

REGULAR MEETING – OCTOBER 14, 2014

The regular meeting of the Common Council of the City of Marshall was held on October 14, 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: Ellayne Conyers, Glenn Bayerkohler, John DeCramer, Larry Doom, Craig Schafer and Mike Boedigheimer. 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; Ilya Gutman, Building Official; Bob VanMoer, Wastewater Superintendent; 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 of the Council that the agenda be approved with item number 20, which is the request by Steve Otto for a Variance Adjustment Permit to reduce front yards at 414 South 1st Street being moved, to the first item of new business.

Mayor Byrnes welcomed the Boy Scouts Troop 238 to the meeting.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 23, 2014 AND THE MINUTES OF THE WORK SESSION HELD ON OCTOBER 7, 2014:

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the ORIGINAL motion 'that the minutes of the regular meeting held on September 23, 2014 and the minutes of the work session held on October 7, 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 REVIEW PROPOSED AMENDMENTS TO CITY CHARTER ORDINANCE:

This was the date and time set for a public hearing on the proposed amendments to the City Charter Ordinance. The City Charter Commission met on September 10th and approved the proposed amendment to the City Charter related to Marshall Municipal Utilities (MMU). Administrator Martig had met with the MMU Director on language as the City Legislative and Ordinance Committee is working on the ordinance section of our boards and commissions and thought it would be a good time to address any updates for MMU in the Charter at the same time. Under Minnesota Statute it provides for amendments by ordinance and upon recommendation of the charter commission, the city council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. The provisions which are substantive including granting easement rights and eminent domain have by practice been utilized by MMU. The authority will be more explicit by adding in the ordinance.

REGULAR MEETING – OCTOBER 14, 2014

Subdivision 3 dealing with compensation has been a confusing clause to interpret from a procedural standpoint. The new language provides clear guidance that the City Council has the authority to set the compensation of the MMU Commissioners. Similar to the compensation section, the payment in lieu of taxes section is more explicit to indicate approval by MMU and the City Council which has been the practice.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. 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 adopt ORDINANCE NUMBER 691, SECOND SERIES, which is an Ordinance amending Chapter 13 of the City Charter as amended by the City Council'. 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 the Summary Ordinance for Publication for the Ordinance Amending Chapter 13 of the City Charter'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING AND CONSIDERATION OF ADOPTION OF CAPITAL IMPROVEMENT PLAN: BUILDINGS AND LAND, INFRASTRUCTURE, AND STREET RECONSTRUCTION AND OVERLAYS SECTIONS:

Ben Martig, City Administrator, indicated that the City Council has been working on several capital improvement projects that will require public hearings on the projects prior to completing the financing. The City is proposing using Street Reconstruction Bond Authority for the Highway 23/Saratoga Street Intersection, Pedestrian Overpass, and Reconstruction of Saratoga Street from Southview Drive to Highway 23. The PI&T met on Monday, October 23, 2014 and discussed this project. The City intends to use Capital Improvement Bonds for the purposes of purchasing a building for storage use by the police department and public works department. The financing requires adoption.

Glenn Olson, Director of Public Works/City Engineer, reviewed the 5-year Capital Improvement Plan.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Craig Schafer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'to approve the Capital Improvement Plan: Buildings and Land and Infrastructure Sections'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1**, with Bayerkohler voting no.

REGULAR MEETING – OCTOBER 14, 2014

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'to approve the Capital Improvement Plan: Street Reconstruction and Overlays Section'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AWARD OF BID FOR MUNICIPAL LIQUOR STORE: BID PACKAGE 1 – SITE PREPARATION:

Bids were received, opened and read for the Marshall Municipal Liquor Store Bid Package 1 – Site Preparation from:

D & G Excavating	R & G Construction
Marshall, Minnesota	Marshall, Minnesota
\$303,142.00	\$226,000.00

The City of Marshall is recommending to award the contract and proceed to give the contract an opportunity to complete the site work in 2014 which would be beneficial to ensure a timely project start in the spring by improving site soil conditions and in particular drainage and granular fill.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4081, SECOND SERIES, which provides the Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax Exempt Bonds'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'to approve Municipal Liquor Store: Bid Package 1 – Site Preparation with R&G Construction, Marshall, Minnesota in the amount of \$226,000'. 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:

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the following consent agenda items be approved as presented'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

The proper City personnel be authorized to enter into a Farm Lease for 2015 with Paul and Fran Deutz for 9.47 Acres at a rate of \$140.00 per acre.

The approval of a Temporary On-Sale Liquor License for Avera Marshall to use on November 20, 2014 at 300 South Bruce Street, Marshall, Minnesota.

The approval of Amendment #1 to MN/DOT Grant Agreement #04508 for Construct East Ramp Are (Phase 2). The amendment provides for an increase from \$427,010.85 to \$488,012.40. That the following bills and project payments be authorized for payment; ACCOUNTS PAYABLE, Voucher No. 90777 through 91032.

CONSIDER RECOMMENDATIONS FOR NOMINATIONS TO THE CITY CHARTER COMMISSION:

The City of Marshall is a Home Rule Charter City under Minnesota Statutes. State Statute 410.05 outlines the requirements of the Charter Commission. There may be between 7 and 15 members on the Charter Commission at any time. The appointments from the Charter Commission is made by the District Court Judge following review of nominations by the City Council and Charter Commission. The term of office is for four years and there are no term limits. Members must be residents of the City of Marshall to be eligible. There is no restrictions by state statute or city charter that shall disqualify members from serving on the charter commission by reason of holding any other elective or appointive office other than judicial. Staff discussed this at the City Council meeting on September 23, 2014 and asked Council to bring recommendations to the next City Council meeting. The following individuals were nominated by the City Council:

Jay Cattoor, Linda Baun, Frank Moorse, Don Edblom, Chet Lockwood and Mike Boedigheimer

CONSIDER A REQUEST BY STEVE OTTO FOR A VARIANCE ADJUSTMENT PERMIT TO REDUCE FRONT YARDS AT 414 SOUTH 1ST STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request by Steve Otto for a Variance Adjustment Permit to reduce front yards from 25 feet as required by the Ordinance to 16'-6" and 22'-10". This is a corner lot and two front yards along both streets are required. Currently there is a garage only on this lot and it does comply with required 25 feet front yard. The houses on adjacent lots are not compliant with front yard requirements. The owner wants to build a three car garage with an apartment above; this building is actually considered a one family dwelling. He wants to locate this house along South 1st Street to line up with existing homes on adjacent lots but this lot is not wide enough for such arrangement to meet all yard requirements. However, it is possible to place this building fronting Maple Street and comply with all yard requirement. During the Planning Commission meeting Mr. Otto stated that he would have to cut 8 extra trees (in addition to the 4 trees he has cut already for his location) if a variance is not granted; however, it seems that based on staff observation, just one extra tree would need to be cut.

The Planning Commission voted 3 to 2 to recommend approval to the City Council as requested. City Staff is recommending to deny the request.

Member **(Larry Doom)** moved, Member **(Mike Boedigheimer)** seconded to approve the **SUBSTITUTE** motion 'that the Council grant a Variance Adjustment Permit to Steve Otto, to reduce front yards from 25 feet to 16'6" and 22'10"as required by City Code at 414 South 1st Street'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION GRANTING PRELIMINARY APPROVAL TO THE ISSUANCE OF LEASE REVENUE BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF MARSHALL, MINNESOTA, AND AUTHORIZING CITY EDA STAFF AND ADVISORS TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE SALE OF SUCH LEASE REVENUE BONDS:

Terri Heaton, Springsted Inc., reviewed the resolution that will authorize the commencement of plans for financing of the new liquor store in conjunction with the project schedule. This resolution Grants Preliminary Approval to the Issuance of Lease Revenue Bonds by the Economic Development Authority of the City of Marshall, Minnesota, and Authorizing City EDA Staff and Advisors to Take Certain Actions with Respect to the Sale of Such Lease Revenue Bonds.

Council Member Bayerkohler was concerned with EDA issuing these bonds and indicated he was not in favor of EDA issuing the bonds.

Member (**Craig Schafer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4082, SECOND SERIES, which is a Resolution Granting Preliminary Approval to the Issuance of Lease Revenue Bonds by the Economic Development Authority of the City of Marshall, Minnesota, and Authorizing City EDA Staff and Advisors to Take Certain Actions with Respect to the Sale of Such Lease Revenue Bonds for the construction of a new Municipal Liquor Store'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

At this time, Terri Heaton from Springsteds Inc., bond counsel for the City of Marshall, presented the City of Marshall with a plaque acknowledging the City of Marshall's Bond Rating being upgraded to AA from Standard and Poor's Rating Service.

CITY COUNCIL CONSIDERS RESOLUTION CALLING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2015A FOR CAPITAL IMPROVEMENT BONDS:

Terri Heaton, Springsted's Inc., provided a review of the General Obligation Bonds, Series 2015A for Capital Improvement Bonds. The purpose of funding is for the acquisition of a storage building for police and street departments. This action requires a 2/3 vote of the council

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4083, SECOND SERIES, which is a Resolution calling for the issuance and sale of general obligation bonds, series 2015A for Capital Improvement Bonds for the storage building for the Police and Street Departments'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDERATION OF RESOLUTION APPROVING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2015A FOR STREET RECONSTRUCTION BONDS:

Terri Heaton, Springsted's Inc., provided a review of the General Obligation Bonds, Series 2015A for Street Reconstruction Bonds. The Street Reconstruction Bonds are related to the Saratoga Street Reconstruction/Reduced Conflict Intersection on Highway 23 and Pedestrian Overpass project as presented under the Capital Improvement Plan public hearing.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4084, **SECOND SERIES**, which is a Resolution approving the issuance and sale of General Obligation Bonds, Series 2015A for Street Reconstruction Bonds'. These bonds are designated for the Highway 23 and Pedestrian Overpass. 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 7:05 P.M.

CONSIDERATION OF GENERAL FUND RESERVE TRANSFERS:

Ben Martig, City Administrator, indicated that the City has reserves that are designated in the General Fund for various purposes. Staff is recommending transfers of funds in relation to projects that are underway as well as for another purpose as planned by the City. The City has planned for several investments in facilities including a street department remodel, library improvements, street department sand/salt storage, street shop remodel, police department storage and street department storage. The transfer will be made and used in accordance with the updated sources and uses summary. The total of these funds is \$655,000. The City also has designated Capital Equipment Reserves within the general fund. The initial designation was some time ago and the City has created a new Capital Equipment Fund. Staff is suggesting to transfer all of these funds from the General Fund to the Capital Equipment Fund. They will be held as reserves at this time in this fund. The total transfer is \$989,142.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'approval of the transfer of \$989,142 from the General Fund assigned funds to the Capital Equipment Fund'. 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 'approval of the transfer of \$655,000 from the General Fund assigned funds to the Capital Improvement Fund'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER SERVICES AGREEMENT WITH THE MARSHALL AREA CHAMBER OF COMMERCE RELATED TO THE MARKETING AND SCHEDULING OF THE SCHWAN REGIONAL AMATEUR SPORTS CENTER:

Ben Martig, City Administrator, reviewed the Services Agreement with the Marshall Area Chamber of Commerce Related to the Marketing and Scheduling of the Schwan Regional Amateur Sports Center. Mr. Martig indicated that this agreement now also includes the MERIT

REGULAR MEETING – OCTOBER 14, 2014

Center for the same fee. This agreement will be presented to the MERIT and Sports Board for review. The revised fee and other amendments would be coming forth at a future Council meeting in 2014. This contract allows work to commence with a starting point. Timing is critical with staff now hired and planning underway. Both boards have requested additional support in these areas. Again, future amendments will and can be made. Ben indicated that staff amended to add item "h" as well as made payment at the first of the month of service. The item "h" includes the scheduling duties. These revisions came out of suggestions made at the Southwest Minnesota Regional Amateur Sports Commission. The Sports Commission did recommend approval of the contract. The MERIT Board will consider the contract at their October 16, 2014 meeting. This contract is expected to be active for the month of October only as staff prepares for an amended version for the October 28 Council meeting to begin November 1. The contract this evening is necessary for implementation of staff from the CVB that has been hired and is working on these assignments.

Staff has proposed that the Chamber of Commerce provide marketing and scheduling support for the Schwan Regional Amateur Sports Center. The intent is for the CVB Director and CVB support staff would provide staff services. Additionally, proceeds from the \$4,000 would be eligible for other marketing and scheduling related expenses. The Chamber has hired Darin Rahm as the new full-time CVB Director. The timing is appropriate to provide city funding and this is the amount (rounded) that was presented in the past draft budget at the time of the bonds.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to approve the Service Agreement with the Marshall Area Chamber of Commerce related to the Marketing and Scheduling of the Schwan Regional Amateur Sports Center and the MERIT Center at a fee of \$,4000 per month effective for October, 2014'.

Council Member Bayerkohler was concerned that the agreement was posted on Tuesday, not allowing the Council Members time to review before the meeting. He also had concerns about voting on an agreement that will be amended later.

Council Member Schafer shared Bayerkohler's concerns, but he understood Martig's recommendation.

Cal Brink, CEO Marshall Area Chamber of Commerce, indicated that the content of this agreement has been discussed several times and is not new to the council.

Martig indicated that the Council could table this item.

The question was called. All voted in favor of calling the question.

Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

CONSIDER APPROVING A RESOLUTION AND ALSO AUTHORIZING ACCEPTANCE OF EXTENDING THE SWIFT CONTRACT # 52409 BETWEEN THE STATE AND THE CITY OF MARSHALL:

Ben Martig, City Administrator, indicated that on June 26, 2012 a resolution was approved to allow SWMN Chemical Assessment Team (CAT) to apply for additional funding for team operation through the State of Minnesota. SWIFT Contract # 52409 was approved by City Council on October 9, 2012. At this time SWIFT Contract #52409 is being extended to September 30, 2016 and the award is being increased to fund two more years of team operation. This contract funds the team's operation to respond within the City of Marshall and Southwest Minnesota.

Member (**Craig Schafer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4085, SECOND SERIES, which is a resolution extending SWIFT Contract No. 52409 from October 1, 2014 through September 30, 2016'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'Consider authorizing acceptance of extending the SWIFT Contract # 52409 between the State and the City of Marshall'. This contract will provide for additional funding in the amount of \$45,000 per year. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER ACKNOWLEDGMENT OF A LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY (SMSU).

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to SMSU to hold a raffle on December 10, 2014 at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1**, with Bayerkohler abstaining.

PROJECT Z32: BITUMINOUS CHIP SEAL PROJECT (2014) – 1. CONSIDER CHANGE ORDER NO. 2 (FINAL); 2. ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION NO. 2:

Glenn Olson, Director of Public Works/City Engineer, indicated that the items on the Change Order No. 2 (Final Reconciling Change Order) are the result of final measurements and changes in item quantities during construction. 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. 2 (Final) with Caldwell Asphalt Co. Inc. of Hawick, Minnesota, resulting in a contract increase in the amount of \$995.19 and acknowledgement of Final Pay Request (No. 2) in the amount of \$4,049.69 for Project Z32

Bituminous Chip Seal Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0.
The motion **Carried 7 - 0**

CONSIDER RESOLUTION RESTRICTING PARKING - EAST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that Mn/DOT is in the process of designing a roadway improvement on East Main Street (TH 59) from TH 23 to College Drive (TH 19) for the summer of 2015. Included in that design is a continuous left-hand turn lane, a new right-hand turn lane at "E" Street and other significant improvements to the roadway and ADA ramps at crosswalk locations. Because of these improvements, Mn/DOT has requested the City adopt a resolution restricting parking on both sides of East Main Street from TH 23 to College Drive (TH 19). As there is already no parking on the east side of East Main Street from 1st Street to College Drive, it is not necessary to include this section in the resolution. Parking along Memorial Park would continue to exist.

Council Member Boedigheimer indicated that this is a major change and is recommending that a public hearing be held to inform the property owners in the area.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **SUBSTITUTE** motion 'that the adoption of a resolution restricting parking along East Main Street be tabled and that a public hearing be held at the next regular council meeting to be held on October 28, 2014. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Doom voting no.

CONSIDER RESOLUTION RESTRICTING PARKING - SOUTH SARATOGA STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City's consultant, SEH, is in the process of developing plans for the reduced conflict intersection and pedestrian overpass on South Saratoga Street on T.H. 23. Included in that plan is a restriction for parking from Southview Drive south to Windstar Street south of TH 23. Mn/DOT requires a resolution by City Council to restrict parking from this Municipal State Aid System (MSAS) street as the street width is not adequate for the number of driving lanes and parking.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4086, SECOND SERIES, which is the Resolution Restricting Parking on South Saratoga Street from Southview Drive South to Windstar Street South of TH 23'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0.
The motion **Carried 7 - 0**

CONSIDER AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use on November 10, 2014 at SMSU Conference Center, 310 North O'Connell 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 AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR SMSU FOUNDATION:

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 Foundation to use for the Gold Rush Raffle on February 6, 2015 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 AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR SMSU FOUNDATION:

Member (John DeCramer) moved, Member (Larry Doom) seconded to approve the ORIGINAL motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use for the Mustang Stampede on April 24, 2015 at Regional Event Center Suites, 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 LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU:

Member (Larry Doom) moved, Member (Craig Schafer) seconded to approve the ORIGINAL motion 'BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to the Southwest Minnesota State University to hold a raffle on February 6, 2015, at SMSU, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion Passed 6 - 0 - 1, with Bayerkohler abstaining.

COMMISSION/BOARD LIAISON REPORTS:

- Byrnes Fire Relief Association held their quarterly meeting, but he was not able to attend; Regional Development Commission met on October 9th – they discussed the Aging Program; SW MN Amateur Sports Center met earlier today and discussed changing the function of the committee and reducing the number of members.
- Schafer Library Board met on Monday – they need to continue moving forward.
- Doom Public Improvement / Transportation Committee met on October 13th.
- Bayerkohler No report.
- DeCramer EDA will be meeting on October 15th; MERIT Center Commission meets on October 16th; Utilities Commission meets later this month.
- Boedigheimer No report.

REGULAR MEETING – OCTOBER 14, 2014

Conyers Senior Citizen Center Commission meets on October 15th.

COUNCILMEMBERS INDIVIDUAL ITEMS:

Ellayne Conyers thanked everyone for completing the Alzheimer's surveys.

CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that there is a Joint City Council / Library Board meeting on Monday, October 20th. Information will be coming from Plum Creek. Scott Walters, the City IT Person was involved in a car accident; therefore staff is working with Brian Hart. Ben also provided brief updates on current projects.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, did not have a report.

CITY ATTORNEY:

Dennis Simpson, City Attorney, indicated that the Farm Leases are up for renewal and extensions were offered to the current lease holders for another 3 years at the same conditions. Dennis continues to review City contracts. The 10 year Fixed Based Operator Agreement with Pete Johnson, Midwest Aviation, needs to be reviewed and considered for renewal.

PENDING ITEMS:

There were no questions on the pending items.

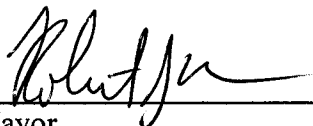
INFORMATION ONLY:

There were no questions on the information items.

UPCOMING MEETINGS:

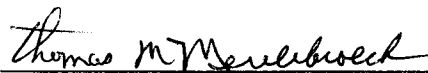
There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk