

REGULAR MEETING – MAY 14, 2013

The regular meeting of the Common Council of the City of Marshall was held on May 14, 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; Marc Klaith, Fire Chief; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

**CONSIDER APPROVAL OF THE MINUTES OF THE LOCAL BOARD OF APPEAL AND EQUALIZATION HELD ON APRIL 23, 2013 AND THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 23, 2013:**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the Local Board of Appeal and Equalization held on April 23, 2013 and the minutes of the regular meeting held on April 23, 2013 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PUBLIC HEARING FOR STREET CLOSURE FOR THE 2013 SOUNDS OF SUMMER CELEBRATION:**

This was the date and time set for a public hearing on the street closure for the 2013 Sounds of Summer Celebration. Glenn Olson, Director of Public Works/City Engineer, indicated that the Sounds of Summer Planning Committee is requesting permission for the following street closures: - Closure of West College Drive from the corner of Main Street and West College Drive to Saratoga Street, and also Marvin Schwan Memorial Drive from West College Drive to South 1st Street on Thursday, August 15, 2013 from 3:00 p.m. to approximately 12:00 midnight, and again on Saturday, August 17, 2013 from 12:00 noon to Sunday, August 18, 2013 to approximately 3:00 a.m. to allow adequate time for clean up after the Saturday evening activities.

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

Member (**Ellayne Conyers**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council approve the request of Sounds of Summer Committee for the closure of West College Drive from the corner of Main Street and West College Drive to Saratoga Street, and also Marvin Schwan Memorial Drive from West College Drive to South 1st Street on Thursday, August 15, 2013 from 3:00 p.m. to approximately 12:00 midnight, and again on Saturday, August 17, 2013 from 12:00 noon to Sunday, August 18, 2013 to approximately 3:00 a.m. to allow adequate time for clean up after the Saturday evening activities'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPROVAL OF CONSENT AGENDA:**

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

Authorization be granted to the Department of Public Safety to dispose of surplus City Property – three (3) vehicles. These vehicles will be auctioned on-line at the state site or will be taken to Alter for disposal.

The introduction of an ordinance pertaining to easements and call for a public hearing. The proposed revisions to the easement ordinance intend to acknowledge the common practice of paving over easements or installing fences. This ordinance revision will still allow relatively simple and fast access to utilities within the easement while giving people more flexibility in using their property.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 83936 through 84217.

**CONSIDER APPROVAL OF A TRANSIENT MERCHANT LICENSE FOR THE COUNTRY STOP:**

Council Member Boedigheimer asked if The Country Stop sold produce at two locations, Dairy Queen and Super America. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the Country Stop only sold produce at the Dairy Queen and that the produce sold at Super America was locally grown; therefore no Transient Merchant License is required.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of a Transient Merchant License for the Country Stop to sell fresh produce at the Dairy Queen parking lot located at 1207 East College Drive'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AUTHORIZATION FOR APPLICATION TO THE OJP BULLETPROOF VEST PARTNERSHIP FOR THE 2013 FUNDING:**

Rob Yant, Director of Public Safety, indicated that bulletproof vests are critical equipment for Police Officer's safety. However the vests need to be as light weight as possible and still able to protect officer's from at least the ammunition that they carry in their handgun. As a result vests are quite expensive and cost about \$1,000 each. Their warranty is five years so the Department purchases new vests for each officer every five years. Thirteen officers will need to replace their vests next year which will be a substantial expense. There will also be the cost of armor for any newly hired officers during this time period. The State of Minnesota funds 50% of the cost of armor, up to \$650 per officer. The Federal government also has a vest program which must be applied for each year based on the amount of the Federal allocation. Every year in recent history they have awarded the City of Marshall funding to cover half the cost of the armor that is purchased. There is a mandatory wear requirement and the Police Department has that policy for officers in uniform.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Marshall Police Department make application to the OJP

Bulletproof Vest Partnership for the 2013 funding'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER LIBRARY FUNDING FOR PAY STUDY IMPLEMENTATION:**

Ben Martig, City Administrator, indicated that the City of Marshall contracted with two consulting firms to complete a comprehensive classification, market survey, and compensation study that included City of Marshall employees, the Marshall-Lyon County Library employees, and Marshall Public Housing employees. The study began in 2011 with a classification/job evaluation study utilizing the Hay Point Factor method of pointing. In 2012, a market survey and compensation study was initiated and completed in January, 2013. On February 4, 2013, the consultant was here to present the final results and findings of the studies to the City Council, employees, Library Board, and Public Housing Commission. To summarize, the consultant recommendations included: 1. bring employees currently being compensated below the minimum step to Step 1; 2. maintain the wage rates of those employees currently being compensated above the top step until such time either market conditions support pay range adjustment or the maximum step reaches the current actual rate of pay, whichever is first; and 3. include the 2% general wage increase previously approved by the respective governing bodies for 2013. The total estimated cost for implementation at the Library, retroactive to 1/1/2013, is \$29,029. On February 26, 2013, the Marshall City Council approved to pay 2/3 of the Library implementation costs if Lyon County would agree to pay 1/3 of the cost. This was presented to the Lyon County Board of Commissioners on May 7, 2013. The Commissioners denied any funding for the implementation for 2013. The discussion varied on reasons. The primary feedback was they'd prefer to plan through a budget request process in a future fiscal year. Staff is bringing this back to Council for clarification of their position of funding. The Marshall-Lyon County Board had previously taken action to fund 1/3 of the cost if the County did not participate in the cost. They will be meeting again on Monday May 13th. Mr. Martig plans to attend to see if they have any discussion on this issue. Staff is looking for clarification for Council to consider the 2/3 implementation cost if the Marshall Lyon-County Library Board agrees to fund the additional 1/3 cost impact through their reserves. There has been a suggestion they have adequate cash reserves to fund this 1/3 but not the full amount.

Mr. Martig indicated that the library uses the City pay plan, but it is administered separately from the city. The Library Board makes the decisions as to how to fund the new pay increase. Council Member Hulsizer indicated that the Library Board discussed using their reserves to cover the pay increase. Several council members indicated that these 2/3 of these reserves are from the City.

It was the general consensus of the council that no action be taken.

**CONSIDER APPROVAL OF A TEMPORARY 3.2 PERCENT MALT LIQUOR LICENSE FOR THE MARSHALL SOFTBALL ASSOCIATION (TABLED FROM APRIL 23 MEETING):**

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that a Temporary 3.2 Percent Malt Liquor License for the Marshall Softball Association to use from May 13, 2013 to September 13, 2013 at the Marshall Softball Complex was reviewed and discussed at the last council meeting. Council Member Bayerkohler raised a question in relation to whether this

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organization was formally incorporated as a non-profit as it was not recognized on a State of Minnesota listing. The issue was reviewed by the Clerk's office and determined that the organization was not a legally filed and recognized non-profit under the State of Minnesota. The Marshall Softball Association asked that their application be withdrawn.

**CONSIDER APPROVAL OF A TEMPORARY 3.2 PERCENT MALT LIQUOR LICENSE FOR THE MARSHALL BASEBALL ASSOCIATION:**

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the Marshall Baseball Association has applied for a Temporary 3.2 Percent Malt Liquor License to be used from May 15, 2013 to September 15, 2013 at Legion Field and for a Temporary 3.2 Percent Malt Liquor License to be used from May 15, 2013 to September 15, 2013 at the Softball Complex.

Council Member Boedigheimer asked who is physically selling at each location. Mr. Meulebroeck indicated that the Marshall Baseball Association will be responsible for choosing staff at each location.

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'the approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use from May 15, 2013 to September 15, 2013 at Legion Field'. The fee for this license is \$200.00. 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 NEW motion 'the approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use from May 15, 2013 to September 15, 2013 at the Softball Complex on Channel Parkway'. The fee for this license is \$200.00. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion Passed 6-1 with Boedigheimer voting no.

**CONSIDER APPROVAL OF "GENERAL CONDITIONS" FOR BIDDING OF NEW ENGINE/TANKER FIRE TRUCK:**

Marc Klaith, Fire Chief, provided a summary of the "General Conditions" that will be used for the bidding of a new engine/tanker fire truck. Marc indicated that this will replace the 1991 rural truck.

Member (Doom) moved, Member (Boedigheimer) seconded to approve the ORIGINAL motion 'that the "General Conditions" for bidding of a new engine/tanker fire truck be approved'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

**CONSIDER INTRODUCTION AND CALL FOR PUBLIC HEARING FOR A CITY CHARTER ORDINANCE AMENDMENT RELATED TO THE ADMINISTRATIVE CODE POLICIES AND PROCEDURES:**

Ben Martig, City Administrator, is proposing a change to the City Charter to clarify that the Administrative Code allow for "Administrative Policies" for council approval as is currently in place but to allow for "Administrative Procedures" to be approved by the City Administrator without Council approval. The purpose is to allow administrative procedures that are either in the Code now or in most cases completed through memos or other correspondence to be formally

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included in a separate section of the Administrative Code. The separation of procedures now has caused confusion on what is current processes in place and would centralize the information making it more accessible for reference. Additionally, the processes would be available for Council as informational items that enhances organizational transparency. Ben provided the council with a copy of the table of ordinances and highlighted the sections that are in the Administrative Code that he would suggest would likely result in a change from a policy to a procedure. The City Charter Commission met on April 25 and unanimously recommended approval of the amendment to the ordinance with a revision that was added. The Council Legislative and Ordinance Committee met on May 2, 2013 and unanimously recommended introduction with some revisions as requested. Charter Commission Chair Sturrock indicated the revisions were technical in nature and not substantively different in nature to the intent of the Charter Commission so if Council approved they would not need to be brought back to the Charter Commission. The Charter Commission amendment requires a unanimous approval of the City Council. If not, the provision will not pass and the Charter language will remain as-is.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve the introduction and call for public hearing for a City Charter ordinance amendment related to the Administrative Code policies and procedures'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **CONSIDER AGREEMENT FOR PRIVACY FENCE FOR TIGER LAKE STORM WATER POND PROJECTS:**

Ben Martig, City Administrator, indicated that the City of Marshall had acquired property from willing sellers Jeff and Nancy Pfaffe for the construction of Tiger Lake stormwater detention pond expansion project. The project also included the extension of a bicycle and pedestrian trail. At the time of acquisition, the Pfaffe's indicate that the pond was illustrated to be one full lot away from their property. The City later purchased the lot adjacent to theirs on C Street and the project expanded and the trail was relocated immediately adjacent to their side yard on the west side. The Pfaffe's have raised concerns with privacy issues with the trail being located so close to their property. The City Engineering Department had worked with them on resolving issues including adding some landscaping to their rear yard along the trail. Ultimately, their concerns still remain and the Pfaffe's have indicated that had they known at the time they sold property to the city, that the trail was so close, they would have had reservations of sale and at a minimum required some mitigation of loss of privacy if they were to sell, such as adding the fencing. City Administrator Martig has worked with them in 2012 to arrange potential additional mitigation. Their solution includes additional privacy fencing along their property. They originally requested to fence around the entire property. However, Mr. Martig suggested they were aware of the project location in the rear yard at the time of sale so felt that any fencing should be at their expense. Mr. Martig is supporting additional fencing along their west property line to add additional privacy for the section along the property. There are two different section styles as the section along the front half is solid to provide full screening whereas the fencing in the rear section open to protect some views but to keep a barrier to discourage trespassing and to set clear boundaries from public and private areas. The agreement was drafted by the City Attorney with substantive provisions suggested by Administrator Martig.

Member (**Mike Boedigheimer**) Moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve Agreement with Jeff and Nancy Pfaffe, 106 C Street, for a Privacy Fence for Tiger Lake Storm Water Pond Projects in an amount not to exceed \$9,120.82'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER THE REQUEST BY DR. NWAKAMA FOR A CONDITIONAL USE PERMIT FOR AN ADVERTISING SIGN AT 751 BASELINE ROAD:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Dr. Nwakama for a Conditional Use Permit for an advertising sign at 751 Baseline Road. This sign will be installed at the corner of Nwakama Street and Baseline Road so it is visible from Highway 23. This will be an LED sign. The City of Marshall does not have an ordinance that regulates those signs nor does many other cities. The science of the light and brightness is complicated. Condition no. 7 pertaining to this issue is based on the State regulations, industry standards, and other communities' rules.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the approval of a Conditional Use Permit for Dr. Nwakama for an advertising sign at 751 Baseline Road with the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such structure is located therein shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.
3. That the owner maintain the structure to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
4. A survey showing exact sign location shall be filed with the City of Marshall prior to sign installation. The sign or any part thereof shall not encroach into any public right-of-way.
5. Prior to sign installation, a sign permit application must be applied and paid for.
6. The sign structure shall be maintained in a safe condition and all surfaces maintained without blemish or defects.
7. The sign shall comply with the following in regards to image change and brightness:
  - a) Image Change Frequency: Not more often than every 10 seconds.
  - b) Image transition shall be instantaneous without any special effect.
  - c) Image maximum illumination shall be not more than 0.3 foot candle above ambient light at a distance of 150 feet from sign face.
  - d) No flash or moving images are allowed.
  - e) The sign brightness shall adjust depending on ambient light conditions.
  - f) The sign image display shall be discontinued in case of sign malfunction.
8. The sign owner shall adjust the sign brightness if the City finds it to be too bright and interfering with driver's operation of motor vehicle and official traffic control.
9. Obtain MN/DOT permit if required'.

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

**CONSIDER RESOLUTION PROVIDING FOR ADDITION OF 10-MINUTE PARKING SIGNAGE ON NORTH 3RD STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Rycan Industries for the installation of a 10-minute restricted parking zone on the west side of North 3rd Street near the intersection of North 3rd Street and West Main Street. Per Sec. 74-121 of the City Code, the City Administrator can designate said zones upon authorization by resolution of the City Council. The Public Improvement and Transportation Committee is recommending approval of a 10-minute restricted parking sign on the west side of North 3rd Street near the intersection of North 3rd and West Main Street as a test.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3887, SECOND SERIES Providing for Signage in the City of Marshall. This resolution will provide for a 10-minute restricted parking sign on the west side of North 3rd Street near the intersection of North 3rd and West Main Street as a test area for such signage'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Boedigheimer voting no.

**DECLARATION OF A MORATORIUM ON CHARGING APPLICATION FEES FOR VARIANCE APPLICATIONS FOR PARKING REDUCTION FOR MANUFACTURING AND FABRICATING, MOTOR VEHICLE SALES, AND RENTAL STORAGE UNITS (SELF-STORAGE WAREHOUSE):**

Glenn Olson, Director of Public Works/City Engineer, indicated that there have been several variance applications and discussions about parking requirements for certain uses. The City staff has reviewed the requirements and determined that for manufacturing and fabricating, motor vehicle sales and rental storage units (self-storage warehouse) the ordinance parking requirements are significantly stricter than in other cities in Minnesota and may be excessive. This may result in too many parking spaces being required when not really necessary. The parking ordinance will be reviewed in its entirety this fall with the intent to adjust parking space requirements as necessary. However, until that time, the City may want to make it easier for people to apply for variances pertaining to parking space reduction in some cases. Only application fees will be waived and all reimbursable expenses such as postage, recording fees, and assessing department parcel research will still be charged.

Council Member Bayerkohler asked why only these businesses and he didn't think the application fee was a huge amount. He also asked how long it would take to review this ordinance. Mr. Olson indicated that the process could take up to 6 months. Bayerkohler suggested that the application fee be paid and if the variance is approved the City refund the fee. Mr. Olson indicated that most requests are approved, but not always for what is applied for.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that per the Ways and Means Committee the City Council declare a moratorium on charging application fees for variance applications for parking reduction for manufacturing and fabricating, motor vehicle sales, and rental storage units (self-storage warehouse)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AUTHORIZATION TO PURCHASE AN OUTDOOR WARNING SIREN.**

Rob Yant, Director of Public Works, indicated that outdoor warning sirens are critical parts of emergency notification to the public in case of an emergency, most often severe weather. Mr. Yant indicated that the new siren would be located near Highway 23 and East Lyon Road. The new siren would be purchased from Frontline Plus, Inc. They are the sole area provider for Whelen Sirens. This company builds the brand that the City uses in their outdoor warning system. Mr. Yant indicated that this siren will have audio capabilities.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the City of Marshall approve the siren quotation with Frontline Plus, Inc. for the purchase a "Whelen" outdoor warning siren in the amount of \$23,500.28'. 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.

**CONSIDER A MOTION TO APPROVE THE PURCHASE OF THE POLICY MANUAL AND DAILY TRAINING BULLETIN SERVICES WITH LEXIPOL LLC AND AGREEMENT TO THE TERMS AND CONDITIONS FOR USE OF SUBSCRIPTION MATERIAL:**

Rob Yant, Director of Public Safety, indicated that policies/procedures and Standard-Operating-Guidelines are critical to modern police services both for providing effective guidance for police services and to deter or mitigate liability issues from the legal challenges that frequently happen to police agencies. Mr. Yant believes that the Marshall Police Department has good policies; but they need to be regularly reviewed and updated. They need to become both more comprehensive and complex reflecting the many diverse tasks and legal regulation that officers are involved in. Finally, officers need to be regularly updated on both the content of their agencies various operating guidelines as well as legal updates. This is all very complex and very time consuming. Lexipol presently provides services for 1,400 public safety agencies serving more than 81,000 officers in 14 states. Lexipol's services have been adopted by every Sheriff's Department in Minnesota including Lyon County and many cities within the state. The company says that; "Our goal is to help our clients successfully face the evolving challenges in the world of public safety...Lexipol offers the most comprehensive solution for managing policy and procedure in law enforcement agencies. We are often recognized for our proactive approach in decreasing liability exposure backed by Lexipol's technical and legal expertise. The Lexipol system has helped public safety agencies reduce risk and stay ahead of litigation trends, while communicating clear and concise policy guidance to their employees." The Marshall Police Department received a proposal from Lexipol for their Policy Manual & Daily Training Bulletin Services in the amount of \$6,850. The "130502 Lexipol Online Subscription Agreement" is the agreement that must be approved for the City to utilize the Policy Subscriptions and Training Subscription. This agreement has been sent to City Attorney Dennis Simpson for review but appears to be generic in format.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Marshall Police Department purchase the policy manual and daily training bulletin services from Lexipol LLC and agree to the terms and conditions for use of



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

**CONSIDER A MOTION TO APPROVE THE CITY OF MARSHALL TO MAKE APPLICATION TO THE COPS HIRING PROGRAM (CHP) TO FUND A POLICE OFFICER ASSIGNED TO BE A SCHOOL RESOURCE OFFICER (SRO).**

Rob Yant, Director of Public Safety, indicated that Cops Hiring Program (CHP) is a competitive grant program that provides federal funding directly to law enforcement agencies having primary law enforcement authority for the hiring or rehiring of additional officers to impact their community policing capacity and crime prevention efforts. Priority is being given to agencies that use their CHP funding to hire either school resource officer's (SRO's) or military veterans and those targeting to reduce homicides. Mr. Yant indicated that he is requesting authorization to apply to the CHP program to fund a police officer. It is his intent to use this position to be a second SRO in the schools and this is a priority in the CHP funding decisions. This would be to hire a new officer to back fill having an experienced officer assigned as the SRO. However, FY2013 CHP funding is limited and so this will be very competitive. The City of Marshall is often at a disadvantage to receive funding because our serious crime statistics are so low, but we definitely have the workload to justify a second officer in the schools as well as to work on some other youth related activities. This would also provide redundancy for this program for times like now when the current SRO is not able to perform her duties due to a serious off-the-job injury. This would increase the frequency of having a second armed officer in the school which should greatly enhance security in the schools. Also, overall department employment has reduced by 1.5 FTEs since a few years ago by not refilling open positions through attrition. This position will not specifically put an officer on the street but would strengthen our overall community policing needs. Utilization of the position will be clarified with the school district as a part of the grant preparation process if authorized and finalized upon award of the funds. Applications for this year's CHP solicitation process must be completed and submitted by 7:59 PM EDT on Wednesday, May 22, 2013 in order to receive consideration.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the City of Marshall make application to the COPS Hiring Program (CHP) to fund a Police Officer assigned to be a School Resource Officer (SRO)'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6-1** with Boedigheimer voting no.

**CONSIDER INTRODUCTION OF ORDINANCE AND CALL FOR HEARING ON ORDINANCE AMENDMENT TO ALLOW SUNDAY TAP ROOM LICENSE:**

Ben Martig, City Administrator, indicated that the City has been contacted by the Brau Brothers Brewing Company for consideration of two amendments to the City ordinance. One relates to adding the ability to have their taproom license on Sundays and a second one to reference State law related to authorities to sell "growlers." The Legislative and Ordinance Committee had discussed both at their meeting. Growlers are not currently allowed under the law at this time except for very small brewpubs. Therefore, it was decided to review the Sunday brewpub provision only. Staff had assumed the ability to have taprooms on Sundays was included in the original ordinance that was added to the City code recently. Upon further review upon preparing for the application to be received, it was noted that there is a separate authorization required for

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Sunday sales under the State Statute. This suggests that the ordinance should explicitly allow Sunday taproom authorization. Staff expects Sundays would be a logical day for tours since it is a weekend. Therefore, staff recommended adding this ability to have Sunday sales. Cal Brink with the Marshall Area Economic Development Authority had attended the meeting and indicated that this had always been a requirement of Brau in relocating and it was very important to the success of their business model which the City has heavily invested in through the loan and other incentive package provided. Brau is requesting the change but was unable to attend the Legislative and Ordinance meeting.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve the introduction of an Ordinance and Call for Hearing on Ordinance Amendment to allow Sunday Tap Room License'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5-2** with Bayerkohler and Hulsizer voting no.

**CONSIDER APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS.**

Per the recommendation of Mayor Byrnes, Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'approve the appointment to various boards and commissions'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Airport Commission – David Barnes be reappointed to a 3 year term to expire on May 31, 2016

Police Advisory Board – Tricia Zimmer be appointed to a 3 year term to expire on May 31, 2016

**COMMISSION/BOARD LIAISON REPORTS:**

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

Byrnes            Regional Development Commission will have a two day retreat; SW MN Amateur Sports Center met earlier today.

Hulsizer        Library Board met on May 13<sup>th</sup> – they discussed the issues they are having with Plum Creek

Doom            Personnel Committee items were acted on earlier in the meeting; SW MN Amateur Sports Center toured 5 facilities in the Metro Area on May 10<sup>th</sup>.

Bayerkohler   Housing Commission discussed the pay equity for their employees; they will have an open meeting on June 10, 2013 at 3:00 P.M.

DeCramer      EDA did not meet; Utilities Commission will meet on May 15<sup>th</sup>.

Boedigheimer Ways and Means Committee and Legislative and Ordinance Committee items were acted on earlier in the meeting; MERIT Center Commission will meet on May 16<sup>th</sup>.

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Conyers Community Services Advisory Board, met on May 1<sup>st</sup>.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Council Member Hulsizer indicated that the quiet railroad signal is on the pending agenda and requested that this be addressed. Council Member Bayerkohler indicated that the federal operating subsidy for the Housing Commission has been reduced. This is due to budget problems in Washington, D.C. The proration level was 92% in January and February and 81% in March. The proration level will be at 75% for the remainder of the year so that the average for the year will be at 82%.

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that the State Legislature session will end on May 20<sup>th</sup>. The City of Marshall has two bonding requests. There were meetings held earlier on the SW MN Amateur Sports Facility and the MERIT Center.

Rob Yant, Director of Public Safety provided an update on current staffing issues. He indicated that there will be a retirement soon. The Bike Safety Day will be held on May 20, 2013 at the YMCA.

Glenn Olson, Director of Public Works/City Engineer, provided an update of the construction projects. He indicated that any questions or concerns should be directed to his office.

Dennis Simpson, City Attorney, provided an update on current projects.

**PENDING ITEMS:**

There were no questions on pending items.

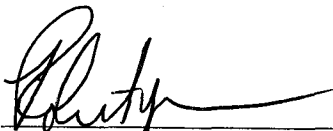
**INFORMATION ONLY:**

There were no questions on the information items.

**UPCOMING MEETINGS:**

There were no questions on upcoming meetings.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'Adjourn meeting'. 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:

  
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Finance Director/City Clerk