

REGULAR MEETING – SEPTEMBER 10, 2013

The regular meeting of the Common Council of the City of Marshall was held on September 10, 2013 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Glenn Bayerkohler, Larry Doom, John DeCramer, Mike Boedigheimer, and Ellayne Conyers. Absent: Jennie Hulsizer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Ilya Gutman, Building Official; Sheila Dubs, Human Resource Coordinator; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk. Others in attendance included: Cal Brink, CEO Marshall Area Chamber of Commerce.

The Pledge of Allegiance was recited at this time.

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

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 27, 2013, AND THE MINUTES OF THE COUNCIL WORK SESSION HELD ON SEPTEMBER 3, 2013:

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on August 27, 2013, and the minutes of the Council work session held on September 3, 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: 6 Nay: 0. The motion **Carried 6 - 0**

TIGER PARK SIXTH ADDITION – PUBLIC HEARING ON PRELIMINARY PLAT AND APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the Preliminary Plat for Tiger Park Sixth Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Tiger Park Sixth Addition in Marshall, Minnesota. Tiger Park Sixth Addition is proposed to reconfigure Lots 1 and 2, Block Two of Tiger Park Second Addition, include the adjacent Outlot C of Tiger Park Fifth Addition as a dedicated city street, previously owned by the School District, and redistribute a portion of Outlot C south of the proposed street right-of-way to the adjacent properties. The purpose is to divide the properties in accordance with proposed development layouts retaining the original acreages of the parcels as much as possible.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council approve the Preliminary Plat of Tiger Park Sixth Addition'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

PUBLIC HEARING - VACATE UTILITY EASEMENTS IN TIGER PARK SECOND ADDITION, BLOCK TWO, LOTS 1-2. - PUBLIC HEARING ON RESOLUTION GRANTING PETITION TO VACATE UTILITY EASEMENTS - LAY ON TABLE THE ADOPTION OF THE RESOLUTION GRANTING PETITION TO VACATE UTILITY EASEMENTS:

This was the date and time set for a public hearing to vacate utility easements in Tiger Park Second Addition, Block 2, Lots 1 and 2. Glenn Olson, Director of Public Works/City Engineer, indicated that a request for petition for vacation of utility easements between Lot 1 and Lot 2, Block Two in Tiger Park Second Addition was submitted from the owners of all of the abutting properties of the utility easements proposed to be vacated.. The purpose of the vacation is for reconfiguration of Lot 1 and Lot 2, Block Two of Tiger Park Second Addition. No existing utilities are located within the easements to be vacated. All utility companies have been contacted. Charter Communications will need the 10' easements along Tiger Drive and the 15' easement over to Commencement Boulevard retained due to their fiber optic and coaxial cable feeding Marshall High School that is in those easements. Tiger Park Sixth Addition as proposed will include adequate easements to cover this requested easement, as well as easements requested by MMU. As the vacation of existing easements should not take place until after Tiger Park Sixth Addition is approved, the motion for adoption of the Resolution Granting a Petition for Vacation of Utility Easements should be tabled until such time as the final plat is approved which includes the dedication of new utility easements. According to Robert's Rules of Order, Chapter 14, "A Summary of Motions", Item C. "Subsidiary Motions", "Lay on the Table allows the Council to lay the main motion aside temporarily without setting a time for resuming its consideration, but with the provision that it can be taken up again whenever a majority so decides."

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council Lay on the Table the adoption of the "Resolution Granting a Petition for Vacation of Utility Easements" in Tiger Park Second Addition, Block Two, Lots 1 2, until after the adoption the Resolution Approving the Final Plat of Tiger Park Sixth Addition'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

PUBLIC HEARING - VACATE UTILITY EASEMENTS IN NWAKAMA ADDITION; BLOCK ONE, LOTS 1-2. - PUBLIC HEARING ON RESOLUTION GRANTING PETITION TO VACATE UTILITY EASEMENTS. - CONSIDER RESOLUTION GRANTING PETITION TO VACATE UTILITY EASEMENTS:

This was the date and time set for a public hearing to vacate utility easements in Nwakama Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that a request for petition for vacation of utility easements between Lot 1 and Lot 2, Block One in Nwakama Addition was submitted from the sole owner(s) of all of the abutting properties of the section of street proposed to be vacated. The purpose of the vacation is for allowing building construction over the vacated easement area. No utilities are currently installed in the existing easement area. All utility companies have been contacted, and there were no comments received regarding this

REGULAR MEETING – SEPTEMBER 10, 2013

vacation. No utilities are located within this easement. MMU is proceeding with a process to install utility easements on both sides of the newly created lot line between Lots 1 and 2 of Block One and between Lots 1 and 12 of Block One.

Member (**Larry Doom**) 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: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 3929, SECOND SERIES, which is the "Resolution Granting a Petition for Vacation of Utility Easements" in Nwakama Addition, Block One, Lots 1-2'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

PUBLIC HEARING - CONSIDER ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE OF ORDINANCES THAT WOULD ALLOW THE SALE OF GROWLERS IN TAPROOMS:

This was the date and time set for a public hearing on an ordinance amendment to allow the Sale of Growlers in Taprooms. Ben Martig, City Administrator, indicated that Councilmember Bayerkohler had raised some question on the technical aspects of the drafted "growler" ordinance. Staff has reviewed and provided an alternative ordinance for consideration. The alternative was sent to the City Attorney but has not yet been reviewed

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'to approve the adoption of ORDINANCE NUMBER 678, SECOND SERIES, which is an Ordinance Amending Chapter 6, Sec. 6-35 Small Brewer Licenses of the City Code of Ordinances and is according to the new language discussed'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Ellayne Conyers**) moved, Member (**John DeCramer**) seconded to approve the **SUBSTITUTE** motion 'to approve a Small Brewer License for Brau Brothers to allow the sale of Growers in their Taproom'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the following consent agenda items be approved'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

That the proper city personnel be authorized to enter into the Minnesota GreenCorps Host Site Agreement.

REGULAR MEETING – SEPTEMBER 10, 2013

The approval of Amendment #4 with National Insurance Services Joinder Agreement for Long Term Disability. This amendment provides for an increase in the wages and to clarify “Maximum Benefit Period” to coincide with the Social Security age.

That the following bills and project payments be authorized for payment ACCOUNTS PAYABLE, Voucher No. 85681 through 85825.

CONSIDER APPROVAL OF ARCHITECT AGREEMENT WITH TSP, INC. FOR NEW MUNICIPAL OFF SALE LIQUOR STORE:

Ben Martig, City Administrator, indicated that the City has worked with TSP on a number of projects and they also have experience in retail construction design including liquor stores. Ron Halgerson has assisted on the project and has provided guidance during the planning phases in which an ad hoc committee reviewed the project and provided guidance. The basic services in Article 11 are 8.75% of total construction cost. Current construction estimate included in the contract exhibit is between \$1,750,000 and \$1,965,000. With this estimate the base fees costs would be between \$153,125 and \$171,937. The project budget estimate will be revised during the schematic design and design development phases. The Council would receive formal review following design development phase.

Dennis Simpson, City Attorney, has reviewed the Agreement with TSP and is recommending approval.

Council Member Bayerkohler was concerned that the city has not yet approved the project for a new municipal Liquor Store. Mr. Martig indicated that the agreement is written in a way that if the City decides to not go forward with the project the City would only pay for the work that has been completed.

Mr. Halgerson indicated that each phase of the agreement has an approval part and the agreement could be closed at the end of any of the phases and the contract would be done.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve the Architect Agreement with TSP, Inc. for a new municipal off sale liquor store'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Bayerkohler voting no.

CONSIDER FEE RESOLUTION AMENDMENT FOR 2014 CHANGES IN WASTEWATER RATES

Glenn Olson, Director of Public Works/City Engineer, indicated that staff is proposing to increase the Wastewater Rates by 2% and no change to the Stormwater Rates for 2014. Bob VanMoer, Wastewater Superintendent, indicated that he reviewed the proposed changes with the major industries in town and there were no objections.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 3930, SECOND SERIES, which is a Fee Resolution Amendment for 2014 Changes in Wastewater Rates'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER INTRODUCTION OF ORDINANCE AND SUMMARY ORDINANCE AND CALL FOR PUBLIC HEARING FOR AMENDMENTS TO CHAPTER 74 OF THE CITY CODE OF ORDINANCES RELATED TO SPECIAL VEHICLES ALLOWED IN THE CITY:

Ben Martig, City Administrator, reviewed the proposed amendment to the Special Vehicles ordinance for the City of Marshall related to special vehicles. The City Council met in April at a worksession and provided direction on an amendment to this section of the City Code. The proposed ordinance does not allow motorized golf carts, all-terrain vehicles and mini-trucks on city streets and sidewalks. Utility task vehicles (UTV's) could be driven on city streets with a permit. The UTV's would be required to have seatbelts, headlights, mirrors and turn signals and could be operated between sunrise and sunset. There was a discussion on whether certain classes of ATV's should be allowed along with UTV's. There was also a brief discussion on the sunrise to sunset condition. This could prohibit their use for snow removal.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council introduce the Ordinance Amending Chapter 74 of the City Code of Ordinances'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1**, with Boedigheimer voting no.

ORDINANCE AMENDING CHAPTER 86-ZONING, ARTICLE II-ADMINISTRATION AND ENFORCEMENT, OF THE CITY CODE OF ORDINANCES – INTRODUCTION OF ORDINANCE AND SUMMARY ORDINANCE AND CALL FOR PUBLIC HEARING:

Ilya Gutman, Building Official, indicated that the proposed revisions to the Administration and Enforcement article of the Zoning Ordinance intends to clean some inadvertent mistakes such as wrong distance references, make it more uniform within the Ordinance by using consistent language in different sections, bring it into compliance with the latest State Statute revisions by adjusting the Variance section wording to match the Statutes, and simplify and streamline the home occupation conditional use permits to reflect the widespread computer use.

Council Member Bayerkohler asked about having an informational meeting to allow the public to ask questions before the public hearing is held.

Member (**John DeCramer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the Council introduce the Ordinance Amending Chapter 86-Zoning, Article II-Administration and Enforcement and call for public hearing to be held September 24, 2013 and to hold a public information meeting to allow the public to ask questions'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Glenn Bayerkohler**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council introduce the Summary Ordinance for Publication of the Ordinance Amending Chapter 86-Zoning, Article II-Administration and Enforcement '. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

ORDINANCE AMENDING CHAPTER 86-ZONING, SEC. 86-1 DEFINITIONS, SEC. 86-163 ACCESSORY BUILDINGS, AND SEC. 86-164 ACCESSORY STRUCTURES, OF THE CITY CODE OF ORDINANCES – INTRODUCTION OF ORDINANCE AND SUMMARY ORDINANCE AND CALL FOR PUBLIC HEARING:

Ilya Gutman, Building Official, indicated that City Staff continues working on reviewing and improving the City Zoning Ordinance. The proposed revisions to Chapter 86 – Zoning, Sec. 86-1 Definitions, Sec. 86-163 Accessory Buildings and Sec. 86-164 Accessory Structures are intended to allow some things that are already being done or are constantly allowed by variances. For example, there are plenty of garages for apartment buildings that are over 1,000 SF. Also, many variances were approved to reduce the rear yard so the staff feels that it can be done on the permanent basis without negative results. Also revised Definition section is included to update definition in conjunction with the above revisions. Definitions that may or will be used in future ordinance revisions were also included. Many definitions were added and/or updated to correspond to the Building Code.

Member (**John DeCramer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the Council introduce the Ordinance Amending Chapter 86-Zoning, Sec. 86-1 Definitions, Sec. 86-163 Accessory Buildings, and Sec. 86-164 Accessory Structures and call for public hearing'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council introduce the Summary Ordinance for Publication of the Ordinance Amending Chapter 86-Zoning, Sec. 86-1 Definitions, Sec. 86-163 Accessory Buildings, and Sec. 86-164 Accessory Structures'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER ADOPTION OF RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY FOR THE MARSHALL FIRE DEPARTMENT AND FOR THE SPORTS MURAL:

Ben Martig, City Administrator, provided a summary of the revenues and expenditures related to the equipment acquired by the Marshall Volunteer Fire Relief Association for the Marshall Volunteer Fire Department. Per the June 12, 2012 City Council meeting minutes a loan was approved in the amount of \$21,761.25 from the City to the Marshall Volunteer Fire Relief Association and to be paid back over 4 years. The Marshall Volunteer Fire Relief Association made a payment in January, 2013 in the amount of \$7,262.97 and now with the payment of \$10,000.00 the balance due the City from the Relief Association is \$4,525.94. Per Fire Chief Marc Klaith, they are hoping with their 2013 Fund Raising that they will be able to pay the balance in 2013. Thanks to the Marshall Fire Department Personnel for all that they do for the community.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3931, SECOND SERIES Accepting the Donation of Personal Property by the City of Marshall to be used for a new pickup, ATV and trailer for the Marshall Fire Department in the amount of \$10,000 and for the

Sports Mural in the amount of \$2,500'. Upon a roll call vote being taken, the vote was: Aye: 6
Nay: 0. The motion **Carried 6 - 0**

Mayor Byrnes called for a 5-minute recess at 6:56 P.M.

**ACQUISITION OF PROPERTY FOR ELIMINATION OF STRUCTURES IN THE RPZ-
RUNWAY 12/30 (BUD ROSE FLOWERS). - FAA GRANT AGREEMENT NO. 3-27-0056-
12-13 - CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT
GRANT AGREEMENT NO. 04649 / A4201-90:**

Glenn Olson, Director of Public Works/City Engineer, reviewed FAA Grant Agreement for Project No. 3-27-0056-12-13 for acquisition of land in the approach to Runway 30 Parcel 107A (approximately 0.99 acres in fee) and Parcel 108 (approximately 1.377 acres in fee) with total project costs of \$318,879.05 per the Grant Application submitted July 26, 2013 with federal participation (90%) in the amount of \$286,991.00. Glenn also, reviewed the companion State agreement for State participation (0%) in the amount of \$0.00 and local participation (10%) in the amount of \$31,888.05. This project is currently in the Capital Improvement Program (CIP) for the Airport in the amount of \$400,000. The City has acquired both properties indicated above and this request is for reimbursement of a portion of that acquisition.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council accept FAA Grant Agreement for Project No. 3-27-0056-12-13 for the project consisting of the following: Acquire land in the approach to Runway 30 Bud Rose Flower property'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 3932, SECOND SERIES, which is the Resolution of Authorization to Execute Mn/DOT Grant Agreement No. 04649 / State Project No. A4201-90 - Grant Agreement for Airport Improvement and Land Acquisition at the Southwest Minnesota Regional Airport'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**PROJECT Y97: SOUTH 1ST STREET LIFT STATION / GRIMES STREET
RECONSTRUCTION PROJECT - CONSIDER CHANGE ORDER NO. 1:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 for South 1st Street Lift Station / Grimes Street with Voss Plumbing & Heating. This project involves the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. This project also includes the replacement of a sanitary sewer lift station and forcemain. The project reconstructs the street and described utilities on Grimes Street from South 2nd Street to Williams Street and South 1st Street from DeSchepper Street to George Street. This change order includes the following items: - New electrical service for South 1st Lift Station – The new lift station required three-phase electrical service rather than the existing single-phase service requiring new electrical wires to be extended from the existing transformer approximately 200 feet from the new lift station. - Additional cost to move gate valves from inside lift to south side of lift station, including valve boxes and additional labor – The Wastewater Department requested the relocation of the gate valves from inside the lift station to outside the lift station for

REGULAR MEETING – SEPTEMBER 10, 2013

ease of accessibility to the valves. - Time extension of 71 calendar days from August 2, 2013 to October 12, 2013 – The time extension is due to unavailability of the control panel for manufacture and delivery delaying the installation of these materials.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approves Change Order No. 1 with Voss Plumbing & Heating of Paynesville, Inc. resulting in a contract increase in the amount of \$3,586.63 and a total contract amount of \$449,725.18 and a time extension of 71 calendar days from August 2, 2013 to October 12, 2013'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER AWARD OF PROPOSAL TO AMERICAN ENGINEERING TESTING, INC. FOR GEOTECHNICAL SERVICES FOR PROPOSED CITY MAINTENANCE BUILDINGS AND ADDITION:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City is proposing to replace the existing salt/sand storage facility, add on to the existing Street Department maintenance facility, and construct a new cold storage building for the Marshall Police Department. In order for the architect to provide a reasonable construction estimate for these facilities, it is necessary to conduct geotechnical evaluations of each of the proposed facility locations. The results of these soil borings may have a significant impact to the estimates for each of the proposed structures.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council award the Proposal for Geotechnical Services for Proposed City Maintenance Building Addition to American Engineering Testing, Inc. in an amount not to exceed \$5,358.00 without prior authorization'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER APPROVAL OF A PERSONNEL POLICY AMENDMENT TO APPENDIX B: MAXIMUM ALLOWABLE REIMBURSEMENT / PER DIEM RATES FOR NON-LOCAL TRAVEL:

Sheila Dubs, Human Resource Coordinator, indicated that the City's maximum allowable reimbursement and per diem rates for non-local travel coincide with the rates established by the U.S. General Services Administration (GSA) rate schedule. The GSA per diem rates are set by federal fiscal year, which begins on October 1 and ends on September 30 each year. The GSA fiscal year 2014 per diem review has resulted in lodging rate changes and meal allowance changes for certain locations within the Continental United States. The standard lodging rate will increase in FY 2014 from \$77 to \$83, while adjustments in non-standard lodging rates vary depending on changes in the local market. Meal expense tiers remain unchanged for FY 2014. The rate changes for MN will be effective October 1, 2014. Staff recommends Council approval of the rate changes. Because this Appendix is amended on an annual basis to coincide with the GSA per diem schedule, Staff is also requesting City Council consideration for staff to amend Appendix B in accordance with GSA rates, without formal Council action each year. Staff has added a statement at the bottom of Appendix B that would reflect Council authorizing staff to update the per diem schedule as applicable in successive years in accordance with the GSA rate schedule.

REGULAR MEETING – SEPTEMBER 10, 2013

Council Member Bayerkohler asked how other cities handle this, but Ms. Dubs was not sure. Council Member DeCramer indicated that this should be brought back to the Council each year

Member (**Glenn Bayerkohler**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'approve the amendments to Appendix B of the personnel policy manual in accordance with GSA Rates and request staff to bring this back to the Council each year for review'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER APPROVAL OF RESOLUTION APPROVING THE PRELIMINARY LEVY FOR 2013, COLLECTABLE IN 2014:

Ben Martig, City Administrator, briefly reviewed the proposed Preliminary Levy for 2014. The preliminary tax levy is an increase of 2.9% from 2013 to 2014. The amount of the increase, when combined in the real growth in tax base, is projected to lead to a decrease in the city tax rate for 2014. The preliminary levy may be decreased before adoption in December but may not be increased.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve the RESOLUTION NUMBER 3933, SECOND SERIES approving the preliminary tax levy for 2013, collectable in 2014'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER RESOLUTION APPROVING PRELIMINARY BUDGET FOR 2014:

Ben Martig, City Administrator, reviewed the preliminary budget resolution that was presented to the City Council at the September 3 budget worksession. The State of Minnesota requires adoption of a Preliminary General Fund Budget prior to September 15, 2013. The revenues and expenses will have significant changes prior to adoption in December. Changes are allowed under state law.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to approve RESOLUTION NUMBER 3934, SECOND SERIES Approving Preliminary General Fund Budget for 2014'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

COUNCIL MEMBER COMMISSION / BOARD LIAISON REPORTS:

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

Byrnes No report.

Doom No report.

Bayerkohler Planning Commission will meet on September 11, 2013.

DeCramer No report.

REGULAR MEETING – SEPTEMBER 10, 2013

Boedigheimer Airport Commission reviewed the CIP for the next 5 years.

Conyers Legislative and Ordinance Committee met on September 5, 2013.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Boedigheimer was concerned with introducing ordinances, but not having the final draft. Mayor Byrnes reminded everyone of the program scheduled for September 11, 2013 at the Memorial Park.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the ordinances reviewed by the Legislative and Ordinance Committee were brought forward as approved and that the proposed ordinance for special vehicles received feed back from the public.

Glenn Olson, Director of Public Works/City Engineer, indicated he would be attending a CIP Outreach meeting for the airport in Worthington on Thursday. The old cement on 1st Street is being removed this week. Mr. Olson indicated that the contractor for the North 7th Street Project, Project No. Z00 has accepted the 50% change order reduction for the storm sewer tile.

Dennis Simpson, City Attorney, is redrafting proposed ordinances.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items.

UPCOMING MEETINGS:

There were no questions on the upcoming meeting list.

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACTS:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to close the meeting per Minnesota Statute 13D.03 Related to Union Contracts'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

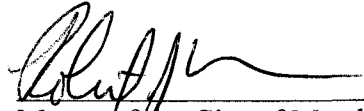
The Council went into the second closed session at 7:38 P.M. pursuant to Minnesota Statute 13D.03 Related to Union Contracts for LELS #245. Those present at the closed session included: Byrnes, Doom, Bayerkohler, DeCramer, Boedigheimer and Conyers. Absent: Hulsizer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Sheila Dubs, Human Resource Coordinator; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 7:54 P.M..

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN LELS POLICE SUPERVISORS #245 AND THE CITY OF MARSHALL:

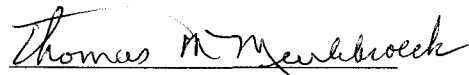
DeCramer moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3935, SECOND SERIES, which is a Resolution Authorizing the Mayor and City Clerk to Execute a Collective Bargaining Agreement by and between the Law Enforcement Labor Services, Inc., Local No. 245 and the City of Marshall to be effective January 1, 2013 through December 31, 2015 and a Memorandum of Understanding (MOU) between the City of Marshall and Law Enforcement Labor Services, Inc. Local No. 245 for the period of January 1, 2013 to December 31, 2013. All voted in favor of the motion, except Bayerkohler who voted no.

Upon motion by Doom, seconded by Conyers, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk