

REGULAR MEETING – FEBRUARY 12, 2013

The regular meeting of the Common Council of the City of Marshall was held on February 12, 2013 in the Professional 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, Jennie Hulsizer, John DeCramer, and Larry Doom. Absent: Mike Boedigheimer. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Cathy Lee, Executive Assistant; Dean Coudron, Public Ways Superintendent; Preston Stensrud, Park Supervisor; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item number 20, which is to consider entering into an agreement for temporary occupancy permit with BNSF Railway Company.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 15, 2013 AND THE WORK SESSION HELD ON FEBRUARY 4, 2013:

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on January 15, 2013 and the minutes of the work session held on February 4, 2013 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

PUBLIC HEARING - PROJECT Z00: WEST LYON STREET / NORTH 7TH STREET RECONSTRUCTION PROJECT- PUBLIC HEARING ON IMPROVEMENT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for the public hearing on West Lyon Street / North 7th Street Reconstruction Project Z00. Glen Olson, Director of Public Works/City Engineer, indicated that this project involves the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The proposed project will reconstruct 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. A public informational meeting was held on February 7, 2013 at 5:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance.

Member (**Ellayne Conyers**) moved, Member (**Larry Doom**) seconded approve the **ORIGINAL** motion 'that the Council close the public hearing and the adoption of RESOLUTION NUMBER 3849, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans' for Project Z00: West Lyon Street / North 7th Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

CONSIDER AWARD OF BIDS ONE NEW 300-GALLON SPRAYER WITH BOOMS AND DIESEL DRIVE UNIT FOR PARKS DEPARTMENT:

Bids were received, opened and read on February 5, 2013 for a new 300-Gallon Sprayer with Booms and diesel Drive Unit for the Parks Department. The bids received, opened and read were from:

		Bid including Trade-In	Bid not including Trade-In
Frontier Ag & Turf	Base Bid	\$41,373.28	\$41,373.28
Hastings, Minnesota	Less Trade-in	<u>(4,000.00)</u>	<u>0.00</u>
John Deer ProGator		37,373.28	41,373.28
2030A with HD300	Sales Tax	<u>2,569.41</u>	<u>2,844.41</u>
	Total Bid	\$39,942.69	\$44,217.69
MTI Distributing, Inc.	Base Bid	\$40,000.00	\$40,000.00
Brooklyn Center, MN	Less Trade-in	<u>3,000.00</u>	<u>0.00</u>
Toro MP 5800		37,000.00	40,000.00
Model 41593	Sales Tax	<u>2,543.75</u>	<u>2,750.00</u>
	Total Bid	\$39,543.75	\$42,750.00

MTI Distributing, Inc., bid did not meet minimum specifications, including boom wheels and rinse tank kit.

Glenn Olson, Director of Public Works/City Engineer, indicated this is a 10-year replacement item with heavy use (4-5 days a week in the summer). The new specifications include the 300-gallon main tank and a Clean Load Chemical Eductor and 20 gallon rinse tank. This will allow staff to be more efficient and eliminate rinsing out the large tank between applications and reduces run-off risk. Rinsing out the tank between applications can take up to two hours each time. The apparent low bid including all minimum specifications was from Frontier Ag & Turf of Hastings, Minnesota in the amount of \$44,217.69, including sales tax, not including trade-in. The bid included \$4,000.00 for the trade-in of the existing unit. This unit could be sold for more than the \$4,000.00 trade-in or kept for other departments' use, including Wastewater or the Amateur Sports Center. Council has approved the replacement of this unit and included \$40,000.00 in the 2013 Capital budget for this unit with \$45,000 for the new unit and \$5,000 trade-in of the existing unit.

Member **(Larry Doom)** moved, Member **(John DeCramer)** seconded to approve the **ORIGINAL** motion 'that the Council award the bid for a new 2012 or 2013 - 300-gallon sprayer with booms and diesel drive unit for the Parks Department to Frontier Ag & Turf of Hastings, Minnesota in the amount of \$44,217.69, including sales tax, not including trade-in'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

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CONSIDER AWARD OF BIDS FOR ONE NEW 1/2-TON, 2-WHEEL DRIVE REGULAR CAB PICK-UP WITH 8' BOX AND TAILGATE LIFT FOR PARKS DEPARTMENT:

Bids were received, opened and read on February 5, 2013 for One New ½ Ton, 2-Wheel Drive regular cab Pickup with 8' box and tailgate lift for the Parks Department. The bids received, opened and read were from:

		Bid including Trade-In	Bid not including Trade-In
Dodge of Burnsville, Inc. Burnsville, Minnesota 2013 Ram 1500 4x2	Base Bid	\$25,489.96	\$25,489.96
	Less Trade-in	<u>500.00</u>	<u>0.00</u>
		24,989.96	25,489.96
	Sales Tax	<u>1,624.35</u>	<u>1,656.85</u>
	Total Bid	\$26,614.31	\$27,146.81
Kruse Ford Marshall, Minnesota 2013 Ford F150	Base Bid	\$22,700.00	\$22,700.00
	Less Trade-in	<u>800.00</u>	<u>0.00</u>
		21,900.00	22,700.00
	Sales Tax	<u>1,423.50</u>	<u>1,475.50</u>
	Total Bid	\$23,323.50	\$24,175.50
Lockwood Motors Inc. Marshall, Minnesota 2013 Chevrolet 1500 Regular Cab 4 x 2	Base Bid	\$24,125.00	\$24,125.00
	Less Trade-in	<u>500.00</u>	<u>0.00</u>
		23,625.00	24,125.00
	Sales Tax	<u>1,535.63</u>	<u>1,568.13</u>
	Total Bid	\$25,160.63	\$25,693.13
Lockwood Motors Inc Marshall, Minnesota 2013 Ram 1500 Regular Cab 4 x 2	Base Bid	\$24,450.00	\$24,450.00
	Less Trade-in	<u>500.00</u>	<u>0.00</u>
		23,950.00	24,450.00
	Sales Tax	<u>1,556.75</u>	<u>1,589.25</u>
	Total Bid	\$25,506.75	\$26,039.25
Midway Ford Commercial Roseville, Minnesota 2013 Ford F150	Base Bid	\$20,117.92	\$20,117.92
	Less Trade-in	<u>650.00</u>	<u>0.00</u>
		19,467.92	20,117.92
	Sales Tax	<u>1,265.41</u>	<u>1,307.66</u>
	Total Bid	\$20,733.33	\$21,425.58
Nelson Auto Fergus Falls, Minnesota 2013 GMC Sierra	Base Bid	\$23,218.00	\$23,218.00
	Less Trade-in	<u>1,500.00</u>	<u>0.00</u>
		22,068.00	23,218.00
	Sales Tax	<u>1,434.42</u>	<u>1,509.17</u>
	Total Bid	\$23,502.42	\$24,727.17

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Thane Hawkins Polar	Base Bid	\$21,559.96	\$21,559.96
Chevrolet	Less Trade-in	<u>2,000.00</u>	<u>0.00</u>
White Bear Lake, MN		19,559.96	21,559.96
2013 Chevrolet Silverado	Sales Tax	<u>1,271.40</u>	<u>1,401.40</u>
1500 Regular Cab 4 x 2	Total Bid	\$20,831.36	\$22,961.36

Glenn Olson, Director of Public Works/City Engineer, indicated that the apparent low bid was from Midway Ford Commercial of Roseville, Minnesota in the amount of \$21,425.58, including sales tax, not including trade-in. Midway Ford Commercial is the Cooperative Purchasing Venture (CPV) bid for this unit. The bid included \$650.00 for the trade-in of the 1999 Dodge Ram 1500. City staff believes that the City could offer this vehicle for sale and receive more than \$650.00. Another alternative would be for the City to keep this vehicle and replace a different City vehicle. The lowest local bid was from Kruse Ford of Marshall, Minnesota, in the amount of \$24,175.50, including sales tax, not including trade-in. In accordance with the City's Purchasing Policy & Procedures, Section 3.2., Item g., Kruse Ford was contacted and given the opportunity to match the CPV bid, and they declined to match the CPV bid. Council has approved the replacement of this unit and included \$24,000.00 in the 2013 Capital budget for this unit with \$25,000 for the new unit and \$1,000 trade-in of the existing unit.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council award the bid for a ½-Ton, 2-Wheel Drive Regular Cab Pick-Up with 8' Box and Tailgate Lift for the Parks Department to Midway Ford Commercial of Roseville, Minnesota in the amount of \$21,425.58, including sales tax, not including 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:

Council Member Bayerkohler requested that the LG220 Application for Exempt Permit for the MN Chapter National Wild Turkey Federation be removed from the consent agenda:

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

To establish the regular meetings of the Public Housing Commission to be held on the second Monday of each month at 3:30 P.M. at Parkview Apartments.

The adoption of RESOLUTION NUMBER 3850, SECOND SERIES Authorizing Transfer and Closure of Capital Project Fund 494 to Debt Service Fund 364. The cash balance of \$19,032.64 is to be transferred to Debt Service Fund 364.

The adoption of RESOLUTION NUMBER 3851, SECOND SERIES Authorizing Transfer and Closure of Capital Project Fund 493 to Debt Service Fund 363. The cash balance of \$1,400.27 is to be transferred to Debt Service Fund 363.

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Authorization be granted to the Department of Public Safety and the Chemical Assessment Team to dispose of surplus property that is no longer working, has been upgraded or is no longer needed.

The adoption of RESOLUTION NUMBER 3852, SECOND SERIES, which is the “Resolution Ordering Preparation of Report on Improvement” for Park Avenue / East College Drive Sanitary Sewer Project Z19.

The adoption of RESOLUTION NUMBER 3853, SECOND SERIES, which is the “Resolution Ordering Preparation of Report on Improvement” for Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project Z15.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 82653 through 82974.

CONSIDER APPROVAL OF A LG220 APPLICATION FOR EXEMPT PERMIT FOR THE MN CHAPTER NATIONAL WILD TURKEY FEDERATION:

Council Member Bayerkohler indicated that the applicant MN Chapter National Wild Turkey Federation represents the State of Minnesota and not the local chapter. He also indicated that Joshua Johnson is not the CEO of the MN Chapter. Bayerkohler was also concerned with the City approving the application when there was no Nonprofit Status form attached. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the City is only acknowledging the application and waiving the 30 day waiting period.

Member (**Glenn Bayerkohler**) moved, Member (**Larry Doom**) seconded to approve 'that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have acknowledged the LG220 Application for Exempt Permit for the MN Chapter National Wild Turkey Federation / Buffalo Ridge Gobblers, Marshall, Minnesota to hold a raffle on April 26, 2013 at the Landmark Mercantile, 101 West College Drive, Marshall, Minnesota and that the 30 day waiting period be waived'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

CONSIDER ADOPTION OF RESOLUTION ACCEPTING THE DONATION OF PERSONAL PROPERTY:

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3854, SECOND SERIES, Accepting the Donation of Personal Property from Dale R. and Deborah L. Bisbee in the of \$500 for the Marshall Volunteer Fire Department to use towards the purchase of a pickup that was purchased in 2012'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

CONSIDER ACCEPTANCE MINNESOTA DEPARTMENT OF HEALTH GRANT AGREEMENT NO. 57927 FOR UNUSED (NOT IN USE) PUBLIC WATER SUPPLY WELL SEALING (PROJECT Y61 / S.A.P. 139-130-001: KOSSUTH AVENUE RECONSTRUCTION PROJECT):

Glenn Olson, Director of Public Works/City Engineer, reviewed the Minnesota Department of Health Grant Agreement No. 57927 for Unused (Not in Use) Public Water Supply Well Sealing. A copy of this grant agreement has been provided to City Attorney Simpson for his review and approval. This well is a free-flowing well discharging approximately 50 gpm through an existing storm sewer discharging into the Redwood River. The sealing of the well was included in the Kossuth Avenue Reconstruction Project, but the specifics of the requirements in the condition of the existing well were not well known at the time of receipt of bids. Subsequently, during the process of investigation, the sealing of the well was determined to be much more difficult than anticipated by the contractor. City staff worked with Robert Nielsen of the Marshall District Office of the Minnesota Department of Health in the development of a proposal to seal this well properly. At the time of grant application, City staff provided as much information as possible at this time and requested inclusion in the 2013 Minnesota Department of Health grant program for the sealing of this well in the amount of up to the \$50,000 maximum. The City will be paid for all eligible costs indicated on the well sealing invoices that are submitted according to the Grant Agreement, but not to exceed \$50,000. In order to seal the well properly, the estimated cost of the work is estimated to be greater than \$110,000 and will not be known until a well expert can access the well casings and do a video surveillance of the well condition and casing. Funding for the difference will be from the Surface Water Management Utility Fund.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the proper City Personnel be authorized to enter into Minnesota Department of Health Grant Agreement No. 57927 for Unused (Not in Use) Public Water Supply Well Sealing, contingent upon City Attorney review and approval'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

PROJECT Z00: WEST LYON STREET / NORTH 7TH STREET RECONSTRUCTION PROJECT- CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3855, SECOND SERIES, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z00: West Lyon Street / North 7th Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER AGREEMENT BETWEEN THE MINNESOTA DEPARTMENT OF REVENUE AND THE CITY OF MARSHALL FOR COLLECTION OF A LOCAL SALES AND USE TAX:

Thomas M. Meulebroeck, Finance Director/City Clerk reviewed the agreement between the Minnesota Department of Revenue and the City of Marshall for the Collection of a Local Sales and Use Tax. The City of Marshall is required to have the State of Minnesota manage the .5% general sales and use tax.

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Member (**Ellayne Conyers**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the proper city personnel be authorized to enter into an Agreement Between the Minnesota Department of Revenue and the City of Marshall for Collection of a Local Sales and Use Tax'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

PROJECT E22: LEVEE TREE REMOVAL AND RESTORATION PROJECT-PHASE II
-- CONSIDER ENTERING INTO AN AGREEMENT FOR TEMPORARY OCCUPANCY
PERMIT WITH BNSF RAILWAY COMPANY:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Levee Tree Removal and Restoration Project Phase II Project E22 involves the removal of trees, stumps and shrubs along portions of the flood protection levee system in the southwest portion of the city. The U.S. Army Corps of Engineers (Corps) has directed the removal of all vegetation except grass from the City's flood protection dike in order to preserve its integrity for flood protection. The City must comply with this directive in order to allow the Corps to continue to certify the adequacy of the dike for flood protection to the Federal Emergency Management Agency (FEMA). The Corps has given the City until March 2013 to complete these improvements. The Corps has also indicated they will work with staff concerning this project for extension of the deadline based upon the City's cooperation and intent to make the improvements. A portion of the project impacts the BNSF Railroad right of way. City Staff has received a Temporary Occupancy Permit ("Agreement") from BNSF Railway Company for consideration and execution to proceed with the scheduled work for this project. The Agreement includes a \$1,000.00 contract fee. Also City Staff recommends in lieu of providing a separate policy for Railroad Protective Liability Insurance that the City participate in BNSF's Railroad Protective Policy for an additional fee in the amount of \$575.00.

Member (**Larry Doom**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the proper city personnel be authorized to enter into an agreement for a Temporary Occupancy Permit with BNSF Railway Company and the issuance of a check in the amount of \$1,575.00 for contract fees and liability insurance, contingent upon City Attorney review and approval'. 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 SW MN Amateur Sports Center met on February 12th. Mayor Byrnes and Ben Martig were in St. Paul to meet with the Legislatures in regard to bonding.

Hulsizer Library Board met on February 11th – they reviewed the salary report and they are continuing to have issues with Plum Creek Library System.

Doom Personnel Committee met last week; Equipment Review Committee items were acted on earlier in the meeting; SW MN Amateur Sports Center have reviewed the applicants for Construction Manager and have narrowed it down to 2 firms.

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DeCramer EDA meets next week; MERIT Center Commission members took a tour of the driving range at St. Cloud and will be touring the driving range at Camp Ripley; Utilities Commission held a special meeting on February 6th and will have their regular meeting on February 13th.

Conyers Community Services Advisory Board met last week; Ellayne indicated that she attended the League of Minnesota Conference for new council members.

COUNCILMEMBER INDIVIDUAL ITEMS:

Mayor Byrnes indicated that he and Ben attended a meeting on Local Government Aid where Governor Dayton spoke on proposed changes to the Local Government Aid (LGA) calculation. Byrnes indicated that the proposed formula would benefit Marshall.

STAFF REPORTS:

Glenn Olson, Director of Public Works/City Engineer, indicated that Municipal State Aid allocation of funds are based on the size of the city and not on the city's needs. He also, indicated that a hearing has been scheduled for Judicial Ditch No. 6 on February 19, 2013.

Dennis Simpson, City Attorney, indicated that he attended the League of Minnesota Cities Attorney Seminar. He also provided a summary of the categories and classification of the offenses that his office handles.

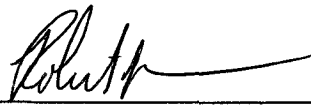
PENDING ITEMS:

There were no questions on the current list of pending agenda items.

INFORMATION ONLY:

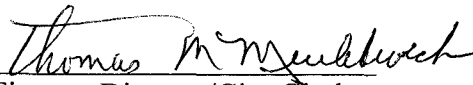
There were no questions on the information items.

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: 6 Nay: 0. The motion Carried 6 - 0



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk