

REGULAR MEETING – FEBRUARY 26, 2013

The regular meeting of the Common Council of the City of Marshall was held on February 26, 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: Glenn Bayerkohler, Jennie Hulsizer, John DeCramer, and Larry Doom. Absent: Mike Boedigheimer and Ellayne Conyers. 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; Bob VanMoer, Wastewater Superintendent; 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 as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 12, 2013:

Member (Larry Doom) moved, Member (Jennie Hulsizer) seconded to approve the ORIGINAL motion 'that the minutes of the regular meeting held on February 12, 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: 5 Nay: 0. The motion Carried 5 - 0

AWARD OF BIDS - PROJECT Z03: NORTH 5TH STREET WALK BRIDGE REPLACEMENT PROJECT - RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, indicate that the 2012 budget included the replacement of one pedestrian walk bridge. The project consists of the installation of two abutments for the bridge and a separate contract for the supply and delivery of the bridge at North 5th Street. Two proposals for the abutments were received. The two proposals received were from:

Sherbrooke Turf, Inc.
Pelican Rapids, Minnesota
\$47,836.50

D & G Excavating Inc.
Marshall, Minnesota
\$48,132.50

Mr. Olson indicated that there is only a difference of \$296.00 between the bids. Sherbrooke Turf, Inc. is the lowest responsible bidder and in accordance with State competitive biddings laws and the City purchasing policy. Only the bridge structure itself is eligible for funding with proceeds from tax-exempt bonds. The abutments are not eligible for funding with proceeds from tax-exempt bonds, and therefore no resolution is necessary regarding funding with proceeds from tax-exempt bonds for the abutments.

Member (John DeCramer) moved, Member (Glenn Bayerkohler) seconded to approve the ORIGINAL motion 'that the Council adopt RESOLUTION NUMBER 3856, SECOND SERIES, which is a resolution Accepting Bid (Awarding Contract) for the North 5th Street Bridge Replacement Project Z03. This bid was awarded to Sherbrooke Turf, Inc. of Pelican

REGULAR MEETING – FEBRUARY 26, 2013

Rapids, Minnesota, in the amount of \$47,836.50'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1. The motion **Passed 4 – 1**, with Larry Doom voting no.

BOARD AND COMMISSION MEMBER RECOGNITION:

At this time the City Council took the opportunity to recognize Valentine "Tina" R. Quinones for her contributions and time provided to Community Services Advisory Board. Ms. Quinones has served two terms and her current term will expire in February of 2013.

**AWARD OF BIDS - WASTEWATER SOLIDS CONTACT CLARIFIER PROJECT -
RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE
REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT
BONDS:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the recommendation from Short Elliot Hendrickson, the City's consultant for the Wastewater Solids Contact Clarifier Project. A justification for recommending the award of Alternate No. 3 was also reviewed. The Solids Contact Clarifier was part of the original plant built in 1975. This clarifier is used for settling solids and phosphorus removal in the treatment process. It is a crucial part of the treatment process. It is worn out beyond repair and needs replacing. The City will be reusing the existing concrete tank and fiberglass cover.

Bids were received, opened and read on February 19, 2013. The bids received, opened and read were from:

	Magney Construction, Inc. Chanhasen, Minnesota	KHC Construction, Inc. Marshall, Minnesota
Part 1	\$198,000.00	\$240,000.00
Part 2	8,846.00	5,000.00
Alternate 1	438,000.00	405,000.00
Alternate 2	425,000.00	410,000.00
Alternate 3	427,000.00	395,000.00
Part 1, 2, 3 and Alternate 1	644,846.00	650,000.00
Part 1, 2, 3 and Alternate 2	631,846.00	655,000.00
Part 1, 2, 3 and Alternate 3	633,846.00	640,000.00
	Robert L. Carr Marshall, Minnesota	J. S. Haren Company Athens, Tennessee
Part 1	\$178,000.00	\$339,000.00
Part 2	11,000.00	3,400.00
Alternate 1	538,000.00	453,000.00
Alternate 2	533,000.00	395,000.00
Alternate 3	535,000.00	441,000.00
Part 1, 2, 3 and Alternate 1	727,000.00	795,400.00
Part 1, 2, 3 and Alternate 2	722,000.00	737,400.00
Part 1, 2, 3 and Alternate 3	724,000.00	783,400.00

REGULAR MEETING – FEBRUARY 26, 2013

This project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and/or operating revenues. It is required that authorization be granted by the City Council to approve a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax Exempt Bonds.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3857, SECOND SERIES, which is a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Wastewater Solids Contact Clarifier Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

AWARD OF BIDS - WASTEWATER SOLIDS CONTACT CLARIFIER PROJECT - RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3858, SECOND SERIES, which is a Resolution Accepting Bid (Awarding Contract) and authorizing the entering into an agreement with Magney Construction, Inc. of Chanhassen, Minnesota, in the amount of \$633,846.00 for Part 1, Part 2, and Part 3-Alternate No. 3 for the Wastewater Solids Contact Clarifier Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

AWARD OF BIDS - PROJECT Z01: WEST REDWOOD STREET / NORTH 3RD STREET / WEST MARSHALL STREET RECONSTRUCTION PROJECT - RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed West Redwood Street / North 3rd Street / West Marshall Street Reconstruction Project. This project involves the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. The proposed project will reconstruct the street and described utilities on West Marshall Street from East College Drive to North 3rd Street, North 3rd Street from West Marshall Street to West Redwood Street, and West Redwood Street from North 3rd Street to East College Drive.

Bids were received, opened and read on February 20, 2013. The bids received, opened and read were from:

Carstensen Contracting Inc. Pipestone, Minnesota \$887,856.80	D & G Excavating Inc. Marshall, Minnesota \$764,748.85	Duininck Bros. Inc. Prinsburg, Minnesota \$756,008.75
Kuechle Underground Inc. Kimball, Minnesota \$700,240.35	R & G Construction Co. Marshall, Minnesota \$716,803.80	Voss Plumbing & Heating Paynsville, Minnesota \$756,061.38

REGULAR MEETING – FEBRUARY 26, 2013

This project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and a debt service levy. It is required that authorization be granted by the City Council to approve a 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 3859, SECOND SERIES, which is a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Z01: West Redwood Street / North 3rd Street / West Marshall Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

AWARD OF BIDS - PROJECT Z01: WEST REDWOOD STREET / NORTH 3RD STREET / WEST MARSHALL STREET RECONSTRUCTION PROJECT - RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Member (**Larry Doom**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3860, SECOND SERIES, which is a Resolution Accepting Bid (Awarding Contract) and authorizing the entering into an agreement with Kuechle Underground, Inc. of Kimball, Minnesota, in the amount of \$700,240.35 for Project Z01: West Redwood Street / North 3rd Street / West Marshall Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

AWARD OF BIDS - PROJECT Y97: SOUTH 1ST STREET LIFT STATION / GRIMES STREET RECONSTRUCTION PROJECT - RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed South 1st Street Lift Station / Grimes Street Reconstruction Project Y97. This project involves the replacement of watermain, sanitary sewer and storm sewer utilities, and street reconstruction. This project also includes the replacement of a sanitary sewer lift station and forcemain. The proposed project will reconstruct the street and described utilities on Grimes Street from South 2nd Street to Williams Street and South 1st Street from DeSchepper Street to George Street.

Bob VanMoer, Wastewater Superintendent, provided an update on the issues with the lift station on South 1st Street. Council Member Bayerkohler asked if this was normal and Mr. Olson indicated the pipes are over 50 years old.

Bids were received, opened and read On February 20, 2013. The bids received, opened and read were from:

D & G Excavating, Inc.
Marshall, Minnesota
\$476,981.20

Duininck Bros. Inc.
Prinsburg, Minnesota
\$469,304.77

GM Contracting, Inc.
Lake Crystal, Minnesota
\$455,276.70

REGULAR MEETING – FEBRUARY 26, 2013

H & W Contracting LLC
Sioux Falls, South Dakota
\$596,573.00

Kuechle Underground Inc.
Kimball, Minnesota
\$469,043.58

R & R Excavating Inc.
Hutchinson, Minnesota
\$492,063.74

Voss Plumbing & Heating Inc.
Paynesville, Minnesota
\$446,138.55

This project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and a debt service levy. It is required that authorization be granted by the City Council to approve a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax Exempt Bonds.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3861, SECOND SERIES, which is a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Y97: South 1st Street Lift Station / Grimes Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

AWARD OF BIDS - PROJECT Y97: SOUTH 1ST STREET LIFT STATION / GRIMES STREET RECONSTRUCTION PROJECT - RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Member (**Larry Doom**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3862, SECOND SERIES, which is a Resolution Accepting Bid (Awarding Contract) and authorizing the entering into an agreement with Voss Plumbing & Heating of Paynesville, Minnesota, in the amount of \$446,138.55 for Project Y97: South 1st Street Lift Station / Grimes Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

AWARD OF BIDS - PROJECT Y87 / S.P. 4210-50: WEST MAIN SANITARY SEWER IMPROVEMENT PROJECT - RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed West Main Sanitary Sewer Project Y87 / S.P. 4210-50. This project involves the replacement of sanitary sewer and storm sewer utilities, partial street reconstruction, and partial resurfacing. The proposed project will impact West Main Street from North T.H. 59 to the bridge over the Redwood River Diversion Channel. Mn/DOT recently completed a milling and overlay of T.H. 68 from the Redwood River Diversion Channel west to Porter, Minnesota. The section of the Mn/DOT project from T.H. 59 to the Redwood River Diversion Channel was deferred until the City replaced the sanitary sewer main and major storm sewer crossing in that section. This proposed project will be coordinated with Mn/DOT and includes their proposed improvements and their financial participation with the surfacing.

REGULAR MEETING – FEBRUARY 26, 2013

Bids were received, opened and read on February 20, 2013. The bids received, opened and read were from:

Carstensen Contracting Inc.
Pipestone, Minnesota
\$1,103,208.10

Duininck Bros, Inc.
Prinsburg, Minnesota
\$858,070.40

Kuechle Underground Inc.
Kimball, Minnesota
\$939,871.70

R & G Construction Co.
Marshall, Minnesota
\$792,428.05

This project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and a debt service levy. It is required that authorization be granted by the City Council to approve a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax Exempt Bonds.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3863, SECOND SERIES, which is a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Y87 / S.P. 4210-50: West Main Sanitary Sewer Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

AWARD OF BIDS - PROJECT Y87 / S.P. 4210-50: WEST MAIN SANITARY SEWER IMPROVEMENT PROJECT - RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3864, SECOND SERIES, which is a Resolution Accepting Bid (Awarding Contract) and authorizing the entering into an agreement with R&G Construction Co. of Marshall, Minnesota, in the amount of \$792,428.05 for Project Y87 / S.P. 4210-50: West Main Sanitary Sewer Improvement Project, subject to Mn/DOT approval per Cooperative Construction Agreement No. 02407'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**Jennie Hulsizer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the council approve the following consent agenda items as presented.'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to the South West Great Divide Chapter of Rocky Mountain Elk Foundation, Inc., to hold a raffle on April 6, 2013, at the Ramada Marshall Inn, 1500 E. College Drive, 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.

REGULAR MEETING – FEBRUARY 26, 2013

Authorization be granted to the Department of Public Safety to dispose of surplus City Property – five (5) vehicles and flashlights. These vehicles will be auctioned on-line at the state site or will be taken to Alter for disposal. The flashlights will be either be lumped into a sale with other items or disposed of appropriately.

Authorization be granted to the Parks Department to dispose of a 1999 Dodge Ram 1500 Pick-Up and Aquatic Center Gemini Pool Vacuum.

Authorization be approved for Rob Yant and Lucas Youngsma to attend the 50-hour NRPA 472 Container Specialist at Brayton Fire Training Field in College Station Texas from March 3, 2013 to March 9, 2013 and to front the costs for their air fare.

BE IT RESOLVED that Christopher Kruk be duly appointed, qualified and acting part-time Police Officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 82975 through 83163.

CONSIDER CONTRACT FOR CONSTRUCTION MANAGEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed agreement between the City of Marshall and Construction Manager as Advisor, Bossardt Corporation of Bloomington, MN. The City of Marshall is proceeding with the development of a Regional Amateur Sports Complex as well as a MERIT Center expansion including educational facilities and a state of the art driver's training track. The Regional Amateur Sports Complex will include two sheets of ice in 80,000 sq. ft., with capacity for wrestling, basketball, volleyball and soccer. Accommodations may be made for tradeshow, expos, art fairs and other large events. There will also be a softball and youth baseball complex with performance-grade fields with natural grass and lighting as well as a concession center. Total project budget of \$12.9 million including \$4 million in State bond funds being requested in 2013 to the State Legislature to be submitted as the first priority from the Minnesota Amateur Sports Commission as an Agency request. The MERIT Center expansion will provide 50 acres of state-of-the art regional public safety driving course, featuring a skid pad. It will also provide comprehensive driver's education opportunities including a driving course, simulators, and classroom training. Hands-on training will be available for commercial drivers and emergency personnel, including ambulance, fire, police, and rescue. Operator training will also be available for motorcycle, ATV, and snowmobile drivers. Additionally, there will be a program for AARP driver safety. Total project budget \$7 million including \$2 million in State bond funds being requested in 2013 to the State Legislature. During the development of the process for the potential construction of these facilities, the respective Project Boards decided to go forward with a Request for Proposals (RFP) for the utilization of a Construction Manager as Agent for the construction direction. An RFP was

REGULAR MEETING – FEBRUARY 26, 2013

advertised and the City received eight proposals. The eight proposals were reviewed from the following firms:

1. Bossardt Corporation – Minneapolis MN
2. Contegrity Group Inc. – Little Falls MN
3. CPMI (Cost, Planning & Management International, Inc.) – Eagan MN
4. Donlar Construction – Waite Park MN
5. Kraus-Anderson Construction Company – Rochester MN
6. R.A. Morton & Associates – St. Cloud MN
7. RJM Construction – Minneapolis MN
8. Stahl Construction Co. – St. Louis Park MN

The proposals were reviewed by a MERIT/Sports Facilities Committee, composed of members representing both the SMASC Commission and the MERIT Center Commission and reduced to four firms that were invited to Marshall for interviews. The four firms that were invited to Marshall for interviews were:

1. Bossardt Corporation – Minneapolis MN
2. CPMI (Cost, Planning & Management International, Inc.) – Eagan MN
3. Donlar Construction – Waite Park MN
4. Kraus-Anderson Construction Company – Rochester MN

The joint MERIT/Sports Facilities Committee met again and recommended negotiations with Bossardt Corporation to include all fees associated with the sports complex (pre-construction and construction) in the amount of \$478,500 to be paid in equal monthly payments in accordance with their proposal. The Committee also recommended entering into a contract with Bossardt Corporation with the MERIT Center for pre-construction phase services only in the amount of \$15,000. The Bossardt Corporation also included in their proposal a construction management fee for the construction phase services in the amount of \$188,200 additionally if the City would decide to add those services to the contract. Mark J. Bosch, Senior Vice President was in attendance at the meeting.

A standard form of agreement utilizing an AIA document has been provided. The City Attorney is in the process of reviewing the contract language including claims and disputes and insurance provisions and will be making modifications to those portions of the agreement prior to the City entering into the agreement.

Council Member Bayerkohler was concerned with approving the agreement subject to the City Attorney approval. Ben Martig, City Administrator, indicated that the red line version was finalized and reviewed with everyone.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'award agreement for the Construction Manager position to Bossardt Corporation of Bloomington, MN in the amount of \$493,500 for services recommended for the Sports Complex and MERIT Center expansion, subject to final review and approval of City Attorney Dennis Simpson'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

**CONSIDER APPROVAL OF MARKET STUDY AND COMPENSATION SYSTEM
REPORT AND RECOMMENDATIONS:**

Ben Martig, City Administrator, indicated that on February 4, 2013, Wayne Brede from Public Sector Personnel Consultants (PSPC) was here to present the results and findings of the market study and compensation system study to the City Council, employees, Library Board, and Public Housing Commission. Included in the summary report from PSPC, Council will notice that the proposed compensation philosophy has been amended to correct grammatical errors and to include an “ability to pay” provision in the context of organizational priorities and financial capacity.

Following the February 4th presentations, staff provided a period of time for employee appeals and questions. Generally, the employee’s questions were able to be answered by the staff or via a consultation with PSPC. Through this process, PSPC has recommended that the employee classification, Airport/Public Ways Maintenance Supervisor, be moved into the next higher open salary range from its current placement due to a salary compression issue with the Lead Maintenance Worker classification. Staff supports this change and believes that due to the comparative nature of the Parks Supervisor, is recommending the Parks Supervisor also be increased to the next higher open salary range from its current placement. Staff has reflected these recommendations on the 2013 proposed wage schedule. A memo to the file will reflect the Consultant’s revised recommendation.

Staff recommends Council approval of the 2013 wage schedule, which is consistent with PSPC recommendations. The proposed wage adjustments impact non-union employees only at this time. Staff will provide Council with an update on union negotiations as it relates to the study results in closed-session. The proposed 2013 wage schedule incorporates each of the Consultant recommendations:

- 1) bring employees currently being compensated below the minimum step to Step 1;
- 2) maintain the wage rates of those employees currently being compensated above the top step until such time either market conditions support pay range adjustment or the maximum step reaches the current actual rate of pay, whichever is first; and
- 3) includes the 2% general wage increase previously approved by the Council for 2013.

Staff is also recommending funding the implementation costs of the study for the library. The estimated cost is \$17,390. The general operating agreement with the library has a 2/3 City, 1/3 County financial participation. However, Lyon County increased its funding participation this year by about \$14,000. The purpose of the extra funding was for additional hours at the branches (i.e. to allow overlap of employees, not to expand their hours beyond the current 20 open hours)--with the extra funds provided this year by the County. This action is intended to allow the branch manager to do more of what their core functions (e.g. have story times, visit schools and senior homes, etc.). Due to this extra funding staff is suggesting it is appropriate to fund all of the added library cost as the County already is participating at higher financial level than the agreement requires. The use of reserves is comparable to what the City is using. For 2014, the additional personnel cost will be shared per the agreement.

Member (**Glenn Bayerkohler**) moved, Member (**Jennie Hulsizer**) seconded to approve the **NEW** motion 'to table the market and compensation study executive summary presented by

Public Sector Personnel Consultants, approval of the recommended 2013 wage schedule for non-union employees, and approval to fund the library cost impact of implementation until after closed session'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

REVIEW AND CONSIDER APPROVAL OF A WAGE ADJUSTMENT FOR THE ASSISTANT FIRE CHIEF CLASSIFICATION:

Ben Martig, City Administrator, indicated that a wage survey of the five Marshall Fire Department classifications has been completed by City Staff. Staff obtained compensation data from the same comparable group of 12 cities that was utilized for the market study completed by Public Sector Personnel Consultants for all full-time and part-time City positions. The survey data presented compares maximum (City of Marshall) to maximum (comparable cities) 2012 wages. Responses were received from all 12 cities in the comparable group. Some of the responding cities have combination fire departments where they may employ full-time, part-time, and paid-on-call personnel. For comparison purposes, Staff utilized only that wage information from cities relating to paid-on-call personnel. The summary data shows that the City compensates Fire Department personnel in four of the classifications either at or above the market average. One classification, the Assistant Fire Chief, is significantly below the market average at a -20.47%. Increasing the pay rate to \$3,100 places the classification in a 0.30% variance position, which is considered "at market". If the 2% general wage increase approved previously by the Council is added to this wage rate for 2013 wage schedule, the result is \$3,162.00. The Council Personnel Committee and Staff are recommending that the Assistant Fire Chief classification annual wage rate for 2013 be increased to \$3,162.00 effective 12/31/12. The Council Personnel Committee and Staff are recommending all other classifications remain unchanged as they are currently either at or above the market maximum averages. Staff will incorporate the wage adjustment, as approved, into the 2013 wage schedule. A table, Fire Pension Comparison Group (2012), was also provided. This is presented for informational purposes in relation to the wage data.

Council Member Bayerkohler questioned the Fire Pension. Mr. Martig indicated that the current fire pension rate is \$4,700 per year and to be vested they need to be a member for 20 years. Mr. Martig also indicated that the Fire Relief Association provides an annual report to the council.

Bayerkohler was also concerned that some classifications are above the maximum amount suggested that they consider freezing the classifications that are at the maximum. Mr. Martig indicated that this will be looked at in the future and the only consideration at this time is to increase the Assistant Chief Classification.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'Approve a wage rate increase for the Assistant Fire Chief classification to \$3,162.00 on the 2013 wage schedule'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

CONSIDER APPROVAL OF THE PERSONNEL POLICY AMENDMENTS:

Ben Martig, City Administrator, briefly reviewed the proposed amendments to the Policy Manual, the majority of which are “housekeeping” items. These have been reviewed by the Personnel Committee and City staff.

Council Member Bayerkohler was concerned that section 1.6 and 1.7 go beyond what the State and Federal government requires. Bayerkohler indicated that the City policy should simply comply with State and Federal law.

Council Member DeCramer indicated that the wording came from EEOC and Society of Human Resource Management and he was comfortable with the language.

Member (**Jennie Hulsizer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **NEW** motion 'Approve amendments to the Personnel Policy Manual with exception of 1.6 and 1.7 being referred back to the Personnel Committee'. Upon a roll call vote being taken, the vote was: Aye: 3 Nay: 2. The motion **Passed 3 – 2**, with John DeCramer and Larry Doom voting no.

Mayor Byrnes called for a 5-minute recess at 7:07 P.M.

**PROJECT Y81: SONSTEGARD INDUSTRIAL PARK IMPROVEMENT PROJECT-
PHASE I – CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL
PAYMENT APPLICATION (NO. 6):**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 (Final) for Sonstegard Industrial Park Improvement Project Y81 – Phase I with Kuechle Underground, Inc., of Kimball, Minnesota. The items on the final change order are generally 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 (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 2 (Final) with Kuechle Underground, Inc. of Kimball, Minnesota, resulting in a contract decrease of \$13,543.03 and a total contract cost of \$1,017,924.57 and acknowledgement of Final Payment Application in the amount of \$51,133.73 for the above-referenced project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried 5 - 0**

**PROJECT Z14: AIRPORT SANITARY SEWER & WATERMAIN IMPROVEMENT
PROJECT – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Airport Sanitary Sewer & Watermain Improvement Project Z14. This project involves the installation of watermain and sewer main for Marshall Airpark East. A 12 inch watermain will be installed from Madrid Street just east of Channel Parkway to the west side of the City's storm water diversion channel in order to provide adequate water flows for the current developed area, as well as future airpark development areas to the north. An 8 inch watermain will also extend westerly to the newly developing airpark area providing water service and necessary fire flow requirements. A sanitary sewer main will be extended from the southeast corner of the existing airpark area north to the developing airpark providing sanitary sewer service for this area. The installation of the water

and sewer mains will provide a “shovel-ready” area for airpark growth and airport-related industrial and commercial businesses. This project was included in the Airport Capital Improvement Program for 2013. Water and sewer infrastructure are not eligible for participation from the FAA or Mn/DOT Aeronautics. The plans and specifications have been prepared by the City staff.

Member (**Glenn Bayerkohler**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3865, SECOND SERIES, which is the “Resolution Approving Plans and Specifications and Ordering Advertisement for Bids” for Project Z14: Airport Sanitary Sewer & Watermain Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

PROJECT Z06: VICTORY DRIVE IMPROVEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Victory Drive Improvement Project Z06. This project involves the construction of sanitary sewer, watermain, storm sewer and street on Victory Drive from Tiger Drive to Commencement Boulevard. This Feasibility Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3866, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for Victory Drive Improvement Project Z06 and setting the public hearing for 5:30 P.M. on March 12, 2013'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

PROJECT Z15: ELM STREET / NORTH 4TH STREET AREA SANITARY SEWER AND WATERMAIN REPLACEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Elm Street / North 4th Street Area Sanitary Sewer and Watermain Replacement Project. This project involves 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. This Feasibility Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

REGULAR MEETING – FEBRUARY 26, 2013

Member (**Larry Doom**) Moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3867, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for Elm Street / North 4th Street Area Sanitary and Watermain Replacement Project and setting the public hearing for 5:30 P.M. on March 12, 2013'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

PROJECT Z19: PARK AVENUE RECONSTRUCTION / EAST COLLEGE DRIVE WATERMAIN REPLACEMENT PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Park Avenue Reconstruction / East College Drive Watermain Replacement Project Z19. This project involves the replacement of sanitary sewer, the replacement of watermain on Park Avenue from Marshall Street to East College Drive, the replacement of watermain on East College drive from Walnut Street to approximately 150 feet east of Park Avenue, and the reconstruction of Park Avenue from Marshall Street to East College Drive. This Feasibility Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3868, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for Park Avenue Reconstruction / East College Drive Watermain Replacement Project Z19 and setting the public hearing for 5:30 P.M. on March 12, 2013'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

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 Marshall Area Transit Committee met but Jennie was unable to attend.

Doom Personnel Committee items were acted on earlier in the meeting; Equipment Review Committee met; Convention & Visitors Bureau will meet on Thursday; SW MN Amateur Sports Center met last week.

Bayerkohler No report.

DeCramer MERIT Center Commission reviewed several driving track facilities; EDA annual report was included in the packet; Utilities Commission discussed the Sadnes well field project.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Doom indicated that the Memorial Park was featured in this month's Explore Minnesota Magazine under the 10 Places that Belong on a Bucket List. Council Member Decramer indicated that there should be additional discussion on Tax Exempt Financing.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that staff is working on finalizing the release of a Request for Proposals for Architectural Services for the MERIT and Amateur Sports project. Ben indicated that he attended the Blandin Leadership Training Conference in Grand Rapids. Ben also indicated that the City received DEED money for the Industrial Park; staff is working on issues with MN/DOT; the work session scheduled to discuss the Sonstegard property was cancelled; and he has received updated sales tax information from the state.

Glenn Olson, Director of Public Works/City Engineer, reviewed the map for proposed overlay and sealcoating projects.

Dennis Simpson, City Attorney, indicated that a court order has been issued to demolish the Hyatt property located at 620 West Main Street; and there will be a hearing in April on the Marshall Hotel.

PENDING ITEMS:

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

INFORMATION ONLY:

There were no questions on the information items.

UPDATED APPLICATION FROM MN CHAPTER NATIONAL WILD TURKEY FEDERATION / BUFFALO RIDGE GOBBLERS:

Thomas M. Meulebroeck, Finance Director/City Clerk, provided the council an update on the LG220 Application for Exempt Permit for the MN Chapter National Wild Turkey Federation / Buffalo Ridge Gobblers that was submitted to the State Gambling Control Board.

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACTS:

Member (John DeCramer) moved, Member (Larry Doom) seconded to approve the ORIGINAL motion 'to close the meeting for the purposes of discussing strategies for union negotiations related to LELS Local #190 union, LELS Local #245 union, and AFSCME #1687'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion Carried 5 - 0

The Council went into closed session at 7:45 P.M. Those present at the closed session included: Byrnes, DeCramer, Bayerkohler, Doom and Hulsizer. Staff present included, Ben Martig, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Council came out of closed session at 8:16 P.M.

**CONSIDER APPROVAL OF MARKET STUDY AND COMPENSATION SYSTEM
REPORT AND RECOMMENDATIONS:**

Hulsizer moved, Doom seconded to approve the Market and Compensation Study Executive Summary as presented except that the cost for implementation of the Library portion be split 2/3 City and 1/3 County.

Bayerkohler moved, Hulsizer seconded, that the motion be amended that the compensation be implemented over a 3-year period with 1/3 of the pay increase for the first year; the second year to 2/3 of the proposed rate and at the third year to 100% of the proposed rate increase. Voting in favor of the amendment were: Hulsizer and Bayerkohler. Voting no were: Byrnes, Doom and DeCramer.

Ben Martig, City Administrator, addressed a phase-in program.

The question was called. Voting in favor of the original motion were: Byrnes, Doom, DeCramer and Hulsizer. Voting no was: Bayerkohler.

Doom moved, Hulsizer seconded, that the meeting be adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk