

REGULAR MEETING – FEBRUARY 25, 2014

The regular meeting of the Common Council of the City of Marshall was held February 25, 2014 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: Larry Doom, John DeCramer, Ellayne Conyers, Jennie Hulsizer, and Glenn Bayerkohler. Absent: Mike Boedigheimer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Bob VanMoer, Wastewater Superintendent; Marc Klaith, Fire Chief; Ray Hendrickson, Assistant Fire Chief; 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 item number 16, which is to consider the adoption of a resolution calling for the approval of the Development Agreement and all documents necessary to complete the Development Agreement terms as set forth between the City and Three Legged Dog, Inc., a Minnesota corporation dba Varsity Pub being removed from the agenda.

**CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 11, 2014:**

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on February 11, 2014 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**OLD BUSINESS - CONSIDER APPROVAL OF AMENDED RESOLUTION TO CALL FOR PUBLIC HEARING ON A PROPOSED BUSINESS SUBSIDY AND SALE OF REAL PROPERTY TO ACTION MANUFACTURING, INC:**

At the February 11, 2014 City Council meeting a resolution was adopted calling for public a public hearing to discuss the Action Manufacturing, Inc. matters. This resolution called for public hearing on behalf of the City and HRA. That resolution, however, should have called for public hearing to be held on behalf of the City and the EDA. Therefore, it is necessary to amend the call for public hearing resolution so that the EDA is the recipient/beneficiary of the input obtained at the public hearing. The published notice calling for the public hearing was amended to indicate that the hearing would be conducted for the benefit of the City and EDA. The EDA has previously been authorized by the City Council and the Minnesota Department of Employment and Economic Development (DEED) to administer the business subsidy on the Action Manufacturing, Inc. matter. EDA is set to review and approve the CPD/BSA, at a special meeting to be held on Wednesday, February 26, 2014.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt AMENDED RESOLUTION NUMBER 3979, SECOND SERIES, which is a resolution Calling for a Public Hearing on the Proposed Business Subsidy and Sale of Real Property to Action Manufacturing, Inc'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**CONDUCT PUBLIC HEARING AND CONSIDER APPROVAL OF THE PROPOSED CONTRACT FOR PRIVATE DEVELOPMENT INCLUDING LAND TRANSFER AND BUSINESS SUBSIDY AGREEMENT BY AND BETWEEN EDA, CITY OF MARSHALL, ACTION MANUFACTURING, INC., TIMMY R. SWENSON REVOCABLE TRUST AGREEMENT AND DONNA O. SWENSON REVOCABLE TRUST AGREEMENT:**

This was the date and time set for a public hearing on the proposed Contract for Private Development and Business Subsidy Agreement involving the transaction between the EDA, City of Marshall, Action Manufacturing, Inc. and the Revocable Trust Agreements of Timmy R. Swenson and Donna O. Swenson. Ben Martig, City Administrator, indicated that lengthy negotiations had previously involved a location of business expansion project at the Marshall Airpark East location. However, the opportunities to locate that business at the Airpark East property have been rejected by the FAA and Mn/DOT Aeronautics. Therefore, parties have agreed to amend the terms of the transaction based upon a change in location of the new business. Timmy Swenson and Donna Swenson individually and as trustees of their trusts and on behalf of Action Manufacturing, Inc., have agreed to relocate and expand the business at the Sonstegard Subdivision II location. A 7 acre parcel of property has been identified in Lot 3, Block 2, Sonstegard Subdivision II. The terms of the transaction have been amended and no longer involve a long-term lease of property to Action Manufacturing, Inc. Terms of the agreement now call for transfer of the 7 acre parcel of property from the City of Marshall to trustees of the Swenson Revocable Trusts. The City's obligations are as follows: 1. Write-down of land value transferred in the amount of \$177,000; 2. Waiver of special assessments in the amount of \$460,200; 3. Waiver of Water Area Charge (WAC) in the amount of \$9,013; and 4. Issuance of Minnesota Investment Fund (MIF) loan in the amount of \$240,000. Action Manufacturing, Inc.'s obligations shall remain the same and include: 1. Construction of a manufacturing facility for approximately 20,000 square feet; 2. Retain 13 full-time equivalent living wage jobs and create 10 full-time equivalent living wage jobs; job creation requires payment of a \$13.00 per hour living wage. The Contract for Private Development Including Land Purchase and Business Subsidy Agreement between all parties as been prepared. City Council and Minnesota Department of Employment and Economic Development (DEED) has authorized the Economic Development Authority in and for the City of Marshall to monitor and administer the compliance requirements for the CPD/BSA and the MIF loan. This public hearing is required by Minnesota law because the business subsidy for this project exceeds value of \$150,000.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the public hearing be closed and the adoption of RESOLUTION NUMBER 3980, SECOND SERIES which is a resolution Approving a Contract for Private Development/Business Subsidy Agreement Including Land Transfer by and between EDA, City of Marshall, Action Manufacturing, Inc., Timmy R. Swenson Revocable Trust Agreement and Donna O. Swenson Revocable Trust Agreement'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1. The motion **Passed 5 – 1** with Bayerkohler voting no.

**AWARD OF BID FOR TRUCK CHASSIS & V-BOX FOR STREET DEPARTMENT W/1994 INTERNATIONAL 4700DT TRADE-IN:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the Street Department is trading in an existing 1994 International 4700 DT 466 with a 10' Do-Al box with sand spreader

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and loop style snowplow hitch for a new replacement unit. At the Equipment Review Committee meeting on December 12, 2013, a recommendation was made for the approval of the specifications for this unit. At the December 17, 2013 City Council meeting, the specifications were approved by the City Council. Bids were received, opened and read on February 18, 2014 from:

Boyer Trucks	Olson & Johnson International, Inc.	Westman Freightliner, Inc.
Superior Wisconsin	Marshall, Minnesota	Marshall, Minnesota
\$132,623.70	\$125,419.72	\$124,563.47
With trade-in and sales tax	With trade-in and sales tax	With trade-in and sales tax

Mr. Olson indicated that upon review of the bids, Olson & Johnson International, Inc. of Marshall, Minnesota was the apparent low bidder meeting all minimum specifications. Westman Freightliner, Inc. was slightly less (\$856.25), but did not meet the rear springs specification (34,484 lbs. with helper springs versus 35,500 lbs. minimum specifications) and had the throttle located on the dash instead of on the steering wheel as required. Staff does not believe the location of the throttle would be significant, but the minimum rear spring capacity should at least meet minimum specifications.

Council Member Doom asked if this purchase would be subject to sales tax. Finance Director/City Clerk Thomas Meulebroeck indicated that based on current law this purchase would be subject to sales tax.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council award the purchase of a Truck Chassis & Asphalt/Sander V-Box for Street Department with trade in to Olson & Johnson International, Inc. of Marshall, Minnesota, in the amount of \$125,419.72, including sales tax and trade-in'. This unit will be paid from account number 401-60211-5550, Capital Street Department Motor Vehicles. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**AWARD OF BID FOR DUMP TRUCK & SNOW PLOW FOR STREET DEPARTMENT W/1992 INTERNATIONAL 4700DT TRADE-IN:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the Street Department is replacing a 1996 International truck and snow plow and transferring the existing 1996 International to the Wastewater Department. The existing 1992 International 4700 DT 466E with a 5-speed standard transmission, including a 12' Wausau reversible plow, currently being utilized by the Wastewater Department, will be a trade-in towards the new unit. At the Equipment Review Committee meeting on December 12, 2013, a recommendation was made for the approval of the specifications for this unit. At the December 17, 2013 City Council meeting, the specifications were approved by the City Council. Bids were received, opened and read on February 18, 2014 from:

Boyer Trucks	Olson & Johnson International	Westman Freightliner, Inc.
Superior, Wisconsin	Marshall, Minnesota	Marshall, Minnesota
\$135,600.38	\$132,123.90	\$131,111.09
With trade-in and sales tax	With trade-in and sales tax	With trade-in and sales tax

Mr. Olson indicated that upon review of the bids, Olson & Johnson International, Inc. of Marshall, Minnesota was the apparent low bidder meeting all minimum specifications. Westman Freightliner, Inc. was slightly less (\$1,012.81), but did not meet the rear springs specification (34,484 lbs. with helper springs versus 35,500 lbs. minimum specifications) and had the throttle located on the dash instead of on the steering wheel as required. Staff does not believe the location of the throttle would be significant, but the minimum rear spring capacity should at least meet minimum specifications.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the purchase of a Dump Truck & Snow Plow for Street Department with trade in from Olson & Johnson International, Inc. of Marshall, Minnesota, in the amount of \$132,123.90, including sales tax and trade-in'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER APPROVAL OF CONSENT AGENDA:**

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

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to the MN Chapter National Wild Turkey Federation / Buffalo Ridge Gobblers to hold a raffle on April 25, 2014, at the Landmark Mercantile, 207 West Main 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.

