

REGULAR MEETING – OCTOBER 22, 2013

The regular meeting of the Common Council of the City of Marshall was held on October 22, 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 Byrnes. In addition to Byrnes the following members were in attendance: Glenn Bayerkohler, Larry Doom, Mike Boedigheimer, John DeCramer, Jennie Hulsizer, and Ellayne Conyers. Absent: None. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Ilya Gutman, Building Official; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Kim Jergenson, Engineer Technician; Preston Stensrud, Park Supervisor; Cal Brink, CEO Marshall Area Chamber of Commerce; Cathy Lee, Executive Assistant; 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 with the removal of item 22 which is Consideration of Fire Relief Association Pension Increase Request.

**CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL MEETING HELD ON OCTOBER 1, 2013, THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 8, 2013 AND THE MINUTES OF THE WORK SESSION HELD ON OCTOBER 8, 2013:**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **SUBSTITUTE** motion 'that the minutes of the special meeting held on October 1, 2013 be approved as amended; the minutes of the regular meeting held on October 8, 2013 and the minutes of the work session held on October 8, 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**

**CONDUCT PUBLIC HEARING FOR ORDINANCE AMENDING CHAPTER 86- ZONING, ARTICLE VI-SUPPLEMENTAL REGULATIONS, DIVISION 4, SECS. 86-246, 86-247, 86-248, 86-257, 86-260, AND 86-261 OF THE CITY CODE OF ORDINANCES:**

Ben Martig, City Administrator indicated that City Staff continues to work on reviewing and improving the City Zoning Ordinance and is close to finalizing the Landscaping and Appearance standards. Changes were made to the following Sections: 86-246 Generally, and 86-247 Landscaping, 86-248 Storage, 86-257 Hazard, 86-260 Exterior appearance standards, and 86-261 Unsanitary conditions. The 1996 City of Marshall Comprehensive Plan recommended developing Design Standards to promote economic development. The proposed changes have been researched in depth and ordinances of at least a dozen other cities, including Eagan, New Hope, Chanhassen, Excelsior, and Brooklyn Park in the Metro area and Northfield, Faribault, Fairmont, Hutchinson, Albert Lea, Grand Rapids, and Duluth outside of the Twin Cities area have been analyzed. Even though it may seem that quite a few requirements have been added, in reality, some requirements have been loosened or reduced. In fact, the Landscaping and Exterior Appearance Standard ordinance as written will be among the least restrictive among other cities that have similar regulations. For example, Hutchinson requires 1 tree per every 800 SF of landscaped area; Watertown requires 1 tree per 1,000 SF; St. Michael and Elk River require 1 tree per every 40 LF of the lot perimeter length. On the other end is Faribault which requires 1

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tree per about every 5,000-6,000 SF of the lot, depending on the percentage of impervious surfaces on the lot. Here is a quick research, based on visual observations and drawings, about existing areas and buildings, recently constructed or under construction: For residential areas, in Carr Estates and along Elizabeth Street, every house met landscaping area requirement and all but a few met the number of tree requirements; For businesses, Heritage Pointe easily meets all requirements; ACMC and Sleep Inn meet landscaping area requirements and are a few trees short each; Pizza Ranch is short a few thousand square feet of landscaping and has less than half the trees it would be required to have. It doesn't seem that ACMC has excessive or extravagant landscaping and it is pretty obvious that Pizza Ranch landscaping is very limited. The Ordinance as written has great flexibility built in since the strictness of the standards is determined by the numbers which can always be adjusted. For example, the suggested Ordinance calls for one tree per every 4,000 SF of the exposed ground but that number may be easily modified. And if all proposed numbers are taken into consideration, only 10%-12% of the lot will have to be grass which does not seem extreme. Landscaping and Exterior Ordinances will not be applicable to existing buildings and sites in most cases unless a sizable addition or new building is built. In addition, these ordinances do not apply to Industrial districts, only to Residential and Business districts. As an alternative, they may be made applicable only to certain city areas such as a neighborhood around Wal-Mart, at least as an initial trial period. The Planning Commission has reviewed these sections multiple times and most of their comments and suggestions were accommodated. However, during the Planning Commission meeting on September 11, 2013, only three members supported a motion to recommend these sections as drafted for Legislation and Ordinance Committee approval with three members voting against that motion. The major point of disagreement was a landscaping part of the proposed ordinance, which the three members who voted against wanted it to be deleted entirely. However, they were supportive of the rest of the suggested changes. The Legislative and Ordinance Committee met on September 16, 2013 and recommended approval of introduction of the ordinance and to call for the public hearing by a 2 to 1 vote. Revisions have been made to sections concerning "equally spaced" trees, painting of brick, etc., based on the City Council comments.

### Questions and comments included:

- Mike Dulas, 105 F Street is concerned about family businesses that have been in business for over 60 years. There are a lot of smaller businesses that contribute to the taxes in Marshall that will not be in compliance. Parking lots are the biggest concern, every developer that comes to Marshall has an argument over how much parking space is needed. He also questioned the trash can ordinance, that he thought it was not needed. Would like to get the Chambers input.
- Renee Saint-Louis, 613 Mercedes Drive indicated that there are other areas of Marshall that need immediate attention. There has been a large hole on Mercedes Drive that the City has not taken care of yet.
- Cal Brink, CEO Marshall Area Chamber of Commerce stated that the city needs common ground on what they have and what is proposed. Brink stated that when you change an ordinance you are not changing what Marshall looks like today but what Marshall is going to look like tomorrow.
- Jared Sanow, 621 West Thomas asked who owns the land – the owner. The owner should be able to do what he wants with his land.

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- Bill Ziegenhagen, 403 Woodland Way indicated that there was too much city government taking growth away from the city. Need to look at changing the parking lot ordinance.
- Rob Koska, 502 Elizabeth Street built a new house and is not in compliance with the proposed ordinance.
- Ron Schilling, 701 Genesis Ave. did not agree with the tree requirements or the vegetable gardens and the garage sale signage requirement.
- Kathy Dahl, 414 Mason Street – overreaching and imposing – don't need City to tell landowners how to landscape. Not happy with the proposed ordinance.
- Russ Labat, 105 Thomas – is concerned with the enforcement – there is no enforcement on the current ordinance.
- Councilmember Mike Boedigheimer, had clients that have toured Marshall and has been impressed with Marshall as is. The cost for an unconditional use permit is \$300.00 and then when they come back for renewal they have to pay another \$300.00.
- Carole Martin – 407 A Street – she was supportive with the landscaping changes.
- Councilmember Glenn Bayerkohler commented that the proposed ordinance is a work in process. There are covenants in place in certain areas of town that cover items addressed in the proposed ordinance.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the Ordinance Amending Chapter 86-Zoning, 86-246 Generally, 86-247 Landscaping, 86-248 Storage, 86-257 Hazard, 86-260 Exterior appearance standards, and 86-261 Unsanitary conditions'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council lay on the table the adoption of the Ordinance Amending Chapter 86 Zoning, 86-246 Generally, 86-247 Landscaping, 86-248 Storage, 86-257 Hazard, 86-260 Exterior appearance standards and 86-261 Unsanitary conditions, and that City staff be directed to make appropriate changes as requested by the City Council'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**AWARD OF PROPOSALS FOR ENGINEERING SERVICES FOR PRELIMINARY DESIGN, BIDDING, AND CONSTRUCTION SERVICES ASSOCIATED WITH THE TH 23/SOUTH SARATOGA PEDESTRIAN OVERPASS AND SAFETY IMPROVEMENTS PROJECT:**

The City requested proposals from consulting firms to provide Engineering Services for Preliminary Design, Bidding, and Construction Services associated with the Pedestrian Overpass and Safety Improvements, partially funded through the Corridor Investment Management Strategy (CIMS) process, at the intersection of TH 23 and Saratoga Street South. This project will provide a pedestrian/bike grade separation, prevent traffic from crossing T.H. 23, and provide J turn access from T.H. 23 to northbound and southbound Saratoga Street. A Selection Committee was established for the selection of the consulting firm for the project. The members of this committee were Cal Brink, Bruce Lamprecht, David Sturrock, Harry Weilage and Glenn Olson. Requests for Proposals for Engineering Services for Preliminary Design, Bidding, and Construction Services were requested from consulting engineering firms for the development of the project. Proposals were accepted on August 21, 2013. Five proposals were received as

follows: Bolton & Menk, Inc.; Short Elliott Hendrickson, Inc.; SRF Consulting Group; TKDA, and WSB & Associates, Inc. The Selection Committee reviewed the proposals. Based on this information, three firms were requested to attend an interview and provide a presentation as follows: Bolton & Menk, Inc.; Short Elliott Hendrickson, Inc.; and TKDA. Interviews and presentations were conducted on October 11, 2013. Recommendation of award of proposal was based on analysis of the following criteria: 1. Professional experience of key personnel related to pedestrian overpasses 2. Experience with State grant programs 3. Capabilities in planning, architecture, and engineering 4. Ability to meet schedules and budgets 5. Experience on comparable projects 6. Quality of the work accomplished with examples shown. After the interview process was complete, a unanimous recommendation was made by the Selection Committee to recommend awarding the proposal for these services to Short Elliott Hendrickson, Inc. of Mankato, Minnesota. SEH proposed to perform their services on an hourly, not-to-exceed basis. SEH indicated in their proposal that their services were negotiable and the Selection Committee directed Glenn Olson, Director of Public Works/City Engineer, to contact SEH to see what would be available for negotiating in their proposal. Mr. Olson contacted Chris Cavett from SEH and requested a review of the cost estimate and recommended that they review their project timeline to shorten up the timeline and thereby reduce the project expenses. The proposal from Short Elliott Hendrickson, Inc., as revised, was submitted as follows: Phase I, (Preliminary Design Engineering) \$75,000.00 Phase II, (ROW Legal Descriptions / Final Design / Bidding) \$186,000.00 Phase III, (Construction Engineering) \$206,000.00. The total of SEH's proposal was \$467,000.00.

Ben Martig, City Administrator indicated that the City had received a grant for the improvement of Hwy. 23. Councilmember Bayerkohler stated that there was a difference in this firm and the lowest bid. Harry Weilage, Director of Community Services stated that the difference is less than \$5,000. Bayerkohler asked if this is preliminary and if they would bring back different options? Weilage is looking at multiple options.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the Proposal for Preliminary Design Engineering, Final Design & Bidding, and Construction Engineering Services associated with the TH 23/South Saratoga Pedestrian Overpass and Safety Improvements Project to Short Elliott Hendrickson, Inc. of Mankato, Minnesota, in the amount of \$467,000, on an hourly, not to exceed basis'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**AWARD OF BIDS FOR DEMOLISH AND REMOVE DWELLING, GREENHOUSE, AND GARAGE STRUCTURES AT 1001 WEST COLLEGE DRIVE:**

Kim Jergenson, Engineer Technician stated that the Bud Rose property was located in the Marshall Airport airspace. The project is located at 1001 West College Drive in Marshall, Minnesota. The project involves the demolition and removal of the dwelling, greenhouses, and garage structures to 4 feet below grade. The demolition includes the proper disposal of all hazardous materials and personal property within the structures. On October 17, 2013, bids were received for the project. One bid was received as follows: D&G Excavating, Inc. \$34,650.00. Councilmember Doom asked if it included removing the driveway. Jergenson indicated that the driveway is not being removed.

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Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the project to Demolish and Remove Dwelling, Greenhouse, and Garage Structures at 1001 West College Drive to D&G Excavating, Inc. in the amount of \$34,650.00'. 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 (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'Consider Approval of Consent Agenda'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on December 2, 2013 at Bremer Bank, 208 East College Drive, Marshall, Minnesota.

The adoption of RESOLUTION NUMBER 3948, SECOND SERIES, which is a resolution Adopting an Assessment for Grass and Weed Control.

Proper city personnel are authorized to advertise for bids for towing and storage of vehicles. These bids are to be received at 10:00 A.M. on November 15, 2013.

Council introduced an ordinance to rezone the ACMC Clinic Site from B-4 (Shopping Center District) to B-3 (General Business District) at 1521 Carlson Street.

The adoption of RESOLUTION NUMBER 3949, SECOND SERIES and the contract between PATROL (Police Accredited Training Online) and the City of Marshall. Staff also recommends approving Rob Yant as administrator of the contract.

That Council adopt RESOLUTION NUMBER 3950, SECOND SERIES, which is a Resolution Revoking Conditional Use Permit at 900 Cheryl Avenue (Planning Commission File No. 365).

That Council introduce the Preliminary Plat of Schwan's Beverage Addition and call for public hearing to be held on to be held at the November 12, 2013 City Council meeting.

Authorized to declare excess city property as surplus property and that the proper city personnel be authorized to dispose of surplus City property at the Moonlight Madness Garage Sale on Thursday, October 24, 2013 from 5:00 p.m. to 9:00 p.m.

That the following bills and project payments be authorized for payment. Accounts Payable, Voucher No. 86191 through 86414.

**APPROVAL OF ITEMS REMOVED FROM THE CONSENT AGENDA -  
ACCEPTANCE OF GRANT FOR INDEPENDENCE PARK PLAYGROUND  
EQUIPMENT:**

Bayerkohler requested this item be removed from the Consent Agenda for discussion. The Parks Department was looking for information concerning potential costs for playground equipment

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for the 2014 budget year. During this information gathering, GameTime, a Playcore Company, proposed to provide the City of Marshall with a playground project grant that would allow the City of Marshall to expand the proposed playground equipment to a considerably larger size. The proposed grant amount would be \$7,317.45 if ordered and paid for in 2013 after delivery or \$8,362.80 if the equipment was ordered and paid for at the time of ordering in 2013 prior to delivery (Payment terms: payment in full, check submitted with order). Quotes were received from GameTime, 5101 Highway 55, Suite 6000, Golden Valley, Minnesota. The cost for the project are included in the 2014 Parks budget request in the amount of \$15,000. If approved, this amount will be removed from the 2014 Parks budget and funded through the 2013 Capital budget 401 Fund. At the October 1, 2013 Council Budget Worksession, the playground grant was discussed with the City Council directing staff to proceed with bringing this forward for council consideration for action. Martig stated that there is grant money to replace smaller children equipment at Independence Park and it needs to be replaced for safety reasons. Preston Stensrud, Parks Supervisor stated that they are getting a discount from the company that he has contacted. Councilmember Boedigheimer asked what the difference was between a grant and the discount. Preston Stensrud has looked at other companies but a majority of them only work with school districts. The original intent was to buy six of the seven individual pieces of equipment, however, with this grant there are three lines that they provide and so the purchase will include all seven pieces of equipment. Installation would be next spring.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council accept the proposed grant for Independence Park playground equipment in the amount of \$8,362.80 from GameTime and awarding the proposal for Independence Park playground equipment to Minnesota/Wisconsin Playground of Golden Valley, Minnesota, in the amount of \$15,156.75 and authorize prepayment of the purchase'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Mayor Byrnes called a 5 minutes recess at 7:00 P.M.

**CONSIDER THE REQUEST BY THE OWNER, CUSTOMER ELATION, INC AND MARSHALL PUBLIC SCHOOLS TO HAVE AN ALTERNATIVE SCHOOL IN A B-3 GENERAL BUSINESS DISTRICT AT 305 SOUTH 2ND STREET:**

This is a request by the owner and Marshall Public Schools to have an alternative school in a B-3 General Business District. Public schools are a conditional use in a B-3 district. The alternative school, which is moving out of the mall, will be occupying most of the building. Parking and driving through adjacent properties may be a concern for surrounding businesses and two people have brought them up with the City. It looks like there will be enough parking for the new use. However, to make sure that property lines are respected, the condition is suggested to distinguish this building parking from adjacent parking. Also the latest parking layout seems to alleviate some trespassing issues. General Business District regulations are located in Section 86-104. The Conditional Use Permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council approve the request for Conditional Use Permit for an alternative school in a B-3 General Business 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 premises are 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 property to conform with the Housing Code, Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto. 4. That the parking is restriped in accordance with the City Ordinance with paint contrasting with adjacent parking lots'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER THE REQUEST OF SUSAN BROMEN FOR A VARIANCE ADJUSTMENT PERMIT AT 202 EAST REDWOOD STREET TO CONSTRUCT AN ADDITION TO THE EXISTING HOUSE LOCATED ON A LOT THAT DOES NOT MEET ORDINANCE REQUIREMENTS FOR MINIMAL SIZE:**

This is a request by Ms. Sue Broman for a Variance Adjustment Permit to construct an addition to her house located on a lot that does not meet Ordinance requirements for minimal size. Ms. Broman wants to build a 16 foot by 10 foot addition on the back of the house. She has applied previously for a variance to construct a 16 foot by 7 foot addition for handicapped access to the home and that was approved in October 2012. The lot size is 66 feet by 66 feet resulting in just 4,356 SF of area. The City Ordinance requires all lots in R-1 one family residence zoning district to have an area of not less than 8,000 SF and dimensions of not less than 70 feet wide and 110 feet deep. The new addition will project 2 feet into required rear yard. Staff believed this encroachment of 2 feet into the rear yard will not adversely affect the neighborhood. The variance regulations and procedures can be found in Section 86-29 and R-1 zoning requirements are located in Section 86-97.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the variance to construct an addition to Ms. Susan Broman's house located on a lot that does not meet Ordinance requirements for minimal size at 202 East Redwood'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDERATION OF FIRE RELIEF ASSOCIATION PENSION INCREASE REQUEST:**

This item was removed from the agenda, therefore no action was taken.

**STAFF RECOMMENDS A MOTION TO ACCEPT THE HOMELAND SECURITY & EMERGENCY MANAGEMENT 2013 SHSP CBRNE GRANT FOR \$10,000 FOR THE S.W.-MN C.A.T. AND ALSO TO APPROVE ROB YANT AS ADMINISTRATOR OF THE GRANT:**

SW Minnesota Chemical Assessment Team has been awarded a CBRNE grant in the amount of \$10,000. The grant performance period will be January 1, 2014 through December 31, 2014. This will supplement the limited annual administrative grant. There is no match requirement with this grant.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to accept the Homeland Security & Emergency Management 2013 SHSP CBRNE Grant for \$10,000 for the S.W.-MN C.A.T. and also to approve Rob Yant as administrator of the grant'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT E22: TREE REMOVAL ON FLOOD PROTECTION LEVEE SYSTEM – PHASE II – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 3:**

Kim Jergensen, Engineer Technician indicated that the Federal Emergency Management Agency (FEMA) is requiring communities with flood protection systems to recertify their systems to be in full compliance with new protective construction requirements. These requirements are nationwide and are a direct result of dike failures occurring along river systems and post-hurricane events. The City, in order to certify compliance, has been directed by the U.S. Army Corps of Engineers (USACOE) to remove all vegetation, except grass, from the dike system and all vegetation except grass within 15 feet of the toe of the dikes. Staff understands the new requirements and the importance of maintaining a certified levee protection system for the elimination of a major portion of the 1% (100-year) flood plains for the city. Change Order No. 2 eliminates the bid item for silt fence resulting in a \$1,200.00 decrease, replacing this item with the alternate bid item called Filter Log, 12” dia., Type Straw Bioroll in the amount of \$2,400.00, resulting in a net increase to the project in the amount of \$1,200.00 for that item. The final contract amount, including change orders, is \$137,268.00. The actual total amount paid to the contractor was \$132,546.45, which is \$4,721.55 less than the revised contract amount, including change orders. Mayor Byrnes asked if the work was completed. Jergensen stated that there are still some trees that need to come down.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 2 for the flood protection levee system project resulting in a contract increase of \$2,400.00 with Midwest Contracting, LLC of Marshall, Minnesota. There was a reduction in the contract of \$1,200 for the silt fence; therefore resulting in a net contract increase of \$1,200'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion passed with Doom voting no. **Carried. 6 - 1**

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council acknowledge Final Pay Request No. 3 in the amount of \$12,577.65 to Midwest Contracting, LLC of Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER 2014 EMPLOYEE INSURANCE RENEWAL FOR DENTAL, LIFE & AD&D INSURANCE; LONG TERM DISABILITY INSURANCE AND VOLUNTARY LIFE INSURANCE:**

Ben Martig, City Administrator indicated that Per Minnesota Statute 471-6161, Subd. 4 a Political Subdivision shall request proposals for group insurance coverage at least once every 60 months. The Southwest West Central (SW/WC) Pool provides health insurance for the City through Blue Cross Blue Shield and they did receive proposals in 2013 for the health insurance pool. To be consistent with the health insurance coverage the City did receive proposals for the



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City's Dental, Life & AD&D, Long Term Disability and Voluntary Life coverages. Based on the proposals received the recommendations are to award the insurance renewals as follows: Dental Insurance to Delta Dental - Single Rate of \$36.95 per month and Family Rate of \$102.70 per month; Life & AD&D to Guardian at an employee rate of \$0.20 per \$1,000 and \$1.20 per unit for all dependents; Long Term Disability (LTD) to National Insurance Services at a rate of 0.20% of wages; and Voluntary Life to Guardian. Councilmember Boedigheimer questioned why staff went out for proposals but only negotiated with one company. He did not feel this was fair. Martig explained that Guardian is not in the network. Tom Meulebroeck, Director of Finance/City Clerk indicated that Guardian does not pay towards dental care as much as Delta Dental and the employee end up paying a lot more out of pocket expenses. Bayerkohler asked what the percent the employee pays on the premium and what percent should the city be paying. Meulebroeck stated that the employee pays 20% and the City 80%.

Bayerkohler would like to see a comparison of our benefits with those of other cities. He suggested that the council review these rates at a council work session. He also suggested that the council look at the total package and decide what percent the city should contribute. Bayerkohler also questioned why the city pays the premiums on the Life & AD&D Insurance for both the employee and the employee's dependents. It is his understanding that usually companies only pay life insurance premiums for the employee and not for the employee's dependents. Councilmember DeCramer agreed but it is too late to look at it now, this is something that the council should review after the first of the year.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve the 2014 Employee Dental Insurance with Delta Dental at a rate of \$36.95 per month for single coverage and \$102.70 per month for family coverage'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion **Carried 4 - 3** with Bayerkohler, Boedigheimer, and Hulsizer voting no.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'to approve the 2014 Employee Life & AD&D Insurance with Guardian at a rate of \$0.20 per \$1,000 for the employee and \$1.20 per unit for dependent coverage'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Carried. 6 - 1** with Bayerkohler voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'to approve the 2014 Long Term Disability (LTD) insurance with National Insurance Services at a rate of 0.20% of wages'. 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 'to approve the 2014 Voluntary Life Insurance with Guardian'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Carried 6 - 1** with Bayerkohler voting no.

**CONSIDER THE MINNESOTA MUNICIPAL UTILITY ASSOCIATION (MMUA) SERVICE AGREEMENT FOR SAFETY MANAGEMENT PROGRAM FOR 2014:**

Ben Martig, City Administrator reviewed the proposed MMUA safety management program. The contract is proposed to increase from last year. The city does have a new consultant and have significantly upgraded the contract language so staff is supportive of the increase. If there are issues with the services the city may terminate at a later date. Councilmember Bayerkohler questioned if there was a serious accident how long it would take MMUA to be onsite. The agreement use to read within hours and it now reads as soon as possible. Martig explained that they would still be there as soon as possible. Bayerkohler also noted that the scope of services was not listed on the new agreement. Martig said he would find out why this was not included.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the Minnesota Municipal Utility Association (MMUA) Service Agreement for Safety Management Program for 2014'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**COMMISSION/BOARD LIAISON REPORTS:**

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

Hulsizer        Library Board discussed sick leave for employees. The tax levy would remain the same; total levy can't be changed.

Marshall Area Transit Committee met on Thursday. Shelter has been ordered for Heritage Place.

Doom            No report.

Bayerkohler   Housing Commission discussed provisions to the housing commission ordinance that they would report to the City Council once a year and they decided on November of each year. Their fiscal year ends in February.

DeCramer      Economic Development Authority discussed the public hearing on Action Manufacturing.

Boedigheimer No report.

Conyers        Senior Citizen Center Commission attended there last meeting but nothing new to report.

Byrnes         No report.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Councilmember Doom attended the Senate Capital presentation on the MERIT and the Amateur Sports Center. Cal Brink, CEO Chamber of Commerce did the presentations. Doom also attended the Avera Cancer groundbreaking ceremony.

**STAFF REPORTS:**

Ben Martig, City Administrator met with the engineering department regarding snow removal. They are recommending some changes for the 2013-2014 winter. Staff felt the city could complete the task differently to better utilize staff and equipment. Some of the equipment is not being used 24 hours during a major storm event. L&O reviewed changes to the ordinance regarding CVB. Planning on meeting with them next week.

Dennis Simpson, City Attorney is having problems with getting insurance compliance on construction contracts.

**PENDING ITEMS:**

There were no questions on pending items.

**INFORMATION ONLY:**

There were no questions on information items.

**CONSIDERATION TO MOVE TO CLOSED SESSION TO DISCUSS LAND SALE/LEASE:**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'approved to closed session'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

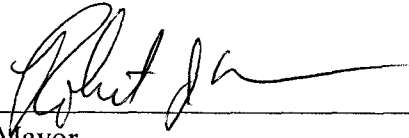
The Council went into closed session at 8:11 P.M. to discuss consideration of changes in lease terms related to the existing agreement with Schwan's. Those present at the closed session included: Byrnes, Hulsizer, Doom, Bayerkohler, Boedigheimer, DeCramer and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Thomas M. Meulebroeck, Finance Director/City Clerk; and Cal Brink, CEO Marshall Area Chamber of Commerce.

The council came out of closed session at 8:30 P.M.

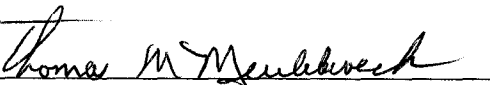
**UPCOMING MEETINGS:**

There were no questions on the upcoming meeting list.

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

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Finance Director/City Clerk