

REGULAR MEETING – NOVEMBER 12, 2013

The regular meeting of the Common Council of the City of Marshall was held on November 12, 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; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Sheila Dubs, Human Resource Coordinator; Ilya Gutman, Building Official; Marc Klaith, Fire Chief; Cal Brink, CEO Marshall Area Chamber of Commerce; 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 OCTOBER 22, 2013:

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **SUBSTITUTE** motion 'that the minutes of the regular meeting held on October 22, 2013 be approved as corrected 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**

SCHWAN'S BEVERAGE ADDITION -- PUBLIC HEARING AND APPROVAL OF PRELIMINARY PLAT AND CONSIDER RESOLUTION ADOPTING THE FINAL PLAT:

This was the date and time set for a public hearing on the Preliminary Plat of Schwan's Beverage Addition in Marshall, Minnesota. Glenn Olson, Director of Public Works/City Engineer, indicated that Schwan's Shared Services, LLC is requesting to plat the area presently described in two separate subdivisions requiring two separate tax parcel identifications and separate tax statements. This subdivision will combine these parcels resulting in one lot.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing and approve the Preliminary Plat of Schwan's Beverage Addition'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 3951, SECOND SERIES, which is the Resolution Approving the Final Plat of Schwan's Beverage Addition subject to review and approval of the city attorney'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

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

Authorization be granted to the Department of Public Safety to dispose of surplus City Property of fourteen (14) vehicles. These vehicles will be auctioned on-line at the state site or will be taken to Alter for disposal

The proper City personnel be authorized to enter into a rental agreement with the City of Moorhead for the Southwest Minnesota Chemical Assessment Team (SWMN CAT) to use their training trailer for team training.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 86415 through 86645.

CONSIDER THE REQUEST OF ACMC CLINIC SITE TO REZONE 1521 CARLSON STREET FROM B-4 TO B-3:

Ilya Gutman, Building Official, reviewed the request from ACMC clinic site to rezone 1521 Carlson Street from B-4 District, which is intended for shopping malls, to B-3 District, which is more appropriate zoning for a clinic. The Planning Commission is recommending this property be rezoned.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt ORDINANCE NUMBER 682, SECOND SERIES, which is an ordinance Amending Chapter 86 Relating to Zoning for 1521 Carlson Street. This ordinance provides for 1521 Carlson Street to be rezoned from B-4 (Shopping Center District) to B-3 (General Business District)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER THE REQUEST OF ACMC CLINIC FOR A VARIANCE ADJUSTMENT PERMIT TO BUILD AN ACCESSORY BUILDING WITH REAR AND SIDE YARD SMALLER THAN REQUIRED BY CITY ORDINANCE:

Ilya Gutman, Building Official, reviewed the request from ACMC for a Variance Adjustment Permit to construct a utility garage with the rear yard of 5 feet in lieu of 12 feet and a side yard of 5 feet in lieu of 10 feet as required by the City Code. The new ACMC building has been recently completed and a new surgery center addition is being planned. The owner is trying to put the garage at the very corner of the property off the parking lot. After rezoning, the building will be located in a B-3 general business district. Section 86-163 Accessory Buildings requires that accessory buildings are not placed in a required side yard or less than 12 feet to the rear property line (requirement has been recently changed from 15 feet to 12 feet). The new garage will be located at the back of the mall not far away from a playground. Minimal reduction in size, change in shape, and/or location adjustment may allow full compliance with the Ordinance. The Planning Commission is recommending denying this request.

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Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the request of ACMC Clinic for a Variance Adjustment Permit to construct a utility garage with a rear yard of 5 feet in lieu of 12 feet and a side yard of 5 feet in lieu of 10 feet as required by City Code be denied'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Boedigheimer voting no.

CONSIDER REPLACEMENT OF FIRE HELMETS:

Marc Klaith, Fire Chief, reviewed the request from the Marshall Fire Department to replace 15 fire helmets. The Marshall Fire Department follows NFPA safety and maintenance standards related to equipment. It has come to the attention of the fire department that specific replacement schedules of fire helmets are recommended by NFPA. The Fire Chief is recommending to formally begin following these recommendations consistent with NFPA in order to ensure safety of the employees and avoid liability. Marc indicated that he received a quote from Heiman Fire Equipment, Ashton, IA for 25 Bullard Traditional Matte Finish Helmet and Leather Front and TrakLite in the amount of \$305.00 each. Marc indicated that staff is working on requesting an amended quote for the recommended 15 helmets at the same price. The remaining 10 helmets will be added to the 2014 budget request under the fire department.

Council Member Boedigheimer wanted to know why this expense was not being paid out of Capital Equipment. Ben Martig, City Administrator, indicated that the Capital Equipment Policy is for items that cost \$5,000 or more.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve the purchase of 15 Bullard Traditional Matte Finish Helmet and Leather Front and TrakLite in the amount of \$305.00 each for a total of \$4575 with Heiman Fire Equipment'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Boedigheimer voting no.

CONSIDERATION OF FIRE RELIEF ASSOCIATION PENSION INCREASE REQUEST:

John Full, President of the Fire Relief Association, reviewed the request of the Marshall Fire Department to increase their retirement benefit \$250.00 per year for the next 2 years. City Administrator Martig is supportive of the proposed contribution increase for 2014. The intent would be to review again in 2014 for the 2015 contribution but recognizing the Fire Relief Association is intending on an additional \$250 request for next year. Martig indicated that the cost of a \$250 increase is estimated at \$106,645, which is \$32,338 additional from the current \$5000 benefit level cost of \$74,507 for 2014. This is an estimate only based on the current formula and current conditions as if the benefit level were at this for the current year for implementing in 2014. There are not other alternate ways to estimate the impact.

Council Member Bayerkohler indicated that this would be a 72% increase over the next two years. Bayerkohler indicated that if the City used a defined contribution plan they would avoid fluctuations. Mr. Full indicated that there are about 80 fire departments in the state that use a defined contribution plan and of that number most are departments with full-time firefighters.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3952, SECOND SERIES, which will approve the amended bylaws related to an increase in the fire pension from \$5,000 to \$5,250 paid per year of service effective January 1, 2014'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **2**. The motion **Passed 5 – 2** with Bayerkohler and Hulsizer voting no.

CONSIDER APPROVAL OF THE 2014-2015 HEALTH CARE SAVINGS PLAN MEMORANDUMS OF UNDERSTANDING:

Sheila Dubs, Human Resource Coordinator, indicated that the Minnesota State Retirement System (MSRS) offers a Health Care Savings Plan (HCSP) program to state employees and other governmental subdivisions. A HCSP is an employer sponsored program that allows employees to save money, tax-free, to use upon termination of employment to pay for eligible health care expenses. Individual employees are responsible for all associated account administration fees. The City Council has supported and encouraged employees to participate in this plan beginning in April, 2006. The current HCSP Memorandums of Understanding for each of the union and non-union groups will expire on 12/31/13. The AFSCME bargaining unit, both LELS bargaining units, and the non-union group would appreciate Council consideration and approval of the memorandums of understanding to ensure continuation of the programs for City employees. The Memorandums of Understanding reflect a majority consensus among the eligible participants in each respective bargaining unit as well as that of the non-union group. Each of the MOU's has been reviewed by the MSRS and found to be compliant under the plan. Participation in the MSRS HCSP results in a tax savings to the City. Employers are not required to pay FICA (social security and Medicare) taxes on amounts contributed to the plan by the employee or the employer, thus all contributions equate to a 7.65% savings to the City on the contributions of AFSCME and non-union employees and a 1.45% (Medicare portion of FICA) savings to the City on the contributions of employees in the LELS unions. Since April 2006, the City Council has considered and approved the Memorandums of Understanding from the respective union/non-union groups, which includes an annual (pro-rated) employer contribution to individual HCSP accounts in the amount of \$25.00 made in December into active employee accounts (those accounts receiving a biweekly contribution). AFSCME has chosen not to participate in actively contributing which is why they are not receiving an employer contribution. Though public employers are not obligated to maintain or contribute to a post-retirement or active employee health care savings plan (MN Statute 352.98 subd. 3. c.), it is the recommendation of staff that Council approve the Memorandums of Understanding as presented.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'approve the 2014-2015 Health Care Savings Plan Memorandums of Understanding between the City of Marshall and AFSCME, LELS Local 190, LELS Local 245, and the non-union employee groups'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

CONSIDER ADOPTION OF RESOLUTION AUTHORIZING COMMERCIAL LEASE TERMINATION AGREEMENT BETWEEN CITY OF MARSHALL AND SCHWAN'S AERIAL MARKETING, LLC REGARDING "RED BARON HANGAR" LEASE DATED SEPTEMBER 1, 2004 AND AUTHORIZING THE PROPERTY CITY OFFICIALS TO SIGN SAID TERMINATION AGREEMENT:

Cal Brink, CEO Marshall Area Chamber of Commerce, indicated that a very extensive and detailed Commercial Lease Agreement was previously entered into between the City of Marshall and Schwan's Aerial Marketing, LLC. The lease allowed for the construction of a facility on City-owned property. The tenant was responsible for all improvements to the existing building. The tenant also paid monthly rental maintenance fee to the City, as well as payment of all utilities. The facility has not been used for some time and City staff and representatives from Schwan's have had ongoing discussions to develop terms for the cancellation and termination of the existing lease. Settlement terms for the termination of the agreement have been set forth in a Commercial Lease Termination Agreement. The termination of said lease would be effective December 31, 2013. Schwan's would be responsible for rental payments, maintenance payments, utility payments, and insurance payments through the end of this year. Additionally, they have agreed to pay the real estate taxes due and payable on said premises payable in the year 2014.

Mr. Brink indicated that the terminating of this lease would allow the City to enter into two new one-year lease agreements with Running's for the office space at the front of the building and Southwest Aviation for the hangar space to be effective December 1, 2013.

Council Member Boedigheimer asked how this building could be rented before the current lease is terminated. Dennis Simpson, City Attorney, indicated that this was unusual, but it was part of the terms that Schwan's Aerial Marketing agreed to.

Council Member Bayerkohler indicated that the City was letting Schwan's get out of a financial obligation of \$100,000 by terminating the lease. He thought that ending a long-term lease in favor of two one-year leases could cost the City money.

Mr. Brink indicated that Schwan's invested two million in renovating the building in the past and that they have been a good partner to the Marshall community. Mr. Brink also indicated that there is a possibility that the new lease agreements would lead to having long-term tenants in the building.

Member **(John DeCramer)** moved, Member **(Larry Doom)** seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3953, SECOND SERIES, which is a resolution Authorizing the Proper City Officials to Execute a Commercial Lease Termination Agreement between the City of Marshall and Schwan's Aerial LLC'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 - 1** with Bayerkohler voting no.

CONSIDER ADOPTION OF RESOLUTIONS AUTHORIZING CITY OFFICIALS TO ENTER INTO LEASE AGREEMENTS OF CITY OWNED PROPERTY ("RED BARON HANGAR") WITH PROPOSED TENANTS RUNNING SUPPLY, INC. AND SOUTHWEST AVIATION, INC:

City staff is recommending that the City Council approve proposed one year lease agreements for the "Red Baron Hangar". The existing lease agreement with Schwan's Aerial Marketing, LLC has been terminated and the "Red Baron Hangar" property is now available for subsequent lease. The City-owned property known as "Red Baron Hangar" is presently vacant and unoccupied. City staff has negotiated two separate leases for the lease of the entire "Red Baron Hangar" facilities. Running Supply, Inc. is interested in leasing the "Front Half" of said premises, to use office space and conference room for conducting general business operations. Pete Johnson (Southwest Aviation) is interested in leasing the "Back Half" of said premises for hangar, storage and maintenance of aircraft. Running's has negotiated a one year lease (triple net lease) for payment of \$1,500 per month. Pete Johnson has negotiated a one year lease (triple net lease) for payment of \$2,000 per month. The City is responsible for all building utilities and taxes on said premises. Schwan's Aerial Marketing, LLC has agreed to pay the 2014 property taxes. There is presently only one utility meter on said premises. The City has agreed to consider and potentially install a second meter so that the front half and back half of the premises are separately metered. Additionally, there is only one light control panel located in the back half hangar portions of property. City will investigate and potentially install separate electrical panels for the ability to separate light and other electrical services between the two building portions.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3954, SECOND SERIES, which is a resolution Authorizing the Lease of City Owned Property to Running Supply, Inc.' This property is located in the "Front Half" of the Red Baron Hangar at the Southwest Minnesota Regional Airport. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1**, with Bayerkohler voting no.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'the adoption of RESOLUTION NUMBER 3955, SECOND SERIES, which is a resolution Authorizing the Lease of City owned property to Southwest Aviation, Inc'. This property is located in the "Back Half" of the Red Baron Hangar at the Southwest Minnesota Regional Airport. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

CALL FOR PUBLIC HEARING REGARDING CONSIDERATION OF CONTRACT FOR PRIVATE DEVELOPMENT AND BUSINESS SUBSIDY AGREEMENT BETWEEN THE CITY OF MARSHALL AND ACTION MANUFACTURING, INC:

Cal Brink, CEO Marshall Area Chamber of Commerce, indicated that the City Council previously received information regarding a potential Business Subsidy Agreement and Contract for Private Development between City of Marshall and Action Manufacturing, Inc.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3956, SECOND SERIES, which is a resolution calling for a public hearing regarding a Contract for Private Development

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and Business Subsidy Agreement between City of Marshall and Action Manufacturing, Inc'. This public hearing will be held on November 26, 2013. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z15: ELM STREET / NORTH 4TH STREET AREA SANITARY SEWER AND WATERMAIN REPLACEMENT PROJECT – CONSIDER CHANGE ORDER

NO. 1:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project involves the replacement of the watermain on Elm Street from North 3rd Street to North 4th Street, the watermain on North 4th Street from Elm Street to Whitney Street, the sanitary sewer in the rear yards within the block surrounded by Elm Street, North 4th Street and Whitney Street, and the reconstruction of Elm Street from North 3rd Street to North 4th Street. This change order includes changing of the bituminous mix from rubberized oil to non rubberized oil for North 4th Street only as the existing surfacing on North 4th Street is non rubberized. The paving for Elm Street will remain as rubberized. This will result in an eventual reduction of rubberized asphalt quantity to the wear course mix as bid.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approves Change Order No. 1 with R&G Construction Co. resulting in a contract increase in the amount of \$28,414.80 and a total contract amount of \$451,308.35 for Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project Z15'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Y97: SOUTH 1ST STREET LIFT STATION / GRIMES STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 2:

Glenn Olson, Director of Public Works/City Engineer, indicated that the South 1st Street Lift Station / Grimes Street Reconstruction 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 excavation of South 1st Street near the lift station to achieve proper slope as the existing crown had been built up from maintenance operations and would not match the required street cross section.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 2 with Voss Plumbing & Heating of Paynesville, Inc. resulting in a contract increase in the amount of \$2,750.00 and a total contract amount of \$452,475.18 for South 1st Street Lift Station / Grimes Street Reconstruction Project Y97'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z18: BITUMINOUS CHIP SEALING PROJECT – ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 2:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the City Council acknowledges the Final Pay Request No. 2 for McLaughlin & Schulz, Inc. of Marshall, Minnesota, in the amount of \$3,894.46 for Bituminous Chip Sealing Project Z18'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

RESOLUTION REALLOCATING ASSESSMENTS (PROJECT Z05: TIGER PARK STORMWATER DETENTION POND PROJECT AND PROJECT Y84: COMMENCEMENT BOULEVARD IMPROVEMENT PROJECT):

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3957, SECOND SERIES, which is the Resolution Redistributing Assessments for Project Z05: Tiger Park Stormwater Detention Pond Project'. 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 adopt RESOLUTION NUMBER 3958, SECOND SERIES, which is the Resolution Redistributing Assessments for Project Y84: Commencement Boulevard Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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

QUIT CLAIM DEEDS (TRANSFER OF PROPERTIES BETWEEN THE CITY OF MARSHALL AND SCHWAN'S SHARED SERVICES, LLC):

Glenn Olson, Director of Public Works/City Engineer, indicated that Schwan's and the City have been working to redevelop properties within the Tiger Park Addition area. Included in that proposed continued redevelopment is a proposal for intersection improvements at the northwest corner of the Marshall High School property and the northeast corner of the Schwan's property. This improvement may include the construction of a roundabout or a conventional type intersection. In order to accomplish these improvements, a significant portion of Lot 1, Tiger Park Fifth Addition would be necessary for the right-of-way and utility installation at that intersection area as there is no interest by the current property owner north of Tiger Park Fifth Addition to dedicate or develop that area. In order to accomplish the right-of-way acquisition necessary for the intersection, staff is proposing to transfer Outlot H, Tiger Park Addition located on the northwest corner of Lot 2, Block 3 Tiger Park Fifth Addition. This outlot was previously platted to identify a potential frontage road extending south of Lot 2 of Tiger Park Addition. As this outlot is no longer necessary for roadway development, it would be beneficial to both property owners to make this transfer. Upon transfer, this strip will be included in a newly developed subdivision. The transfer of property would also need to include the retention of a public utility easement over the entire parcel. This easement would be included in the platting procedure.

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Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the transfer of Lot 1, Block 3, Tiger Park Fifth Addition from Schwan's Shared Services, LLC (Schwan's) to the City of Marshall by Quit Claim Deed'. 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 'that the Council adopt RESOLUTION NUMBER 3959 SECOND SERIES, which is a Resolution Authorizing the Proper City Officials to Execute a Deed to Convey Real Estate Owned by the City of Marshall for the transfer of Outlot H, Tiger Park Addition from the City of Marshall to Schwan's Shared Services, LLC (Schwan's) by Quit Claim Deed'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council approve the transfer of Outlot H, Tiger Park Addition from the City of Marshall to Schwan's Shared Services, LLC (Schwan's) by Quit Claim Deed'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 3960, SECOND SERIES, which is a Resolution Authorizing the Proper City Officials to Execute a Deed to Convey Real Estate Owned by the City of Marshall for the transfer of a 30-ft. strip of land located in Block 3, Blake's Addition from the City of Marshall to Schwan's Shared Services, LLC (Schwan's) by Quit Claim Deed'. 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 'that the Council approve the transfer of a 30-ft. strip of land located in Block 3, Blake's Addition from the City of Marshall to Schwan's Shared Services, LLC (Schwan's) by Quit Claim Deed'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to the Southwest Minnesota State University Foundation to hold a raffle on February 14, 2014, at SMSU, 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: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 -1** with Bayerkohler abstaining.

CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION:

Member (Larry Doom) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion 'The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation for December 13, 2013 at SMSU PE Gym, 1501 State Street, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion Passed 6 – 0 -1 with Bayerkohler abstaining.

COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes SW MN Amateur Sports Center held their monthly meeting earlier today.

Hulsizer Library Board met today, but was unable to attend.

Doom SW MN Amateur Sports Center met earlier today.

Bayerkohler No report.

DeCramer MERIT Center Commission met, but was unable to attend. Utilities Commission held a public hearing on the proposed rate increase.

Boedigheimer Ways and Means Committee met prior to the Council meeting; Airport Commission did not have a quorum at their last meeting.

Conyers Community Services Advisory Board met last week. Conyers indicated that she attended the Regional League of Minnesota Cities meeting on October 30, 2013.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Hulsizer indicated that the minutes from the Planning Commission are usually attached to any Planning Commission item, but there were not attached for this meeting. She indicated that it is helpful to see their discussion.

Council Member Boedigheimer indicated that he was impressed with the Veteran Display in the Middle School.

Mayor Byrnes indicated that he attended the Regional League of Minnesota Cities meeting on October 30, 2013. There were representatives from the House Capital Investment Committee in Marshall on November 7th to discuss the MERIT Center expansion and the SW MN Amateur Sports Center. Cal Brink provided presentations on both facilities.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that staff has been working on a pre-design review with the State of Minnesota for the MERIT Center; there is a budget meeting on Tuesday, November 19th; the partnership agreement with Marshall Municipal Utilities is in draft format and the 2014 proposed property tax notices will be mailed soon.

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Glenn Olson, Director of Public Works/City Engineer, indicated that the bike trail from Independent Lumber to Trunk Highway 19 is complete. Staff will be meeting with MN/DOT to work on design and process approval for the Pedestrian Crossing at Hwy 23 and Saratoga Street.

Dennis Simpson, City Attorney, indicated that the preparation of the documents for the Sanitary Sewer Project at the Airport was very time consuming.

PENDING ITEMS:

There were no questions on pending items.

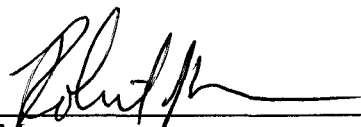
INFORMATION ONLY:

There were no questions on information items.

UPCOMING MEETINGS:


There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk