

REGULAR MEETING – JUNE 25, 2013

The regular meeting of the Common Council of the City of Marshall was held on June 25, 2013 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:33 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Jennie Hulsizer, Larry Doom, Glenn Bayerkohler, John DeCramer, 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; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

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 JUNE 11, 2013:**

Member (**Jennie Hulsizer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on June 11, 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: 7 Nay: 0. The motion **Carried 7 - 0**

**AWARD OF BIDS FOR DEMOLITION OF DWELLING LOCATED AT 620 WEST MAIN STREET:**

Bids were received, opened and read on June 18, 2013 for the demolition of a dwelling located at 620 West Main Street. The bids received, opened and read were from:

D & G Excavating, Inc.	Thompson Excavating	Rogge Excavating
Marshall, Minnesota	Taunton, Minnesota	Ghent, Minnesota
\$7,000.00	\$7,450.00	\$8,800.00

The project involves the removal of the dwelling structure, basement, foundation, backfill, topsoil, hydro seeding, and miscellaneous associated work. The demolition shall include the proper disposal of all materials, including hazardous materials, associated with the demolition of the structure. It is the intent to complete the demolition according to the specifications with all costs to be charged to the property. The property owner, Larry Hyatt, retains ownership of the property after demolition.

The project will be funded from Account #101-41136-5530 (General Fund-Community Development-Land Improvements). This was not a budgeted expense and would come from reserves in the general fund dependent on year end balances. Staff will be processing this cost to assess back to the property

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council award the project for the Demolition of Dwelling Located at 620 West Main Street to D & G Excavating, Inc. in the amount of \$7,000.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AWARD OF PROPOSALS FOR BLACK DIRT SCREENING:**

Proposals were received for Black Dirt Screening from:

D & G Excavating, Inc.  
Marshall, Minnesota  
\$2.40/CY

R & G Construction Co.  
Marshall, Minnesota  
\$4.40/CY

Black dirt from stripping the stormwater detention/treatment pond, which is under a separate contract, in the adjacent area to the future Amateur Sports Facility has been stockpiled for re-spreading on the newly constructed ponds. There is a significant quantity of excess black dirt available for use elsewhere. The Southwest Minnesota Amateur Sports Commission (SMASC) project includes the development of four quality softball/youth baseball fields located on the property just south of the eastern-most stormwater detention pond. It would be beneficial to the SMASC project to utilize a portion of the black dirt that has been stockpiled from the pond project. In order for the black dirt to be properly processed prior to installation on the ball fields, it is necessary to screen the stockpiled black dirt to remove large chunks or rocks that may be incorporated into the stockpile. This screened black dirt material would then be available for the topsoil to be mixed with sand and utilized as the material for the outfields for the SMASC ball fields. It is estimated that 10,000 - 15,000 CY of screened black dirt will be necessary for the development of the ball fields and public areas.

The total estimated cost of the project is \$36,000 and will be funded from Fund #456, Amateur Sports Center Fund.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for screening black dirt to D & G Excavating, Inc. of Marshall, Minnesota in the amount of \$2.40/CY'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AWARD OF PROPOSAL FOR PLANNING SERVICES FOR THE STREET DEPARTMENT SHOP ADDITION, SALT/SAND STORAGE FACILITY, AND PUBLIC SAFETY COLD STORAGE BUILDING:**

A proposal was received for Planning Services for the Street Department Shop Addition, Salt/Sand Storage Facility, Public Safety Storage Building from TSP, Inc., Marshall, Minnesota on an hourly basis not to exceed \$7,900.

This proposal involves planning services for the above described projects. The Street Department Shop Addition includes a 9,000 S.F. addition at the south end of the existing shop for vehicle and equipment storage. Included in this review is the recommendation for replacement of the existing mechanical ventilation system as the existing system is significantly under designed. The Salt/Sand Storage Facility replaces the existing storage area with a new 65 ft. wide x 80 ft. long salt/sand storage facility with three reinforced concrete walls, an open front, and a clear span fabric roof structure. The Public Safety Cold Storage Building is proposed to be approximately 8,000 S.F. with 6,000 S.F. dedicated to the City and 2,000 S.F. dedicated to Lyon County. A separate agreement will be forthcoming indicating cost participation after the design and detailed estimates are provided. Included within the building is a three stall separate area intermediate

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wall for evidence vehicles. Also discussed would be an adjacent secure fenced in area for abandoned vehicles. This fenced-in area could be screened using trees or shrubs or other landscaping features. Electrical service would be provided for lights and security. The intent is to not include heating or any sanitary sewer connection.

The 2013 budgeted amounts by department for the project include:

Street Shop Addition \$225,000  
Street Salt/Sand Storage \$95,000  
Public Safety Cold Storage Building \$150,000

These estimated budgeted amounts may not be sufficient to fund the entire improvements as detailed design was not available at the time of the estimates.

The Street Department Shop Addition would be funded from 401-60211-5520 (Buildings).  
The Salt/Sand Storage Facility would be funded from 401-60211-5520 (Buildings).  
The Public Safety Cold Storage Building would be funded from 401-50151-5520 (Buildings).

Funding has been designated for these improvements in the amount of \$716,000, which includes the parking lot overlay from the General Fund Reserve and any excess funds needed would be dependent upon a detailed cost analysis provided by this proposal and funded through Capital Improvement Project bonds

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for Planning Service for the Street Department Shop Addition, Salt/Sand Storage Facility, Public Safety Storage Building to TSP, Inc. of Marshall, Minnesota, on an hourly basis, not to exceed \$7,900.00'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Hulsizer voting no.

**CONSIDER APPROVAL OF CONSENT AGENDA:**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the City council approve the following consent agenda items'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to the MN Chapter National Wild Turkey Federation / NWTf Buffalo Ridge Gobblers to hold a raffle on September 30, 2013 at Running's, 1101 East Main, 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

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on July 22, 2013 at Graham Tire, 807 West Fairview Street, Marshall, Minnesota

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Authorization be granted to the Department of Public Safety to dispose of surplus City Property – four (4) vehicles. These vehicles will be auctioned on-line at the state site or will be taken to Alter for disposal.

The introduction of an ordinance to rezone the property located at 101 – 115 London Road from R-1 (One Family Residence District) to I-2 (General Industrial District).

The approval for a Permit for Private Use of Public Streets and Parking Lots for the “Stuff the Bus” Event on July 24, 2013 from 10:00 a.m. to 2:00 p.m. for United Way. The requested street is the un-named street between Highway 19 and Country Club Drive, near Timmerman Drive.

The approval for Paula Curry to purchase her Glock 27 handgun upon her retirement.

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Voucher No. 84592 through 84850.

**AUTHORIZATION TO APPROVE SMSU SCHEDULING & EVENT SERVICES**

**OFFICE USE AGREEMENT FOR TESTING POLICE OFFICER CANDIDATES:**

The Marshall Police Department is testing to establish an eligibility roster for Police Officer to fill the vacancy created by the retirement of Sgt. Paula Curry and any other vacancy that occurs during the next six months. The Police Department is now using a computerized written examination produced by I/O Solution. This format streamlines both the testing and grading process from the paper and pencil format used in the past. This testing process has been approved by the Police Advisory Board. To administer the tests for the large number of likely candidates the City needs to rent a computer lab at SMSU. This contract authorizes this utilization with the University.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve the contract with SMSU Scheduling and Event Services Office use agreement for testing Police Officer candidates'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion **Passed 6-0-1** with Bayerkohler abstaining.

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

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to SMSU to hold a raffle on September 7, 2013 at Southwest Minnesota University, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion **Passed 6-0-1** with Bayerkohler abstaining.

**CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY:**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-sale Liquor License for Southwest Minnesota State University to use on September 7, 2013 at the SMSU Recreational Athletic Facility, 400 Mustang Trail, Marshall, Minnesota for Ag Bowl'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion **Passed 6-0-1** with Bayerkohler abstaining

**CONSIDER APPROVAL OF THE 2012 AUDITED FINANCIAL REPORT FOR THE CITY OF MARSHALL:**

Kyle Meyer, Partner from Abdo, Eick and Meyers LLP, presented the 2012 the City of Marshall's Audit Financial Report at a special City Council meeting held at 4:30 P.M. on June 15<sup>th</sup>. Mr. Meyers provided a brief summary at this time.

Member (**Mike Boedigheimer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'to accept and approve the 2012 Audited Financial Report as presented by Abdo, Eick & Meyers'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

**REVIEW AND ACCEPT PERFORMANCE MEASUREMENT SURVEY RESULTS:**

Kyle Box, Intern, provided a review of the Performance Measurement Program Update: 2013 Levy Limits - The Minnesota Legislature enacted property tax levy limits for taxes levied in 2013. A county or city that elects to participate in the standard measures/performance measurement program is eligible for a reimbursement of \$0.14 per capita, not to exceed \$25,000, and is also exempt from levy limits under sections 275.70 to 275.74. However, participation in the standard measures/performance measurement program does not exempt a county or city from the 2013 property tax levy limits. The 2013 levy limits are not codified under sections 275.70 to 275.74, and they apply notwithstanding "any other provision of law or municipal charter to the contrary."

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3899, SECOND SERIES which is a resolution Declaring Implementation of Ten Performance Measures and a Performance Measurement System'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

**CONSIDER AGREEMENT WITH FAGEN FOR ENGINEERING DESIGN OF THE MERIT CENTER ETHANOL SPILL AND BURN TRAINING EQUIPMENT:**

In 2008, the MN State Legislature awarded the City of Marshall - MERIT Center \$300,000, however the final language was predesign instead of pre-design, design and construct equipment as originally requested. A technical amendment for a wording change was needed. In 2009, the MN State Legislature made the technical change. 32.29 Subd. 5. Marshall - Minnesota Emergency Response and Industry Training Center \$300,000; 32.30 For a grant to the city of Marshall to 32.31 predesign Phase 2 of the Minnesota 32.32 Emergency Response and Industry Training 33.1 (MERIT) Center, including a wind energy 33.2 training area, an ethanol fuels

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training area, 33.3 and other training facilities, and to design, 33.4 construct, and equip the wind energy and 33.5 ethanol fuel training facilities. 33.6 This appropriation is not available until the 33.7 commissioner has determined that at least 33.8 an equal amount has been committed from 33.9 non-state sources. The match may include 33.10 in-kind contributions. In 2010 The Otto Bremer Foundation provided the City of Marshall with \$100,000 towards the props. In 2010 quotes were obtained for a hazardous materials prop, but they were extremely costly. In late 2011, the group learned about some EPA regulations that meant the prop must be mobile in order for the City of Marshall to be able to afford it. In March 2012, a letter was provided to State Emergency Response Teams Coordinator in regards to purchasing a hazardous materials training prop together since they were looking at the same Kidde Fire Training prop that the MERIT Center desired. It was mentioned that if any money was available at the end of their fiscal year this might be an option. In the end, this option was not able to be achieved. Chief Klaith has taken interest and support in the design preparation for the prop. He has worked with Fagen to come up with design specifications that will meet the requirements of the project that could be bid to prospective fabrication companies that are available in Marshall and the region.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'approval of contract with Fagen Engineering for design of the ethanol prop for the MERIT Center'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER THE REQUEST BY JAMES & MICHELE ENGELS FOR A CONDITIONAL USE PERMIT TO KEEP FOUR ROOMERS AT 702 SOUTH BRUCE STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of James and Michele Engels for a Conditional Use Permit to keep four roomers in their house at 702 South Bruce Street where their son is already living. Keeping two roomers is a permitted accessory use but keeping three or more roomers is a conditional use and requires a conditional use permit. The major problem with this arrangement may be parking since the house has enough bedrooms. However, the house has a double attached garage and driveway that seems wide and long enough to accommodate three cars. Therefore, to avoid on-street parking problems, the staff recommends limiting parking for all house residents to garage and driveway.

Michele Engels indicated that when they purchased the home the realtor indicated that they could have 4 renters in addition to their son; but as soon as they were informed that they were in violation they applied for the conditional use permit.

Council Member Bayerkohler was concerned with setting a precedent and having problems with parking. Council Member Boedigheimer indicated that the parking issue would be no different than a family with older children and having multiple cars parked in front of their homes.

Member (**John DeCramer**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the conditional use permit for James and Michele Engels to keep four (4) roomers at 702 South Bruce Street 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 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 maintains structure to confirm with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto; 4) That no residents' vehicles are parked on the streets or anywhere within the right-of-way or on the grass; 5) That this Conditional Use Permit is limited to the current owner and expire when they sell the property; 6) That this Conditional Use Permit is limited to a maximum of five years and expire at the end of this term'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

**CONSIDER RESOLUTION APPROVING AMENDMENT TO THE CONTRACT FOR PRIVATE DEVELOPMENT AND BUSINESS SUBSIDY AGREEMENT BETWEEN CITY OF MARSHALL, HOUSING AND REDEVELOPMENT AUTHORITY, RALCO NUTRITION, INC. AND KNOCHENMUS ENTERPRISES, LLP DATED NOVEMBER 13, 2012:**

Marshall City Council, HRA, Ralco Nutrition, Inc. and Knochenmus Enterprises, LLP have previously entered into an agreement regarding terms and conditions for the development of the Sonstegard II Subdivision property transfer to Ralco. The original agreement obligated the redeveloper (Ralco/Knochenmus) to have minimum improvements consisting of a 10,000 square foot warehouse. The construction of said warehouse was to begin by July 1, 2013 with completion within 1 year of that date. The redeveloper's project, however, has changed in scope and size and the redeveloper is requesting an extension of time for the commencement of the project. The project is now set to be a 15,000 square foot warehouse and the redeveloper is requesting an extension of the commencement date to be prior to December 31, 2013, with a completion of the project within one year thereafter. City staff believes that the requested extension of time is reasonable and that the timeframe is in the best interest of the project and that the City and HRA should support said request.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3900, SECOND SERIES. Which is a resolution approving the Amendment to Contract for Private Development and Business Subsidy Agreement by and between City of Marshall, Housing and Redevelopment Authority, Ralco Nutrition, Inc. and Knochenmus Enterprises, LLP dated November 13, 2012 and authorizes proper City officials to sign said Amendment'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**AUTHORIZE LYON COUNTY TO PAY THE CITY SHARE OF 40 PERCENT OF THE LAW ENFORCEMENT RECORDS SYSTEM HARDWARE AND SOFTWARE UPGRADE AT THE LEC FROM EXISTING LEC FUNDS. (PHASE 1):**

In 1999 the Marshall Police Department moved into the Law Enforcement Center and an operating agreement was set up to split shared costs on a 60/40 basis since the Sheriff Office also has dispatch and the jail operations in addition to the law enforcement operations. The current records/CAD (Computer-Aided-Dispatch) system has been in place since 1999 with both Departments using it. The current computer/server system is inadequate and has not been able to be upgraded because of the limitations of this system. This system now has nearly 14 years of

both departments' records stored in it and is one that staff is very familiar with. Especially with the upgrades that will happen with this authorization, CIS is a very good system. Representatives from Computer-Information-System's (CIS) came and presented what could be done with upgrades in hardware and software. Phase 1 includes things like an incident/crime analysis that would be great to identify times and locations of various types of activity. Future upgrades (Phase 2) include having the reporting/dispatching system able to be pushed out to the cars with computer-aided-dispatch. Phase 2 features also include electronic citations and report writing which would both reduce staff time on processing paperwork and the time officers had to spend in the LEC. Phase 2 is something both departments are looking at because of the increased efficiency. The cost of Phase 2 will be less for the Police Department since they already have computers in the cars but these computers now can only communicate with the state system Council Member Boedigheimer indicated that there was money left from the construction of the Law Enforcement Center that was set aside for project updates.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Marshall City council authorizes the 40 percent not to exceed \$40,696 needed to meet the costs of the hardware and software upgrades for the current (Phase 1) CIS system be approved to be spent by Lyon County for these upgrades'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z01: WEST REDWOOD STREET / NORTH 3RD STREET / WEST MARSHALL STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 2 WITH KUECHLE UNDERGROUND, INC:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 for West Redwood Street / North 3<sup>rd</sup> Street / West Marshall Street Reconstruction Project for additional work for unforeseen utility conflicts. The church located at the northeast corner of the intersection of West Marshall Street and North 3rd Street had multiple stormwater lines coming from the church that needed to be combined and attached to the City's storm sewer system. This was the City's issue as the design did not accommodate the multiple storm sewer discharges. Also, a new drainage structure located at the intersection of West Redwood Street and North 3rd Street needed to be installed to accommodate an existing catch basin lead. The 6-inch pipe bends needed to be installed to eliminate a conflict between the watermain and a storm sewer line on East College Drive.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approves Change Order No. 2 with Kuechle Underground, Inc. for West Redwood Street / North 3<sup>rd</sup> Street / West Marshall Street Reconstruction Project Z01 resulting in a contract increase in the amount of \$10,185.13 and a total contract amount of \$715,639.48'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z04/S.P. 139-090-004: 2013 BIKE TRAIL PROJECT (INDEPENDENT LUMBER TO T.H. 19) – CONSIDER RESOLUTION APPROVING PLANS & SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the 2013 Bike Trail Project Z04/S.P. 139-090-004 involves the construction of a 0.92 mile segment of a multi use trail. The



improvements shall consist of a bituminous pavement constructed over a granular base. The majority of the trail shall be constructed 10 feet wide with a minimum of a 2 foot safety shoulder on both sides. There are minor areas where the route requires a reduction in the trail width to 8 feet. This project was placed in the Mn/DOT Safety Transportation Improvement Projects (STIP) in 2008 with a placeholder estimated construction cost of \$261,000. The plans and specifications have been prepared by the City staff for this project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids. The project had been included in the cost breakdown for the 2013 bonding. After review, the project was designated to be funded from remaining funds from the 2010 Public Improvement Bond. Originally the project estimate was \$261,000, with \$86,000 estimated for the local share of the project. As the project is included in the STIP, the Mn/DOT participating funding is capped at \$175,000. The STIP does not allow contingencies nor engineering and administration as part of the eligible project budget. The total estimated cost of the project, therefore, is \$333,000 including 10% contingencies and 16% engineering and administration. This cost may be reduced after actual bids are received.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3901, SECOND SERIES, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z04/S.P. 139-090-004: 2013 Bike Trail Project (Clarice Avenue to T.H. 19)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Y87 / S.P. 4210-50 (TH 68): WEST MAIN SANITARY SEWER IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 1:**

Glenn Olson, Director of Public Works; reviewed the West Main Sanitary Sewer Project Y87/S.P. 4201-50. 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. R and G Construction Company requested a time extension for the project. The Contractor has cited several causes for the time extension request as follows: 1) Multiple Utility conflicts which slowed progress for sewer service installations; 2) Lost time trying to locate existing sewer service lines; 3) Two additional sewer service lines were added to the project; 4) Delays due to above average rain fall during the month of May. The Contractor is requesting a time extension in the amount of 17 days which would make the date of substantial completion July 18, 2013. The City Staff has reviewed the request and has determined it is reasonable and will not significantly impact the general public. Mn/DOT has provided a letter of concurrence for approval of the time extension request if authorized by City Council.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council approves Change Order No. 1 with R & G Construction Co., for West Main Sanitary Sewer Improvement Project Y87 / S.P. 4201-50 for a 17-day time extension only'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z06: VICTORY DRIVE IMPROVEMENT PROJECT-PHASE I --  
CONSIDER RESOLUTION APPROVING PLANS & SPECIFICATIONS AND  
AUTHORIZE ADVERTISEMENT FOR BIDS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that at the March 12, 2013 meeting, the City Council adopted a resolution ordering the improvement and preparation of plans and specifications for Victory Drive Improvement Project Z06 – Phase I. This project has been split into two phases to allow construction of the deep sanitary sewer main and watermain in the areas that would impact the construction of the SMASC ball fields. This will also allow any settlements of the deep sanitary sewer trench prior to the construction of Victory Drive. Phase I of this project involves the construction of sanitary sewer from the existing trunk sanitary main adjacent to T.H. 23 to the east city limits and watermain on Victory Drive from just east of Tiger Drive to just north of Commencement Boulevard. The plans and specifications have been prepared by the City staff.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3902, SECOND SERIES, which is the “Resolution Approving Plans and Specifications and Ordering Advertisement for Bids” for Project Z06: Victory Drive Improvement Project-Phase I'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER RESOLUTION AMENDING BUDGET AMOUNTS FOR FISCAL YEAR  
ENDING DECEMBER 31, 2013:**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 3903, SECOND SERIES, which is a resolution Amending Budget Amounts for Fiscal Year Ending December 31, 2013'. These budget adjustments are for items included in the 2012 budget that were in process at 12/31/12 and intended to be completed in 2013. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**APPROVE THE AGREEMENT WITH WOW:**

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that he and Cathy Lee met with Jeff DeWild, Account Executive from WOW regarding the City of Marshall agreement with WOW. An agreement was signed with PrairieWave on September 1, 2003 for phone, cable and Internet service for the various buildings for the City of Marshall. In March, 2013 Jeff met with Lee and Meulebroeck to discuss the charges for the City. Knology (now WOW) had changed to a new computer system - the billing was not transferred over accurately. Some of the phone lines were charged .01¢ when they should have been charged \$14.00. After reviewing all of the lines, Internet and cable charges, Lee and Meulebroeck agree with the proposed agreement. These rates will be adjusted immediately, the City will not be charged for previous years.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'approve Business Services Agreement with WOW! Business'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 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 last week.

Doom Personnel Committee met on Monday to review the form for the City Administrators Annual Review; Convention & Visitors Bureau met last Thursday – Jeff Gay presented a report on the upcoming job fair.

Bayerkohler No Report.

DeCramer EDA reviewed a video clip of the area update on projects; Utilities Commission met, but DeCramer was unable to attend.

Boedigheimer MERIT Center Commission discussed the driving tract.

Conyers No report.

**COUNCIL MEMBER INDIVIDUAL ITEMS:**

Council Member Boedigheimer asked if the Marshall Lyon County Library construction project was close to being finalized – Ben will follow up on this. Mr. Boedigheimer also requested that the City Council receive a report on the sale of surplus property.

Council Member DeCramer asked what the process is for lawn mowing / weed notices. Mr. Olson provided the council members with the process. Mr. Olson also indicated that he has received several complaints on the mobile home park which he will follow up on.

Council Member Hulsizer indicated that she received a call in regard to the construction on Kossuth Street from a property owner that was not able to get in and out of her driveway.

Mayor Byrnes indicated that he attended the League of Minnesota Cities conference. The City of Marshall was awarded a Green Step City Grant for Green Step Activities.

**STAFF REPORTS:**

Ben Martig, City Administrator, indicated that work is continuing on the MERIT Center and Amateur Sports Facility. There was an executive meeting today and they are scheduled for the next two weeks. Staff has submitted the application for bonding request dollars to the Governor's office. Ben will follow up with Dennis on the status of Vehicle Permits. The budget process will begin soon. Mediation for the Police Officers is scheduled for June 26<sup>th</sup>.

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall has received a \$3.5 million grant from the Minnesota Department of Transportation's Corridor Investment Management Strategy (CIMS) Program. This grant will be used for the construction

REGULAR MEETING – JUNE 25, 2013

of a pedestrian overpass bridge at the Saratoga / Highway 23 intersection. Mr. Olson updated the City council on the Pedestrian Safety Group Committee meeting that was held.

Dennis Simpson, City Attorney, indicated that the acquisition of the Bud Rose Property has been completed. Dennis is working on a proposal for Contract for Deed for property from Schwans related to the Amateur Sports Center.

**PENDING ITEMS:**

There were no questions on pending items.

**INFORMATION ONLY:**

There were no questions on the information items.

**DETERMINATION BY THE CITY COUNCIL TO GO INTO CLOSED SESSION  
PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(1) TO ESTABLISH  
PRICING RELATED TO DISCUSSION OF REAL PROPERTY ACQUISITION:  
CONSIDER ADJOURNMENT TO CLOSED MEETING:**

Doom moved, DeCramer seconded, to close the meeting at 7:36 P.M. for purposes of discussion of property acquisition in Outlot C, JC Boyer Addition. All voted in favor of the motion.

Council Member Boedigheimer excused himself from the meeting.

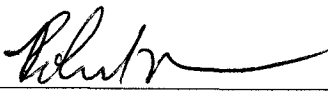
The Council went into closed session at 7:36 P.M. Those present at the closed session included: Byrnes, Hulsizer, Doom, Bayerkohler, DeCramer, and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/City Clerk

The Council came out of closed session at 8:04 P.M.

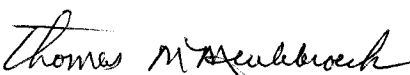
**UPCOMING MEETINGS:**

There were no questions on the upcoming meeting list.

Upon motion made by Doom, and second by Hulsizer, the meeting was adjourned. All voted in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

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