

REGULAR MEETING – APRIL 8, 2014

The regular meeting of the Common Council of the City of Marshall was held on March 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, Jennie Hulsizer, Glenn Bayerkohler, John DeCramer, Mike Boedigheimer and Ellayne Conyers Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Kim Jergenson, Engineer Technician; Marc Klaith, Fire Chief; Harry Weilage, Director of Community Services; Preston Stensrud, Parks Supervisor; 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 of the council that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 25, 2014:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on March 25, 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: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING - PROJECT Z00 WEST LYON STREET / NORTH 7TH STREET RECONSTRUCTION PROJECT – 1. ASSESSMENT HEARING; 2. CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on the West Lyon / North 7th Street Reconstruction Project Z00. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involved the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The project reconstructed the street and 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. Mr. Olson also reviewed the Special Assessment Policy. Information was provided on how a homeowner can object to their assessment and preserve their right to appeal the assessment. There were no written appeals received for this project.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z00 West Lyon Street / North 7th Street Reconstruction Project'. 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 4006, SECOND SERIES, which is the Resolution Adopting the Assessment for the West Lyon Street / North 7th Street Reconstruction Project Z00, setting the interest rate at 4.3% and the assessment being paid in equal annual installments extending over a period of eight years'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PUBLIC HEARING - PROJECT Z15 ELM STREET / NORTH 4TH STREET AREA
SANITARY SEWER AND WATERMAIN REPLACEMENT PROJECT – 1. ASSESSMENT
HEARING; 2. CONSIDER RESOLUTION ADOPTING ASSESSMENT:**

This was the date and time set for a public hearing on the Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project Z15. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involved 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. Mr. Olson had reviewed the Special Assessment Policy during the first public hearing. Information was provided on how a homeowner can object to their assessment and preserve their right to appeal the assessment. There were no written appeals received for this project.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z15 Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project'. 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 4007, SECOND SERIES, which is the Resolution Adopting the Assessment for the Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project Z15, setting the interest rate at 4.3% and the assessment being paid in equal annual installments extending over a period of eight years'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**SOUNDS OF SUMMER -- 1. PUBLIC HEARING FOR PRIVATE USE OF PUBLIC
STREETS AND PARKING LOTS (AUGUST 14-17, 2014); 2. PARADE (AUGUST 16, 2014):**

This was the date and time set for a public hearing on the street closure for the 2014 Sounds of Summer Celebration. Glenn Olson, Director of Public Works/City Engineer, indicated that the Sounds of Summer Planning Committee is requesting permission for the following street closures:

Closure of West College Drive from the corner of Main Street and West College Drive to Saratoga Street, and also Marvin Schwan Memorial Drive from West College Drive to South 1st Street on Thursday, August 14, 2014 from 3:00 p.m. to approximately 12:00 midnight, and again on Saturday, August 16, 2014 from 12:00 noon to Sunday, August 17, 2014 to approximately 3:00 a.m. to allow adequate time for clean up after the Saturday evening activities.

Sounds of Summer Parade on Saturday, August 16, 2014, along the same route as prior years. Line-up would begin at 2:00 p.m. on Jewett Street and East Lyon Street to South Bruce Street, the start of the parade. The parade would start at 4:00 p.m. It would proceed to East Main Street (TH 59) northwesterly to downtown Marshall and ending between 5th and 6th Streets at approximately 5:30 p.m., or if exceptionally large parade, could be 6:00 p.m. If approved by the City Council, the request will be coordinated with MN/DOT for their approval. In accordance with Section 62-6 of the Marshall City Code, any private use of public streets and parking lots on either a temporary or permanent basis should be considered by the Marshall City Council.

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Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing regarding the private use of public streets and parking lots for Sounds of Summer (August 14-17, 2014)'. 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 approve the Sounds of Summer Parade to be held Saturday, August 16, 2014, subject to MN/DOT approval line-up would begin at 2:00 p.m. on Jewett Street and East Lyon Street to South Bruce Street, the start of the parade. The parade would start at 4:00 p.m. It would proceed to East Main Street (TH 59) northwesterly to downtown Marshall and ending between 5th and 6th Streets at approximately 5:30 p.m., or if exceptionally large parade, could be 6:00 p.m.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

AWARD OF BID FOR THE FIRE DEPARTMENT FIRST RESPONDER VEHICLE:

Bids were received for one (1) New 2015 Chiefs Response Vehicle for the Marshall Fire Department from:

Lockwood Motors	Kruse Buick – GMC	Nelson Auto Center
Marshall, Minnesota	Marshall, Minnesota	Fergus Falls, Minnesota
2015 Chevrolet Tahoe 4 x 4 LS	2015 GMC Yukon	2015 GMC Yukon
Base bid \$31,700.00	Base bid \$31,625.26	\$31,538.80
Sales tax \$2,060.50	Sales tax \$2,055.64	No sales tax
Total bid \$33,760.50	\$33,680.98	

The apparent low bid was from Nelson Auto Center, Fergus Falls, Minnesota in the amount of \$31,538.80 including trade-in. Nelson Auto is the Cooperative Purchasing Venture (CPV) bid for this unit. In accordance with the City's Purchasing Policy & Procedures, Section 3.2, Item g, Kruse Buick – GMC and Lockwood Motor' were contacted and given the opportunity to match the CPV bid. The Kruse Buick – GMC bid is \$86.46 more than the CPV bid. City staff is recommending that the purchase be made local due to the minimal difference.

The City Council previously authorized the purchase of the Fire Department First Responder Vehicle with the proceeds from the sale of the rural fire pumper in the amount of \$25,000 and donations from the Fire Relief Association in the amount of \$7,912.50 for two years. The donation from the Fire Relief Association includes:

Balance on vehicle	\$6,625.00
Emergency Lighting	4,500.00
Lettering	700.00
Tool cabinet in rear	1,000.00
Radio	3,000.00

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that Council award the bid for a new chiefs response vehicle for the Marshall Fire Department to Kruse Buick-GMC of Marshall, MN in the amount of \$31,625.26 including trade-in and the Fire Relief Association payment over a two year period to the City of Marshall for

the remaining \$7912.50 per year'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0.
The motion **Carried 7 - 0**

PROJECT Z26 PATRICIA COURT / ELAINE AVENUE / STEPHEN AVENUE PROJECT
1. CONSIDER RESOLUTION OF DECLARATION OF OFFICIAL INTENT REGARDING
THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF
TAX-EXEMPT BONDS; 2. CONSIDER RESOLUTION ACCEPTING BID (AWARD
CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, reviewed the Patricia Court / Elaine Avenue / Stephen Avenue Project Z26. This project consists of the street reconstruction of Patricia Court and Elaine Avenue from the west side of 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 the west side South 2nd Street to South 4th Street and Stephen Avenue from Patricia Court to South 4th Street.

The bids received, opened and read on April 2, 2014 were from:

R & G Construction Company
Marshall, Minnesota
\$508,544.22

D & G Excavating Inc.
Marshall, Minnesota
\$567,819.20

Midwest Contracting LLC
Marshall, Minnesota
\$589,209.50

Sherbrooke Turf, Inc.
Pelican Rapids, Minnesota
\$603,136.00

Duininck Inc.
Prinsburg, Minnesota
\$671,267.65

This project or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. It is required that action be authorized by City Council via Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax Exempt Bonds.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4008, SECOND SERIES, which provides for Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Z26 Patricia Court / Elaine Avenue / Stephen Avenue Project'. 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 4009, SECOND SERIES, which provides for the Resolution Accepting Bid (Awarding Contract) authorizing entering into an agreement with R&G Construction Co. of Marshall, Minnesota, in the amount of \$508,544.22 for Project Z26

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Patricia Court / Elaine Avenue / Stephen Avenue Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AWARD OF BIDS FOR PARKS DEPARTMENT 72" COMMERCIAL MOWER AND SMASC BALL FIELDS 72" COMMERCIAL MOWER:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Council approved the specifications and authorized bids for a commercial mower for the Parks Department and a commercial mower for the SMASC Ball Fields. The Parks Department commercial mower will replace a 2005 commercial mower with 2,500 hours. This was planned for and budgeted for purchase in 2014. No SMASC equipment was planned for nor budgeted for purchase this year. After review of the process for planning and budgeting equipment for the SMASC, it was recommended to defer equipment acquisition until schedules and budgets were better defined.

The bids received, opened and read on April 4, 2014 were from:

Parks Department	SMASC Ball Fields
Schuneman Equipment	Schuneman Equipment
Marshall, Minnesota	Marshall, Minnesota
John Deere 1545	John Deere 1545
\$27,664.43	\$25,330.00
Trade-in \$7,000.00	
Net Bid \$20,664.43	

Each bid included a contingency of a \$1,200.00 bonus available until April 9, 2014. After that date the cost of the mower will be increased by \$1,200.00.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the bid of a commercial mower for the Parks Department to Schuneman Equipment of Marshall, Minnesota, in the amount of \$20,664.43, including trade-in'. This unit will be purchased from Account No. 401-70276-5540 (Capital – Parks Department Machinery and Equipment). Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 - 0 - 1** with Doom abstaining.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council reject the bid for the SMASC Ball Fields commercial mower'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 - 0 - 1** with Doom abstaining.

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the City Council approve the following consent agenda items'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

The approval of the consent for the reorganization plan as proposed by Charter Communication'.

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The adoption of RESOLUTION NUMBER 4010, SECOND SERIES Designating the Polling Locations, Authorizing Appointment of Election Judges and Setting Their Rate of Pay for the August 12, 2014 Primary Election and the November 4, 2014 General Election.

Approve the request of the Marshall Downtown Business Association for street closure for Crazy Days on Thursday, July 17, 2014 from 6:00 A.M. to 7:00 P.M., contingent on MN/DOT approval of the permit.

That City Council schedule a public hearing for Thursday, May 15, 2014 regarding the MS4 Permit Program and a Summary of the 2013 Activities.

Approval of out-of-state travel for Marc Klaith to travel to Washington DC to meet with the legislators on issues that concern firefighters in the State of Minnesota from April 29, 2014 to May 2, 2014. The expenses will be covered by the Minnesota State Fire Chiefs Association.

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Voucher No. 88456 through 88580.

CONSIDERATION OF NAMING OF FOUR MARSHALL PARKS:

Marshall Community Services (MCS) was asked to provide names for Marshall's existing greenspace areas. Preston Stensrud, Parks Supervisor, indicated that staff solicited name suggestions from the general public via Facebook, Twitter, MCS monthly newsletter, and local media press releases. MCS received over 100 responses, many with numerous name suggestions. MCS Advisory Board, at its April 2, 2014 meeting, reviewed the suggestions. Consensus was to continue with patriotic theme.

Member (Ellayne Conyers) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'to adopt RESOLUTION NUMBER 4011, SECOND SERIES, which is a Resolution Naming Marshall Parks'. The Park names were as follows:

Park on Windstar Street be named Patriot Park

Park on Dublin Street in the Parkway Addition be named Allegiance Park.

Marshall Dog Park on A Street be named Loyalty (Dog) Park.

Park on Highway 23, formerly called Wayside Park, be named Victory Park.

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

CONSIDER APPROVAL OF CONSENT FROM WALMART REALTY FOR PERMITTED USE OF MUNICIPAL OFF-SALE LIQUOR STORE TO BE LOCATED ON OUTLOTS C AND D OF J-C BOYER ADDITION TO THE CITY OF MARSHALL:

The commercial development property in the proximity of the Walmart Superstore, is subject to restrictive covenants against the property. The restrictive covenants generally prohibit businesses that would be in direct competition with the Walmart Superstore. Restrictions also prohibit certain types of entertainment business (i.e. movie theatre, bowling alley, adult book store, adult video store, pawn shop, bar, night club, etc.). The City of Marshall recently acquired Outlots D and C of the J-C Boyer Addition. The declaration of restrictive covenants, dated May 17, 2004, prohibits any business serving alcohol beverages on Outlot D (with certain restaurant exceptions) without Walmart's consent. The special warranty deed dated November 16, 2005 specifically prohibits Outlot C from

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being used for or in support of any business whose principal revenues are from the sale of alcoholic beverages. The initial conceptual drawings for the new municipal off-sale liquor store indicates that the 12,500 square foot building will be located partially on Outlot D and partially on Outlot C. Walmart has indicated that they will consent to the construction and location of the municipal off-sale liquor store as initially proposed. The documents from Walmart indicate that Walmart would agree to the parking lot and up to 5,000 square feet of the proposed building would be located on Outlot C. The remainder of the building and remainder of the parking facilities would be located on Outlot D. Cost for the release or waiver of the restrictive covenants is \$2,500.

Council Member Boedigheimer asked why this matter had not been discussed by the Council prior to the purchase. Dennis Simpson, City Attorney, indicated that the Council was aware of the covenants when the property was purchased. Ben Martig, City Administrator, indicated that this was discussed many times by the Council.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'Council approve and authorize the Mayor to sign the acceptance of the terms and conditions from Walmart Realty related to waiver of restrictions and covenants against Outlots C and D, J-C Boyer Addition to the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Boedigheimer voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'Council recommends the City of Marshall pay to Walmart the sum of \$2,500 for the release of the restrictions and covenants against said property'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 – 2** with Bayerkohler and Boedigheimer voting no.

CONSIDER ADOPTION OF RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY FOR THE MARSHALL FIRE DEPARTMENT:

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4012, SECOND SERIES Accepting the Donation of Personal Property from the National Volunteer Fire Council to be used for equipment for the Marshall Volunteer Fire Department'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Y86 NORTHWEST INDUSTRIAL AREA STORMWATER DETENTION AND TREATMENT POND PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION NO. 8:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Northwest Industrial Area Stormwater Detention and Treatment Pond Project Y86. This project is one of several projects which all involved improvements that were necessary for the development of the new Sonstegard Industrial Park. The development of the Northwest Industrial Area Stormwater Detention and Treatment Pond Project not only serves the Sonstegard Industrial Park but also the major portion of the Commerce Park area to be developed in the future. These projects are all substantially complete and the new Sonstegard Industrial Park is "shovel ready". Change Order No. 2 (Final) for the above project results in a contract increase in the amount of \$65,075.60 for work relating to the individual line items on the change order, as well as final measurements and changes in item quantities during construction. The project was delayed by Magellan Pipeline for issues relating to construction adjacent to their liquid gas utility, which pushed the construction late in the season resulting in cold

weather startup costs of almost \$27,000. Most of the remaining additional work was due to MPCA requirements for erosion control for seeding and mulching of the excavation disposal area increasing the acreage from 6 acres to approximately 18 acres. The original project estimate was \$562,418 with a final contract cost of \$520,762.22. All work has been completed in accordance with the specifications.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 2 (Final) with Rogge Excavating, Inc. resulting in a contract increase in the amount of \$65,075.60 for the Northwest Industrial Area Stormwater Detention and Treatment Pond Project Y86'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council acknowledge Final Payment Application (No. 8) in the amount of \$119,586.72 for the Northwest Industrial Area Stormwater Detention and Treatment Pond Project Y86'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z13: T.H. 23 SANITARY SEWER EXTENSION PROJECT – 1. CONSIDER CHANGE ORDER NO. 1; 2. CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 2:

Glenn Olson, Director of Public Works/City Engineer, reviewed T.H. 23 Sanitary Sewer Extension Project Z13. This project involved the installation of sanitary sewer along T.H. 23 from Southview Court to approximately 1,200 feet northeasterly. The items on Change Order No. 1 relate to a pipe elevation adjustment deduction in the amount of \$2,500.00 and 3 days liquidated damages at \$1,000.00/day in the amount of \$3,000.00 for a total contract decrease in the amount of \$5,500.00. The items on the Final Reconciling Change Order are the result of final measurements and changes in item quantities during construction. Each individual line item is shown on the spreadsheet attached to the change order, resulting in a contract decrease in the amount of \$2,512.00. All work has been completed in accordance with the specifications.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 with Rogge Excavating, Inc. resulting in a contract decrease in the amount of \$5,500.00 for the T.H. 23 Sanitary Sewer Extension Project Z13'. 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 Council approve Change Order No. 2 (Final) with Rogge Excavating, Inc. resulting in a contract decrease in the amount of \$2,512.00 and acknowledgement of Final Pay Request (No. 2) in the amount of \$9,420.55 for the T.H. 23 Sanitary Sewer Extension Project Z13'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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CONSIDER APPOINTMENTS TO VARIOUS BOARDS/COMMISSIONS

Per the recommendation of Mayor Byrnes, Member (Larry Doom) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion 'approval of appointments to the following boards and commissions'.

Economic Development Authority – Greg Bucher be reappointed for a six year term to expire on May 31, 2020

Planning Commission – Travis Bestge be reappointed for a 3 year term to expire on May 31, 2017

Utilities Commission – Bill Reilly be appointed for a 5 year term to expire on May 31, 2019

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 Regional Development Commission will meet on April 10th; SW MN Amateur Sports Center met on April 8th.
- Hulsizer Marshall Area Transit Committee met last week but did not have a quorum.
- Doom Convention and Visitors Bureau met on April 3rd; SW MN Amateur Sports Center met earlier today and it was indicated that the sales tax revenues are above the budgeted amount.
- Bayerkohler Housing Commission will meet next week; Planning Commission will not meet this month.
- DeCramer Utilities Commission met on March 26th, but he was unable to attend. They discussed the bond sale. They met on April 16th to review their audit report.
- Boedigheimer Airport Commission met last week and discussed the issue of not having enough members. Boedigheimer indicated that the airport is owned and operated by the City of Marshall, but it is considered a regional airport and this commission should allow non-residents to become members.
- Conyers Community Services Advisory Board met last week.

COUNCILMEMBERS INDIVIDUAL ITEMS:

Council Member Hulsizer asked if a joint meeting has been scheduled with the County. Council Member Conyers indicated she has received calls in regard to the number of trains going through Marshall and blocking roads. Glenn Olson indicated that there is a meeting scheduled with MN/DOT to discuss this issue. Dennis Simpson indicated that this is also a concern in other communities and some communities are ticketing the trains for blocking roads. The City Council

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was informed of the Inauguration to be held on Friday, April 11, 2014 for SMSU President Connie Gorres and that there will be a ground breaking at SMSU on Monday April 14, 2014 for the construction of the Track and Field.

STAFF REPORTS:

Ben Martig, City Administrator, provided a sales tax report for the Council and reviewed graphs that will be used by Springsteds in preparing for a bond issue for the SW MN Amateur Sports Facility that is currently in the House Bill. The MERIT Center is not in the House Bill. Staff is working to get bids out for the softball fields. The Convention and Visitors Bureau amended their By-Laws and appointed new officers; they approved a service contract with the Marshall Area Chamber of Commerce. Legislative is discussing e-cigarettes and the state may take action. Ben indicated that he has accepted the Chair position for the Workforce Development Committee. The City Hall Committee will meet on April 18th and Ben will meet with Honeywell to review a preliminary assessment update. There will be a Council Work session on May 20th.

Glenn Olson, Director of Public Works/City Engineer, indicated that there was a pre-construction meeting for Park Avenue Reconstruction / East College Drive Watermain Replacement Project Z19. There is a lot of debris coming from dumpsters; Green Step Program is sponsoring a clean-up of the empty lot by Pizza Ranch on Thursday. Glenn indicated that the city ordinance needs to be reviewed in regard to dumpsters on construction sites.

Dennis Simpson, City Attorney, did not have a report.

Ben Martig, City Administrator, indicated that the Lyon County Commissions took action to rescind past action in regard to withdrawing from the Plum Creek System. The Library Board, City staff and County staff need to discuss this.

PENDING ITEMS:

There were no questions on the pending items list.

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 'to approve entering closed session to discuss Attorney Client Privilege'. 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.

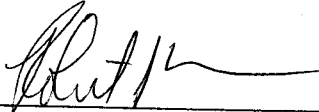
The Council went into closed session at 7:10 P.M. to discuss Attorney Client Privilege. Those present at the closed session included: Byrnes, Hulsizer, Doom, Bayerkohler, DeCramer, Boedigheimer and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Finance Director/City Clerk. The Council came out of closed session at 7:25 P.M.

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UPCOMING MEETINGS

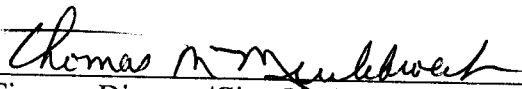
There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk