

REGULAR MEETING – JANUARY 14, 2014

The regular meeting of the Common Council of the City of Marshall was held January 14, 2014 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 Mayor Byrnes. In addition to Byrnes the following members were in attendance: Larry Doom, Mike Boedigheimer, John DeCramer, Ellayne Conyers, Jennie Hulsizer, and Glenn Bayerkohler. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Wastewater Superintendent, Bob VanMoer; Cathy Lee, Executive Assistant; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 17, 2013.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on December 17, 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**

CONSIDER APPROVAL OF CONSENT AGENDA

Member (**John DeCramer**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'approve consent agenda. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

The adoption of RESOLUTION NUMBER 3970, SECOND SERIES, Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall for 2014.

The adoption of RESOLUTION NUMBER 3971, SECOND SERIES, Designating the Official Depositories for the City Funds for 2014.

Approval of the renewal of the Group Self-Insured Accident Plan for Volunteers for the City of Marshall for the period January 1, 2014 to January 1, 2015. The annual premium for the coverage is \$1,090.00, which is less than last year due to the rate being reduced from \$0.65 to \$0.55 per capital of 13,680.

Introduction of Ordinance --Chapter 86, Sec. 86-107 - I-2 General Industrial District Ordinance Revision to provide a space for professional training. Currently, this use is not listed as permitted or conditional use in an I-2 general industrial district. However, the staff believes that this kind of training is an appropriate use for an I-2 district since it directly relates to the common activities in this district. In fact, people going to such school may actually work in the same area. Therefore, it seems reasonable to include industrial training schools as a Permitted use. At the Planning Commission meeting on January 8, 2014, they recommended the approval of the ordinance amending Sec. 86 107, I 2 general industrial district by adding "Industrial training schools" to (b) Permitted uses. The Legislative and Ordinance Committee recommend to the City

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Council the introduction of the ordinance amending Sec. 86 107, I-2 general industrial district by adding “Industrial training schools” to (b) Permitted uses.

Authorization is granted to declare a vehicle as surplus property for the Police Department This vehicle has been abandoned or seized by the Marshall Police Department and has gone through the notification processes and required periods for disposal.

Approval is granted for a Conditional Use Permit for the Amateur Sports Facility to be in a B-3 General Business District located at 1651 Victory Drive 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 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.
3. That vegetation and landscaping be appropriate for the areas incorporated into site design.

Approval is granted for a Conditional Use Permit for an Automobile Track in an A-Agricultural District at 1000 West Erie Road 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 owner maintains the structure to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing properties adjacent thereto.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 87164 through 87433.

BI-ANNUAL AVERA MARSHALL REGIONAL MEDICAL CENTER REPORT (CEO MARY MAERTENS).

Mary Maertens, CEO of Avera Regional Medical Center presented the Avera Regional Medical Center biannual report, as requested by the sale documents of the hospital. Ms. Maertens reported on building for the future for Avera Marshall. She reviewed the current staff of the Avera Medical Group. She then reviewed the new Physician’s Office Building in Marshall and the offices now in Ivanhoe and Redwood Falls. Ms. Maertens covered the services that they provide which include senior care at Avera Morningside Heights, Palliative Care and their Medical Weight Loss program.

Ms. Maertens talked about the growth that Avera has had. The growth in the clinic visits have climbed from 2,958 in 2012 to 3,913 visits in 2013. Avera is targeting \$100 million in gross revenue this year.

In December 2012 Avera Cancer Institute in Marshall was announced. They kicked off the capital campaign in February 2013 and the groundbreaking ceremony took place on October 28, 2013.

CONSIDER APPROVAL OF THE 2014 PARTNERHSIP AGREEMENT WITH MMU

Ben Martig, City Administrator reviewed the 2014 Partnership agreement with MMU. The joint committee has met and reviewed the document in detail. Mr. Martig indicated that Wastewater has been added to the fiber network along with the MERIT Center and the Fire Department.

Mr. Martig stated that the biggest change to the agreement was the IT section. MMU had issues in 2013 where financial data was lost on the server. MMU hired a consultant to find ways so that this would never happen again. The consultant found that MMU needed a data recovery system and the security needed to be improved. With those changes, the City of Marshall budget which was presented to the Council of \$11,000 would have to be increased to \$90,000. Martig has asked Brad Roos, General Manager of MMU if this \$90,000 could be spread over a few years. At this time MMU does not have a multi-year plan in place. Martig indicated that the City has designated reserve funds that can pay for this.

Member (John DeCramer) moved, Member (Larry Doom) seconded to approve the ORIGINAL motion 'to approve the 2014 Partnership agreement with MMU. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

WASTEWATER MPCA PERMIT UPDATE

Bob VanMoer, Wastewater Superintendent stated that the most recent MPCA Wastewater Discharge Permit expired on September 30, 2011. The City of Marshall has hired a consultant, Bolton & Menk, Inc., to complete a proposal for reissuance of this permit. It is expected that the reissuance be complete by April 1, 2014 with a proposed compliance schedule. The most recent draft permit compliance schedule to be submitted by the Wastewater Department to the MPCA was discussed. Mr. VanMoer discussed the concerning current discharge limits, MPCA treatment requirements, and the proposed compliance schedule for phosphorus, chloride, and copper limits. This compliance has the potential of increasing facility needs, chemical feeds, and other impacts including significant revisions to the water treatment system in Marshall. In any event, compliance with the requirements will be a very significant and costly process. The City will wait until a response is received from the MPCA indicating approval, conditional approval or rejection of a draft proposal for future authorization for a facility plan allowing compliance with the end result of this MPCA permit cycle. Mayor Byrnes asked when the city can expect to hear back from MPCA. Mr. VanMoer does not have an exact date at this time. Councilmember DeCramer asked if there are other communities having to face the same issue as Marshall. Mr. VanMoer stated that basically every community has the same issues. Mr. Olson's concern is that the City of Marshall has a large industrial usage of water. The RO system would not be the answer for the City of Marshall.

Mayor Byrnes called for a 5-minute recess at 6:55 p.m.

CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT FOR VARIOUS 2014 ASSESSMENT PROJECTS.

Glen Olson, Director of Public Works requested approval of the resolution necessary for the initiation of the special assessment procedures for the above referenced project areas. Mayor Byrnes asked how committed MnDOT was to the Windstar Street improvement project. Mr. Olson indicated that the crossover at Windstar and moving the signals to the intersection of Windstar is still in discussion. It costs \$300,000 to install a signal, so it is very expensive. But this is the one way to improve safety at this intersection and slow the traffic coming in on Hwy. 59. DeCramer asked if it was necessary to have Margaret Avenue. Olson stated that it was needed for development because you don't want to access roads on Boyer Drive.

Member (Larry Doom) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion 'that the Council adopt RESOLUTION NUMBER 3972, SECOND SERIES, which is the "Resolution Ordering Preparation of Report on the following improvements:

PROJECT Z22: MARGARET AVENUE IMPROVEMENT PROJECT – This project consists of the construction of Margaret Avenue from approximately 225 feet south of the intersection of Boyer Drive and Margaret Avenue to Windstar Street. The project shall include curb and gutter, grading, aggregate base, sanitary sewer, watermain, storm sewer, sidewalk and other work. Also included in this project is a mill and overlay of the existing Margaret Avenue from Boyer Drive to approximately 225 feet south.

PROJECT Z23: SERVICE ROAD RECONSTRUCTION PROJECT– This project consists of street reconstruction of Service Drive from Jewett Street to O'Connell Street. Included in this project is bituminous surfacing aggregate base grading, minor curb and gutter replacement and miscellaneous work.

PROJECT Z26: PATRICIA COURT / ELAINE AVENUE / STEPHEN AVENUE PROJECT– This project consists of the street reconstruction of Patricia Court and Elaine Avenue from South 2nd Street to Patricia Court. Included in this project is the reconstruction of the street section, including bituminous pavement, aggregate base, street grading, subbase drainage, minor curb and gutter and sidewalk replacement and miscellaneous work. Also included in this project is a mill and overlay of Elaine Avenue from South 2nd Street to South 4th Street and Stephen Avenue from Patricia Court to South 4th Street.

PROJECT Z27: EAST MAIN STREET / SOUTHVIEW DRIVE SANITARY SEWER & WATERMAIN RECONSTRUCTION PROJECT– This project consists of replacing sanitary sewer and watermain along East Main Street from "E" Street to Southview Drive and along Southview Drive from East Main Street to the south side of the existing Hy-Vee property southwest approximately 755 feet.

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PROJECT Z28: NORTH 5TH STREET / PLEASANT AVENUE RECONSTRUCTION PROJECT – This project consists of the reconstruction of streets and utilities on North 5th Street from West Marshall Street to Pleasant Avenue and Pleasant Avenue from North 5th Street to North 6th Street. Items included in the project are sanitary sewer, watermain and storm sewer replacement, curb and gutter, sidewalk reconstruction, bituminous surfacing, aggregate base, grading and other minor work.

PROJECT Z29: DIVERSION CHANNEL / MAIN LIFT SANITARY SEWER INTERCEPTOR PROJECT – This project consists of the reconstruction of the Diversion Channel / Main Lift interceptor line. This project begins at the Main Lift Station on Kossuth Avenue, thence northwesterly to the intersection of North 7th Street and Kossuth Avenue; thence to the west along the southerly Diversion Channel right-of-way to the west right-of-way of the Burlington Northern Railroad. Included in the sanitary sewer replacement is the reconstruction of sanitary sewer from the intersection of North 7th Street and Kossuth Avenue to the intersection of North 7th Street and Fairview Street. Also included in this project is the replacement of the 16” loop feeder watermain from North 7th Street to T.H. 59 along the south side of the Diversion Channel.

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDERATION OF APPROVAL OF SMALL CITIES DEVELOPMENT GRANT POLICIES.

Ben Martig, City Administrator discussed the loan subordination/mortgage modification/satisfaction procedures. Councilmember Boedigheimer is concerned that the city has collected \$100.00 for preparation of documents. This was not the original information that was given to them. Boedigheimer expressed that this is not a staff decision, that this must be approved by the City Council. Dennis Simpson, City Attorney stated that this was a decision that was made and per the council request will pay back the \$100.00 that they have received so far. Mr. Simpson indicated that they have some that are pending, they will be notified that they do not have to pay the \$100.00 preparation fee. Mr. Simpson said that the discussion was to charge 1% of the total fee for administrative costs but was not approved by council. Councilmember Conyers had heard complaints regarding this issue also.

Member **(Mike Boedigheimer)** moved, Member **(John DeCramer)** seconded to approve the **SUBSTITUTE** motion 'to approve the “Mortgage Modification and Loan Subordination Policy Residential Building Rehabilitation Small Cities Development Rehabilitation Program” and “Mortgage Modification and Loan Subordination Policy Commercial Building Rehabilitation or Rental Building Rehabilitation Small Cities Development Rehabilitation Program” and to reimburse the \$100.00 for past paid or billed request. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed. 6 – 1** with Doom voting no.

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CONSIDER APPOINTMENTS TO VARIOUS BOARDS/COMMISSIONS

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: 7 Nay: 0. The motion **Carried. 7 - 0**

Convention and Visitors Bureau - Matt Suby be appointed for a 2-year term to expire on December 31, 2016

Convention and Visitors Bureau - Paul Redding be appointed for a one-year term to expire on December 31, 2015.

COMMISSION/BOARD LIAISON REPORTS

- Byrnes: Fire Relief Association – The Association is meeting tonight and Tom Meulebroeck is attending the meeting.
Regional Development Commission did meet January 9, 2014, just routine business.
Southwest Minnesota Amateur Sports Center – met on January 14, 2014.
- Hulsizer: Library Board – met on January 13, 2014 and the discussion was around policies.
- Doom: Convention & Visitors Bureau – met on January 8, 2014 but did not attend. They did still meet with the original board. The Americ Inn, Ramada and Comfort Inn representatives will still remain on the board.
- Bayerkohler: Housing Commission – met on January 13, 2014 and approved increases in the rates for air conditioning and car plug-in along with the wage increase. They are on a different fiscal year then the City; they end on September 30th. The wage increase will be an increase the first year of 2.5% wage increase and the second year a 3.0% wage increase. The end result is that this increase would be comparable to what the City gave their employees.
- DeCramer: MERIT Center - met last month but was unable to attend.
Utilities Commission met early this month where they approved the 2014 budget. MMU has started reviewing bids for materials. The good news is that the PCV pipe, which is a major expense, for the Sandnes raw water main project is a million dollar's less than expected. MMU opened two bids today, one was higher than the estimates and the other was in line with estimate. MMU will be taking action on this later this month.
- Boedigheimer: Airport Commission – met on January 7, 2014 and discussed their five year CIP plan.
- Conyers: Community Services Advisory Board – met on January 8, 2014 and discussed the summer program.

COUNCILMEMBERS INDIVIDUAL ITEMS:

Hulsizer commented that she has received complaints from Patricia Court regarding snow removal; it has not been consistent.

DeCramer has looked at the plans for Action Manufacturing. Phase II will be coming sooner than what was planned which creates an issue with the ditch and the draining going through the two buildings. In looking at this, there has been a discussion and possibility that this drain could be converted or built over. Moving the drain could be an issue.

Ellayne thanked Ben for all his work putting together the Small Cities Development Grant Policies.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the next City Council worksession has been scheduled for Tuesday, January 21, 2014. At the meeting there will be a presentation of the local workforce development needs and initiatives that are underway. SMSU President Gores and SW/WC Service Cooperative Executive Director Cliff Carmody will be presenting along with Ben and Cal Brink from the Chamber. There will be a presentation on the Liquor Store new construction schematic design. John DeCramer will give a presentation on the City Hall facility. Mr. Martig stated that Enterprise Fund's will not be discussed at this meeting; rather it will be discussed at the Ways and Means meeting in March. Martig stated that Meulebroeck and he will be doing some more research on this issue.

Glenn Olson, Director of Public Works/City Engineer, indicated that the Airport Commission has been short of members for some time. There is currently five members on the commission (of the seven members), so the commission is short two members and there is a need to have six members to have a quorum. There have been a couple of meetings where there was not a quorum. The Commission has had a discussion on what the airport really is – it is a regional airport that the city funds. There is an interest in memberships and input from people that live outside city limits. Should there be outside participation on the commission?

Staff will be setting up a meeting with FAA and MnDot Aeronautics regarding the proposal by Action Manufacturing locating a facility out at the airport. It is not as simple as giving them the space that they need. It is a review process as to what can be constructed out there. Expect a meeting within the next month or so.

There have been some maintenance issues at the airport and the Red Baron facility. Staff is taking care of the emergency issues that arise. The heat has been an issue this year. Sometimes it is too hot and then it gets cold. The computer system that monitors the system has been an issue. Also there are other issues with the outlets, floor conditions and regular maintenance which are in the process of being taken care of. Public Works Administration is in contact with staff at the airport to be kept up to date with maintenance issues.

Dennis Simpson, City Attorney, provided a brief summary of changes in the bidding laws for State of Minnesota. The bidding process for publicly bid projects, the acquisition of materials is not subject to state sales cost so there is about 7% savings on the cost but the materials have to be

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bid separately from the labor. The general contractor can usually get the best price on materials but now the city has to be the purchaser of the product. Discussions have been held with the construction manager and the architect on the Amateur Sports and the MERIT center project and they will have to do the same with the steel, concrete, equipment, etc. All of these will have to be bid separately. Fortunately for the city, the construction manager is familiar with this as the school district has always been exempt from sales tax so the construction manager will help us through this process. On the MMU project, not only was there savings on the state sales tax, but the actual bid price. They were 23% under engineering estimate.

PENDING ITEMS:

There were no questions on the pending items list.


INFORMATION ONLY:

There were no questions on the information items.

UPCOMING MEETINGS:


There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk