

REGULAR MEETING – SEPTEMBER 24, 2013

The regular meeting of the Common Council of the City of Marshall was held on September 24, 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; Shane Waterman, Assistant City Engineer; Ilya Gutman, Building Official; Sheila Dubs, Human Resource Coordinator; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/City Clerk.

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 SEPTEMBER 10, 2013:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on September 10, 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**

PUBLIC HEARING - CONSIDER SPECIAL VEHICLE USE PERMIT ORDINANCE AND SUMMARY ORDINANCE:

This was the date and time set for a public hearing on the Special Vehicle Use Permit Ordinance. Ben Martig, City Administrator, reviewed the Special Vehicle Use Permit Ordinance. Mr. Martig indicated that there have been numerous ongoing discussions for considerable time regarding the amendment to Chapter 74 of the City of Marshall Code of Ordinances. Chapter 74 relates to the permitting of special use vehicles for travel upon City streets. The proposed ordinance specifically prohibits use of golf carts; class 1 all-terrain vehicles and mini trucks within the City of Marshall except for City sanctioned events, i.e. Sounds of Summer, high school and university parades and the like. The ordinance has been amended from the prior discussions at the September 10th Council meeting and the definition section of the ordinance has been expanded. The ordinance does allow permits to be issued for the operation of class 2 all-terrain vehicles and utility task vehicles. The specific requirements for the permitting and operation of those vehicles are included within the ordinance. Areas of permitted use and areas of prohibited use of those vehicles within the City is specifically set forth in the new amended Chapter 74. The proposed ordinance does authorize the issuance of a dealer permit for the purposes of "test driving" of vehicles prior to sale. Specific listings of required equipment and licensing provisions are included.

Bill Ziegenhagen, Marshall Small Engine, indicated that the ordinance requires two (2) tail lights, but most of these type of vehicles only have one (1) tail light and one (1) brake light and he asked that the ordinance be changed to reflect this.

Council Member Boedigheimer indicated that he was very disappointed that golf carts were not included in this ordinance. He indicated that the original ordinance was adopted in 1984 and allowed golf carts.

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Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the public hearing be closed and that the Council adopt ORDINANCE NUMBER 679, SECOND SERIES, Amending Chapter 74 - Traffic and Vehicles with the addition of "by the Director of Public Safety" in Section 74-265 as recommended by staff and the change from two (2) tail lights, to one (1) tail light and one (1) brake light'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5-1** with Boedigheimer voting no.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt SUMMARY ORDINANCE NUMBER 679, SECOND SERIES, which is the Summary Ordinance for Publication of the Ordinance Amending Chapter 74, Traffic and Article VII-Vehicles Special Vehicles, Motorized Golf Carts, All-Terrain Vehicles, Mini-Trucks and Utility Task Vehicles'. 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 – PUBLIC HEARING AND ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing on amending Chapter 86 – Zoning, Article II-Administration and Enforcement, of the City Code of Ordinances. Glenn Olson, Director of Public Works/City Engineer, indicated the proposed revisions to the Administration and Enforcement article of the Zoning Ordinance intend 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.

Norm Gregerson was concerned with allowing Conditional Use Permits for home occupations for an indefinite amount of time. He indicated that he supports up to 6 years, but after that they should not be allowed to operate out of their home. He indicated that they do not have the same requirements as the businesses in the business district.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on 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**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt ORDINANCE NUMBER 680, SECOND SERIES, which is an Ordinance Amending Chapter 86-Zoning, Article II-Administration and Enforcement'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 -1**. with Boedigheimer voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt SUMMARY ORDINANCE NUMBER 680, SECOND SERIES, which is 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: 5
Nay: 1. The motion **Passed 5-1** with Boedigheimer voting no.

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 – PUBLIC HEARING AND ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing on 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. Glenn Olson, Director of Public Works/City Engineer, indicated that the proposed revisions 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 (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on 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**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council adopt ORDINANCE NUMBER 681, SECOND SERIES, which is 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**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt SUMMARY ORDINANCE NUMBER 681, SECOND SERIES, which is 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**

PROJECT Y87 / S.P. 4210-50 (TH 68): WEST MAIN SANITARY SEWER IMPROVEMENT PROJECT - PUBLIC HEARING ON PROPOSED ASSESSMENT - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on the West Main Sanitary Sewer Improvement Project Y87 / S.P. 4201-50 (TH68). Glenn Olson, Director of Public Works/City Engineer, indicated that this project involved the replacement of sanitary sewer and storm sewer utilities, partial street reconstruction, and partial resurfacing. The project impacted West Main Street from North T.H. 59 to the bridge over the Redwood River Diversion Channel. Mr. Olson also reviewed the Special Assessment Policy. Dennis Simpson, City Attorney, provided information on how a homeowner can object to their assessment and preserve their right to challenge the assessment. Questions and comments included:

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- Bonnie Fischer, POA for Rodger Bergess, 902 West Main Street; indicated that she had submitted a written objection. She indicated that the assessment for sidewalks should not be a shared expense and that this property shared a sewer line with property located at 900 West Main Street. Shane Waterman, Assistant City Engineer, indicated that each property now has their own line. Bonnie indicated that the maximum assessment of \$5,500 needs to be explained better at the information meetings.
- Council Member Bayerkohler asked what the life expectancy of the project would be. Mr. Olson indicated that the pvc should last 50 years and the pavement should last 20 years. He was concerned about the amount of time the property owners have to pay the assessment.
- Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the process for the Deferral of an Assessment.
- Joan Johnson, 901 West Main Street, was also concerned with the amount of the assessment and asked how to preserve her right to appeal the assessment.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Y87 / S.P. 4210-50 (TH 68): West Main Sanitary Sewer Improvement Project'. 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 3936, SECOND SERIES, which is the "Resolution Adopting Assessment" for the project, with any adjustments deemed appropriate. This resolution Adopts the Assessment for West Main Street Sanitary Sewer Improvement Project Y87 / S.P. 4210-50 (TH 68), setting the interest rate at 4.3% and the assessment being paid in equal annual installments extending over a period of 10 years'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

PROJECT Z01: WEST REDWOOD STREET / NORTH 3RD STREET / WEST MARSHALL STREET RECONSTRUCTION PROJECT - PUBLIC HEARING ON PROPOSED ASSESSMENT - CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on the West Redwood Street / North 3rd Street / West Marshall Street Reconstruction Project Z01. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involved the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The project reconstructed the street and described utilities on West Marshall Street from East College Drive to North 3rd Street, North 3rd Street from West Marshall Street to West Redwood Street, and West Redwood Street from North 3rd Street to East College Drive. Mr. Olson indicated that there were two written appeals received prior to the public hearing.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z01: West Redwood Street / North 3rd Street / West Marshall Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

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Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 3937, SECOND SERIES, which is the "Resolution Adopting Assessment" for West Redwood Street / North 3rd Street / West Marshall Street Reconstruction Project Z01, setting the interest rate at 4.3% and the assessment being paid in equal annual installments extending over a period of 10 years'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Mayor Byres called for a 5-minute recess at 7:00 P.M.

CONSIDER APPROVAL OF CONSENT AGENDA:

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

Authorization be granted to the Department of Public Safety to dispose of surplus City Property – six (6) vehicles. These vehicles will be auctioned on-line at the state site or will be taken to Alter for disposal.

Call for a public hearing to be held on October 8, 2013 to consider the transfer of the On-Sale Intoxicating Liquor License from Sam's Place Restaurant & Lounge to Fuzzy's Bar & Grill.

APPROVAL OF ITEMS PULLED FROM CONSENT

Council Member Boedigheimer asked the status of Project Y86. Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the items left to be completed and indicated that this project would be completed soon.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 85826 through 86007'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

CONSIDER ADOPTION OF RESOLUTION DESIGNATING THE ECONOMIC DEVELOPMENT AUTHORITY AS THE MINNESOTA INVESTMENT FUND (MIF)

LOAN APPLICANT:

Council Member Bayerkohler requested that this item be postponed to later in the meeting to allow time for council members to review the attachments.

CONSIDER THE REQUEST OF WORTHINGTON REAL ESTATE LLC, MARSHALL, MN, FOR A VARIANCE ADJUSTMENT PERMIT TO PROVIDE FEWER PARKING SPACES THEN REQUIRED BY CITY ORDINANCE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Kruse Motors for a Variance Adjustment Permit to provide 50 parking spaces for the new car dealership in lieu of 104 parking spaces as required by the City Code. The new car dealership is about 18,700 SF and has about 45,000 SF of outside sales lot. The City Ordinance requires 93 parking spaces for the building (1 space per 200 SF) and 11 spaces for sales lot (1 space per 4,000 SF) for a total of 104 spaces. However, the City staff believes that these requirements are excessive and intends to revise

parking requirements in the near future. At the Planning Commission meeting on September 11, 2013, Ellingson made a motion, seconded by Willrett, to approve with 50 parking spaces, with the condition that 10% is green space is provided and that 10 trees are planted. During the Planning Commission meeting some members of the Planning Commission questioned the recommendation for conditions as too excessive and suggested reducing requirement from 20% to 10% of green area and from 20 trees to only 10 trees. Motion passed with Willrett & Stewart voting against.

Ray Welker, representative of Kruse Motors, indicated that they were not in favor of the green space condition. Mr. Welker indicated that they object to the Council telling them how many trees and the amount of grass that is required.

Member (**John DeCramer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the Council grant a Variance Adjustment Permit to provide 50 parking spaces in lieu of 104 as required by the City Code 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 in which such premises are located shall be conformed to.
2. That the City reserves the right to revoke the Variance Adjustment Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default, and allow the applicant a reasonable time in which to cure any such default.
3. That the conditions contained in this permit shall be binding upon the successors and assigns of the applicant.
4. That at least 20% of lot area is landscaped with live materials.
5. That at least 20 trees are planted on the developed part of the lot.

for Worthington Real Estate, LLC, 1660 East College Drive'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 2. The motion **Passed 4-2** with Doom and Boedigheimer voting no.

CONSIDER THE REQUEST OF JEFF AND RHONDA BUYSSE, FOR A CONDITIONAL USE PERMIT TO KEEP 4 ROOMERS IN A R-1 ONE-FAMILY RESIDENCE DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Jeff and Rhonda Buysse, for a Conditional Use Permit to keep four roomers in their house at 907 Pine Avenue. Keeping two roomers is a permitted accessory use but keeping three or more roomers is a conditional use and requires a conditional use permit. The major problem with this arrangement is parking. The house has a single attached garage and a driveway that is about 35 feet long and 18 feet wide which seems enough to accommodate four cars. Therefore, to avoid on-street parking problems, the staff recommends limiting parking for all house residents to garage and driveway. Condition 5 was not initially suggested by staff and discussed during Planning Commission meeting. However, the City Staff recommends that it be added based on discussion about previous Conditional Use Permit request for roomers. After the Planning Commission meeting, the City received a letter from Mr. Dulas urging a denial of this Conditional Use Permit due to loud parties. However any loud parties are a violation of the City Ordinance and would be a basis for Conditional Use Permit revocation based on condition 1 and 3. At the Planning Commission meeting on September 11, 2013, a motion was made by Ellingson, seconded by Bestge, to recommend approval with conditions listed except condition 5, to City Council as recommended by staff. **ALL VOTED IN FAVOR OF THE MOTION.**

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Council Member Bayerkohler indicated that he previously voted against this type of request because they were setting a precedent. Council Member DeCramer indicated that there are several properties that have roomers without the required variance or conditional use permits.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the Conditional Use Permit for four roomers in an R-1 One-Family Residence District 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. That no residents' vehicles are parked on the streets or on the grass.
5. That this Conditional Use Permit is limited to the current owner and expires when he sells the property.

for Jeff Buysse and Rhonda Buysse at 907 Pine Avenue.' Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 2. The motion **Passed 4-2** with Bayerkohler and Boedigheimer voting no.

CONSIDER LMCIT PROPERTY AND CASUALTY/LIABILITY RENEWAL:

Sheldon Kimpling from Bremer Insurance was in attendance at the meeting to review the City's Property, General Liability, Auto, Liquor Liability, Excess Liability, Airport and Boiler Insurance effective, October 1, 2031. The major changes addressed were:

1. Property Coverage had a 3.3% rate increase and the property values increased by 1.8%
2. General Liability Coverage had a rate decrease of 9% and exposures were up slightly from last year.
3. Auto Coverage's – Auto Physical Damage coverage had a 3% rate decrease and Auto Liability coverage had a 2% rate decrease.
4. Liquor Liability had no rate change but had a \$166,000 exposure increase.
5. Excess Liability Coverage – same as general liability.
6. Airport Liability Coverage had no rate change. Sheldon indicated that he received 2 other airport liability quotes, but none were as competitive as ACE-USA. The closest premium was over \$4,000.
7. Boiler Coverage had a 4% rate decrease and adjusted to the higher property values.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **SUBSTITUTE** motion 'to approve the LMCIT property and casualty/liability renewal without terrorism coverage'. The Property, General Liability, Auto Excess Liability and Liquor Liability were renewed with the League of Minnesota Cities at a cost of \$331,053; the Airport Liability was renewed with ACE-USA in the amount of \$2,500; and the Boiler Coverage was renewed with Hartford Steam Boiler in the amount of \$39,092 for a total premium of \$372,645. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

CONSIDER APPROVAL OF 2014 EMPLOYEE HEALTH INSURANCE RENEWAL:

Bill Chukuske, from Chukuske Insurance Services Inc. was in attendance at the meeting to review the 2014 employee health insurance renewal. Mr. Chukuske indicated the recommendation is to renew with Blue Cross Blue Shield with the same plan type in 2014 as 2013.

The employees have a number of health insurance plan options that they can choose from. Council Member Bayerkohler indicated that he thought the City contribution amount should be the same for the various options. In other words, the amount the City contributes for single coverage should be the same amount for all of the various single coverage options, and the amount the City contributes for family coverage should be the same amount for all of the various family coverage options.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve 2014 employee health insurance renewal and employer contributions with the employee and employer each pay 50% of the premium increase'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1. The motion **Passed 5-1** with Bayerkohler voting no.

PROJECT Z06: VICTORY DRIVE IMPROVEMENT PROJECT-PHASE I – CONSIDER CHANGE ORDER NO. 1:

Glenn Olson, Director of Public Works/City Engineer reviewed Victory Drive Improvement Project Z06 Phase I. This project involves the construction of sanitary sewer from the existing trunk sanitary main adjacent to T.H. 23 to the east city limits and watermain on Victory Drive from just east of Tiger Drive to just north of Commencement Boulevard. This change order involves work related to the following: - Lowering existing 21” RCP storm sewer main into storm water pond and eliminate conflict with new 12” sanitary sewer main. - Additional Class 5 base and select granular fill with 4” pipe drain for the Tiger Drive street section. This was modified to match the existing street section. - Additional work to adjust the alignment of the sanitary sewer main near T.H. 23 to avoid a utility conflict. - Additional traffic control at T.H. 23 to comply with the Mn/DOT Permit. In addition, the Contractor is requesting a time extension in the amount of 10 days which would make the date of substantial completion October 11, 2013. The City staff has reviewed the request and has determined it is reasonable and will not significantly impact the general public.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 1 with H&W Contracting, LLC for a contract increase in the amount of \$47,327.35 and a 10 day time extension for Victory Drive Improvement Project Z06 – Phase 1'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP) SUBMISSION TO MN/DOT-AERONAUTICS FOR THE AIRPORT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed 5-Year Capital Improvement Program (2015-2019) submission to Mn/DOT Aeronautics. At their meeting on September 3, 2013, the Airport Commission unanimously recommended approval of the 5-year CIP. In the 5-Year CIP, the first two years of the CIP are intended to be fairly accurate for commitment for local funding. The items three or more years out are intended to be planning

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proposals to provide information to Mn/DOT-Aeronautics and the FAA as to what the local community needs may be. The major CIP items are related to the development of Marshall Airpark East and clearing obstructions from the Runway Protection Zones (acquisition and relocation of Helena Chemical and the Gas Facility located off the approach end of Runway 30). The City met with members of the FAA and Mn/DOT-Aeronautics at their CIP outreach meeting held on September 12, 2013 to discuss the proposed CIP and future development plans.

Member (**Mike Boedigheimer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council approves the submission of the 5-Year Capital Improvement Program (CIP) to Mn/DOT-Aeronautics as recommended by the Marshall Airport Commission to Mn/DOT-Aeronautics'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE MARSHALL AREA CHAMBER OF COMMERCE:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use on November 11, 2013 at the SMSU Conference Center, 310 North O'Connell Street, Marshall, Minnesota for Taste of Marshall'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER ACKNOWLEDGMENT OF A LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION:

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to SMSU to hold a raffle on December 4, 2013 at Southwest Minnesota University, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0** Abstain: **1**. The motion **Passed 5 – 1** with Bayerkohler abstaining.

CONSIDER JOINT POWERS AGREEMENT FOR THE REGIONAL EMERGENCY COMMUNICATION BOARD:

Dennis Simpson, City Attorney, reviewed the resolution approving modifications to the Joint Powers Agreement of the Southwest Minnesota Regional Radio Board. The resolution would authorize, among other things, a change of the board's name to the Southwest Minnesota Regional Emergency Communications Board. The City of Marshall has been a participant in the Southwest Minnesota Regional Radio Board since June 2, 2008. The Southwest Minnesota Regional Radio Board consists of 13 counties in Southwest Minnesota and the cities of Marshall and Worthington. All parties have entered into a Joint Powers Agreement regarding coordination of emergency services. The 2013 Minnesota Legislature modified statutes governing the creation, duties and powers of regional radio boards. The modifications included providing that Regional Radio Boards may elect to become Regional Emergency Communications Board and assume responsibility for the coordination of regional 911 services. Pursuant to those legislative changes, it has been

recommended that the Joint Powers Agreement related to Regional Radio Board be amended and renamed as the Regional Emergency Communications Board.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to approve RESOLUTION NUMBER 3939, SECOND SERIES, which is a Resolution authorizing approval of the Joint Powers Agreement for the Regional Emergency Communications Board'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER ADOPTION OF RESOLUTION DESIGNATING THE ECONOMIC DEVELOPMENT AUTHORITY AS THE MINNESOTA INVESTMENT FUND (MIF) LOAN APPLICANT:

Ben Martig, City Administrator, indicated that EDA has been working with a local business for the expansion of its business opportunities and facilities. The business subsidy final details are not yet concluded, but the discussions to date indicate that local business would receive a low interest loan through the Minnesota Investment Fund. The EDA is therefore requesting that it be designated as local unit of government to complete the application form and to administer and oversee the loan. The EDA would be responsible for compliance with all pre-loan requirements, including submitting the application, calling for and conducting public hearing and all other matters that might be necessary as a prerequisite to obtaining the loan and subsequent requirements of loan administration. The City Council designation of the EDA to serve as the local unit of government for purposes of Minnesota Investment Fund application and administration is consistent with past practice. MIF funds are loans at a low interest rate to be set by the EDA. Loans must be paid back in full and cannot be converted to a grant. The City has a good track record with business recipients paying MIF funds

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'approval of RESOLUTION NUMBER 3938, SECOND SERIES, which is a resolution Authorizing the Economic Development Authority to Act as Applicant on Behalf of the City of Marshall to Provide Administration of Minnesota Investment Fund Loan Business for Economic Opportunity'. 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 Convention and Visitors Bureau met last week.

Bayerkohler No report.

DeCramer EDA met last week; MERIT Center Commission provided a presentation on the status of the MERIT Facility.

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Boedigheimer No report.

Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Boedigheimer indicated that he along with Dean Coudron and Glenn Olson, Director of Public Works/City Engineer attended the CIP Outreach meeting in Worthington. DeCramer was concerned that the assessment for sidewalks is not included in the \$5,500 assessment limit. Mayor Byrnes indicated that there was a Chamber of Commerce strategic planning meeting to discuss the lodging tax and additional 1.5% tax.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that there is a special council meeting on October 1, 2013. There will be updates provided on the MERIT Center and SW MN Regional Amateur Sports Facilities along with budget requests.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items.

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

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion '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 closed session at 8:57 P.M. pursuant to Minnesota Statute 13D.03 Related to Union Contracts for AFSCME Local 65. 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 9:04 P.M.

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN AFSCME AND THE CITY OF MARSHALL:

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3940, SECOND SERIES, which is a Resolution Authorizing the Mayor and City Clerk to Execute a Collective Bargaining Agreement by and between AFSCME Council No. 65 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 AFSCME Local 65 for the period of January 1, 2013 to December 31, 2013. All voted in favor of the motion, except Bayerkohler who voted no.

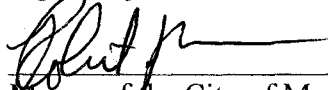
CONSIDER APPROVAL OF 2014 AND 2015 WAGE SCHEDULES FOR NON-UNION EMPLOYEES:

Doom moved, Boedigheimer seconded, the approval of the 2014 and 2015 wage schedules for the non-union employees. The schedule is: a general wage increase of 2% effective 1/1/2014, a general wage increase of 1% effective 7/1/2014, a general wage increase of 2% effective 1/1/2015, and a general wage increase of 1% effective 7/1/2015. (The CAT team wage rates listed on the paid-on-call wage schedules are frozen per the unexpired 5-year agreement between the City and the State of Minnesota.) All voted in favor of the motion, except Bayerkohler who voted no.

UPCOMING MEETINGS:

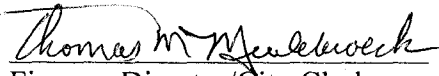
There were no questions on the upcoming meeting list.

Doom moved, DeCramer seconded, the meeting be adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk