

REGULAR MEETING – OCTOBER 8, 2013

The regular meeting of the Common Council of the City of Marshall was held on October 8, 2013 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by President Pro Tem Boedigheimer. In addition to Boedigheimer the following members were in attendance: Glenn Bayerkohler, Larry Doom, John DeCramer, Jennie Hulsizer, and Ellayne Conyers. Absent: Robert Byrnes. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Ilya Gutman, Building Official; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/City Clerk. Rob Yant, Director of Public Safety; and Cal Brink, CEO Marshall Area Chamber of Commerce arrived at 6:00 P.M.

The Pledge of Allegiance was recited at this time.

It was the general consensus that the agenda be approved with item number 13, which is to consider the adoption of a resolution authorizing the bond sale for Marshall Municipal Utilities, be considered as the first item after the public hearing.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 24, 2013:

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on September 24, 2013 be approved as amended by Bayerkohler and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

CONDUCT PUBLIC HEARING FOR LIQUOR LICENSE TRANSFER; CONSIDER APPROVAL OF THE TRANSFER OF AN ON-SALE INTOXICATING LIQUOR LICENSE AND CONSIDER APPROVAL OF AN ON-SALE SUNDAY LIQUOR LICENSE:

This was the date and time set for a public hearing to consider the transfer of an On-Sale Intoxicating Liquor License from Phyllis L. Dering dba Sam's Place Restaurant & Lounge to Fuzzy's Bar & Grill Inc., dba Fuzzy's Bar & Grill, 236 West Main Street. Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed this request.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to close the Public hearing for the Liquor License Transfer'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Member (**Glenn Bayerkohler**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'to approve the transfer of an On-Sale Intoxicating Liquor license from Phyllis L. Dering dba Sam's Place Restaurant & Lounge, to Fuzzy's Bar & Grill, Inc., dba Fuzzy's Bar & Grill, 236 West Main Street effective October 9, 2013 contingent upon receipt of the Certificate of Liquor Liability Insurance'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0** Abstain: **1**. The motion **Passed 5 - 0** with Boedigheimer abstaining.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'to approve the Sunday Liquor License for Fuzzy's Bar & Grill Inc., dba Fuzzy's Bar & Grill 236 West Main Street effective October 9, 2013 contingent upon receipt of the Certificate

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of Liquor Liability Insurance and the fee of \$200.00'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 1 Abstain: 1. The motion **Passed 4 – 1** with Bayerkohler voting no and Boedigheimer abstaining.

CONSIDER RESOLUTION AUTHORIZING BOND SALE FOR MARSHALL MUNICIPAL UTILITIES:

Brad Roos, General Manager Marshall Municipal Utilities, reviewed the request to issue Public Utility Revenue Bonds not to exceed \$18,750,000.00. The City and Commission expect to issue the Bonds in two series. The first series, to be designated the Public Utility Revenue Bonds, Series 2013B are proposed to be issued in calendar year 2013 in the amount of approximately \$6,355,000. Mr. Roos indicated that the following were also in attendance at the meeting: Terri Heaton, from Springsted Inc.; Jeff Larson, Water Superintendent and Kevin Lee, Finance Manager.

Ms. Heaton indicated that the City and Utilities need to stay under a bond limit of \$10,000,000 per year to be bank qualified.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 3942, SECOND SERIES, which is a Resolution Approving the Issuance of Public Utility Revenue Bonds, and Authorizing Certain Other Actions to be taken by the Marshall Municipal Utilities Commission with Respect to the Issuance of the Public Utility Revenue Bonds 2013B'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

AWARD OF BIDS PROJECT Z16: EAST REDWOOD STREET WALK BRIDGE - CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):

A bid was received, opened and read for the East Redwood Street Walk Bridge Project Z16 from:

Rough Country Excavating
Russell, Minnesota
\$44,525.00

Glenn Olson, Director of Public Works/City Engineer, indicated that this project consists of one contract for the supply and delivery of the bridge at East Redwood Street and a separate contract for the installation of two abutments, connecting sidewalks and miscellaneous items to complete the project.

Member (**Glenn Bayerkohler**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3943, SECOND SERIES, which provides for the Resolution Accepting Bid (Awarding Contract) authorizing entering into an agreement with Rough Country Excavating, LLC of Russell, Minnesota, in the amount of \$44,525.00 for the East Redwood Street Walk Bridge Project Z16'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

CONSIDER AWARD OF PROPOSALS FOR PURCHASE AND MOVE DWELLING AND ATTACHED GARAGE LOCATED AT 104 FAIRGROUNDS ROAD:

A proposal was received, opened and read for the purchase and to move the dwelling and attached garage located at 104 Fairgrounds Road from:

Ron Schilling
Marshall, Minnesota
\$1,000.00

Glenn Olson, Director of Public Works/City Engineer, indicated that this structure is located in the Runway Protection Zone (RPZ) for the Airport. The project consists of removal of the dwelling and attached garage, obtaining all necessary permits for the relocation, removing any demolition debris, removing any portion of the structure to 4 feet below grade, filling in the basement, leveling the site, and miscellaneous items in accordance with the proposal documents. The Proposal included a check for \$1,000.00 to cover both the bid bond (only required to be \$100.00) and the performance bond (required to be for the total amount of the bid). The check will be retained until the project is complete and then returned to Mr. Schilling upon completion of the project. Mr. Schilling will need to provide another check in the amount of \$1,000 to pay for the dwelling and garage located at 104 Fairgrounds Road.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal to Purchase and Move the Dwelling and Attached Garage located at 104 Fairgrounds Road to Ronald Schilling of Marshall, Minnesota in the amount of \$1,000.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

CONSIDER RESOLUTION OF AUTHORIZATION TO EXECUTE MN/DOT GRANT AGREEMENT NO. 04745 / A4201-92 FOR A/D BUILDING SIGNAGE & BUILDING ADDRESSING AND A/D BUILDING LIGHT FIXTURES AT THE AIRPORT:

Quotations that were received, opened and read for A/D Building Signage & Building Addressing and A/D Building Light Fixtures at the Airport were from:

Signage:
asi Signage Innovations
Minneapolis, Minnesota
\$11,006.14

Addressing		
C.E. Signs & Designs	Western Printing	asi Signage Innovations
Lucan, Minnesota	Marshall, Minnesota	Minneapolis, Minnesota
\$1,995.00	\$2,911.00	\$3,353.31

Lighting	
Meier Electric, Inc.	The Retrofit Companies
Marshall, Minnesota	Owatonna, Minnesota
\$15,470.00	\$18,866.85

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Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3944, SECOND SERIES, which is the Resolution of Authorization to Execute Mn/DOT Grant Agreement No. 04745/A4201-92 for Airport Improvement Excluding Land Acquisition for A/D Building Signage & Building Addressing and A/D Building Light Fixtures at the Southwest Minnesota Regional Airport for project costs not to exceed \$28,471.00'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council award the quotation for the A/D signage and installation portion of the project to asi Signage Innovations of Minneapolis, Minnesota in the amount of \$11,006.14 '. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council award the quotation for the A/D building addressing portion of the project to C.E. Signs & Designs of Lucan, Minnesota in the amount of \$1,995.00'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Member (**John DeCramer**) moved, Member (**Jennie Hulsizer**) seconded to approve the **NEW** motion 'that the Council award the quotation for the A/D building light fixtures portion of the project to Meier Electric, Inc. of Marshall, Minnesota in the amount of \$15,470.00'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

CONSIDER RESOLUTION OF AUTHORIZATION TO EXECUTE MN/DOT GRANT AGREEMENT FOR CRACK FILLING RUNWAYS, TAXIWAYS AND APRON AREAS AT THE AIRPORT:

Proposals that were received, opened and read on October 1, 2013 for the Crack Filling Runways, Taxiways and Apron Areas at the Airport were from:

Bargen Inc.	Fahrner Asphalt Sealers LLC
Mountain Lake, Minnesota	Eau Clair, Wisconsin
\$4.35 per pound	\$2.54 per pound
Includes tax and fees	Includes tax and fees

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 3945 SECOND SERIES, which is the Resolution of Authorization to Execute Mn/DOT Grant Agreement No. 04874 for Crack Filling Runways, Taxiways and Apron Areas at the Southwest Minnesota Regional Airport for project costs not to exceed \$30,000.00'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council award the proposal for the Crack Filling Runways, Taxiways and Apron Areas at the Airport to Fahrner Asphalt Sealers, LLC of Eau Claire, Wisconsin in the amount of \$2.54/pound for project costs not to exceed \$30,000.00 '. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (Larry Doom) moved, Member (Jennie Hulsizer) seconded to approve the ORIGINAL motion 'Consider Approval of Consent Agenda'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion Carried. 6 – 0

The adoption of RESOLUTION NUMBER 3946, SECOND SERIES, which is a resolution Approving the Final Plat of Hudson Avenue Addition.

The approval of the amendments to the Employee and Volunteer Recognition Policy (Policy 6.9).

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 86008 through 86190.

ORDINANCE AMENDING CHAPTER 86-ZONING, ARTICLE VI-SUPPLEMENTAL REGULATIONS, DIVISION 4, SECS. 86-246, 86-247, 86-248, 86-257, 86-260, AND 86-261 OF THE CITY CODE OF ORDINANCES – INTRODUCTION OF ORDINANCE AND SUMMARY ORDINANCE AND CALL FOR PUBLIC HEARING:

City Staff continues to work on reviewing and improving the City Zoning Ordinance and is close to finalizing the Landscaping and Appearance standards. The City of Marshall Comprehensive Plan recommended developing Design Standards to promote economic development. The proposed changes have been researched in depth and ordinances of at least a dozen other cities, including Eagan, New Hope, Chanhassen, Excelsior, and Brooklyn Park in the Metro area and Northfield, Faribault, Fairmont, Hutchinson, Albert Lea, Grand Rapids, and Duluth outside of the Twin Cities area have been analyzed. Even though it may seem that quite a few restrictions have been added, in reality, some requirements have been loosened or reduced. In addition, the Exterior Appearance Standard ordinance as written will be one of the least restrictive among other cities that have exterior appearance regulations. The Standards may be applicable throughout the City (mostly in Residential and Business Zoning districts) or, as an alternative, may be made applicable to certain city areas only such as a neighborhood around Wal-Mart, at least as an initial trial period. The Planning Commission has reviewed these sections multiple times and most of their comments and suggestions were accommodated. However, during the Planning Commission meeting on September 11, 2013, only three members supported a motion to recommend these sections as drafted for Legislation and Ordinance Committee approval with three members voting against that motion. The major point of disagreement was a landscaping part of the proposed ordinance, which the three members voted against and wanted to delete entirely. However, they were supportive of the rest of the suggested changes.

Council Member DeCramer was concerned with the trees being required to be distributed evenly in the yard and especially with 2 trees being in the front yard which could cause an issue with underground sewer and utility lines. He was also concerned with not being able to paint brick and stonework. Ilya Gutman, Building Official, indicated that brick surfaces tend not to hold paint well and deteriorate quickly.

Council Member Boedigheimer indicated that he has several concerns and would be willing to meet with staff to discuss his concerns with the proposed ordinance.

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Council Member Bayerkohler, indicated that this is still a work in progress and that the Council needs to give staff a direction on what the City wants.

Ben Martig, City Administrator, indicated that the public hearing could be held at the October 22, 2013 meeting, but not adopt the ordinance at that time. This would provide time for the Council to discuss the ordinance and proposed changes before adoption at a later meeting.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council introduce the Ordinance Amending Chapter 86-Zoning, 86-246 Generally, 86-247 Landscaping, 86-248 Storage, 86-257 Hazard, 86-260 Exterior appearance standards, 86-261 Unsanitary conditions and call for public hearing to be held October 22, 2013'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried. 6 - 0**

CONSIDER RESOLUTION OF SUPPORT FOR A MULTI-JURISDICTIONAL EFFORT TO PURSUE FUNDING AND DEVELOPMENT OPTIONS FOR A BICYCLE/PEDESTRIAN TRAIL CONNECTIONS ALONG THE CAMDEN REGIONAL TRAIL:

Ben Martig, City Administrator indicated that City staff are assisting Lyon County with the submission of a grant application to the Minnesota Department of Natural Resources (DNR) for Trail Legacy funding to develop and construct two trail segments, one in Lynd and one in Marshall, that will connect to the Camden Regional Trail. In 2012, Lyon County received \$1.4 million of its \$1.9 million funding request to develop the Camden Regional Trail from Marshall's wayside rest park to Camden State Park. The "Savannah Oaks" section in Lynd of 12,300 feet was unable to be completed with the funding awarded. The current application requests funding to acquire and complete this section (Savannah Oaks) along with a "Channel Park" section in Marshall which follows the diversion channel to the west of the Lyon County Public Works facilities and runs adjacent the Marshall golf course, to Hwy 19. The proposed trail segments will be 10 feet wide bituminous with 2 foot graveled shoulders on each side, located off-road, signed and constructed to accommodate ADA accessibility guidelines. The trail from Camden State Park to the City of Marshall has been identified as a priority in the City's Pedestrian and Bikeway Comprehensive Plan, by the Southwest Regional Development Commission's Region Trail Plan, and most recently, it was identified by the MyMarshall group as a priority project within their action plan. The MyMarshall group embraced the project following community surveying and special focus group discussions. Like the prior application, Lyon County is taking the lead on the project in the design, application, and construction document phases. The City of Marshall would be participating through assisting on grant applications, providing feedback on design options, and partnering with in-kind funding of the construction as has been previously authorized by the Council. The City of Lynd and MnDOT are supporting the project with utilization of right-of-way. This request for Legacy funding would entail renaming the trail in Marshall now titled the "North Trail", which follows the northern perimeter of the city, as part of the Camden Regional Trail. Construction of the "Savannah Oaks" and "Channel Park" segments and renaming the "North Trail" as the Camden Regional Trail makes this a contiguous off-road trail from SMSU to Camden State Park. The City of Lynd and Lyon County Commissioners are considering similar resolutions of support and certifications for this project, which will be submitted with the grant application. If awarded funding, the project must be completed by June

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30, 2016. Staff recommends Council approval of a Resolution of Support and authorization for the execution of the Certification form required as part of this application.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **SUBSTITUTE** motion 'the adoption of RESOLUTION NUMBER 3947, SECOND SERIES, which is a resolution to Pursue a Multi-Jurisdictional Effort to Pursue Funding and Development Options for Pedestrian/Bicycle Trail Connections along the Camden Regional Trail including signage on the Savannah Oaks segment and the Channel Park segment of the Camden Regional Trail'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

TRANSFER OF PROPERTY - CITY OF MARSHALL TO SCHWAN'S SHARED SERVICES, LLC:

Glenn Olson, Director of Public Works/City Engineer, indicated that Schwan's has been reviewing various properties owned by them and has found some discrepancies of property ownership between Schwan's and the City of Marshall located just southeast of the Redwood River south of the Mercantile Building. Mr. Olson reviewed the survey showing the parcels to be discussed, as well as a Quit Claim Deed and Exhibit A showing the legal description of the property intended to be transferred from the City to Schwan's and the property intended to be transferred from Schwan's to the City. Upon transfer, the property transferred from the City to Schwan's will be made a part of a subdivision plat including all of Schwan's property south of the Redwood River west of West College Drive and north of Saratoga Street.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council approve the transfer of property from the City of Marshall to Schwan's Shared Services, LLC (Schwan's) by Quit Claim Deed'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

CONSIDER APPOINTMENTS TO THE LIBRARY BOARD:

Per the recommendation of Mayor Byrnes, Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the following appointments be made'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried. 6 - 0**

Library Board – William F. Thomas be reappointed for a 3-year term to expire on December 31, 2016

Library Board – Stephen M. Klein be appointed for a 3-year term to expire on December 31, 2016

COMMISSION/BOARD LIAISON REPORTS

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

Hulsizer No report.

Doom No report.

Bayerkohler Housing Commission will meet next week and Planning Commission will meet on October 9th.

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DeCramer Utilities Commission items were acted on earlier in the meeting.

Boedigheimer Ways and Means Committee items were discussed earlier in the meeting.

Conyers Community Services Advisory Board met last week and the Senior Citizen Center Commission will meet on October 9th.

COUNCILMEMBER INDIVIDUAL ITEMS:

There were no additional items brought forth by the Council Members.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that there will be a Minnesota Capital Investment Committee meeting at SMSU on October 17th; on November 7th there will be a House Capital Investment Hearing on the MERIT Center and SW MN Amateur Sports Facility. Ben, will be attending a Sales Tax meeting on October 9th along with Finance Director/City Clerk Thomas Meulebroeck and Assistant to Finance Director Kathy Knutson.

Glenn Olson, Director of Public Works/City Engineer, and Dennis Simpson, City Attorney, did not have any reports.

PENDING ITEMS

Council Member Hulsizer asked for an update on the Quiet Signals. Glenn Olson, Director of Public Works/City Engineer, indicated that staff has met with representatives from the Railroad Company to discuss the issues and have requested that they come to Marshall to identify each issue.

INFORMATION ONLY:

There were no questions on the information items.

President Pro Tem Boedigheimer called for a 5-minute recess at 7:05 P.M.

CONSIDERATION TO MOVE TO CLOSED SESSION TO DISCUSS LAND SALE/LEASE OF AIRPARK EAST FOR ACTION MANUFACTURING, INC:

RECOMMENDATION:

DeCramer moved, Doom seconded, to go into closed session per Minnesota Statute 13D.05 Subd. 3(c)(3) to Establish Pricing Related to Real Property of Airpark East. All voted in favor of the motion.

The Council went into closed session at 7:07 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(3) to Establish Pricing Related to Real Property of Airpark East. Those present at the closed session included: Hulsizer, Doom, Bayerkohler, Boedigheimer, DeCramer and Conyers. Absent: Byrnes. 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 Cal Brink, CEO Marshall Area Chamber of Commerce.

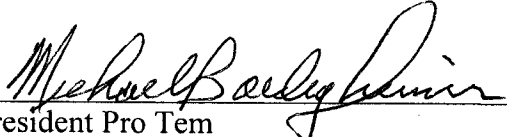
The council came out of closed session at 7:30 P.M.

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UPCOMING MEETINGS:

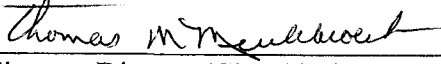
There were no questions on the upcoming meeting list.

Doom moved, Boedigheimer seconded, that the meeting be adjourned. All voted aye.



President Pro Tem

ATTEST:



Finance Director/City Clerk