

## REGULAR MEETING – MARCH 26, 2013

The regular meeting of the Common Council of the City of Marshall was held on March 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, Larry Doom, Mike Boedigheimer and Ellayne Conyers. Absent: None. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Ilya Gutman, Building Official; Preston Stensrud, Parks Superintendent; Dean Coudron, Public Ways Superintendent; Bob VanMoer, Wastewater Superintendent; Cal Brink, CEO Marshall Area Chamber of Commerce; 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.

### APPROVAL OF MINUTES:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on March 12, 2013 be approved as corrected 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**

### R&R SUBDIVISION – PUBLIC HEARING ON PRELIMINARY PLAT AND CONSIDER APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the preliminary plat of R & R Subdivision. Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat for R & R Subdivision. Mr. Olson indicated as only a portion of the property has not been platted before, the property needs to be subdivided prior to the subdivision and sale of a portion of the property. Upon review of the property and adjacent properties, it was found that the best solution for the continued development of the property would be to initiate a platting of the entire area owned by the Carr's and adjacent Perkins property (Heartland Management Co., Inc.). This plat will significantly simplify the property descriptions for current and future property transfers. The area is currently zoned B-4 Shopping Center Business District and all of the property will remain in that district.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the Preliminary Plat of R&R Subdivision and approve the preliminary plat'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### R&R SUBDIVISION – CONSIDER RESOLUTION ADOPTING THE FINAL PLAT:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3874, SECOND SERIES which is the Resolution Approving the Final Plat of R&R Subdivision, contingent upon City

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Attorney review and approval of the abstract of title and title opinion'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPOINTMENT WITH ATS&R FOR THE MERIT CENTER AND THE SOUTHWEST MINNESOTA AMATEUR SPORTS FACILITY:**

Ben Martig, City Administrator, indicated that the City of Marshall received 12 proposals for Architect/Engineering Services for the Merit Center and the Southwest Minnesota Amateur Sports Facility. The Construction Manager Mark Bosch and eleven members of the review committee scored each proposal of which the top four scoring firms received interviews. The same committee conducted interviews and devoted time for analysis, discussion, review of fees and recommendation. This review committee recommended the selection of ATS&R under the fiscal conditions as outlined in the "Fiscal Impact". The City Attorney is drafting the agreement in accordance with amended AIA documents, similar to the Construction Management Contract. The documentation is underway with several provisions already included in the drafts. The action taken by Council will lead the attorney to continue final contract negotiations by ATS&R to come back before Council tentatively at the next regular meeting. In the meantime, the city would begin some background work with ATS&R to keep the project moving on schedule. Mark Hayes, ATS&R Partner, was in attendance to meet the City Council and answer any questions.

The twelve proposals for Architect/Engineering Services Proposals were received from the following firms:

1. Paulsen Architects – Mankato, MN
2. RRTL – St. Paul, MN
3. JLG – Alexandria, MN
4. HTG – Eden Prairie, MN
5. Hammel, Green and Abrahamson, Inc. – Rochester, MN
6. 292 Design – New Hope, MN
7. Studio Five Architects, Inc. – Minneapolis, MN
8. ICON – Grand Forks, MN
9. ATS&R – Minneapolis, MN
10. WOLD – St. Paul, MN
11. TSP – Marshall, MN
12. DLR Group – Minneapolis, MN

The four firms that were interviewed were:

1. ATS&R – Minneapolis, MN
2. WOLD – St. Paul, MN
3. TSP – Marshall, MN
4. DLR Group – Minneapolis, MN

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve the appointment of ATS&R as the City Architect for the MERIT Center and the Southwest Minnesota Amateur Sports Facility to be subject to final

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approval by contract at a future Council meeting'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AWARD OF SIGNAGE UPGRADE AT JUSTICE PARK AND LEGION FIELD PARK:**

Proposals were received for signage upgrade at Justice Park and Legion Field Park. Signs would match existing "Discover Marshall" signs, Memorial Park arches, Liberty Park sign and arch, Bike Trail kiosks, and Downtown kiosks. Landscaping and planting of perennials would be done around both of these signs once the signs are installed. Bend Rite Fabrication submitted an estimate for a total of \$6,004.60. Marshall Machine Shop submitted an estimate of \$9,275.00 with a 10% discount if both signs are ordered at the same time for a total of \$8,347.50. This is for the sign at Justice Park and the sign on the corner of South 4th Street/West College Drive. A price was not given for the additional sign at Legion Field in Marshall Machine Shop's estimate.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the signage upgrades at Justice Park and Legion Field Park to Bend Rite Fabrication of Marshall, Minnesota, in the amount of \$6,004.60 with the requirement that they change the "estimate" to a fixed price "quote" with the other conditions remaining the same'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z17: BITUMINOUS OVERLAY ON VARIOUS CITY STREETS --  
CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Bids were received, opened and read on March 19, 2013 for Bituminous Overlay Project Z17. The bids received, opened and read were from:

McLaughlin & Schulz, Inc.  
Marshall, Minnesota  
\$239,663.90

Duininck, Inc.  
Prinsburg, Minnesota  
\$271,932.10

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3875, SECOND SERIES which is the "Resolution Accepting Bid (Award Contract)" for Project Z17: 2013 Bituminous Resurfacing Project to McLaughlin & Schulz, Inc. in the amount of \$239,663.90'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z18: BITUMINOUS CHIP SEALING ON VARIOUS CITY STREETS --  
CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Bids were received, opened and read on March 19, 2013 for Bituminous Chip Sealing Project Z18. One bid was received, opened and read from:

McLaughlin & Schulz Inc.  
Marshall, Minnesota  
\$98,133.00

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Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3876, SECOND SERIES, which is the "Resolution Accepting Bid (Award Contract)" for Project Z18: 2013 Bituminous Chip Sealing Project to McLaughlin & Schulz, Inc. in the amount of \$98,133.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AWARD OF BIDS FOR ALL-FLEX FINISH MOWER FOR PUBLIC WAYS DEPARTMENT:**

Bids were received, opened and read on March 19, 2013 for an All-Flex Finish Mower for the Public Ways Department. The bids received, opened and read were from:

BIDDER	BID SECURITY	BID AMOUNT INCLUDING TRADE-IN AND SALES TAX	COMMENTS
Johansson Sales & Service Ghent, Minnesota  Woods TBW 180	N/A	\$13,049.44 Unit only \$13,530.38 Unit + Light Kit	Meets minimum specifications.
Schuneman Equipment Marshall, Minnesota  Frontier FM2115R Flex Wing	N/A	\$11,097.61	Apparent low. Does not meet minimum specifications.
Titan Machinery Marshall, Minnesota  Landpride AFM 4214-1831	N/A	\$15,229.69	Does not meet minimum specifications.

Member (**John DeCramer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the Council award the bid for a new 2012 or 2013 – 14' Pull Behind All-Flex Finish Mower for the Public Ways Maintenance Department to Johansson Sales & Service of Ghent, Minnesota, in the amount of \$13,530.38, including light kit, sales tax and trade-in'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1 Abstain: 1. The motion **Passed 5 – 2** with Mike Boedigheimer voting no and Larry Doom abstaining.

**CONSIDER AWARD OF PROPOSAL FOR ENGINEERING SERVICES FOR PREPARATION OF GRANT APPLICATION FOR MN/DOT CORRIDOR INVESTMENT MANAGEMENT STRATEGY (CIMS) PROJECT -- T.H. 23 AND SARATOGA STREET:**

The City of Marshall requested proposals from Bolton & Menk, Inc., SHE, Inc., and WSB & Associates, Inc., to provide engineering services for the purpose of providing the City a grant application to the Minnesota Department of Transportation for a Corridor Investment Management Strategy (CIMS) project. The City is proposing to submit an application for a project with the potential of being constructed utilizing new CIMS program funding. This project will provide a pedestrian/bike grade separation, prevent traffic from crossing T.H. 23, and

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provide a J-Turn access from T.H. 23 to northbound and southbound Saratoga Street. The 008 Transportation Study completed by the Chamber Transportation Committee and endorsed by the City of Marshall, Lyon County and Mn/DOT included safety improvements at this intersection as the No. 2 Priority for the study area. The Chamber of Commerce is in the process of updating the 2008 Transportation Study and has indicated that it will probably be the No. 1 Priority for safety improvements for Marshall. Mr. Martig indicated that the Chamber of Commerce would fund the local share of appropriations from their transportation fund.

Proposals were received from

WSB & Associates, Inc.  
Minneapolis, Minnesota  
\$4,985.00

Bolton & Menk, Inc.  
Mankato, Minnesota  
\$15,440.00

SEH, Inc., Mankato, Minnesota indicated they would be interested on an hourly basis at an estimate of \$10,000-\$20,000.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal to provide engineering services for the purpose of providing the City a grant application to the Minnesota Department of Transportation for a Corridor Investment Management Strategy (CIMS) project to WSB & Associates, Inc. of Minneapolis, Minnesota, in the amount of \$4,985.00, including direct expenses'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPROVAL OF 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: 7 Nay: 0. The motion **Carried 7 - 0**

The introduction of an ordinance to rezone the property located in the Centrol Addition from A (Agricultural District) to I-2 (General Industrial District).

The introduction of the Preliminary Plat of Tiger Park Fifth Addition and call for public hearing on the Preliminary Plat of Tiger Park Fifth Addition to be held at 5:30 P.M. on April 9, 2013.

The introduction of the Preliminary Plat of Centrol Addition and call for public hearing on the Preliminary Plat of Centrol Addition to be held at 5:30 P.M. on April 9, 2013.

Approve the request of the Marshall Downtown Business Association for street closure for Crazy Days on Thursday, July 18, 2013, contingent on Mn/DOT approval of the permit.

The introduction of an ordinance to rezone 1601 Commencement Boulevard, 1617 Victory Drive, 1620 Victory Drive and 1651 Victory Drive from A (Agricultural District) to B-3 (General Business District).

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That the City of Marshall authorize the Marshall Police Department to accept the Large Incentive Award of two (2) Whelen Squad Car Light Bars from the Department of Public Safety, Office of Traffic Safety.

Approval of the Land Surveyor's Certificate of Correction to Plat, prepared by Daniel L. Bueltel, for Tiger Park Third Addition.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 83368 through 83551.

**CONSIDER THE REQUEST BY THE CITY OF MARSHALL TO REZONE SEVERAL PROPERTIES FROM R-4 (HIGHER DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT) TO B-1 (LIMITED BUSINESS DISTRICT):**

This is the request by the City of Marshall to rezone the properties located on the South half of the block located on Main Street from 6<sup>th</sup> Street to 7<sup>th</sup> Street from R-4 (Higher Density Multiple Family Residence District) to B-1 (Limited Business District). As a result of the recent direction to raze the property at 620 West Main Street as well as the knowledge of other area properties listed for sale or unused, staff believe this would be an appropriate time to consider rezoning the south half of the block from 6th Street to 7th Street. The City of Marshall 1996 Comprehensive Plan (including 2004 Updates and Amendments) shows this area as multi-family residence district but the latest development ideas include creating a business corridor along West Main Street. In particular, parking lots may be developed here considering general parking shortage in Downtown and surrounding areas.

Council Member DeCramer requested more information and was concerned with spot zoning. Council Member Boedigheimer wanted to make sure there would be a public hearing on this request. Glenn Olson, Director of Public Works/City Engineer, indicated that zoning changes are done by ordinance and a public hearing is scheduled when the ordinance is introduced. Mr. Olson indicated that this is not considered spot zoning.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council introduce the ordinance to rezone the south half of block located on Main Street from 6<sup>th</sup> Street to 7<sup>th</sup> Street from R-4 (Higher Density Multiple Family Residence District) to B-1 (Limited Business District)'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with John DeCramer voting no.

**CONSIDER PROJECT Y97: SOUTH 1ST STREET LIFT STATION / GRIMES STREET RECONSTRUCTION PROJECT – CONSTRUCTION EASEMENTS:**

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. Construction easements are required as follows: - Temporary Construction Easement – Joyce A. Wigton and Hugo L. Hellvig - Temporary Construction Easement – William D. Wood and Sherlynn Kay Wood - Permanent Construction Easement – William D.

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Wood and Sherlynn Kay Wood The above-referenced easements were prepared by City staff and provided to City Attorney Dennis Simpson for his review and revisions.

Council Member Bayerkohler questioned the legal description on the easement with Joyce A. Wigton & Hugo L. Hellvig. Glenn Olson, Director of Public Works/Public Safety, provided a review of this easement.

Member (**Glenn Bayerkohler**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the temporary construction easement with Joyce A. Wigton & Hugo L. Hellvig and William D. Wood & Sherlynn Kay Wood and a permanent construction easement with William D. Wood & Sherlynn Kay Wood for Project Y97: South 1st Street Lift Station / Grimes Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER RENEWAL OF UNLICENSED MAINTENANCE ELECTRICIAN INSPECTION AGREEMENT WITH MEIER ELECTRIC, INC.:**

The City currently has an existing Unlicensed Maintenance Electrician Inspection Agreement with Meier Electric, Inc. Several City employees do routine and emergency electrical work as part of their job duties. The Department of Labor and Industry requires any employee doing electrical maintenance for the City on City premises needs to be registered with the State of Minnesota as an "Unlicensed Maintenance Electrician" and have the work inspected by a Master Electrician.

Dave Meier has agreed to do the supervision and inspection for the registered City employees on an hourly rate as needed to ensure the work meets the National Electric Code.

Council Member Bayerkohler questioned the process. Bob VanMoer, Wastewater Superintendent, indicated that this agreement is required in order for staff to perform electrical work. He indicated that staff completes the project, keeps a log and Meier inspects the work and signs off on the log.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **Original** motion that the proper city personnel be authorized to enter into an Unlicensed Maintenance Electrician Inspection Agreement between the City of Marshall and David Meier dba Meier Electric, Inc. for two years from June 1, 2013 to May 31, 2015. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER THE REQUEST BY WILLIAM MAERTENS, FOR A VARIANCE ADJUSTMENT PERMIT TO REDUCE THE NUMBER OF PARKING SPACES AND OMIT HARD SURFACE ON PART OF THE PARKING:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request by William Maertens for a Variance Adjustment Permit to provide reduced number of parking spaces and omit hard surface on part of the parking. The owner is building an addition to existing building that is used as a metal fabrication shop. This area is zoned I-1 (Limited Industrial District). For parking calculations, the Ordinance treats all manufacturing and fabricating facilities in the same manner requiring one parking space for every 350 SF of the building area. However,

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manufacturing processes may be more or less labor intensive. Based on the Ordinance, this building will require 33 parking spaces even though there are just eight people working in the building. Based on the number of employees, the Owner is asking to provide only 8 parking spaces. However, it is clear that some additional parking shall be provided for visitors. Therefore, the City Staff recommendation is to provide 12 parking spaces. The Ordinance also requires the required parking area and access drives shall be paved with concrete, asphalt, or pavers. The owner wants to pave only six parking spaces. However, there is no compelling reason to omit hard surface in this case and approval would constitute precedence for future situations. The State Statute declares that economic considerations alone shall not be the basis for granting a variance. However, this site is accessed by driveway located on an adjacent property which is not common. Therefore, paving the access driveway only on the property under consideration seems reasonable in this case as requiring paving on a separate property may not be appropriate.

Council Member Bayerkohler was concerned about being consistent with other property owners and setting a precedent by not requiring the driveway to be paved.

Council Member DeCramer was in favor of paving a portion of the driveway in the new construction area.

It was indicated that this property is not adjacent to the street and shares a gravel driveway access with another business.

Byrnes indicated that the Council has a staff recommendation and Planning Commission recommendation.

DeCramer was concerned with the thickness of the driveway and needing to reinforce the asphalt.

Cal Brink, CEO Marshall Area Chamber of Commerce, indicated that Mr. Maertens just completed a large expansion of his current business and now the City is telling him that he needs to provide a paved parking area and driveway. Brink indicated that all this does is tell people not to move to Marshall.

Bayerkohler indicated that according to City Code the owner is required to show undue hardship. He indicated when does the City draw the line and enforce the zoning ordinance.

Boedigheimer indicated that he agrees with Mr. Brink.

Billy Maertens, owner of Bend-Rite Custom Fabrication Inc., indicated that he has eight employees and very little foot traffic. He is concerned with placing a 20 foot wide driveway on a lot that is not adjacent to the street. He indicated that he currently has 4 concrete parking spots and would agree to provide 8 more with crushed granite. Mr. Maertens also indicated that the cost of building and maintaining a parking lot could hurt long-term expansion at the business.



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Ben Martig, City Administrator, indicated that a former council member indicated that industrial park parking issues needs to be reviewed.

Bayerkohler is concerned about allowing crushed granite for parking when the ordinance requires this to be a hard surface.

Mr. Olson indicated that parking spaces are required to be stripped, but if crushed granite is approved there will be no stripping.

Member (**Glenn Bayerkohler**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council grant a Variance Adjustment Permit providing 12 parking spaces in lieu of the 33 as required by City Code at Bend-Rite Custom Fabrication Inc., 1106 West Main Street'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that per the Planning Commission recommendation that the surface of the 12 parking spaces shall be crushed granite'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **3**. The motion **Passed 4 – 3** with Conyers, Hulsizer, Doom and Byrnes voting in favor of the motion and Bayerkohler, DeCramer and Boedigheimer voting no.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that there needs to be a driveway in the new construction area only and that the surface be crushed granite'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **3**. The motion **Passed 4 – 3** with Conyers, DeCramer, Doom and Byrnes voting in favor of the motion and Bayerkohler, Hulsizer and Boedigheimer voting no.

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

**CONSIDER THE REQUEST BY ROBERT CARR, FOR A CONDITIONAL USE PERMIT TO REVISE THE CONDITIONS OF THE PREVIOUSLY ISSUED CONDITIONAL USE PERMIT:**

Glenn Olson, Director of Public Works/City Engineer reviewed the request of Robert L. Carr for a Conditional Use Permit for a brew-pub in a B-4 Shopping Center Business District at the corner of West Main Street and Highway 23. By City Code definition brewpub is a small brewery that serves and sells its product on premises in addition to off-premises sales; it is a conditional use in a B-4 district. In this particular case, brewery tours may also be given to the general public in addition to beer manufacturing and sales. A Conditional Use Permit has already been granted November 27, 2012. At that time specifics of the project were not available and therefore conditions attached were not based on the owner's needs. Since then, the Brau Brothers decided that they would like to have a silo in the back of the building for grain storage. Since one of the conditions of the previous Conditional Use Permit was prohibition of new outside structures, a new Conditional Use Permit must be approved in order for the silo to be built.

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Member (**Ellayne Conyers**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the conditional use permit (CUP) with the following conditions: 1) That the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such structure is located therein shall be conformed with. 2) That the City reserves the right to revoke the Conditional Use Permit in the event that the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default. 3) That the owner maintain the structure to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto. 4) No outside storage is permitted. 5) Required parking is striped and complies with the City Ordinance. 6) No noxious odor is detectable outside of the building. 7) At least three trees are planted between the building and Highway 23. And these conditions supersede the previously granted CUP 11-17-2012'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MASTER PARTNERSHIP AGREEMENT BETWEEN THE CITY OF MARSHALL AND THE STATE OF MINNESOTA:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Master Partnership Agreement with the State of Minnesota. This agreement provides for the authorization of the Commissioner of Transportation to enter into agreements with the City for several types of services. Mn/DOT wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government. Mn/DOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads. This agreement allows the City and Mn/DOT to respond quickly and efficiently to such opportunities for collaboration and have determined that having the ability to write "work orders" against a master contract would provide the greatest speed and flexibility in responding to identified needs. The City Attorney has reviewed and approved the content of this agreement.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3877, SECOND SERIES, which is a Resolution Authorizing Execution of Mn/DOT Master Partnership Contract to expire on June 30, 2017'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER TIGER PARK ADDITION – LAND SURVEYOR'S CERTIFICATE OF CORRECTION TO PLAT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Land Surveyor's Certificate of Correction to Plat, prepared by Lyle E. Moseng, for Tiger Park Addition. This certificate corrects the errors of measurement along the west line of Outlot F in Tiger Park Addition. After the certificate is signed by the City, Dan Bueltel of Bueltel-Moseng Land Surveying will take the document to Lyon County for recording and placement in Envelope 217-A with the plat at the Lyon County Recorder's Office.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council approve the Land Surveyor's Certificate of Correction to Plat, prepared by Lyle E. Moseng, for Tiger Park Addition'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER COOPERATIVE CONSTRUCTION AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR TED BOND FUNDING:**

Ben Martig, City Administrator, reviewed the Cooperative Construction Agreement with the Minnesota Department of Transportation for TED Bond Funding. This agreement will allow the City to process the turn lane grant in the amount of \$563,508.69.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3878, SECOND SERIES which provides for the proper city personnel to enter into the Cooperative Construction Agreement with the Minnesota Department of Transportation for TED Bond Funding for the turn lane grant in the amount of \$563,508.69'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER ADDITIONAL SERVICES TO PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC. FOR WWTF TOXICITY REDUCTION EVALUATION STUDY.**

Bob VanMoer, Wastewater Superintendent, indicated that the Wastewater Treatment Facility NPDES Permit expired on September 30, 2011. The permit cycle is five years. The MPCA is currently working on the renewal permit at this time and is proposing several new limits and testing requirements. These new requirements will be very costly and are somewhat controversial. The two new limits of most concern are an Effluent Chloride Limit that the City cannot meet without very costly construction at either the Wastewater Treatment Facility or the MMU Water Treatment Facility. This deals with Chlorides from softening water in homes or businesses. There are very high levels of Chloride in the discharge to the river and suspect this is the cause of the failed Whole Effluent Toxicity Tests. The other limit for concern is for Phosphorus discharge to the river. Currently there is a seasonal mass limit that needs to be met only during the summer months. The new proposed limit is for 1 part per million phosphorus daily year round. Staff currently treats for phosphorus removal with chemicals. If the City needs to meet a 1 ppm limit year round, it would currently cost approximately \$225,000/year, or the City would need to do a large expansion to the treatment facility to install Biological Phosphorus Removal. There are huge impacts that the City needs to deal with in this permit renewal. This agreement would be for additional services for the review and recommendations for permit renewal in conjunction of the existing Toxicity Reduction Evaluation (TRE) Agreement with Bolton & Menk.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve an agreement with Bolton & Menk to provide additional services of the existing Whole Effluent Toxicity Testing/Toxicity Reduction Evaluation Agreement to include services of reviewing proposed effluent limits, draft responses to MPCA on limit changes, and assist with the completion of the permit application to be billed

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on an hourly basis not to exceed \$7,500.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDERATION TO APPROVE GENERAL CONDITION SPECIFICATIONS FOR THE PURPOSE OF BIDDING THE PURCHASE OF TWO SQUAD CARS:**

Rob Yant, Director of Public Safety indicated that the marked police cars are the primary means for officers to be able to get about and perform their duties from responding to calls for service to providing routine patrol for deterrence of crimes. There are currently six marked patrol squad cars plus the supervisor's SUV. Two of these cars are three years old and have reached mileage levels to where they are in need of replacement. Police operations is very demanding on the cars as they are often in use every day and throughout a day with frequent stop and go driving. These cars have few highway miles. The two units staff is proposing to replace are 1004 and 0905. Squad 4 has 86,141 miles on and Squad 5 has \$90,255 miles on it. Both will likely have additional \$3,000 miles on them by the time they are replaced. The equipment review committee had recommended approval of the General Condition Specifications for the purpose of bidding the purchase of two squad cars with the omission of #1 "Power steering with HD cooler" from the "Other Required Equipment/Features".

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council to approve General Condition Specifications for the purpose of bidding the purchase of two squad cars with the omission of #1 "Power steering with HD cooler" from the "Other Required Equipment/Features'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPOINTMENTS TO VARIOUS BOARDS/COMMISSIONS:**

Per the recommendation of Mayor Byrnes, Member (**Ellayne Conyers**) Moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'approve the various appointments to the Boards and Commissions'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Community Services Board – Shelli Hawkinson be appointed to an unexpired term to expire on February 28, 2015

Community Services Board – Stacy Mulso be reappointed for a 3-year term to expire on February 28, 2016

Airport Commission – Paul Willer be appointed for a 3-year term to expire on May 31, 2016

Planning Commission – Amanda Schroeder be appointed for a 3-year term to expire on May 31, 2016

Senior Citizen Center Commission – Larry Schiavo be appointed for a 3-year term to expire on May 31, 2016

Utilities Commission – Scott Saugstad be appointed for a 5-year term to expire on May 31, 2018

## REGULAR MEETING – MARCH 26, 2013

### **COMMISSION/BOARD LIAISON REPORTS:**

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

- Byrnes            Regional Development Commission met, but was unable to attend
- Hulsizer        Marshall Area Transit Committee met on March 21<sup>st</sup> – they discussed the bus replacement 5-year plan and indicated that there is not a bus replacement included in the 5<sup>th</sup> year of the plan for MAT. Cathleen Almich provided an update on the Highway 68 Coalition Study.
- Doom            Convention and Visitors Bureau met on March 21<sup>st</sup> but was unable to attend; SW MN Amateur Sports Center items were acted on earlier in the meeting.
- Bayerkohler    No report.
- DeCramer       EDA met but was unable to attend; MERIT Center Commission discussed the Architects proposals and indicated that the tour of the driving track at Camp Ripley needs to be rescheduled; Utilities Commission will meet on March 27<sup>th</sup>.
- Boedigheimer Legislative and Ordinance Committee will meet on March 27<sup>th</sup>.
- Conyers        Community Services Advisory Board did not have a quorum; therefore they did not meet.

### **COUNCILMEMBER INDIVIDUAL ITEMS:**

Mayor Byrnes indicated that there have been hearings at the Legislature in regard to funding for the MERIT Center and SW MN Amateur Sports Facility. He also indicated that he has met with the Marshall Cemetery Board.

### **STAFF REPORTS**

Ben Martig, City Administrator, indicated that he attended the League of Minnesota Cities Legislative Conference; there are proposed changes for the LGA formula; he will be attending a tax hearing in the Senate on April 4<sup>th</sup>; the Board of Review is meeting on April 8<sup>th</sup>. Ben indicated that according to the auditors staff may make budget adjustments whenever necessary. The auditors has been requested to provide this response in writing. Teri Heaton from Springsted will be in attendance at the council work session on April 16, 2013.

Glenn Olson, Director of Public Works/City Engineer, indicated that the tree removal project is proceeding – he will provide a presentation at the next council meeting. Glenn indicated that there is not a significant threat for spring flooding at this time.

Dennis Simpson, City Attorney, indicated that he is continuing to work on City contracts.

### **PENDING ITEMS**

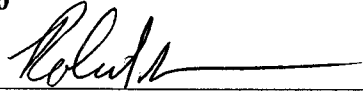
It was indicated that a Legislative and Ordinance Committee meeting needs to be scheduled.

REGULAR MEETING – MARCH 26, 2013

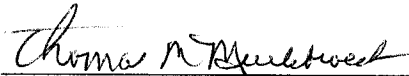
**INFORMATION ONLY:**

There were no questions on the information items.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) 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 of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Finance Director/City Clerk