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to the MN Chapter National Wild Turkey Federation / Buffalo Ridge Gobblers to hold a raffle on September 25, 2014, at Running's Farm & Fleet, 1101 East Main 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.

Approval for street closure for the annual St. Patrick's Day Parade on Monday March 17, 2014 at 5:30 P.M. Parade Route 3a will be utilized as prepared by MN/DOT. The parade will start at South 1<sup>st</sup> Street (Casey's corner) and proceed down Main Street to the North 5<sup>th</sup> Street (Wooden Nickel corner), lasting no more than one (1) hour with traffic detoured at "C" Street along Saratoga Street to North 6<sup>th</sup> Street from 4:30 P.M. to 6:30 P.M. This request will be forwarded to MN/DOT for their approval.

That the following vehicles are available to be declared as surplus: 1992 Chevrolet ½-Ton Regular Cab Pickup Street Department – License 160152 VIN# 1GCEC14Z6NZ184925 108,875 miles. The engine on this vehicle does not run well and may require a valve job in the near future. The air conditioner does not work on this vehicle. A 2000 Chevrolet ½-Ton Extended Cab Short Box Pickup Building Inspection – License 905989 VIN# 1GCEC19W5YZ320027

55,150 miles The catalytic converter was recently repaired on this vehicle. Declaring these vehicles surplus will allow the City to dispose of them as trade-ins or direct sale.

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Voucher No. 87821 through 88111.

**CONSIDER SALE OF 1991 FIRE PUMPER TRUCK TO CITY OF GHENT AND AUTHORIZE PROCEEDS FOR DEDICATION TOWARD PURCHASE OF CHIEF VEHICLE:**

Ben Martig, City Administrator, indicated that the 1991 Fire Pumper Truck was replaced with a new truck. The Marshall Fire Department is requesting that the 1991 Fire Pumper Truck be sold to the Ghent Fire Department for \$25,000. This will provide for the Ghent Fire Department to upgrade their equipment and will be a benefit for Marshall on mutual aid calls. The \$25,000 is an unbudgeted revenue that will be placed in the capital equipment fund.

Marc Klaith, Fire Chief, is recommending to utilize the \$25,000 toward the purchase of a new Fire Chief Vehicle. This was one of the higher priority capital equipment requests that was not included in the final budget.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'approve the sale of the 1991 fire pumper truck to the City of Ghent for \$25,000 with proceeds to be deposited in the capital equipment fund'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'to approve dedication of sale proceeds of \$25,000 toward the purchase of a Fire Chief Vehicle with remaining proceeds to be received from trade-in and Fire Relief Association donated funds to the Marshall Fire Department for that purpose'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **2**. The motion **Passed 4 - 2** with Bayerkohler and Doom voting no.

**PROJECT W12: WWTF SOLIDS CONTACT CLARIFIER PROJECT – CONSIDER CHANGE ORDER NO. 1.**

Bob VanMoer, Wastewater Superintendent, indicated that after a review of the WWTF Solids Contact Clarifier Project with the manufacturer representative and the City's engineering firm; it was determined that if a variable frequency drive (VFD) is added on the mixing motor of the new clarifier drive it would give staff the ability to control and change speeds of the mixer to get the best efficiencies of the ferric chloride chemical used to remove phosphorus in the effluent. The chemical costs will be an expensive operating cost in the phosphorus removal treatment process. This will result in a very short return on investment. The increase cost for the VFD is \$11,108.31. The second item on the change order is a decrease in the engineering fees already paid to our engineering firm SEH of \$5,626.48. This is due to the extra costs incurred for engineering fees by the problems associated with the equipment issues staff is dealing with on the project. By reducing the contract by this amount, the contractor is essentially paying for those services. The third item is a time extension for substantial and final completion for the project. It was discussed and determined that in the City's best interest some of the equipment should be

remanufactured and installed this spring. There will be no operational or cost issues with the time extension. Construction will resume in March 2014 with substantial completion by May 1, 2014 and final completion by June 1, 2014.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 1 with Magney Construction of Chanhassen, Minnesota, for a contract increase in the amount of \$5,481.83 and a total contract amount of \$637,327.83 and to extend the project substantial completion date to May 1, 2014 and final completion date to June 1, 2014 due to clarifier issues'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CITY COUNCIL ADOPT RESOLUTION NUMBER CALLING FOR THE APPROVAL OF THE DEVELOPMENT AGREEMENT AND ALL DOCUMENTS NECESSARY TO COMPLETE THE DEVELOPMENT AGREEMENT TERMS AS SET FORTH BETWEEN THE CITY AND THREE LEGGED DOG, INC., A MINNESOTA CORPORATION DBA VARSITY PUB:**

This item was removed from the agenda.

**PROJECT Y97: SOUTH 1ST STREET LIFT STATION / GRIMES STREET RECONSTRUCTION PROJECT -- 1. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING THE PREPARATION OF THE PROPOSED ASSESSMENT; 2. CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Project Y97 South 1<sup>st</sup> Street Lift Station / Grimes Street provides for the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. This project also included the replacement of a sanitary sewer lift station and forcemain. The project reconstructed 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.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3981, SECOND SERIES, which provides for the "Resolution Declaring Cost to be Assessed and Ordering the Preparation of the Proposed Assessment" for Project Y97: South 1st Street Lift Station / Grimes Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 3982, SECOND SERIES which provides for the "Resolution Calling for a Hearing on Proposed Assessment" for Project Y97: South 1st Street Lift Station / Grimes Street Reconstruction Project setting the hearing date on the proposed assessments for March 25, 2014'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**PROJECT Y62 / S.A.P. 139-111-005: TH 23 / SOUTH SARATOGA PEDESTRIAN OVERPASS AND SAFETY IMPROVEMENTS PROJECT – GRANT OF PUBLIC TRANSPORTATION AND UTILITY EASEMENTS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the TH 23/South Saratoga Pedestrian Overpass and Safety Improvements Project will construct a Reduced Conflict Intersection at the intersection of TH 23 and South Saratoga Street and a pedestrian overpass of TH 23 at Saratoga Street. The intersection reconfiguration will prohibit traffic on Saratoga Street from directly crossing or turning left onto TH 23. The improvements will require these movements to first turn right onto TH 23 and then move over to the far left lane, get into a new left-turn lane and then make a U-turn on TH 23 to go in the other direction. The vehicles wanting to continue on Saratoga would move into a right turn lane and take a right on Saratoga Street. The vehicles that wanted to take a left off of Saratoga Street would make the U-turn and continue on TH 23. Motorists that want to take a right off of Saratoga Street would proceed as they do today. The location of the pedestrian overpass was determined to be located on the west side of Saratoga Street as the east side has multiple conflicts with driveway accesses. The location was also required to be as far west as possible to allow the high voltage power transmission line to have the greatest vertical clearance between the power lines and the proposed pedestrian overpass. Due to the proposed location of the pedestrian overpass, it was necessary to obtain easements from the adjacent property owner Western Community Action, Inc., (WCA) for placement of the pedestrian overpass and approaches on their property on the southwest quadrant of TH 23 and Saratoga Street. The location of the pedestrian overpass on the northwest quadrant of TH 23 and Saratoga Street is property owned by the City of Marshall and did not need any easements. After discussion with the property owner, discussion was held concerning the possibility that WCA may want to transfer the property to the City rather than provide just an easement. The City would entertain doing whatever WCA wanted to do at no additional charge, but the transportation and utility easement was the minimum property acquisition requirement that the City had to acquire to proceed with the project.

Member **(Larry Doom)** moved, Member **(Ellayne Conyers)** seconded to approve the **ORIGINAL** motion 'that the Council approve the Grant of Public Transportation and Utility Easements between Western Community Action, Inc. (WCA) and the City of Marshall for the TH 23/South Saratoga Pedestrian Overpass and Safety Improvements Project and authorize acquisition of the property at no additional expense if WCA determined that would be in their best interest'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0** Abstain: **1**. The motion **Passed 5 - 0 – 1** with DeCramer abstaining

**PROJECT Z26: PATRICIA COURT / ELAINE AVENUE / STEPHEN AVENUE PROJECT – CONSIDER RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING HEARING ON IMPROVEMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Project Z26 Patricia Court / Elaine Avenue / Stephen Avenue consists of the street reconstruction of Patricia Court and Elaine Avenue from South 2nd Street to Patricia Court. Included in this project is the reconstruction of the street section , including bituminous pavement, aggregate base, street grading, subbase drainage, minor curb and gutter and sidewalk replacement and miscellaneous work. Also included in this project is a mill and overlay of Elaine Avenue from South 2nd Street to South 4th Street and Stephen Avenue from Patricia Court to South 4th Street. This Feasibility

Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3983, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for Project Z26 Patricia Court / Elaine Avenue / Stephen Avenue and setting the public hearing on improvement date for March 11, 2014'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDERATION OF CONTRACT WITH TSP FOR ARCHITECTURAL SERVICES FOR CITY HALL FACILITY ANALYSIS UPDATE AND AUTHORIZATION TO EXECUTE ENGAGEMENT LETTER WITH HONEYWELL/ESG FOR CITY BUILDINGS:**

Ben Martig, City Administrator, indicated that the city hall building committee has interviewed ESG and TSP over the last couple meetings. The committee unanimously recommended the two actions to approve the contract for services with TSP and also proceed with ESG to conduct a Preliminary Facility Analysis Report with all buildings as outlined in the execution letter they provided the city. ESG is a specialist in the energy efficiency and also does construction management related services. However, they do not have any in-house mechanical engineers, structural engineers, or architectural services but rather does provide services (not included in the proposal) to sub-contract the work through them. Public Works Director Olson and City Administrator Martig met with ESG members again Monday morning to review the details of their agreement based on questions raised by Councilmember Bayerkohler outside of the committee review process. Additionally, Martig and Olson met with school officials late on Monday who have been working with ESG and are further along in the process. This meeting, along with the written proposal, further strengthened the recommendation that these are two different services and appropriate to proceed with both as recommended by the committee.

Ron Halgerson from TSP was not in attendance at the meeting; but Steve Schell, Project Development Engineer and Joe Henn, Project Manager, for ESG were in attendance.

The proposals are professional service contracts and it is important to maintain an open process in which the proposers are given equal time to discuss issues with the same message conveyed to the committee that reviewed the proposals. Any new information, amendments or clarifications should go through review of the committee first if they differ from what was presented.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to approve the contract with TSP, Inc. in the amount of \$14,000 for City Hall Facility Needs update'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Hulsizer voting no.



Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the NEW motion 'that Ben Martig, City Administrator, be authorized to enter into the engagement letter with Honeywell/ESG for City preliminary energy efficiency audit for City owned buildings'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**COMMISSION/BOARD LIAISON REPORTS:**

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

- Byrnes            Regional Development Commission met.
- Hulsizer        Marshall Area Transit Committee discussed the shortage of bus drivers.
- Doom            Public Improvement/Transportation Committee met on February 20<sup>th</sup>.
- Bayerkohler   Planning Commission continues to work on the revised parking ordinance.
- DeCramer      EDA met last week – they discussed the Action Manufacturing Project and approved EDA's annual report. MERIT Center Commission continues to work on bonding and the Utilities Commission will meet on Wednesday, February 26<sup>th</sup>.
- Conyers        Community Services Advisory Board will meet on March 5<sup>th</sup>.

Mayor Byrnes called for a 5-minute recess at 6:59 P.M.

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that he is working on the library project and presented the preliminary concept for parking requirements. Staff is open to comments or questions on the parking analysis as well as thoughts on the financing plan previously presented that would be refined and brought forward in March. Bonding request for the Sports Facility and the MERIT Center is currently at the State Legislature. Ben will be attending the League of Minnesota Cities Conference on Thursday. The pot holes on the State Highways are not the responsibility of the City. They need to be referred to MN/DOT.

Glenn Olson, Director of Public Works/City Engineer, addressed the pot hole issue. He indicated that this time of the year staff uses a temporary fill until they are able to get hot mix.

Dennis Simpson, City Attorney, is continuing to work on the Action Manufacturing Project and the Varsity Pub Project

**PENDING ITEMS:**

City Administrator Martig indicated that the pending item list was not included in the agenda, but he would include with the Admin Brief.

**INFORMATION ONLY:**

There were no questions on the information items.

**CONSIDERATION TO MOVE TO CLOSED SESSION TO DISCUSS ATTORNEY  
CLIENT PRIVILEGE:**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the council go into closed session to discuss Attorney Client Privilege'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

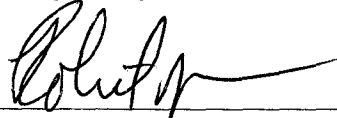
The Council went into closed session at 7:26 P.M. to discuss Attorney Client Privilege. Those present at the closed session included: Byrnes, Doom, Bayerkohler, Hulsizer, DeCramer and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Finance Director/City Clerk/ Others present included: Brad Roos, CEO Marshall Municipal Utilities.

The council came out of closed session at 8:00 P.M.

**UPCOMING MEETINGS:**

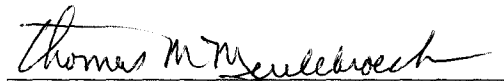
There were no questions on the upcoming meeting list.

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



\_\_\_\_\_  
Mayor

ATTEST:



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Finance Director/City Clerk