

REGULAR MEETING – MAY 13, 2014

The regular meeting of the Common Council of the City of Marshall was held on May 13, 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, Mike Boedigheimer and Ellayne Conyers Absent: Glenn Bayerkohler and John DeCramer. 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; Nate Ellis, Intern; 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 of the council that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES FROM THE LOCAL BOARD OF APPEAL AND EQUALIZATION HELD ON APRIL 7, 2014 AND ON APRIL 22, 2014; AND THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 22, 2014:

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the minutes of the Local Board of Appeal and Equalization held on April 7, 2014 and on April 22, 2014 and the minutes of the Regular Meeting held on April 22, 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: **5** Nay: **0**. The motion **Carried 5 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the following consent agenda items be approved as presented'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

The approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use at Legion Field from May 15, 2014 to September 15, 2014 at a fee of \$200.00.

The approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use at the Softball Complex from May 15, 2014 to September 15, 2014 at a fee of \$200.00.

That the Special Vehicle Permit fee of \$35.00 per permit be waived for the two Special Vehicle Permits that have been approved by Director of Public Safety, Rob Yant for Morningside Heights Care Center.

Authorization be granted for the street closure for the Southwest Minnesota State University Homecoming Day Parade on Saturday, October 11, 2014. Line up would begin at 10:00 a.m., with the parade starting at 11:00 a.m. and ending at approximately 12:30 p.m. Line up would begin at Jewett Street and East Lyon Street to Bruce Street and beginning there, proceeding to East Main Street (T.H. 59) northwest to downtown Marshall and ending at 5th and 6th Streets upon the approval of MN/DOT.

That the Parks Department 1999 ROLN Trailer with ramp 5' x 7' unit be declared surplus.

That the proper City personnel be authorized to enter into an Amendment Lease with the State of Minnesota for Motorcycle Training to expire on June 30, 2017. The proposed location for the motorcycle training is at the junction of Brussels Court and Vienna Circle in the City of Marshall.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 88802 through 89009.

PROJECT Y62 / S.A.P. 139-111-005: T.H. 23 / SOUTH SARATOGA STREET REDUCED CONFLICT INTERSECTION AND PEDESTRIAN OVERPASS PROJECT – 1. CONSIDER APPROVAL OF THE PRELIMINARY CONCEPT DESIGN; AND 2. CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y62 / S.A.P. 139-111-005 T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project. This safety improvement project will provide a pedestrian/bicycle grade separation over T.H. 23, prevent vehicle traffic from a direct crossing of T.H. 23, and provide J turn access on T.H. 23 for northbound and southbound Saratoga Street traffic. The intent of the project is to reduce the conflicts that presently exist between through traffic on T.H. 23 and cross traffic on Saratoga Street and to improve safety at the intersection. This intersection is a significant safety concern for the State, the Minnesota Department of Transportation (Mn/DOT) District, and the local community. The pedestrian overpass and trail portion of the project will construct a pedestrian and bicycle overpass of T.H. 23. A trail leading up to the overpass will also need to be constructed from Southview Drive to Genesis Avenue. Lastly, Saratoga from the Mn/DOT right-of-way to Southview Drive will be reconstructed.

Mr. Olson stated that the study and planning process for this intersection started before 2006. The City considered options ranging from traffic signals at the intersection to an interchange or a vehicle overpass. The reduced conflict intersection/pedestrian overpass plan ended up being the most feasible option.

David Bero, 302 East Thomas, presented a petition opposing the project. He indicated that those signing the petition did not think that the reduced conflict intersection would work to prevent crashes. Lowering the speed limit on Highway 23 in town would be more effective.

Victoria Hahn, 503 Hawthorn Drive, indicated that the j-turn will affect their property value due to vehicle head lights shining in her residence and suggested that grates on the road would be a better way to slow the traffic down.

Gabriel Ariasola, 501 Hawthorn, was concerned that this j-turn would not be used properly. He indicated that this works in a low traffic area, but not a high traffic area.

Mayor Byrnes asked about the location of the j-turn. Mr. Olson indicated that the distance of the j-turn is minimized to reduce the cost, but that it can be lengthened, but there will be a sweep no matter where the j-turn is located. Mr. Olson will check with other communities and suggested that trees be planted to act as a buffer for the property owners along this area.

REGULAR MEETING – MAY 13, 2014

David Sturrock, 1142, David Drive, asked about an underpass at this location. Mr. Olson indicated that an underpass was not an option at this location.

Other comments included:

Not receiving notice of this project sooner.

An issue with privacy for the homes along this area.

A decrease in property values.

The possibility of more crashes caused by drivers trying to dart into the new turn lanes at the last minute.

Mr. Olson indicated that he had not considered the issue of headlights, but suggested planting trees to block headlight beams. He also indicated that drivers darting into turn lanes may be less of an issue than now.

Cal Brink, of the Marshall Area Transportation Group, spoke in favor of the project. He indicated that the group had already discussed about 99% of these questions and issues with MN/DOT.

Council Member Doom and Conyers spoke in favor of this project.

Mr. Olson indicated that the plans and specs for this project could take 2 to 3 months and that bids would possibly be received at the end of the year for 2015 construction.

Member (**Mike Boedigheimer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to approve the preliminary concept design for Project Y62 / S.A.P. 139-111-005: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **NEW** motion 'to adopt RESOLUTION NUMBER 4018, SECOND SERIES, which is the "Resolution Ordering Preparation of Report on Improvement" for Project Y62 / S.A.P. 139-111-005: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

VACATION OF MARKET STREET FROM SERVICE DRIVE TO MCLAUGHLIN DRIVE – CONSIDER RECEIPT OF PETITION TO VACATE AND ORDER HEARING ON PETITION:

Glenn Olson, Director of Public Works/City Engineer, indicated that a request for petition for the vacation of Market Street from Service Drive to McLaughlin Drive was submitted from, RT Properties of Marshall, MN and ALL, LLC, the owners of all of the abutting properties of the section of street proposed to be vacated. The petition further requests that the vacated street be transferred in its entirety to the Mike's Café property. The purpose of the vacation is for the elimination of the public street and allowing the adjacent property owner to expand and improve his private parking lot. The property owners to the west have no connection to or benefit from

the street. All property owners in the area have existing access from one or more streets other than the street requesting to be vacated.

Member **(Larry Doom)** moved, Member **(Mike Boedigheimer)** seconded to approve the **ORIGINAL** motion 'that the Council acknowledge receipt of the petition from RT Properties of Marshall, MN and ALL, LLC to vacate all the real property abutting the street on Market Street between Service Drive and McLaughlin Drive, order the petition to be filed for record with the City Administrator, order hearing on such petition, and set the hearing date for May 27, 2014'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

MEMORIAL PARK/PHASE III/WAR MEMORIAL AGREEMENT WITH ERNST ASSOCIATES:

Harry Weilage, Director of Community Services, indicated that the City has been approached by the Bill Versaevel family with the intention of finalizing Memorial Park with a veteran's recognition. Glenn Olson, Harry Weilage, Marc Klaith and Quentin Brunsvold met with the Versaevel family to review and discuss the project in relation to the existing Memorial. The City has worked with Ernst Associates to design and develop concepts for the Veterans project. The intent is to have this available for public review and comment during the Vietnam War Memorial event at Independence in July.

Member **(Larry Doom)** moved, Member **(Mike Boedigheimer)** seconded to approve the **ORIGINAL** motion 'that the proper city personnel be authorized to enter into an agreement with Ernst Associates to design and develop concepts for the Veterans Project for the Memorial Park/Phase III/War Memorial'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

CONSIDER ENTERING INTO PROFESSIONAL SERVICES AGREEMENT WITH TKDA FOR AIRPORT PROPERTY MASTER PLAN AND BUSINESS PLAN DEVELOPMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Professional Services Agreement with TKDA for Airport Property Master Plan and Business Plan Development. This agreement would authorize TKDA to provide professional services for the Airport Property Master Plan and Business Plan Development at the Airport, pursuant to the Professional Agreement dated February 10, 2009. The City has received a notice of "Airport Project Prioritized for State Fiscal Year (SFY) 2015 Funding" for this project. This project has been programmed for federal funding utilizing federal AIP funds submitted by TKDA to the FAA on February 13, 2014. Therefore, the City will not be requesting state funding from the Mn/DOT Office of Aeronautics for this project. The City will be requesting a federal grant and provide the professional service agreement for these services. Authorization of this agreement would be subject to receipt of federal funding utilizing federal AIP funds.

Member **(Mike Boedigheimer)** moved, Member **(Larry Doom)** seconded to approve the **ORIGINAL** motion 'that the Council authorize execution of Professional Services Agreement with TKDA for Airport Property Master Plan and Business Plan Development in an amount not to exceed \$92,000.00, subject to receipt of federal funding utilizing federal Airport Improvement

REGULAR MEETING – MAY 13, 2014

Project (AIP) funds'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion Carried **5 - 0**

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 reviewed their budget; SW MN Amateur Sports Center is working on financing, marketing schedule and design.
- Hulsizer Library Board continues to work on mediation between the Library and Plum Creek. They also approved the effective date of the wage increase to be effective June 30, 2014.
- Doom Personnel Committee reviewed the benefit package and wage scale for part time employees.
- Boedigheimer Ways and Means Committee discussed Fire Department Scholarships; Legislative and Ordinance Committee discussed the ordinance on building exteriors; Airport Commission items were acted on earlier in the meeting and the MERIT Center Commission will have a meeting on May 15, 2014.
- Conyers Community Services Advisory Board reviewed various programs and received a report on the Green Space.

COUNCILMEMBERS INDIVIDUAL ITEMS:

Thursdays on Third will resume this summer. The two large trees on East College Drive that Boedigheimer asked about the last meeting have been removed by MN/DOT. SMSU Graduation was held on May 10th. Bicycle Safety Day will be held on May 19th at the YMCA.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that there will be a ground breaking for a Habitat house on South 1st Street. The City Hall Committee received a report from ESG by Honeywell in regard to the energy study and they also provided a proposed layout of City Hall along with an estimate of 5.3 million. There will be a Council work session on June 3rd. State bonding continues to look favorable for the Amateur Sports Center but not the MERIT Center. Bids for the Softball Fields will be opened on May 15th.

Mr. Martig introduced his new intern Nate Ellis.

Glenn Olson, Director of Public Works/City Engineer indicated that there was a gas leak at the project being worked on by the Street Department and West Side School was locked down because of this. Staff will review this project.

Dennis Simpson, City Attorney, indicated he met with Cal Brink on the consolidation of the CVB and Chamber. He discussed building code enforcement issues with the Engineer

REGULAR MEETING – MAY 13, 2014

Department and continues to work on gun permits – conceal and carry permits for the Police Department.

PENDING ITEMS:

There were no questions on the pending items list.

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.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to close the meeting for purposes of discussion of property acquisition for 110 8th Street'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

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

The Council went into closed session at 7:22 P.M. pursuant to Minnesota Statute 13D.5 Subd. 3(C)(1) to establish pricing related to discussion of real property acquisition. Those present at the closed session included: Byrnes, Conyers, Boedigheimer, Doom and Hulsizer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Nate Ellis, Intern; and Thomas M. Meulebroeck, Finance Director/City Clerk. The Council came out of closed session at 7:51 P.M.

CALL FOR A PUBLIC HEARING FOR PRIVATE USE OF PUBLIC STREETS FOR REINHART FOODS FOR A TRUCK RODEO EVENT:

A representative from Reinhart Foods was in attendance at the meeting and indicated that the Council was to conduct a public hearing on their request for a Truck Rodeo Event.

Member (**Larry Doom**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'that the request to call for a public hearing for private use of public streets for Reinhart Foods for a Truck Rodeo Event be added to agenda'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'approval to call for a public hearing to be held on May 27, 2014 to consider the Private Use of Public Streets for Reinhart Foods for a Truck Rodeo Event '. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

RESCHEDULE A PUBLIC HEARING ON PROJECT Z27: EAST MAIN STREET/SOUTHVIEW DRIVE SANITARY SEWER AND WATERMAIN RECONSTRUCTION PROJECT:

Notice was given to the public regarding a public hearing for Project Z27: East Main Street/Southview Drive Sanitary Sewer and Watermain Reconstruction Project to be held on Tuesday, May 13, 2014 at the City Council Meeting in the Professional Development Room of the Marshall Middle School. This item was not included on the agenda.

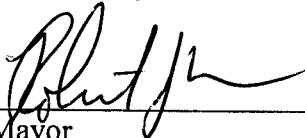
Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to reschedule a Public Hearing on Project Z27 East Main Street/Southview Drive Sanitary Sewer and Watermain Reconstruction Project be added to agenda'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4019, SECOND SERIES, which is a Resolution Amending Resolution Number 4017, Second Series Rescheduling the Public Hearing on Improvement for Project Z27 East Main Street/Southview Drive Sanitary Sewer and Watermain Reconstruction Project for 5:30 P.M. on May 27, 2014 '. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried 5 - 0**

UPCOMING MEETINGS:

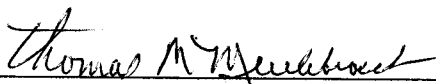
There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk