

REGULAR MEETING – APRIL 22, 2014

The regular meeting of the Common Council of the City of Marshall was held on April 22, 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, Jennie Hulsizer, Glenn Bayerkohler, Mike Boedigheimer and Ellayne Conyers Absent: John DeCramer. 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. Sheila Dubs, Human Resource Coordinator; Marc Klaith, Fire Chief; and Scott VanMoer, Liquor Store Manager arrived late.

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 APRIL 8, 2014:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on April 8, 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: 6 Nay: 0. The motion **Carried 6 - 0**

AWARD OF BIDS FOR SELF-PROPELLED MOWER FOR PUBLIC WAYS MAINTENANCE DEPARTMENT:

Bids were received, opened and read on April 15, 2014 for a Self-Propelled Mower from:

Schuneman Equipment	Turfwerks	MTI Distributing Inc.
Marshall, Minnesota	Eagan, Minnesota	Brooklyn Center, Minnesota
Bid \$50,550.00	Bid \$50,858.15	Bid \$52,000.00
Trade-in \$6,150.00	Trade-in \$5,000.00	Trade-in \$4,000.00
Net bid \$44,400.00	Net bid \$45,858.15	Net bid \$48,000.00

Glenn Olson, Director of Public Works/City Engineer, indicated that all bids met minimum specifications. The mower will replace a 2000 Jacobsen HR 5111 with 4,200 hours. This was planned for and budgeted for purchase in 2014 in the amount of \$42,000.00. This unit will be purchased from Account No. 401-60365-5540 (Capital Public Ways Maintenance Machinery & Equipment). The additional cost of \$2,400.00 will be an added expense of the capital equipment fund reserve.

Member (**Ellayne Conyers**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the bid of a 2014 self-propelled mower for the Public Ways Department to Schuneman Equipment of Marshall, Minnesota, in the amount of \$44,400.00, including trade-in'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0 Abstain: 1. The motion **Passed 5 - 0 - 1** with Doom abstaining

**PROJECT Z32: BITUMINOUS CHIP SEALING ON VARIOUS CITY STREETS --
CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Bids were received on April 15, 2014 for Bituminous Chip Sealing Project Z32 from:

Caldwell Asphalt Co., Inc.
Hawick, Minnesota
\$79,998.00

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$95,112.60

Asphalt Surface Technologies Corporation (ASTECH)
St. Cloud, Minnesota
\$95,700.00

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4013, SECOND SERIES, which is the "Resolution Accepting Bid (Award Contract)" for Project Z32: 2014 Bituminous Chip Sealing Project to Caldwell Asphalt Co., Inc. of Hawick, Minnesota in the amount of \$79,998.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**PROJECT Z33: BITUMINOUS OVERLAY ON VARIOUS CITY STREETS --
CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Bids were received on April 15, 2014 for the the Bituminous Overlay Project Z33 from:

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$224,794.16

Duininck, Inc.
Prinsburg, Minnesota
\$250,708.79

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4014, SECOND SERIES, which is the "Resolution Accepting Bid (Award Contract)" for Project Z33: 2014 Bituminous Resurfacing Project to McLaughlin & Schulz, Inc. in the amount of \$224,794.16'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**PROJECT Z28: PLEASANT AVENUE / NORTH 5TH STREET RECONSTRUCTION
PROJECT -- 1. CONSIDER RESOLUTION OF DECLARATION OF OFFICIAL
INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE
PROCEEDS OF TAX-EXEMPT BONDS; 2. CONSIDER RESOLUTION ACCEPTING
BID (AWARD CONTRACT):**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Pleasant Avenue / North 5th Street Reconstruction Project Z28. 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.

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Bids were received, opened and read on April 16, 2014 from:

Kuechle Underground, Inc. Kimball, Minnesota \$653,113.75	D & G Excavating, Inc. Marshall, Minnesota \$666,308.00	R & G Construction, Co. Marshall, Minnesota \$666,688.70
Sherbrooke Turf, Inc. Pelican Rapids, Minnesota \$678,166.25	Thorstad Companies Chokio, Minnesota \$722,410.25	

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4015, SECOND SERIES which provides for Declaring of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Z28: Pleasant Avenue / North 5th Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4016, SECOND SERIES, which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with Kuechle Underground, Inc. of Kimball, Minnesota, in the amount of \$653,113.75 for Project Z28: Pleasant Avenue / North 5th Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

AWARD OF QUOTATIONS FOR PORTABLE RESTROOMS SUPPLY AND MAINTENANCE AT VARIOUS LOCATIONS:

Proposals were received on April 15, 2014 for providing portable restrooms and cleaning for various locations in the city of Marshall from:

Location	Southwest Sanitation, Inc. Marshall, Minnesota	Laleman Septic & Drain Ghent, Minnesota
Weekly Rates:		
Liberty Park (May 5 – September 29)	\$41.33	\$65.00
Legion Field Softball Fields (May 19 – September 29)	\$39.99	\$65.00
Patriot Park (formerly Windstar Park) (May 19 – September 29)	\$45.09	\$65.00
Victory Park (formerly Wayside Park) (May 19 – September 29)	\$40.23	\$65.00
Daily Rates:		
Day Rate/Unit for Special Events	\$27.50	\$80.00

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Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the quotations for Portable Restrooms supply and maintenance services to Southwest Sanitation, Inc. of Marshall, Minnesota for the period of May 5, 2014 to September 29, 2014'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

AWARD OF QUOTATIONS FOR SEPTIC TANK PUMPING AT THE SOFTBALL COMPLEX:

Proposals were received on April 15, 2014 for providing for pumping and dumping of the softball complex septic tanks from:

Laleman Septic & Drain
Ghent, Minnesota
\$85.00 per tank per dump

Enviro Pump Plus
Balaton, Minnesota
\$125.00 per tank per dump

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council award the quotations to Laleman Septic & Drain of Ghent, Minnesota, for pumping and dumping of the softball complex septic tanks in the amount of \$85.00 per tank per dump'. 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 'that the council approve the following consent agenda items as presented'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use on July 14, 2014 at Independence Park, 1200 East Lyon Street, Marshall, Minnesota.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 88581 through 88801.

APPROVE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN CITY OF MARSHALL AND MINNESOTA MUNICIPAL UTILITIES ASSOCIATES (MMUA) REGARDING TRAINING FACILITIES LOCATED NEAR MERIT CENTER:

The City of Marshall and Minnesota Municipal Utilities Associates (MMUA) entered into a 20 year lease dated October 1, 1999. MMUA provides training facilities and training opportunities for public utility employees. MMUA has been leasing property in the MERIT Center area since 1999. The original lease contained a concept plan for future training facilities and opportunities. A concept plan (Exhibit B1) was attached to the original 1999 lease. The proposed amendment to said lease does authorize MMUA to conduct training on the additional property. The additional property will allow for additional training opportunities. The First Amendment to the lease does authorize the City of Marshall to terminate some or all of the additional leased property if the additional property is needed by the City for some other public purpose. Staff believes that the terms of the lease amendment are acceptable and provide benefits to both landlord and tenant.

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Council Member Boedigheimer indicated that the rent for the original lease was \$10.00 per year or portion of a year. The First Amendment provides for additional land to be added to the original lease at no additional fee.

Council Member Bayerkohler asked how the original rent was determined. Boedigheimer indicated that the City thought that MMU would generate revenue from this property. Dennis Simpson, City Attorney, indicated that the City did not receive revenue on the land that was not being used. Bob Byrnes, Mayor, indicated that the business plan for the MERIT Center has expanded. Bayerkohler indicated that the agencies using this property should be required to pay their fair share. Ben Martig, City Administrator, indicated that he did not review the fees charged.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the First Amendment to Lease Agreement between City of Marshall and Minnesota Municipal Utilities Associates (MMUA) regarding training facilities located near MERIT Center be approved'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 - 1**

CONSIDER PURCHASE OF LIQUOR STORE "POINT OF SALE" SYSTEM WITH TOTAL REGISTER SYSTEMS (TRS):

Scott VanMoer, Liquor Store Manager, is requested to replace the existing Point of Sale System at the Liquor Store. This was not included in the budget for 2014 as originally the new construction was planned to be completed this year and to be included in the construction cost. VanMoer indicated that the current system is more than 10 years old and its manufacturer appears to be getting ready to stop offering software updates. If this happens there could be problems with the system. Scott indicated that installation in advance of the planned construction would be beneficial rather than waiting until after as it will provide a more seamless transition. Additionally, the upgrade will expand features and user functions as well as add additional credit/debit for each machine whereas now there is a shared machine. The liquor store has received complaints regarding the shared machine and causes significant customer delays. Again, the existing software is being transitioned out this year and will not be available for upgrades prior to the new store opening. Regardless, this will be a very beneficial upgrade for internal and customer service purposes.

Council Member Boedigheimer indicated that it wasn't unusual for businesses to use outdated software. He indicated that it would make more sense to wait to buy a new system until after the new liquor store is constructed.

Council Member Bayerkohler asked if he had received other proposals from other companies. Scott indicated that he is comfortable with the support he gets from Total Register Systems.

Member (**Mike Boedigheimer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **SUBSTITUTE** motion 'to not approve the Liquor Store Point of Sale System with Total Register Systems (TRS) in the amount of \$9,834.90'. Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **3**. The motion **Failed 3 - 3** with Bayerkohler, Hulsizer and Boedigheimer voting in favor of the motion and Conyers, Doom and Byrnes voting no.

PROJECT Z27: EAST MAIN STREET / SOUTHVIEW DRIVE SANITARY SEWER & WATERMAIN RECONSTRUCTION PROJECT – CONSIDER RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the East Main Street / Southview Drive Sanitary Sewer & Watermain Reconstruction Project No. Z27 provides for 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. This Feasibility Report as authorized by the City Council covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. Mn/DOT is reconstructing East Main Street from T.H. 23 to Southview Drive and doing a mill and overlay project from Southview Drive to College Drive in 2015. In order to prepare for their reconstruction/overlay project, it is necessary for the City to complete utility reconstruction prior to their major improvements. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4017, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Improvement for East Main Street / Southview Drive Sanitary Sewer and Watermain Reconstruction Project Z27 and setting the public hearing for 5:30 P.M. on May 13, 2014'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

CONSIDER APPROVAL OF A TELEPHONE SYSTEM FOR THE MUNICIPAL BUILDING:

Ben Martig, City Administrator, indicated that the phone system at City Hall is obsolete and does not provide good customer service to the public. The City Council approved a new telephone system in the 2014 budget.

On February 18, 2014 Ben, along with Cathy Lee, Doris Huber, Brian Hart (Computer Man) and Scott Walters (MMU) met with Fran’s Communications from Marshall, MN and SDN Communications from Sioux Falls, SD to review the following proposals for a new telephone system for City Hall.

Company	Cost of Telephone System	Annual Maintenance Cost	Service Call
Frans Communication	\$24,140.00	\$0	\$55.00 / hr.
SDN Communications	\$18,550.50	\$0	\$125.00 / hr.

On March 10, 2014 staff met with Brian Hart and Scott Walters to discuss the alternatives and decided that the best solution for the City of Marshall was to go with SDN Communications.

Staff also reviewed a telephone system Eventis from Plymouth, MN but they could not meet the City’s budget requirements.

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After consultation with MMU, Scott Walters, staff is recommending SDN Communications. MMU has utilized this telephone system since 2007. Scott is familiar with the telephone system and can do most of the troubleshooting. MMU has also been satisfied with this telephone system and indicated there have been very few issues with the telephone system.

In consultation with Scott, Ben recommended the City only consider a non-hosted system, that is, the system would reside on the City's server rather than on an external vendor server. The reason for this is that the City would control the server.

Selection of SDN Communications would provide the ability to share resources with MMU and Scott would be able to address minor issues that arise therefore lowering the service calls.

The shared use of the telephone system is a substantial operating cost savings. This is another example of the returns on investment from the shared dark fiber network that was initiated many years ago. The phone system will likely be added to the annual partnership agreement with MMU. Those details will be getting worked on this year.

Council Member Bayerkohler asked what type of system the County has.

Council Member Boedigheimer was not sure the City should move forward with a new phone system until a decision has been made on whether or not to remodel the Municipal Building.

Member (**Mike Boedigheimer**) moved, Member (**Jennie Hulsizer**) seconded to approve the **SUBSTITUTE** motion 'to not award the bid for the new phone system for City Hall as recommended'. Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **3**. The motion **Failed 3 – 3** with Bayerkohler, Hulsizer and Boedigheimer voting in favor of the motion and Conyers, Doom and Byrnes voting no.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **SUBSTITUTE** motion 'to table the recommendation for a new telephone system for City Hall to the next regular Council meeting'. Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **3**. The motion **Failed 3 – 3** with Conyers, Doom and Byrnes voting in favor of the motion and Bayerkohler, Hulsizer and Boedigheimer voting no.

CONSIDER APPROVAL OF FINANCIAL ANALYSIS REPORT WITH SPRINGSTED FOR MERIT AND SPORTS CENTER PROJECTS:

Ben Martig, City Administrator, indicated that he and Thomas M. Meulebroeck, Finance Director/City Clerk, are recommending the Financial Analysis Report with Springsted for the MERIT and Sports Center Projects. This analysis is required as part of the City's diligence in preparing for bond issuance this spring. City staff does not have time to complete all the work and this assistance will allow work to proceed in a timely manner. Additionally, there is benefit in our financial advisors in assisting in an independent review for this complex project as it relates to the interrelationship of financing for both projects.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'the approval for Springsted's to prepare a Financial Analysis Report for the MERIT and Sports Center projects'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

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COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes Regional Development Commission met – they reviewed the proposed budget for the fiscal year that begins on July 1, 2014; Transportation Committee of the Regional Development Commission met and reviewed the 2018 Federal funded projects for the entire region.

Hulsizer Library Board – Hulsizer attended a meeting in Minneapolis on the Plum Creek Library System; Police Advisory Board finalized the Detective Position; Marshall Area Transit Committee did not meet in April.

Doom No report.

Bayerkohler Housing Commission and Planning Commission needs new members

Boedigheimer Ways and Means Committee and Legislative and Ordinance Committee have meetings scheduled.

Conyers No report.

COUNCILMEMBERS INDIVIDUAL ITEMS:

Council Member Hulsizer asked Council Bayerkohler to comment on the Municipal Building Committee and what his justification was to vote against the new software for the Liquor Store. Bayerkohler indicated that the Municipal Building Committee is making progress but the room sizes and location is not finalized. He is requesting that they get an estimate and compare it to the cost of a new building. Bayerkohler wants staff to request bids from other vendors for the software for the Liquor Store.

Council Member Boedigheimer asked about the large tree on East College Drive with an X and what the time line is to have this removed. Glenn Olson, Director of Public Works/City Engineer, indicated that if the tree is on the boulevard it would be the City's responsibility to remove, but if it is on private property, then the property owner would be responsible.

Council Member Boedigheimer was concerned with the reconstruction project on Donita Street between South 4th Street and South 2nd Street and in particular with the 100 block of Donita having low spots. Mr. Olson indicated that this could be caused by several issues.

Council Member Conyers was concerned with the amount of time that trains have been blocking intersections.

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STAFF REPORTS:

Ben Martig, City Administrator, indicated that the first architect s draft of the City Hall was presented to the City Hall Committee and was reviewed with City Hall employees. He indicated that further design work on the project can be bid out. TSP will start the process on cost estimating. Ben indicated that if staff moves to a different location during the remodel process the fiber network might not be available. Work is continuing on the MERIT Center project.

Glenn Olson, Director of Public Safety/City Engineer, indicated that projects will be staring soon. Glen indicated that he attended the MN Airports Conference in Bemidji where Congressmen Peterson spoke. He indicated that the next phase of the Airport Master Plan is critical to new development.

Bill Ziegenhagen asked about the MN/DOT project on North Highway 59. Mr. Olson indicated that this was scheduled for 2015. Glenn indicated that there will be a joint meeting to discuss the Pedestrian Overpass at the intersection of Saratoga Street and Highway 23.

Dennis Simpson, City Attorney, indicated that the railroad street blocking issue is statewide. The City of Benson and St. Charles have sited the railroad for blocking streets. He continues to work on construction project contracts and MOU between the City and Marshall Public School for property by the high school.

PENDING ITEMS:

There were no questions on the pending items list.

INFORMATION ONLY:

There were no questions on the information items.

DETERMINATION TO GO INTO CLOSED SESSION PURUSANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACTS:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to approve entering closed session pursuant to Minnesota Statute 13D.03 Related to Union Contracts'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Mayor Byrnes called for a 5-minute recess at 7:10 P.M.

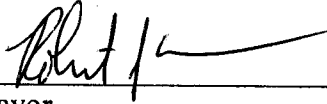
The Council went into closed session at 7:15 P.M. to pursuant to Minnesota Statute 13D.03 related to Union Contracts. Those present at the closed session included: Byrnes, Hulsizer, Doom, Bayerkohler, Boedigheimer and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Finance Director/City Clerk. The Council came out of closed session at 7:22 P.M.

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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