour over 180 hours/year. The City retains ownership of the mower at all times, including at the end of 2015. This will allow vendors to bid the unit again at that time. This model's Base Bid price is \$3,800.00 less the current model's Base Bid value that is being traded in. This will reflect in the value after the three-year cycle when staff renegotiates the trade-in value. For an additional \$50.00 per year, the City can trade for a new machine equal in value to the current model and still maintain the trade in value after the three year period. The City also has about \$400.00 of inventory parts for the Grasshopper mower the City currently owns. Council has approved the replacement of this unit and included \$7,500.00 in the 2013 Capital budget for this unit, including trade-in.

Member (**Mike Boedigheimer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **NEW** motion 'that the Council award the bid of a John Deere Z2960R for the Wastewater Department to Schuneman Equipment, Marshall, Minnesota in the amount of \$4,949.38 including sales tax and trade in of the 2009 Grasshopper mower, with an annual replacement cost for a new mower in 2014 and 2015 for \$1,750.00 each year'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion **Passed 6 - 0 with Doom** abstaining.

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**Mike Boedigheimer**) 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 annual renewal of Refuse Haulers Licenses for the period April 1, 2013 through March 31, 2014 at a fee of \$160.00 for Southwest Sanitation Inc., and Waste Management.

The annual renewal of the Consumption and Display Licenses for the period April 1, 2013 through March 31, 2014 at a fee of \$130.00 for the Prairie Event Center, and Southwest Minnesota State University.

The approval of a On-Sale Liquor License for Prairie Home Hospice to use on April 13, 2013 at Minnesota State University Event Center, 1501 State Street, Marshall, Minnesota. The fee for this license is \$30.00.

Call for a public hearing to be held at 5:30 P.M. on March 26, 2013 to consider the transfer of the On-Sale Liquor License for the Wooden Nickel, 448 West Main Street, Marshall, Minnesota.

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Voucher No. 83164 through 83367.

AUTHORIZATION TO DECLARE GUNS AS SURPLUS FOR THE MARSHALL POLICE DEPARTMENT:

Rob Yant, Director of Public Safety, indicated that the Marshall Police Department would like to declare as surplus property two AR-15 rifles with serial numbers of F053507 and F056392. These rifles with a 16 inch barrel would be traded in for a similar rifle with a 7 inch barrel "Kitty Kat". The shorter barrel would allow use in all tactical situations including entries. It would also allow easier access to maneuver around doors and rooms. The smaller barrel is helpful when dealing with suspects.

Council Member questioned why these would need to be declared surplus if they were being traded in. Mr. Yant indicated that he was under the impression that this is how they usually handle this type of situation.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the guns be declared as surplus property by the City of Marshall and that two DPMS AR-15 16" standard M4 semi auto rifles be traded in for two DPMS Kitty Cat PDW rifles with full auto capability '. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER MORTGAGE MODIFICATION AGREEMENT:

There was a brief discussion on whether a Mortgage Modification Agreement needs to be approved by the City Council. Dennis Simpson, City Attorney, indicated that this is part of the Small Cities Development Grant and the original agreement is not signed by the City. This policy will be addressed by staff on how to handle future Mortgage Modification Agreements.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the proper City personnel be authorized to execute a Mortgage Modification Agreement with Salah Osman Mohamed and Samira Sheikh to increase the mortgage from \$17,474.00 to \$17,920.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER A RESOLUTION OF CITY OF MARSHALL, MINNESOTA IN SUPPORT OF THE PRESERVATION OF TAX EXEMPT FINANCING:

Beginning with the release of the Simpson-Bowles Deficit Reduction Commission recommendations in 2010, Congress and the executive branch have been involved in a continuing discussion about making changes to the federal income tax exemption on municipal bonds. The exemption was recently reviewed during the "fiscal cliff" negotiations, and there is every indication that the issue will be front and center in future discussions involving tax reform. As you evaluate various deficit reduction strategies. Councilmember DeCramer is requesting a resolution be approved by Council opposing any elimination of tax exempt financing and that this resolution be provide to our Federal Legislators. The MMU Commission has recently adopted a similar resolution. Proposals to eliminate or reduce the tax benefit of investing in municipal bonds as a means to raise revenue may seem innocuous – simple ways to cut everything just a little in order to raise a great deal of revenue. In fact, such cuts could have a grave effect on Marshall and Marshall Municipal Utilities. The City of Marshall and Marshall Municipal Utilities, like all state and local governments and municipally-owned and operated

utilities, relies on tax-exempt bonds to finance infrastructure improvements. The proposed cap on federal individual income tax deductions – if it were to include the current exclusion for interest on municipal bonds – would effectively impose a federal tax on most if not all state and local bond interest paid to individuals. Unlike private entities, the City of Marshall cannot raise capital from shareholders nor utilize corporate tax credits. Issuing bonds that accrue federal individual income tax-free interest for bond holders is our equivalent financing mechanism. Limiting or eliminating that mechanism would require local governments to pay significantly higher interest rates in order to provide a sufficient yield to make their bonds attractive to investors. The result will be substantially higher project costs that must be passed on to local taxpayers or ratepayers. Unlike many other potential deficit reduction strategies, elimination or reduction of the federal tax exemption on local government bonds will not provide any real savings to taxpayers. It would save money at the federal level, but push additional costs down to taxpayers at the state or local level. We believe that federal deficit reduction efforts should focus on measures which provide real, rather than illusory, savings. This issue comes at a time when it is already becoming difficult to fund the infrastructure development necessary for economic growth—power plants, water treatment plants, roads, bridges, schools, airports, housing and hospitals. Under the Budget Control Act of 2011, discretionary aid to state and local governments is already slated to fall to its lowest level in more than four decades; further still if sequestration is allowed to take effect. Taxing state and local infrastructure investments through a cap or other change to the tax treatment of municipal bonds would make funding more expensive still if not impossible—and kill the jobs that come with those projects.

Council Member Bayerkohler was concerned that cities use this type of financing for projects that are not essential government services.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 3872, SECOND SERIES, which is a resolution of the City of Marshall, Minnesota in Support of the Preservation of Tax Exempt Financing'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1** Abstain: **1**. The motion **Passed 5 – 1**, with Hulsizer voting no and Bayerkohler abstaining.

**PROJECT Y81: SONSTEGARD INDUSTRIAL PARK IMPROVEMENT PROJECT-
PHASE II – CHANGE ORDER NO. 5 (FINAL) AND ACKNOWLEDGEMENT OF
FINAL PAYMENT APPLICATION (NO. 9):**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 5 (Final) for Sonstegard Industrial Park Improvement Project Y81 – Phase II with Kuechle Underground, Inc., of Kimball, Minnesota. 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 (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 5 (Final) with Kuechle Underground, Inc. of Kimball, Minnesota, resulting in a contract decrease of \$46,154.97 and a total contract cost of \$1,660,596.46 and acknowledgement of Final Payment Application in the amount of \$86,445.07 for the above-referenced project'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

AUTHORIZATION TO ACCEPT "LARGE INCENTIVE AWARD" FROM THE DEPARTMENT OF PUBLIC SAFETY, OFFICE OF TRAFFIC SAFETY:

Scott McConkey, Southern Minnesota Law Enforcement Liaison for the Department of Public Safety, Office of Traffic Safety, was in attendance at the meeting to present the Large Incentive Award to Rob Yant, Director of Public Safety and Eric Klenken, Police Officer. The "Large Incentive Award" grant includes two (2) Whelen Squad Car Light Bars.

CONSIDER RESOLUTION AMENDING BUDGET AMOUNTS FOR FISCAL YEAR ENDING DECEMBER 31, 2012:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the year-to-date 2012 revenues and expenditures have been compared to the original 2012 budget. There are three (3) exhibits being provided for approval. Exhibit "A" includes the actions of the City Council throughout the year; Exhibit "B" is a list of the recommended budget adjustments for the following funds: General Fund, MSA, Insurance Reserve, Special Revenue, Debt Service, Capital Projects, Wastewater Fund, Liquor Fund, and Surface Water Utility Fund; and Exhibit "C" is the recommended budget adjustments made by the Marshall Lyon County Board. The resolution encompasses all recommended budget changes and will reduce the variances between budget to actual.

Council Member Bayerkohler was concerned with changes to the budget. He indicated that a department should not be allowed to spend more that was approved in the budget. He indicated that government is not allowed to spend money that has not been appropriated.

Ben Martig, City Administrator, indicated that when the items on Exhibit "A" were considered by the City Council the memo indicated what account the money would come from for the item.

Council Member Bayerkohler was concerned with the budget being amended after year end and not during the year. He indicated that it is illegal in some states to change the budget after the end of the year, but was not sure if this was true for Minnesota. He indicated that he wanted the City Auditors to respond to this in writing.

Council Member DeCramer indicated that all of the items on Exhibit "A" had been approved by the council prior to being purchased.

Council Member Boedigheimer indicated that if emergencies come up during the year staff informs the council and they vote on the request. They approve the purchase and appropriation.

Mr. Meulebroeck indicated that this has been the process for the past 30 years and the auditors have never indicated that they have an issue with the process. Things don't necessarily happen how they are budgeted for. This is a housekeeping resolution to include all adjustments and transfers between accounts in one place.

The items on Exhibit "B" were reviewed by Mr. Meulebroeck.

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Bayerkohler also questioned adjustment no. 11 which transfers money from one department to another department. It was indicated that these departments are all within the Public Works Department and the staff works in several different areas. This adjustment provides for a better account of what actually happened during the year. He was also concerned about the reason for these variances.

DeCramer indicated that this resolution provides documentation of those variances.

Bayerkohler asked Mr. Meulebroeck what dates would be used for recording the journal entries amending the budget and providing supplementary appropriations. Mr. Meulebroeck said that the entries would be dated December 31, 2012. Bayerkohler asked how the Auditors would know that the budget was amended 2 ½ months after the end of the year when the journal entries are dated 12/31/12. Mr. Meulebroeck said that they would know if they read the minutes of the March 12, 2013 meeting. Bayerkohler stated that auditors do not examine every document when they do an audit. They do a sampling.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3873, SECOND SERIES, which is a Resolution Reallocating Budget Amounts for Fiscal Year ended December 31, 2012'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

Mayor Byrnes called for a 5-minute recess at 7: 12 P.M.

Council Member Conyers excused herself from the meeting at 7:12 P.M.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS/COMMISSIONS

Per the recommendation of Mayor Byrnes, Member (**Larry Doom**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'approve the various appointments to the Boards and Commissions'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Library Board – Robin Chaney be appointed to an unexpired term to expire on May 31, 2015

Housing Commission – Matthew Walker be appointed to an unexpired term to expire on May 31, 2017

CONSIDER OUT-OF-STATE TRAVEL FOR DIRECTOR OF PUBLIC WORKS TO ATTEND APWA INTERNATIONAL PUBLIC WORKS CONGRESS & EXPOSITION - CHICAGO, ILLINOIS:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council authorize of out-of-state travel for Glenn Olson, Director of Public Works, to attend the American Public Works Association (APWA) International Public Works Congress & Exposition in Chicago, Illinois on August 25-28, 2013'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

AUTHORIZATION TO APPROVE GENERAL CONDITIONS FOR THE PURCHASE OF A PICKUP TRUCK FOR THE MARSHALL POLICE DEPARTMENT:

Rob Yant, Director of Public Safety, indicated that per Section 3.7 of the City Purchasing Policy he is requesting approval of the general conditions for the purchase of a pickup for the Marshall Police Department. He indicated that the City Council Equipment Review Committee met on March 6, 2013 and approved the general conditions for the purchase of one (1) 1/2 Ton Heavy Duty/Fleet Four (4) door 4x4 Quad Cab Pickup Truck for the Marshall Police Department. This pickup will replace the 2003 unmarked Chevrolet Silverado pickup, which was a DWI forfeited vehicle. The unmarked pickup is primarily used for investigations but also used for a squad car when road conditions prevent the primary squad cars from getting to and from calls when 4-wheel drive is needed.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the City Council approve the General Conditions for the purchase of a Pickup Truck for the Marshall Police Department'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

PRELIMINARY PLAT OF "UNNAMED PLAT" - INTRODUCTION OF PRELIMINARY PLAT OF "UNNAMED PLAT" (LOCATED SOUTHERLY OF T.H. 59 (EAST MAIN STREET), EASTERLY OF EAST SOUTHVIEW DRIVE, WESTERLY OF T.H. 23, AND NORTHERLY OF A LINE APPROXIMATELY 600 FEET SOUTH OF T.H. 59 (EAST MAIN STREET) (OLD RUNNINGS/PERKINS AREA):

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of an "Unnamed Plat" in Marshall, Minnesota. The property owner was not available for the naming of the plat and will be provided prior to the public hearing on the preliminary plat at the March 26, 2013 City Council meeting. As only a portion of the property has not been platted before, the property needs to be subdivided prior to the subdivision and sale of a portion of the property. Upon review of the property and adjacent properties, it was found that the best solution for the continued development of the property would be to initiate a platting of the entire area owned by the Carr's and adjacent Perkins property (Heartland Management Co., Inc.). This plat will significantly simplify the property descriptions for current and future property transfers. The area is currently zoned B-4 Shopping Center Business District and all of the property will remain in that district. The preliminary plat will be submitted to the Planning Commission for their review and recommendation to Council prior to the public hearing held by the City Council on March 26, 2013.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the City Council introduce the preliminary plat of an "Unnamed Plat" and call for a public hearing to be held March 26, 2013'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

COMMISSION/BOARD LIAISON REPORTS:

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

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- Byrnes Regional Development Commission will meet on Thursday, March 14, 2013 but not able to attend; SW MN Amateur Sports Center Commission met at noon on Tuesday, March 12, 2013.
- Hulsizer No report.
- Doom Convention and Visitors Bureau met but no report at this time.
- Bayerkohler Housing Commission met on March 11th – they are concerned about federal financing and tabled the comp study report; Planning Commission is meeting on March 13th.
- DeCramer No report.
- Boedigheimer MERIT Center Commission will be going to St. Cloud to look at their driving track; Airport Commission – their annual conference will be in Alexandria on April 18th & 19th; Ray Johnson will be inducted into the Minnesota Aviation Hall of Fame.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Boedigheimer was concerned with the potholes on East College Drive a by the drive-up mail boxes on Third Street. Council Member DeCramer was concerned with the tax assessment for the Marshall Cemetery Association and suggested that the council review this. Mayor Byrnes and City Administrator Martig indicated that City Assessor Sandvik is following the law in taxing this area. This should be discussed by the Board of Review when they met. The Council cannot act on this issue.

STAFF REPORTS:

Glenn Olson, Director of Public Works/City Engineer, did not have a report.

Dennis Simpson, City Attorney, provided an update on the Brau Brothers and indicated that Cal Brink is working on a time line for this project; bids are being requested for the demo of the property located at 620 West Main Street and a two day court date has been set for April 23 & 24, 2013 in regard to the Marshall Hotel.

Ben Martig, City Administrator, indicated that RFP's are due on March 15th for an architect for the SW MN Amateur Sports Facility; he provided updates on the bills in the House and Senate in regard to the local sales tax and the two bonding requests for the MERIT Center and Sports Facility – there will be a hearing on Thursday, March 14th for the Sports Facility. Notices were sent out with the Marshall Municipal Utility billing providing information on the .5% sales tax and informing the general public that if they have any questions they need to contact the Minnesota Department of Revenue. The increase in Lodging Tax will be handled in-house. Mr. Martig met with the Marshall Public School on replatting. He also provided the council with an update on the burglary at the Liquor store.

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PENDING ITEMS

It was indicated that a Legislative and Ordinance Committee meeting needs to be scheduled.

INFORMATION ONLY:

There were no questions on the information items.


CONSIDER ADJOURNMENT TO CLOSED MEETING TO DISCUSS ATTORNEY CLIENT PRIVILEGE:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to close the meeting for the purposes of discussing attorney client privilege.' Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

The Council went into closed session at 7:59 P.M. Those present at the closed session included: Byrnes, Hulsizer, Doom, Bayerkohler, DeCramer, and Boedigheimer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Finance Director/City Clerk.

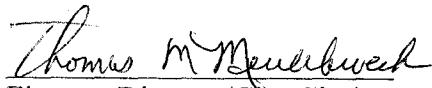
The Council came out of closed session at 8:07 P.M.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the meeting be adjourned'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk