

REGULAR MEETING – MAY 8, 2012

The regular meeting of the Common Council of the City of Marshall was held on May 8, 2012 in the Professional Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order by Mayor Byrnes. In addition to Byrnes the following members were present: Jennie Hulsizer, Larry Doom, John DeCramer, Mike Boedigheimer and Dan Ritter. Absent: Charlie Sanow. Staff present included: Ben Martig, City Administrator; Dennis Simpson City Attorney; Glenn Olson, Director of Public Works/City Engineer; Ilya Gutman, Building Official; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk. Bob VanMoer, Wastewater Superintendent arrived late.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'Approve as presented.' Upon a roll call vote being taken, the vote was: Aye: (6) Nay: (0). The motion **Carried. 6 - 0**

APPROVAL OF MINUTES

Member (**Jennie Hulsizer**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on April 24, 2012 be approved as corrected and that the minutes of the work session held on April 24, 2012 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**

AWARD OF BIDS CONSIDER RESOLUTION AWARDING THE SALE OF \$4,410,000 GENERAL OBLIGATION BONDS, SERIES 2012A, FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

Terri Heaton, Springsteds, reviewed the bids that were received for the \$4,410,000 General Obligation Bonds, Series 2012A. The bids received for the \$4,410,000 General Obligation Bonds Series 2012A were from:

Bidder	Price	Net Interest Cost	True Interest Rate
Robert W. Baird & Co., Inc.	\$4,484,021.35	\$640,735.32	1.8964%
C. L. King & Associates			
Coastal Securities L.P.			
Samco Capital Markets, Inc.			
Loop Capital Markets, LLC			
Edward D. Jones & Company			
Cronin & Company, Inc.			
Kildare Capital			
Crews & Associates			
Davenport & Company LLC			
Wedbush Morgan Securities			
Dougherty & Company LLC			
Isaak Bond Investments Inc.			

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Country Club Bank
 Advisors Asset Management
 Ross, Sinclair & Associates
 Castleoak Securities, L.P.

Piper Jaffray & Co.	\$4,481,498.15	\$640,610.18	1.8970%
Stifel, Nicolaus & Co., Inc.	\$4,495,156.75	\$656,084.92	1.9370%
BOSC, Inc.	\$4,479,715.50	\$659,709.50	1.9523%
UMB Bank, N.A.	\$4,365,900.00	\$660,987.50	1.9749%
Northland Securities	\$4,465,343.00	\$682,288.67	2.0227%
FTN Financial Capital Markets	\$4,509,045.15	\$697,621.52	2.0475%
Raymond James / Morgan Keegan	\$4,487,062.05	\$720,075.45	2.1187%

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded the adoption of RESOLUTION NUMBER 3736, SECOND SERIES Awarding the Sale of \$4,410,000 General Obligation Bonds, Series 2012A, Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment.' Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

CONSIDERATION AUTHORIZATION TO EXECUTE AMENDMENT TO ADDENDUM A OF AGREEMENT FOR CONTINUING DISCLOSURE SERVICES AND AMENDMENT TO ADDENDUM B OF AGREEMENT FOR ARBITRAGE AND REBATE MONITORING

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the ORIGINAL motion 'the approval of the Amendment to Addendum A of Agreement for Continuing Disclosure Services and Addendum B of Agreement for Arbitrage and Rebate Monitoring with Springsted Incorporated for the \$4,410,000 General Obligation Bonds, Series 2012A.' These addendums authorize Springsteds to complete the continuing disclosure and arbitrage and rebate monitoring for the City of Marshall Bond Issue. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

CONSENT AGENDA

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

A Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association for May 15, 2012 to September 15, 2012 at a fee of \$200.00.

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BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved a LG214 Premises Permit Application for the Marshall Baseball Association to conduct gambling at the Landmark Bistro, 100 West College Drive.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved a LG214 Premises Permit Application for the Marshall Baseball Association to conduct gambling at the Marshall Bowl, 1417 East College Drive.

The introduction of an ordinance amending Sec. 86-1, 86-30, 86-72, and 74-151 of the Marshall City Code of Ordinances pertaining to the definition of the Downtown District and call for Public Hearing to be held on May 22, 2012.

The introduction of an ordinance amending Article V. Finance Sec. 2-121 of Chapter 2 of the City Code Relating to the Establishment of the Marshall Capstone Endowment Fund and the introduction of a summary ordinance that will be used for publication.

The introduction of Ordinance Amending Liquor Ordinance to allow for a Brewer Taproom License and the introduction of a summary ordinance that will be used for publication.

Approve the request of the Downtown Business Association for street closure for “Thursdays on Third” to be held on Thursday evenings in the summer from July 12-August 9, 2012 from 2:00 P.M. to 7:00 P.M., with the requirement that proper MUTCD traffic control devices are in place for the events. This will allow for North 3rd Street from West Main Street to West Lyon Street be closed to allow individual vendors selling of craft items, produce, flea market, and demonstrations, with possible food and music vendors as well.

That the Council acknowledges receipt of a petition to vacate an alley adjacent to Original Plat, Block Sixteen, lots 3-10, order the petition to be filed for record with the City Administrator, and call for a public hearing to be held on May 22, 2012.

The introduction of an ordinance amending Sec. 86-1, Sec. 86-104, Sec. 86-105, Sec. 86-106, and Sec. 86-107 of the Marshall City Code of Ordinances related to zoning and call for public hearing to be held on May 22, 2012.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 79198 through 79378.

PROJECT Y85: NORTHWEST INDUSTRIAL PARK AREA SANITARY SEWER LIFT STATION AND FORCEMAIN IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 6 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION

Member (**Dan Ritter**) moved, Member (**John DeCramer**) seconded to approve the ORIGINAL motion 'that the Council approves Change Order No. 6 (Final) with Voss Plumbing & Heating, Inc. of Paynesville, Minnesota resulting in a contract increase of \$25,210.00 and acknowledgement of Final

Payment Application in the amount of \$76,728.05.' This change order involves seven (7) weeks of delayed work and the costs for two excavators sitting idle during this time. The total compensation requested by the contractor was \$52,510.00. Change Order No. 5 included partial payment in the amount of \$23,800.00. City staff subsequently negotiated a deduction of \$3,500.00 reducing the claim from \$52,510.00 to \$49,010.00. The amount of \$25,210.00 for Change Order No. 6 is the balance of the claim. It was indicated that there are sufficient funds to cover the change order. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

WALKER LANE ADDITION -- CONSIDER RESOLUTION APPROVING THE FINAL PLAT

Glenn Olson, Director of Public Safety/City Engineer, indicated that the plat of Walker Lane Addition requires all property owners agreeing to the property ownership in accordance with the lot dimensions and utility and street easements shown. This process may also include the necessity of a Quiet Title action or property agreement verifying no outstanding claims to the properties involved. The plat includes proposed property lines and new lot dimensions, public roadway and utility easements, and other items necessary for the platting procedure. Platting is required prior to award of a construction contract. The street width is proposed to be 16 feet with the maximum width of the proposed roadway easement of 20 feet. No parking will be allowed on Walker Lane.

Member (**Dan Ritter**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3737, SECOND SERIES, which provides for the approval of the Final Plat of Walker Lane Addition, subject to approval of all property owners.' Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

PROJECT Y67: MARSHALL AIRPARK EAST CONSTRUCTION PROJECT – CONSIDER AUTHORIZATION TO SUBMIT LETTER OF INTENT FOR GRANT REQUEST TO MN/DOT-AERONAUTICS PERTAINING TO RAMP AREA AND SIGNAGE PER STATE FY2013 OFFER LETTER AND CONSIDER PROFESSIONAL SERVICES AGREEMENT WITH TKDA FOR FINAL DESIGN AND CONSTRUCTION PHASE SERVICES FOR APRON & TAXIWAY CONSTRUCTION

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council authorizes submission of letter of intent for Grant Request to Mn/DOT-Aeronautics pertaining to Ramp Area and Signage per State FY2013 Offer Letter and authorize entering into a Professional Services Agreement with TKDA for Final Design and Construction Phase Services for Apron & Taxiway, subject to receipt of a Grant Agreement from Mn/DOT-Aeronautics.' Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1. The motion **Carried. 5 – 1**. Jennie Hulsizer voted no.

INTRODUCTION OF ORDINANCE -- CONSIDER THE REQUEST OF HRA OF MARSHALL & TRIDENT DEVELOPMENT, LLC TO REZONE 400 & 404 WEST LYON STREET FROM R-3 (LOW- TO MEDIUM-DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT) AND R-4 (HIGHER DENSITY- MULTIPLE FAMILY RESIDENCE DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) AND INCLUDE THOSE PROPERTIES INTO THE DOWNTOWN DISTRICT

Glenn Olson, Director of Public Works/City Engineer, indicated that this is a request by HRA of Marshall (the current owner) and Trident Development (the future owner) to rezone the property

located at 400 and 404 West Lyon Street. Mr. Olson reviewed the zoning request of Trident Development and the proposed zoning change that the City is proposing. This request is simultaneously submitted to the Planning Commission for review. The Public Hearing will take place during the Planning Commission meeting on May 9, 2012. To expedite the process, this request is presented to the City Council for ordinance introduction prior to the Planning Commission meeting. Prior to proposed adoption by the City Council the Planning Commission will present a recommendation to the City Council as well.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council introduce an ordinance to rezone the properties located at 400 and 404 West Lyon Street from R-3 (Low to medium density multiple Family Residence District) and R-4 (Higher density multiple Family Residence District) to B-2 (Central Business District) and include those properties into the Downtown District.' Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

CONSIDER CONTRIBUTION TO MESERB FOR DEVELOPMENT OF WHITE PAPER EVALUATING MN RIVER TURBIDITY TMDL AFFECTING MS4 CITIES

Bob VanMoer, Wastewater Superintendent, indicated that the MPCA has two TMDL's for Turbidity on the Minnesota River Basin and the South Metro Mississippi River Basin on public comment until May 29, 2012. These TMDL's will limit the amount of solids and nutrients allowed to enter the river basins to try to clean up the rivers. There has been modeling done to try to come up with reductions which will achieve this goal. There are several technical assumptions put in the models that show that even if all Municipal Separate Storm Sewer System (MS4) Cities spend the multiple millions of dollars for improvements, the goals will not be achieved due to the majority of the impairments are caused by non-point sources such as agricultural practices, erosion, and natural features of the rivers. This could have a very serious impact on any new municipal or industrial growth in the ten MS4 Cities in the Minnesota River Basin. MESERB feels that if \$20,000 is raised, it would be feasible to create the white paper to demonstrate our concerns prior to the end of the public comment period.

Member (**Larry Doom**) moved, Member (**Dan Ritter**) seconded to approve the **ORIGINAL** motion 'that the Council authorize a contribution of \$1,000.00 from the Surface Water Management Utility Fund Account and a contribution of \$1,000.00 from the Wastewater Fund towards the development of a white paper on the Total Maximum Daily Load (TMDL) prior to the end of the Minnesota Pollution Control Agency (MPCA) public comment period, subject to MESERB obtaining the remainder of the required funding.' Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Bob VanMoer, Wastewater Superintendent, indicated that the Wastewater Treatment Facility did not have any issues due to the heavy rain fall over the past few days. He indicated that Tiger Lake handled the water very well. There was some concern with the pond by the MERIT Center. It was indicated that there are some issues with tiling being plugged.

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COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS

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

Byrnes No report.

Hulsizer No report.

Doom Community Services Advisory Board met last week.

DeCramer Marshall Municipal Utilities is high on the priority list of getting water appropriation out of the Sandess Aquifer.

Boedigheimer Airport Commission – item was acted on earlier in the meeting

Ritter None

COUNCILMEMBER INDIVIDUAL ITEMS

Council Member Jennie Hulsizer asked for a clarification of the flooding on the Mosch Bladholm Property. Council Member Boedigheimer asked about the pot hole located at the intersection of Main Street and College Drive being repaired.

STAFF REPORTS - CITY ADMINISTRATOR

Ben Martig, City Administrator, attended the City Managers Conference from May 2 – 4 and completed the council packet review process remotely. Mr. Martig will be reviewing the time line for agenda items. There is a siren in the Industrial Park that is not working correctly. City staff was able to disconnect this siren, but the company will need to check on the issue. Mr. Martig did provide a presentation on the proposed TIF to the Marshall School Board and will be presenting it to the Lyon County Board of Commissioners on May 15, 2012. A Work session has been scheduled for Monday, May 14, 2012 and there is a joint meeting with the County Board of Commissioners on May 24, 2012.

DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

Glenn Olson, Director of Public Works/City Engineer, indicated that he will be meeting the Lake Marshall Township Board later this evening.

CITY ATTORNEY

Dennis Simpson, City Attorney, is working with the Structural Engineer on receiving the report on the Marshall Hotel. He also thanked everyone for their support and well wishes during his recent surgery.

REVIEW OF PENDING ITEMS

There were no questions on the pending agenda items.

INFORMATION ONLY

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There were no questions on the information items.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the meeting be adjourned'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk