

REGULAR MEETING – JANUARY 28, 2014

The regular meeting of the Common Council of the City of Marshall was held January 28, 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. Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Cal Brink, CEO Marshall Area Chamber of Commerce; Preston Stensrud, Parks Supervisor; 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 JANUARY 14, 2014.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion that the minutes of the regular meeting held on January 14, 2014 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 (**Larry Doom**) seconded to approve the **ORIGINAL** motion approval of consent agenda. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Approval of the agreement with Marshall Area Senior Citizens, Inc. for the Adult Community Center Rental. This agreement is for the period January 1, 2014 through December 31, 2014 at the rate of \$550.00 per month for M.A.S.C. to rent space at the Adult Community Center.

Approval of the agreement with Lutheran Social Services for the Senior Nutrition Program. This agreement is for the period January 1, 2014 through December 31, 2014 and provides for the City to be reimbursed 20 cents per meal prepared at the Adult Community Center.

Approval of a Temporary On-Sale Liquor License for Prairie Home Hospice Inc., to use on March 29, 2014 at the SMSU Event Center, 1501 State Street, Marshall, Minnesota at a fee of \$30.00.

The adoption of RESOLUTION NUMBER 3972-A, SECOND SERIES, to approve plans and specifications and ordering advertisement for bids for Project Z19: Park Avenue Sanitary Sewer and Watermain Replacement Project. This project involves the replacement of sanitary sewer, the replacement of watermain on Park Avenue from Marshall Street to East College Drive, the replacement of watermain on East College Drive from Walnut Street to approximately 150 feet east of Park Avenue, and the reconstruction of Park Avenue from Marshall Street to East College Drive.

The adoption of RESOLUTION NUMBER 3973, SECOND SERIES, which is the Resolution Revoking Resolution Number 2699, Second Series – Resolution Approving the Final Plat of Marshall Labs Addition. On January 31, 2005, a Resolution Approving the Final Plat of Marshall Labs Addition was adopted by the City Council. The owners at that time decided not to go forward with the recording of the final plat. Subsequently, after a Sheriff's sale of a portion of the property, the new owner Carr Family Limited Partnership proceeded with the final plating and recording of Carr Industrial Park, the north portion of proposed Marshall Labs Addition. Because Marshall Labs Addition was never recorded, it is necessary to revoke the Resolution Approving the Final Plat of Marshall Labs Addition.

The adoption of RESOLUTION NUMBER 3974, SECOND SERIES, which is the Resolution Revoking Resolution Number 2867, Second Series – Resolution Approving the Final Plat of Greeley Extension Addition. On October 2, 2006, a Resolution Approving the Final Plat of Greeley Extension Addition was adopted by the City Council. The Resolution Approving the Final Plat of Greeley Extension Addition was not recorded within 90 days after adoption of the resolution. The current owner of the property, Schwan's Shared Services, LLC, proceeded with a subdivision platting of a larger area known as Schwan's Corp I Addition, which included the area proposed under the Greeley Extension Addition. Therefore, the Resolution Approving the Final Plat of Greeley Extension Addition should be revoked.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 87434 through 87683.

CONSIDER ADOPTION OF RESOLUTION ACCEPTING THE DONATION OF PERSONAL PROPERTY

Member (Elaine Conyers) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion 'the adoption of RESOLUTION NUMBER 3975, SECOND SERIES, Accepting the Donation of Personal Property from Dale R. and Deborah L. Bisbee in the amount of \$500 for the Marshall Volunteer Fire Department to use towards the purchase of equipment. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

ADOPTION OF ORDINANCE --CHAPTER 86, SEC. 86-107 - I-2 GENERAL INDUSTRIAL DISTRICT ORDINANCE REVISION.

Member (John DeCramer) moved, Member (Larry Doom) seconded to approve the ORIGINAL motion of the adoption of ORDINANCE NUMBER 685, SECOND SERIES amending Section 86-107, I 2 general industrial district by adding "Industrial training schools" to (b) Permitted uses as per the recommendation of the Planning Commission and the Legislative & Ordinance Committee. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

PROJECT Y62 / S.A.P. 139-111-005: TH 23 / SOUTH SARATOGA PEDESTRIAN OVERPASS AND SAFETY IMPROVEMENTS PROJECT – GEOTECHNICAL AND ENGINEERING SERVICES PROPOSAL BORING AGREEMENT WITH AMERICAN ENGINEERING TESTING, INC.

The TH 23/South Saratoga Pedestrian Overpass and Safety Improvements Project will construct a J Turn intersection at the intersection of TH 23 and South Saratoga Street and a pedestrian overpass of TH 23 at Saratoga Street. The intersection reconfiguration will prohibit traffic on Saratoga Street from directly crossing or turning left onto TH 23. The improvements will require these movements to first turn right onto TH 23 and then move over to the far left lane, get into a new left-turn lane and then make a U-turn on TH 23 to go in the other direction. The vehicles wanting to continue on Saratoga would move into a right turn lane and take a right on Saratoga Street. The vehicles that wanted to take a left off of Saratoga Street would make the U-turn and continue on TH 23. Motorists that want to take a right off of Saratoga Street would proceed as they do today. The project requires professional geotechnical services for soil borings to accommodate the design of the piers and abutments for the pedestrian overpass. If the project borings can be limited to 60-foot bores, the maximum cost would be \$14,630.00. However, if the maximum depth of the bore is required to be up to 100 feet, than the maximum cost is \$21,100.00. A copy of the contract and terms and conditions has been provided to the City Attorney for review.

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'that the Council authorize acceptance of proposal and enter into a contract for geotechnical and engineering services for the pedestrian overpass bridge with American Engineering Testing, Inc. in the not-to-exceed amount of \$21,100.00. 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 (Larry Doom) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion 'approval of appointments to the Convention and Visitors Bureau. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

Convention and Visitors Bureau – Marc Klaith be appointed for a one year term to expire on December 31, 2014.

AUTHORIZATION FOR PURCHASE OF SCOREBOARD FOR LEGION FIELD.

Preston Stensrud, Parks Supervisor indicated that the scoreboard at Legion Field acquired by the City in 1999 is in need of replacement due to deterioration and parts availability. The scoreboard also uses 550 incandescent light bulbs costing approximately \$2.20/each. These bulbs are replaced every two years taking approximately 24 man-hours to replace. This purchase will replace the existing scoreboard with a new LED lighting system with significantly extended bulb life and ease of replacement. In accordance with the Minnesota Service Cooperative Contract #AEPA IFB #012-H and the Southwest/West Central Service Cooperative, athletic scoreboards have been included in a competitive bidding process and are available for cities to utilize. The lowest bid for the athletic scoreboard is \$25,050.00. Delivery costs for the unit were estimated at \$1,170.00. Because of the proximity of the facility to Marshall, staff will pick up the scoreboard to save on delivery cost. The 2014 Parks budget includes \$20,000.00 for this unit funded from Account #401-70276-5530 (Capital Fund-Parks-Improvements other than Buildings). An additional appropriation is to come from Marshall Municipal Utilities estimated at \$1,668.75 for lighting retrofit savings. Any additional deficit amounts will be funded from the Marshall Baseball Association and the sale of the existing scoreboard. It is recommended that the existing scoreboard at Legion Field be declared as surplus equipment to enable the City to advertise for proposals for disposal.

Member (Larry Doom) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion 'that the Council authorize purchase of the scoreboard for Legion Field to Daktronics of Brookings, South Dakota in the amount of \$25,050.00. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

Member (John DeCramer) moved, Member (Larry Doom) seconded to approve the NEW motion 'that the Council declare the existing scoreboard at Legion Field as surplus equipment. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried. 7 - 0

CONSIDER ACKNOWLEDGMENT OF A LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA UNIVERSITY FOUNDATION

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 the Southwest Minnesota State University Foundation to hold a raffle on April 25, 2014 at SMSU Upper Level Conference Center, 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.

COMMISSION/BOARD LIAISON REPORTS

Byrnes - Fire Relief Association met on January 14, 2014 but because of the Council meeting Tom Meulebroeck Finance Director/City Clerk attended. There was a discussion on the positive return on the investment fund.

Regional Development Commission, met and one of the action items was some of the counties in the region are having some issues what they are charging for fire department in the counties.

Hulsizer - Marshall Area Transit Committee met on January 16, 2014 but they did not have a quorum.

Doom – No Report.

Bayerkohler – No Report.

DeCramer - Utilities Commission met on January 22, 2014 and they passed the partnership agreement that the Council approved at the last meeting. There was discussion on the bids that were received for the Sandness raw water main project. There is a meeting on January 29, 2014 to accept those bids. The bids have come in around \$3 ½ million, which is under the original estimate. Dennis Simpson, City Attorney indicated that the final number to hopefully approve is 24 % under budget and 20% under engineer estimate for the entire project.

City Hall building update. The committee met on Friday, January 24, 2014. The committee took a tour of the Municipal building and looked at a number of items that are of concern. The committee is meeting again on Friday, January 31, 2014 at 7:00 a.m.

Boedigheimer – No Report.

Conyers – No Report.

COUNCILMEMBERS INDIVIDUAL ITEMS

Hulsizer questioned why the radio announces that the city is going to be plowing streets and there is no parking but does not give specifics. Hulsizer stated that the website is confusing because it does not say where or how long there will be no parking. Olson said the city has areas they ticket regularly if the street is signed for no parking so that takes care of citizens parking on the streets marked “no parking”. Olson went on to explain that if the city has declared a snow emergency, which the city has not done, then no one should be parked on the streets. Olson explained that once the snow emergency has been declared then it is for 48 hours. Martig also noted that not only does the city ticket but the city will tow the vehicle if they parked where they should not be parked.

STAFF REPORTS

Ben Martig, City Administrator gave an update on the liquor store project. At the last council meeting some alternatives were discussed; one would include a lease space and the other would not. There were questions on partnering with a private identity. Staff did some investigation of possibly partnering with a private entity for the leased space but cost, loss of control over the quality and type of business, and no clear overall support for this idea has lead staff to not pursue this option future. Staff will be moving ahead with Design Development with TSP and following the attached schematic design as a base of consideration for the next phase design. As presented at worksession, the Council will be provided a presentation of design development along with a financial update once completed.

Ben is reviewing and working on the pending list and the capital items. He will give a more detailed report in the Administrative Report.

The employee recognition is on Friday, January 31, 2014 and if you had a change of plans and you can now attend, please let Cathy Lee know, you are more than welcome.

DIRECTOR OF PUBLIC WORKS

City did approve plans and specs on Park Avenue and the city will be setting up public informational meetings. These will be two separate meetings; the city will combine the residential improvement projects and combine the commercial projects because they each have different issues.

A meeting with FAA and MnDot Aeronautics is scheduled for Thursday, January 30, 2014 at 1:30 p.m. to consider the Action Manufacturing proposal. An Airport Commission meeting will be scheduled shortly after this meeting. Discussion will be on the use of the airport.

CITY ATTORNEY

No Report.

PENDING ITEMS

There were no questions on the pending items list.

INFORMATION ONLY

There were no questions on the information items.

CONSIDERATION TO MOVE TO CLOSED SESSION TO DISCUSS POTENTIAL SALE OF PROPERTY.

Member (**Jennie Hulsizer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion to approve going into closed session. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

The Council went into closed session at 6:08 P.M. to discuss the sale of property. Those present at the closed session included: Byrnes, Doom, Bayerkohler, Hulsizer, DeCramer, Boedigheimer and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Cal Brink, CEO Chamber of Commerce and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 6:55 P.M.

UPCOMING MEETINGS

There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk