

REGULAR MEETING – NOVEMBER 26, 2013

The regular meeting of the Common Council of the City of Marshall was held on November 26, 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; Rob Yant, Director of Public Safety; Ilya Gutman, Building Official; 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.

**MAYOR'S PROCLAMATION WELCOMING FOREIGN EXCHANGE STUDENT:**

Mayor Byrnes welcomed the following Foreign Exchange Students for the 2013/2014 school year.

Edoardo D'Acierno from Italy staying with Paul and Lois Johnson  
Rafaella Holouka from Brazil staying with Emily and James Lozinski  
Anton Gaykin from Russia staying with Joe and Jaci Garvey  
Agnes Thell from Sweden staying with Alma and Sheri Hale  
Hendrik Langner from Germany staying with Sheldon and Karla Adams

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'to adopt the Mayor's Proclamation welcoming the foreign exchange students for the 2013/2014 school year'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**APPROVAL OF THE MINUTES:**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on November 12, 2013 and the minutes of the Council Work Session held on November 19, 2013 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PUBLIC HEARING TO CONSIDER BUSINESS SUBSIDY AGREEMENT AND CONTRACT FOR PRIVATE DEVELOPMENT WITH ACTION MANUFACTURING, INC:**

This was the date and time set for a public hearing on behalf of the City of Marshall and Economic Development Authority to receive public comment on the proposed Contract for Private Development Including Ground Lease and Business Subsidy Agreement with Action Manufacturing, Inc. Cal Brink, CEO Marshall Area Chamber of Commerce, provided a power point presentation on Action Manufacturing, Inc. Tim Swenson of Action Manufacturing, Inc., indicated that they produce the Action TrackChair, an all-terrain motorized wheelchair. The chairs have received the attention of veterans groups and national news coverage. Mr. Swenson

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indicated that due to the increase in customer demand his business needs to expand to fulfill the needs of the customers.

City staff has been working diligently with owners and representatives from Action Manufacturing, Inc. Action Manufacturing, Inc. is a growing business involved in the welding, fabrication, and assembly of a product known as Action TrackChair. Action Manufacturing, Inc. is quickly growing its business and is looking to expand its physical plant and expand its workforce. City staff and representatives from Action Manufacturing, Inc. have been working together to provide a business subsidy agreement to assist in the growth of Action Manufacturing, Inc. The major subsidy provisions of this agreement are as follows: 1. Action Manufacturing, Inc. is proposing to construct a manufacturing facility of approximately 20,000 square feet, including a portion for office and administrative operations. The facility will be located on City of Marshall property near the Southwest Minnesota Airport Facility. Location and construction of the new facility will occur on City owned property pursuant to a 99 year lease; 2. City write-down in the amount of \$125,000 related to the value of the 99 year ground lease where the project will be located; 3. A loan of \$240,000 provided by the EDA from Minnesota Investment Fund (MIF) with 2% interest rate; 4. Waiver of the value of the special assessments to support the construction of the public utilities estimated to be \$325,000 and; 5. Waiver of the Water Area Charge in the approximate amount of \$18,394.00. Obligations of Developer Action Manufacturing, Inc. include: 1. the obligation for the construction of approximately 20,000 square foot manufacturing facility (18,000 square feet for manufacturing, 2,000 square feet for office, administration and common space); 2. Retain 13 full-time equivalent living wage jobs; 3. Create 10 full-time equivalent living wage jobs. Job retention and job creation within two years of benefit date; 4. Termination date of the developer's obligation means the later of either five years from the issuance of the certificate of completion during which time the developer must ensure the continued operation of the minimum improvements set forth in CPD/BSA or the date seven years from the issuance of the certificate of completion during which time the developer must ensure the continued operation of the minimum improvements and make the repayment in full of the MIF loan. It is the recommendation that the approval of the City Council resolution would then be forwarded to the Marshall Economic Development Authority for the concurrent execution of the CPD/BSA. EDA will be supervising agency regarding contract administration and compliance.

Council Member Bayerkohler indicated that Section 3.3 of the BUSINESS SUBSIDY POLICY AND CRITERIA for the City of Marshall states as follows: "Prior to consideration or approval of a Business Subsidy, an applicant shall provide the following, if requested by a Grantor: (ii) Substantiate that the project cannot financially proceed without the benefit of a Business Subsidy, by demonstrating the inability to obtain full private financing prior to applying for a Business Subsidy." Council Member Bayerkohler indicated that he was not in favor of the City providing government subsidies if it was possible for the business to get private financing.

DeCramer moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'adoption of RESOLUTION NUMBER 3961, SECOND SERIES, which

calls for the approval of Contract for Private Development Including Ground Lease and Business Subsidy Agreement with Action Manufacturing, Inc'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

**CONSIDER APPROVAL OF CONSENT AGENDA:**

Council Member Boedigheimer asked why the final payment has not been made for the NW Industrial Park Storm Water Pond Project Y86. Glenn Olson, Director of Public Works/City Engineer, indicated that the contractor has not completed the work.

Member (**John DeCramer**) moved, Member (**Larry Doom**) 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**

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 86646 through 86883.

**CONSIDER RESOLUTION APPROVING REINSTATEMENT OF PERA REPLACEMENT PLAN FOR CERTAIN EMPLOYEES OF AVERA MARSHALL:**

Mary Maertens, CEO of Avera Marshall Regional Medical Center, and Sharon Williams, CFO of Avera Marshall Regional Medical Center, were in attendance at the meeting to review the proposed resolution approving Reinstatement of PERA Replacement for certain employees of Avera Marshall. Mayor Byrnes, City Administrator Martig, Council Member Ellayne Conyers and Glenn Bayerkohler met with Sharon Williams and Mary Maerten to go over the details. Additionally, City Attorney Simpson has been briefed on this proposed resolution.

Member (**Glenn Bayerkohler**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 3962, SECOND SERIES, which is a Resolution Approving Reinstatement of PERA Replacement Plan for Certain Employees of Avera Marshall'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Boedigheimer voting no.

**CONSIDER THE REQUEST OF AVERA, MARSHALL MINNESOTA FOR A VARIANCE ADJUSTMENT PERMIT TO PROVIDE FEWER PARKING SPACES FOR THE NEW ADDITION THAN REQUIRED BY CITY ORDINANCE AT 300 SOUTH BRUCE STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Avera Marshall for a Variance Adjustment Permit to provide four new parking spaces for the cancer center addition in lieu of 65 new parking spaces as required by the City Code. The new addition area is about 13,000 Sq. Ft. which requires 65 additional parking spaces per current Ordinance. However, only four new parking spaces can be fit on existing site during this construction. When a clinic addition was built in 2011, the owner obtained a variance permit for providing 106 parking spaces in lieu of 120 that were required. According to the owner, there is no apparent real parking shortage experienced in real life. Avera owns some additional land within this block where a single family house is currently located and also some land across Charles Street. Some of that land may be used for parking. City staff is in the process of revising the City's parking ordinance. Many parking requirements will be reduced including requirements for the clinics from one space per 200 SF of gross building area to one space per 250 SF. If the new

requirements were applied to the clinic addition and new cancer center addition, the result will be 148 required parking spaces. Considering that 106 spaces were added in 2011 construction, 42 spaces are still required.

Kevin Schroeder, Avera Marshall indicated that there is currently no shortage of parking stalls. RaTerra RaShana, reviewed the concerns of the residents of Bruce Street. They are requesting that if the variance is issued that it only be issued for 1 year and renewed if the parking has proven to be adequate.

Staff is recommending a variance for providing 42 parking spaces in lieu of 65 as required by the City Code be approved.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **SUBSTITUTE** motion 'that the request of Avera Marshall for a Variance Adjustment Permit to provide 4 parking spaces in lieu of 65 as required by the City Code and this variance be reviewed in 1 year'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion **Passed 4 - 3** with Bayerkohler, Hulsizer and Boedigheimer voting no.

Mayor Byrnes called for a 5-minute recess at 7:09 P.M.

Dennis Simpson, City Attorney, excused himself at this time.

**CONSIDER THE REQUEST OF MINNESOTA VALLEY BROADCASTING, OF MARSHALL, MINNESOTA FOR A VARIANCE ADJUSTMENT PERMIT TO ALLOW OUTSIDE STORAGE WHERE THE ORDINANCE PROHIBITS IT IN A B-3 GENERAL BUSINESS DISTRICT AT 609 SOUTH 4TH STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Minnesota Valley Broadcasting, the Owner, and Border State Electric, the tenant, to allow outside storage of construction materials within existing fence. This building is located at the corner of South 4th Street and Lucille Street. This building is located in a B-3 General Business district while the area on the other side of Lucille Street is zoned R-1 Single Family Residential. The original Conditional Use Permit issued in 1974 classified a nonconforming use as conforming one. General Business district permits a wholesale operation with no outside storage. Currently there is a 75 feet by 30 feet yard enclosed with 6 foot tall fence around and that is being used for storage. A year ago a Variance permit to allow exterior storage within existing fence was approved for this location for 12 months to give the owner time to find another location. Something did not work out and the owner asked for a 12 month extension of the variance and then requested extension through 2015 during the Planning Commission meeting.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **SUBSTITUTE** motion 'that the request of Minnesota Valley Broadcasting for a Variance Adjustment Permit to allow exterior storage within existing fence be approved with the following conditions: 1. All other City Ordinance requirements are complied with; 2. No storage outside of the fence of any materials or equipment is allowed at any time for any duration; 3. No material shall be exposed above the existing 6 foot fence. 4. This variance is valid through 2015 or until current tenant moves out whichever occurs first'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER THE REQUEST OF WORTHINGTON REAL ESTATE LLC, MARSHALL, MINNESOTA FOR A VARIANCE ADJUSTMENT PERMIT TO PROVIDE FEWER PARKING SPACES THAN REQUIRED BY CITY ORDINANCE AT 1650 EAST COLLEGE DRIVE:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request by Kruse Motors for a Variance Adjustment Permit to provide 50 new parking spaces for the new car dealership in lieu of 109 parking spaces as required by the City Code. The new car dealership is about 22,000 SF and has about 4,500 SF of outside sales lot. The City Ordinance requires 98 parking spaces for the building (1 space per 200 SF for 8,000 SF of showrooms and offices and 3 spaces per repair bay) and 11 spaces for sales lot (1 space per 4,000 SF) for a total of 109 spaces. However, the City staff believes that these requirements are excessive and intends to revise parking requirements in the near future. A similar request for GMC dealership has been approved recently.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the request of Worthington Real Estate LLC, for a Variance Adjustment Permit to provide 50 parking spaces in lieu of 109 as required by the City Code with the conditions that at least 20% of lot area is landscaped with live materials and at least 20 trees are planted on the developed part of the lot'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 - 2** with Hulsizer and Boedigheimer voting no.

**CONSIDER A THREE-YEAR AGREEMENT WITH PYROTECHNIC DISPLAY, INC. FOR THE CITY OF MARSHALL JULY 4TH FIREWORKS:**

Harry Weilage, Director of Community Services, indicated that the annual 4th of July fireworks presentation is very well attended and staff has received many favorable reviews of the fireworks display with Pyrotechnic Display, Inc. of Clear Lake (PDI) whom the City has worked with for that past 4 years. 2013 was the final year of a 3-year, \$8,550 per year contract with PDI. PDI has extended a new 3-year, \$8,925 per year contract. This multi-year contract is structured so that the City will receive a fireworks bonus in each of the three displays so that at the conclusion of the contract the City will have received (3) displays with a combined value of \$28,050 costing \$26,775.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the proper city personnel be authorized to enter into a three-year agreement with Pyrotechnic Display, Inc. from Clear Lake for the July 4<sup>th</sup> Fireworks in the amount \$8,925.00 per year'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AUTHORIZATION TO APPROVE TOWING AND STORAGE AGREEMENT BETWEEN THE CITY OF MARSHALL AND SOUTHWEST TOWING AND RECOVERY:**

Ben Martig, City Administrator, indicated that the City of Marshall has a contract with a towing service to tow vehicles when an owner isn't available to move it. This is most common for abandoned vehicles or vehicles that have to be moved for snow removal. The current two-year contract is with Southwest Towing and Recovery from Marshall and is ending December 31st of this year. PD supervisors have been very satisfied with the response time and work done by Southwest Towing. Proposals were sought from interested towing companies to provide this towing service for the next two years and two proposals were received from:

Southwest Towing and Recovery Marshall, Minnesota \$65.00 per tow \$20.00 per day for inside storage \$20.00 per day for outside storage	BCM Towing and Recovery Tyler, Minnesota \$55.00 per tow \$20.00 per day for inside storage \$10.00 per day for outside storage
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Southwest Towing and Recovery included in their bid the provision to pay back to the City some of the costs incurred by the City. Specifically, if a towed vehicle that has been categorized as abandoned by the Public Safety Department, they will donate 100% of the towing and storage money back to the City of Marshall.

These bids were reviewed by the City Attorney Dennis Simpson. Per a review of the proposals Mr. Yant indicated that both providers could meet the City's needs. One was from BCM Towing and Recovery from Tyler. They have seven towing units and currently have contracts with several vendors in Southwest Minnesota and they do work closely with area law enforcement, including Lincoln County and the Minnesota State Patrol. They are a service provider with AAA and have had special training on Incident Management and quick highway clearance. Although they do operate out of Tyler, they do list a facility at 1608 East College Drive in Marshall. The second proposal is from the current towing service, Southwest Towing and Recovery of Marshall. Public Works is planning a more aggressive snow removal effort to clear more streets more quickly but this will involve towing more vehicles that are violating the snow emergency ordinance instead of having the PD take time to try and locate the violators and have them move their own vehicles. Mr. Yant asked Southwest about their ability to handle this and was told that they would have two to three wreckers out depending on the amount of snow and anticipated vehicles to be moved. The removal is a challenging process because the cars generally have to be dug out of the snow to be moved and often have other vehicles or curbs and signs that limit the vehicles to be quickly hooked up. Availability is a concern with an out of town company because staff and equipment could likely be coming from out of town and has multiple demands on their services when there is bad weather.

Dennis Simpson, City Attorney, provided a legal summary on the bids. He indicated that the principals of competitive bidding require the successful bid to conform to the specifications. If the final contract contains provisions beneficial to the successful bidder and not in the specifications, the contract is void. Similarly, an award of a contract is invalid if the bid does not address a material provision of the specifications. A material variation is one that gives a bidder

a substantial advantage or benefit that other bidders do not enjoy. He indicated that whether a variance gives a substantial advantage or benefit is not the sole test for determining if such variance is material. Whether or not a variance is material, is tested on a case by case basis based upon the totality of the circumstances of each bid solicited. Unless the bid responds to the specifications in all material aspects, it is not a bid but is a new proposition the City should reject. Mr. Simpson indicated that he is troubled by the additional cost savings measure as part of the bid submitted by Southwest Towing & Recovery. The bid specifications ask the bidders to assume 75 vehicle tows and 240 days of storage when determining the bid. There is no provision to determine abandoned cars and therefore believes the supplemental provisions of the bid from Southwest Towing & Recovery are not in compliance with the bid proposal specifications. Mr. Simpson indicated that an alternative recommendation should be considered which would have the Council reject the Southwest Towing & Recovery bid and award the bid to BCM Towing & Recovery.

The original recommendation was to reject all bids and initiate a request for bids for explicit ability for bidders to include an optional provision to reimburse the City for the cost of vehicles that were not claims.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **SUBSTITUTE** motion 'to table the award of bids for Towing and Storage to the next regular City Council meeting to provide additional information from the city attorney'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. Voting in favor of the motion were Conyers, DeCramer, Boedigheimer and Byrnes. Voting no were Bayerkohler, Hulsizer and Doom.

**PROJECT Z01: WEST REDWOOD STREET / NORTH 3RD STREET / WEST MARSHALL STREET RECONSTRUCTION PROJECT – CONSIDER FINAL CHANGE ORDER NO. 4 AND ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 5:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the West Redwood Street/North 3<sup>rd</sup> Street/West Marshall Street Reconstruction Project involves 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. The items on the Final Reconciling Change Order are the result of final measurements and changes in item quantities during construction. A majority of the increase to the contract cost was due to the discovery of concrete under the asphalt, which was not included in previous project cross sections. This resulted in a concrete pavement removal increase of approximately \$20,000.00 (Item 5), as well as an increase of approximately \$12,000.00 (Item 19) to the asphalt quantities for requirements by Mn/DOT in the patching and repair of East College Drive utility crossings. All work has been completed in accordance with the specifications.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 4 (Final) with Kuechle Underground, Inc. resulting in a contract increase in the amount of \$51,908.22 and acknowledgement of Final Pay Request (No. 5) in the amount of \$38,422.39 for the West Redwood Street/North 3<sup>rd</sup> Street/West Marshall Street Reconstruction Project Z01'. Upon a roll

call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Doom voting no.

**PROJECT Z00: WEST LYON STREET / NORTH 7TH STREET RECONSTRUCTION PROJECT – CONSIDER FINAL CHANGE ORDER NO. 3 & ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 5:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the West Lyon Street/North 7<sup>th</sup> Street Reconstruction Project involves the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The project reconstructed the street and the described utilities on West Lyon Street from North 6th Street to the Burlington Northern Railroad property and North 7th Street from West Main Street to West Marshall Street. The items on the Final Reconciling Change Order for this project are the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 3 (Final) with Kuechle Underground, Inc. resulting in a contract decrease in the amount of \$19,226.58 and acknowledgement of Final Pay Request (No. 5) in the amount of \$253,986.03 for the West Lyon Street/North 7<sup>th</sup> Street Reconstruction Project Z00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PRELIMINARY PLAT OF SCHWAN'S CORP I ADDITION – INTRODUCE PLAT AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Director of Public Works/City Engineer reviewed the preliminary plat of Schwan's Corp I Addition. The owner of the property is requesting to plat the area presently described with multiple lots and blocks requiring many separate tax parcel identifications and separate tax statements. This subdivision will combine these parcels resulting in fewer taxable parcels while retaining the ability to subdivide the newly created lot areas. Copies of the proposed subdivision have been sent to the local utility companies for their review and comment and those comments/requirements, if any, have been incorporated into the plat.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the City Council, per Planning Commission recommendation, introduce the Preliminary Plat of Schwan's Corp I Addition and call for public hearing to be held on the preliminary plat at the December 10, 2013 City Council meeting'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER ADDITIONAL SERVICES TO PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC. RELATING TO NPDES PERMIT REISSUANCE:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the City's Wastewater Treatment Facility (WWTF) current NPDES Permit expired on September 30, 2011. The permit cycle is five years. The MPCA is currently working on the renewal permit at this time and is proposing several new limits and testing requirements. These new requirements will be very costly and are somewhat controversial. The two new limits of most concern are an Effluent



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Chloride Limit that we cannot meet without very costly construction at either the Wastewater Treatment Facility or the MMU Water Treatment Facility. This deals with Chlorides from softening water in the city homes or businesses. The City has a very high level of Chloride in the discharge to the river and suspect this is the cause of the failed Whole Effluent Toxicity Tests. The other limit for concern is for Phosphorus discharge to the river. There is currently a seasonal mass limit that the City needs to meet only during the summer months. The new proposed limit is for 1 part per million phosphorus daily year round. WWTF currently treats for phosphorus removal with chemicals. If the City needs to meet a 1 ppm limit year round, it would currently cost approximately \$225,000/year, or the City would need to do a large expansion to the treatment facility to install Biological Phosphorus Removal. There are huge impacts that the City would need to deal with in this permit renewal. There is currently an existing agreement with Bolton & Menk as approved in 2011 and an additional services agreement approved in March 2013. This agreement would be for additional engineering services for the City as part of the NPDES Permit Reissuance. Services include the following tasks: preparation of compliance schedule, NPDES Permit review, chloride and copper monitory reports, determination of site specific water quality standards and meetings. Completion of these tasks will help in the development of site specific standards and final compliance with the proposed chloride and copper effluent limits.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the agreement with Bolton& Menk to provide additional services for the City of Marshall as part of the NPDES Permit Reissuance to be billed on an hourly basis not to exceed \$32,000.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **CONSIDER INTRODUCTION OF ORDINANCE AMENDING CHAPTER 70 TAXATION RELATED TO THE CONVENTION AND VISITORS BUREAU.**

Ben Martig, City Administrator, indicated that the changes to the Convention and Visitors Bureau (CVB) Lodging Tax Ordinance are recommended in an effort to create more diversity on the board of directors, add transparency to board activities, increase opportunity for membership from the public, add fiduciary responsibility, and increase cooperation with partner organizations including the City of Marshall and Marshall Area Chamber of Commerce. The ordinance changes are recommended to be made effective January 1, 2014. The existing board would remain in effect until the new board members are appointed which may occur at a council meeting in January, 2014. Advertisement of board applications would be made as soon as the City Council approves the ordinance. It is proposed that concurrent with these changes there will be bylaw changes for the CVB and also a change in administrative service delivery in which the CVB would contract with the Chamber of Commerce for staffing. It is intended that these would occur in January of 2014 as well. The existing CVB Director would transition to become a Chamber employee under the supervision of the Chamber Director. This is a similar model as the change that was made with the Marshall Economic Development Authority. The service agreement is being drafted and bylaws will be prepared as well in advance of the ordinance hearing. The Chamber of Commerce Board of Directors has lent its unanimous support of the changes. The CVB Board has met on the issue as well and Administrator Martig has made amendments that have addressed their concerns raised on the ordinance. The board met on Thursday, November 21 and did not have any objection to the ordinance that is presented with

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the amendment which included that the lodging operators provide their three representatives to the board. City staff will be putting the ordinance into a non-redline final version and summary ordinance format for presentation at the council meeting on December 10 when this is presented.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to approve the Introduction of Ordinance amending Chapter 70 Taxation related to the Convention and Visitors Bureau including additional amendments proposed'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University to use on January 11, 2014 at SMSU Conference Center, 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.

**CONSIDER APPROVAL OF AMENDMENT TO RESOLUTION OF FEES:**

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to approve Resolution Fees amendment effective January 1, 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:

Byrnes No report.

Hulsizer Marshall Area Transit Committee met on November 21<sup>st</sup> – they discussed the State's schedule for the replacement of transit buses. The current State participation is 80% and 20% local. There was a discussion in lowering the State portion to 70% which would potentially free up money for the replacement of more vehicles.

Doom Personnel Committee met on November 25<sup>th</sup> – they discussed part-time wages; Convention and Visitors Bureau a proposed ordinance was discussed earlier in the meeting; SW MN Amateur Sports Center met on November 25<sup>th</sup>.

Bayerkohler Housing Commission commented on the new bridge installed by the Hi-Rise.

DeCramer EDA acted on earlier in the meeting; Utilities Commission met on November 20<sup>th</sup> and discussed the water line connection agreement with the City, reviewed the sale of bonds for the Sandness Water line and bids will be received on December 5<sup>th</sup> for the Sandness Water Line; MERIT Center Commission met on November 12<sup>th</sup> – they reviewed their new web site.

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Boedigheimer No report.

Conyers Convention and Visitors Bureau report was given by Doom.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Council Member Conyers indicated that she addressed the Woman's Omnibus Study Group.

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that Tim Tomasek has accepted the Police Sergeant's position. The Police Department will need to appoint a sergeant as an investigator. The Partnership Agreement with MMU is still being worked on and there are technology issues with the internet.

Glenn Olson, Director of Public Works/City Engineer, indicated that handicap accessibility for the pedestrian bridges will be addressed next spring; the water and sewer project at the airport is being completed; staff will be meeting with MN/DOT to discuss the pedestrian overpass and there will be a public informational meeting on the pedestrian overpass.

**PENDING ITEMS:**

There were no questions on pending items.

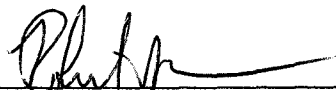
**INFORMATION ONLY:**

There were no questions on information items.

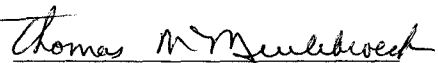
**UPCOMING MEETINGS:**

There were no questions on the upcoming meeting list.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) 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