

REGULAR MEETING – MAY 27, 2014

The regular meeting of the Common Council of the City of Marshall was held on May 27, 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: Jennie Hulsizer, Larry Doom, Glenn Bayerkohler, John DeCramer, Mike Boedigheimer and Ellayne Conyers Absent: none. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Shane Waterman, Assistant City Engineer; Rob Yant, Director of Public Safety; Ilya Gutman, Building Official; Nate Ellis, Intern; Cal; Brink, CEO Marshall Area Chamber of Commerce; 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 OF THE REGULAR MEETING HELD ON MAY 13, 2014:

Member (Larry Doom) moved, Member (Ellayne Conyers) seconded to approve the ORIGINAL motion 'that the minutes of the regular meeting held on May 13, 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 Abstain: 1. The motion Passed 6 – 0 – 1 with Bayerkohler abstaining.

PUBLIC HEARING - PRIVATE USE OF PUBLIC STREETS FROM REINHART FOODSERVICE FOR CLOSURE OF FAIRVIEW STREET FOR A TRUCK RODEO EVENT ON MAY 31, 2014 – 1. PUBLIC HEARING; 2. APPROVAL OF APPLICATION FOR PRIVATE USE OF PUBLIC STREETS:

This was the date and time set for a public hearing on the request for Private Use of Streets from Reinhart Foodservice for the closure of Fairview Street. Shane Waterman, Assistant City Engineer, reviewed the request from Reinhart Foodservice (Reinhart) requesting street closure for a company truck rodeo event proposed from 9:00 a.m. to 3:00 p.m. on Saturday, May 31, 2014. The purpose of the closure is to enable Reinhart to provide an employee competition and fun event utilizing the private property and a portion of the street for a track for Reinhart's equipment rodeo. The street closure does not include Mn/DOT right-of-way. Alter Metal Recycling is not open for business on Saturdays, including the date of this event. Reinhart is responsible for all traffic control as required by the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD). Reinhart is also responsible for personally contacting adjacent businesses informing them of the closure. The City will supply any traffic control devices that may be available for the closure. Any additional traffic control devices not supplied by the City will be the responsibility of the applicant. The City will supply these devices to the site on Friday, May 30, 2014. It will be up to the applicant to set them up and take them down appropriately on Saturday, May 31, 2014. The City will pick them up on the following Monday, June 2, 2014. In discussion with Director of Public Safety Rob Yant, he expressed concerns with closing the street because of previous discussions with Burlington Northern blocking Fairview Street with their trains.

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Rob Yant was in attendance at the meeting and indicated that this request is different from unannounced blockages of Fairview Street by the Burlington Northern Railroad in that this request is a scheduled closure coordinated with the City and advance notice provided.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council approves the closure of West Fairview Street from just east of True Value's north driveway to just west of the Burlington Northern Railroad tracks from 9:00 a.m. to 3:00 p.m. on Saturday, May 31, 2014 '. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

**PUBLIC HEARING - PROJECT Z27: EAST MAIN STREET / SOUTHVIEW DRIVE
SANITARY SEWER & WATERMAIN RECONSTRUCTION PROJECT – 1.
RESCHEDULED PUBLIC HEARING ON IMPROVEMENT; 2. RESOLUTION
ORDERING IMPROVEMENT AND PREPARATION OF PLANS; 3. RESOLUTION
APPROVING PLANS AND SPECIFICATIONS ORDERING ADVERTISEMENT FOR
BIDS:**

This was the date and time set for a public hearing on East Main Street / Southview Drive Sanitary Sewer and Watermain Reconstruction Project Z27. Shane Waterman, Assistant City Engineer, indicated that 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. A public informational meeting was held on May 6, 2014 at 5:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance.

Elizabeth DeVos, 512 East Main Street, asked if her property was part of the project. Mr. Waterman indicated that her property would not be affected by this project.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on improvement for Project Z27: East Main Street / Southview Drive Sanitary Sewer & Watermain Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4020, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans for Project Z27: East Main Street / Southview Drive Sanitary Sewer & Watermain Reconstruction Project'. 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 adopt RESOLUTION NUMBER 4021, SECOND SERIES, which is the Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Z27: East Main Street / Southview Drive Sanitary Sewer & Watermain Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PETITION FOR VACATION OF MARKET STREET FROM SERVICE DRIVE TO MCLAUGHLIN DRIVE – 1. PUBLIC HEARING ON PETITION; 2. CONSIDER RESOLUTION GRANTING A PETITION FOR VACATION OF A STREET:

This was the date and time set for a public hearing for the Vacation of Market Street from Service Drive to McLaughlin Drive. Shane Waterman, Assistant City Engineer, indicated that a request for petition for vacation of Market Street from Service Drive to McLaughlin Drive was submitted from 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. This street is a portion of a proposed street reconstruction project. The owner of Mike's Café may request some improvements to the street prior to vacation with the improvements placed on a special assessment to his property. The City should require a written agreement with that owner for any improvements prior to work being done prior to the vacation.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4022, SECOND SERIES, which is the Resolution Granting a Petition for Vacation of a Street, the vacation of Market Street from Service Drive to McLaughlin Drive, subject to agreement for any improvements'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

AWARD OF BIDS - CRACK FILLING & SEALING (PARKING LOTS, APRON AREAS, RUNWAYS) – 1. RESOLUTION AUTHORIZING EXECUTION OF THE MN/DOT GRANT AGREEMENT NO. 06146 (A4201-95); 2. AWARD OF PROPOSAL:

Proposals were received on May 19, 2014 for Crack Fill and Seal Pavement (Parking Lots, Apron & Runway Areas) at the Airport from:

Bargen Inc.,
Mountain Lake, Minnesota
\$2.98 per pound

Fahrner Asphalt Sealers LLC
Eau Claire, Wisconsin
\$2.69 per pound

Finn Ice
Litchfield, Minnesota
\$1.52 per pound

R H Sealcoating & Asphalt
Russell, Minnesota
\$2.43 per pound

Shane Waterman, Assistant City Engineer, indicated that staff received notification from Mn/DOT-Aeronautics participation for this project will be 80% State (\$32,000.00) and 20% local (\$8,000.00), rather than 70% State and 30% Local participation anticipated, a difference of \$4,000.00 savings for the City.

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Member **(Mike Boedigheimer)** moved, Member **(John DeCramer)** seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4023, SECOND SERIES, which is the Resolution Authorizing Execution of the Mn/DOT Grant Agreement No. 06146 (A4201-95) for Crack Fill and Seal Pavement (Parking Lots, Apron & Runway Areas) at the Southwest Minnesota Regional Airport for project costs not to exceed \$40,000.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member **(John DeCramer)** moved, Member **(Mike Boedigheimer)** seconded to approve the **NEW** motion 'that the Council award the proposal for the project to Finn Ice of Litchfield, Minnesota in the amount of \$1.52/pound for Crack Fill and Seal Pavement (Parking Lots, Apron and Runway Areas) at the Southwest Minnesota Regional Airport for project costs not to exceed \$40,000.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

AWARD OF BIDS - SMASC BALLFIELDS & CONCESSIONS FOUNDATION-PHASE 1 -- 1. CONSIDER REJECTION OF BIDS; 2. AUTHORIZATION TO REBID:

Bids were received, opened and read for the SMASC Ballfields and Concessions Foundation – Phase 1 from:

Contract #0330 Cast In Place Concrete
Bladholm Construction Inc., Marshall, MN
Base Bid \$318,317.00
Alternate #1 NA
Alternate #2 NA
Alternate #3 NA
Total \$318,317.00

Contract #2600 Electrical
Meier Electric Inc., Marshall, MN
Base Bid \$159,317.00
Alternate #1 NA
Alternate #2 NA
Alternate #3 \$29,740.00
Total \$189,210.00

Contract #3100 Earthwork/Site Utilities
KHC Construction Inc.
Marshall, Minnesota
Base Bid \$2,047,000.00
Alternate #1 NA
Alternate #2 NA
Alternate #3 NA
Total \$2,047,000.00

Contract #3232 Segmental Retaining Walls
No Bid

Contract #3131 Fencing
American Fence Company
Sioux Falls, South Dakota
Base Bid \$203,527.00
Alternate #1 \$64,042.00
Alternate #2 NA
Alternate #3 NA
Total \$267,569.00

Contract #3131 Fencing
Century Fence Company
Forest Lake, Minnesota
Base Bid \$226,988.00
Alternate #1 \$61,515.00
Alternate #2 NA
Alternate #3 NA
Total \$288,503.00

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Contract #3280 Irrigation Systems
 Peterson Companies, Inc.
 Chisago City, Minnesota
 Base Bid \$468,000.00
 Alternate #1 NA
 Alternate #2 \$28,000.00
 Alternate #3 NA
 Total \$496,000.00

Contract #3280 Irrigation Systems
 KHC Construction, Inc.
 Marshall, Minnesota
 Base Bid \$567,000.00
 Alternate #1 NA
 Alternate #2 \$10,000.00
 Alternate #3 NA
 Total \$577,000.00

Contract #3290 Landscaping
 Forever Green Landscape & Design Inc.
 Russell, Minnesota
 Base Bid \$56,000.00
 Alternate #1 NA
 Alternate #2 NA
 Alternate #3 NA
 Total \$56,000.00

Contract #3290 Landscaping
 Peterson Companies, Inc.
 Chisago City, Minnesota
 Base Bid \$135,300.00
 Alternate #1 NA
 Alternate #2 NA
 Alternate #3 NA
 Total \$135,300.00

Combined Contract Bid for Contracts #3100 Earthwork/Site Utilities & #3280 Irrigation Systems
 KHC Construction, Inc.
 Marshall, Minnesota
 Base Bid \$2,597,000.00
 Alternate #1 NA
 Alternate #2 NA
 Alternate #3 NA
 Total Bid \$2,597,000.00

Bossardt Corporation Senior Project Manager Todd Iverson, is recommending that these bids be rejected and re-bid on June 19, 2014. Having a longer bid window might help the process. Council Member Bayerkohler was concerned about the possibility of the new bids coming in higher than expected. He asked if there were items that could be cut back if funding fell short. He indicated that the ice arena is a higher priority than the ball fields.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council reject all bids for the SMRASC Ballfields and Concessions Foundation Phase 1'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Boedigheimer voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council authorize to rebid the SMRASC Ballfields and Concessions Foundation Phase 1'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **3**. The motion **Passed 4 - 3** with Conyers, DeCramer, Doom and Byrnes voting yes; and Bayerkohler, Hulsizer and Boedigheimer voting no.

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CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**John DeCramer**) moved, Member (**Larry Doom**) 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: 7 Nay: 0. The motion **Carried 7 - 0**

The approval of the Access and Landing Agreement between the City of Marshall and Marshall Municipal Utilities to enter into the MERIT Center at 1001 Erie Road, Marshall, MN 56258 for purposes of extending its fiber optic facilities into the building for public purposes which includes those unique to the building. This would also allow employees to enter the building for purposes of maintaining, replacing, extending, removing or repairing said facilities, during normal business hours Monday through Friday.

That 19 old light fixtures from the Aquatic Center be declared as surplus property.

The approval of the Fire Department Scholarship Trust Fund Administrative Policy. This procedure details a step-by-step process and timeline for City staff to administer the scholarship process. This document was provided to the Ways and Means Committee for review purposes, but does not require Council approval. Since 2009, 14 scholarships have been awarded totaling \$3,450.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 89010 through 89238.

APPROVAL OF ITEMS PULLED FROM CONSENT:

CONSIDER LODGING TAX AUDIT WITH ABDO, EICK & MEYERS, LLP:

Council Member Bayerkohler asked what the extent of the audit would be and he wanted to know if the audit would include the Marshall Visitors and Convention Bureau (CVB) Financial Statements.

Ben Martig, City Administrator, indicated the purpose of the audit would be to ensure the lodging operators are appropriately paying the taxes. The City is responsible for collection and enforcement. This type of audit is common in other cities that have similar lodging taxes collected by the City. With a transition of the CVB and relatively new lodging tax implemented by the City the timing is appropriate to do so.

Council Member Boedigheimer indicated that the CVB was reorganized as of January 1, 2014 and suggested there be an audit of the prior CVB.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve a lodging tax audit with Abdo, Eick & Meyers, LLP for the Marshall Visitors and Convention Bureau'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL FOR THE MERIT COMMISSION TO PAY MATTHEW LANGER TO CONDUCT STRATEGIC PLANNING FOR THE COMMISSION:

The City of Marshall hired the Interact Company to develop a business plan for the facility in 2006/2007. However members of the Commission thought it is time to refresh the plan. Six regional people who did strategic planning were identified and considered for this. The Commission has identified Matthew Langer as their recommendation to conduct the Strategic Planning. His primary job is as the Lieutenant Colonel - Assistant Chief of the Minnesota State Patrol. His experience is particularly unique because he was one of the people primarily involved in the build out of the Public Safety Training venues at Camp Ripley, including the driving track. Commission members strongly believed this will help them and the facility in better preparing for the future. New Commissioner Ron Woods was very supportive of this as it is something he had done in different organizations that he was involved with. This is intended to be a one day all day session with a second day possibly added if needed.

Council Member Bayerkohler indicated that none of the 22 counties in southwest Minnesota and none of the communities in those counties, other than the City of Marshall, that are being served by the MERIT Center provide financial assistance to the Center. He indicated that we were told that the justification for City of Marshall taxpayers providing the financial assistance for the Center was that there would be substantial economic benefits to the City by locating the facility in the City of Marshall. Millions of dollars have been spent on the Center and millions more will be spent in the future. Bayerkohler indicated that he believes that before the City spends any more money on the Center, the City staff should be requested to provide the Council with an analysis showing the economic benefits that the City has received in past years because of the MERIT Center.

Ben Martig, City Administrator, indicated that staff could do an analysis on the economic benefit of the MERIT Center operations.

Member (**Glenn Bayerkohler**) moved, Member (**Jennie Hulsizer**) seconded to approve the **SUBSTITUTE** motion 'to table the request for Matthew Langer to conduct a Strategic Planning for the Commission to allow the Council additional time to review the information in the agenda packet and to allow the City staff additional time to provide the Council with the analysis of the economic benefits of the MERIT Center for prior years'.

Following additional discussion Council Member DeCramer called the question.

Upon a roll call vote being taken, the vote was: Aye: **2** Nay: **5**. The motion **Failed 2 - 5** with Bayerkohler and Hulsizer voting yes and Conyers, DeCramer, Doom, Boedigheimer and Byrnes voting no.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the MERIT Commission be approved to pay Matthew Langer to conduct Strategic Planning for the Commission'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **2**. The motion **Passed 5 - 2** with Bayerkohler and Hulsizer voting no.

FOGARTY SPORTS MURAL LETTER OF AGREEMENT WITH THREE LEGGED DOG, INC. (BUILDING OWNER):

As Marshall continues developing downtown Marshall as a vibrant, active center through art, the Marshall Mural Project, led by Marshall Area Fine Arts Council (MAFAC) is in the final stages of completing the third of three public arts murals. The Fogarty Arts Mural will be displayed on the side of the Varsity Pub building (owned by Three Legged Dog, Inc.) in time for the 2014 Sounds of Summer celebration. The artist agreement for this project was approved by Council in July 2013.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the proper City Personnel be authorized to enter into the Fogarty Sports Mural Letter of Agreement with Three Legged Dog, Inc., (building owner)'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed. 6 - 1** with Bayerkohler voting no.

WASTEWATER TREATMENT FACILITY IMPROVEMENTS – CONSIDER CHANGE ORDER NO. 2 WITH MAGNEY CONSTRUCTION CORPORATION:

Change Order No. 2 with Magney Construction of Chanhassen, Minnesota, for Wastewater Treatment Facility Improvements work that was necessary for repair to the facility after the original improvements were completed and found to be insufficient. Change Order No. 2 results in a decrease in the amount of \$9,054.00, including \$8,188.00 for repair work and \$866.00 for retesting by the testing contractor of failed welds. The final completion date remains at June 1, 2014.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 2 with Magney Construction of Chanhassen, Minnesota, resulting in a contract decrease in the amount of \$9,054.00 and a total contract amount of \$630,273.83 for the Wastewater Solids Contact Clarifier Project'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

MINNESOTA GREENSTEP CITIES MARSHALL PRESENTATION:

The City of Marshall has been designated as a GreenStep city and has hosted a GreenCorps representative, Melinda Kawalek, since the fall of 2013. Melinda has done a very good job educating Marshall Residents and Marshall has always been known as a clean city, but litter has been a growing problem. The GreenStep Committee representative Tom Hoff along with Melinda Kawalek provided the results of two litter studies: the first was more in-depth and analyzed the litter found during the April 10 litter clean-up in the lot between Pizza Ranch and Menards; and the second studied the smaller pieces of trash that were picked up as a part of the April 23rd Redwood River Clean-Up organized by SMSU Professor Emily Deaver. Mr. Hoff indicated that the most recent goal is to develop a Best Management Practice (BMP) to prevent the build-up of plastic bags and other materials that litter the fences, ditches and water ways in Marshall.

Mayor Byrnes called for a 5-minute recess at 7:09 P.M.

**CONSIDER RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF
GENERAL OBLIGATION BONDS SERIES 2014B AND 2014 C:**

Terri Heaton, Sprigsteds, indicated that the General Obligation Bonds Series 2014B will be used for construction of the MERIT and Sports Center projects; and the General Obligation Bonds Series 2014C will be used for construction of various infrastructure projects. Terri Heaton. The Ways and Means Committee have reviewed these two bond issues. Bayerkohler was concerned with bonding before the actual costs are known.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 4024, SECOND SERIES, which is a Resolution Providing for the Issuance and Sale of General Obligation Sales Tax Bonds 2014B'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 – 2** with Bayerkohler and Hulsizer voting no.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'to adopt RESOLUTION NUMBER 4025, SECOND SERIES, which is a Resolution Providing for the Issuance and Sale of General Obligation Bonds, Series 2014C'. 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: T.H. 23 / SOUTH SARATOGA STREET REDUCED
CONFLICT INTERSECTION AND PEDESTRIAN OVERPASS PROJECT –
CONSIDER RESOLUTION RECEIVING FEASIBILITY REPORT (PRELIMINARY
ENGINEERING REPORT) AND CALL FOR HEARING ON IMPROVEMENT:**

Shane Waterman, Assistant City Engineer, Reviewed Project Y62 / S.A.P. 139-111-005: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass. Shane indicated that 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 over 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 MnDOT right-of-way to Southview Drive will be reconstructed. The Feasibility Report (Preliminary Engineering Report) as authorized by the City Council and prepared by the City's consultant, SEH, Inc., covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint. The project is proposed to be funded from a \$3,500,000 Corridor Investment Management Strategy (CIMS) grant through the Mn/DOT, with the remaining portion anticipated to be funded with local funds. The Preliminary Engineering Report indicates the possibility of utilizing Municipal State Aid funding, but most likely will be funded from other sources.

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Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4026, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling for a Hearing on Project Y62 / S.A.P. 139-111-005: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass and setting the public hearing on improvement for June 10, 2014'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z29: DIVERSION CHANNEL/MAIN LIFT SANITARY SEWER INTERCEPTOR PROJECT - CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT:

Shane Waterman, Assistant City Engineer, reviewed Project Z29 Diversion Channel/Main Lift Sanitary Sewer Interceptor. This project consists of the reconstruction of the Diversion Channel / Main Lift interceptor sewer 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 requested by Marshall Municipal Utilities. 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. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4027, SECOND SERIES, which is the Resolution Receiving Feasibility Report and Calling Hearing on Project Z29 Diversion Channel/Main Lift Sanitary Sewer Interceptor Improvement and setting the public hearing on improvement for June 10, 2014'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CHAPTER 86, ARTICLE VI SUPPLEMENTAL REGULATIONS, DIVISION 4 PERFORMANCE STANDARDS ORDINANCE REVISIONS -- INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

Ben Martig, City Administrator, indicated that City Staff continues working on reviewing the City Zoning Ordinance. The Performance Standards had been reviewed by the Planning Commission and the L&O Committee and were brought up to the City Council for public hearing in October 2013. After some opposition, they were sent back to staff for additional work. The current version being presented has taken into account all specific comments ever made by the public or the City Council. It also has a few more simplifications and relaxations. In addition, many more comments have been added to explain the rationale and reason behind proposed changes. In some cases, the proposed language is less restrictive than existing even though the sections grew longer. The latest revision of the Appearance Ordinance has significantly reduced requirements for side and back building elevations. In addition the ordinance now allows the use of exposed fasteners in metal panels used on walls (except residential districts) and roofs. The

Legislative and Ordinance Committee met on March 26, 2014 and discussed these revisions. All specific comments made during that meeting have been incorporated into this version of the revisions. On May 6, 2014, the Legislative and Ordinance Committee met again and approved this revised ordinance.

Member (John DeCramer) moved, Member (Ellayne Conyers) seconded to approve the **ORIGINAL** motion 'that the Council introduce the Ordinance amending Chapter 86, Article VI Supplemental Regulations, Division 4 Performance Standards and call for public hearing to be held on June 10, 2014 with the proposed effective date for Section 86-260 Exterior Appearance Standards to be January 1, 2015 and all the rest of the proposed changes taking effect on July 1, 2014'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CHAPTER 86, ARTICLE VI SUPPLEMENTAL REGULATIONS, DIVISION 3 OFF-STREET PARKING AND OFF-STREET LOADING ORDINANCE REVISIONS -- INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

Ben Martig, City Administrator, indicated that City Staff continues working on reviewing the City Zoning Ordinance. Parking requirements revisions are currently under discussion. The parking issues have been brought up quite often to the City staff and many variances pertaining to parking reduction have been approved. The proposed changes are intended to address all parking problems and issues. The proposed changes have been researched and ordinances of all comparable cities have been analyzed. Most of the existing Marshall requirements have been reduced except some assembly uses will require more parking. In most cases, Marshall will be somewhere in the middle of the requirements of other comparable cities. Even though a lot of provisions have been added, most of them are either relaxations of existing language or just clarifications of unclear or incomplete existing provisions. These revisions were brought up to the Planning Commission twice and all their recommendations have been accommodated except one. At the end, they all voted in favor of the revised Ordinance but requested that home daycares be excluded from the parking requirements. The City staff still supports applying parking requirements to home daycares because existing double garage shall be sufficient to meet the requirements and that is how it was presented to the Legislative and Ordinance Committee. The Legislative and Ordinance Committee met on March 26, 2014 and discussed these revisions. All specific comments made during that meeting have been incorporated into this version of the revisions. In addition, requirements for several uses were further reduced. On May 6, 2014, the Legislative and Ordinance Committee met again and approved this revised.

Member (Glenn Bayerkohler) moved, Member (Larry Doom) seconded to approve the **ORIGINAL** motion 'that the Council introduce the Ordinance amending Chapter 86, Article VI Supplemental Regulations, Division 3 Off-Street Parking and Off-Street Loading and call for public hearing to be held on June 10, 2014 with the effective date of July 1, 2014'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z04/S.P. 139-090-004: 2013 BIKE TRAIL PROJECT (CLARICE AVENUE TO T.H. 19) -- 1. CONSIDER CHANGE ORDER NO. 1; 2. CONSIDER CHANGE ORDER NO. 2 (FINAL); 3. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 4:

Shane Waterman, Assistant City Engineer, reviewed Change Order No. 1 for Project Z04/S.P. 139-090-004: 2013 Bike Trail Project (Clarice Avenue to T.H. 19) resulting in a contract

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increase of \$875.00. This change order includes the extra work requested to furnish and install 500 SY of geotextile fabric on the project. Shane also reviewed Change Order No. 2 (Final) for this project resulting in a contract increase of \$8,227.82. This change order adjusts the final quantities for the project to the as-built quantities measured during construction for accounting purposes. The Final Pay Request No. 4, results in a credit in the amount of (\$5,830.41). The City has received check no. 63180 from D&G Excavating, Inc. in the amount of \$5,830.41. The credit results from an error on Pay Request No. 3 which resulted in an over payment on the bituminous pavement quantity. On Pay Request No. 3 the City over paid for 379.02 tons of bituminous material which was the total of bituminous material paid on Pay Request No. 2. The resultant over payment is in the amount of \$35,248.86. The error occurred during data entry into the software the City now uses for project management. The software requires data to be periodically entered during the month and the total quantity is accumulative until the next payment request is processed. However, the data entered between Request No. 2 and Request No. 3 included the total amount of bituminous placed on the project. The total quantity paid on Request No. 3 included both the quantity from Request No. 2 and the total for the project. Therefore, the quantity of bituminous material paved on the first segment of the project was counted and paid for twice during the payment requests issued in October and November of last year. City Staff didn't observe the error until after it prepared the preliminary Final Payment Request which was sent to D&G for review. Unfortunately, the over payment is an amount greater than the retainage held until final payment on the project. Further, D&G paid McLaughlin and Schulz, Inc. the full payment for the bituminous material as of Pay Request No.3. The City has advised D&G that this resultant overpayment to McLaughlin & Schulz, Inc. should be paid back to D&G to correct the project accounts for auditing purposes.

Member (**John DeCramer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 1 with D&G Excavating, Inc. resulting in a contract increase of \$875.00 and a total contract amount of \$267,682.25 for Project Z04/S.P. 139-090-004: 2013 Bike Trail Project (Clarice Avenue to T.H. 19)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council approve Change Order No. 2 (Final)) with D&G Excavating, Inc. resulting in a contract increase of \$8,227.82 and a total contract amount of \$275,910.07 for Project Z04/S.P. 139-090-004: 2013 Bike Trail Project (Clarice Avenue to T.H. 19)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council acknowledge Final Pay Request No. 4, which is a credit in the amount of (\$5,830.41) received by the City via D&G Excavating, Inc. Check No. 63180 for Project Z04/S.P. 139-090-004: 2013 Bike Trail Project (Clarice Avenue to T.H. 19)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY:

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest

Minnesota State University to use on August 15 - 16, 2014 at the RA Facility Parking Lot, 400 Mustang Trail, Marshall, Minnesota'. 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.

CONSIDER ACKNOWLEDGMENT OF A LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE 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 September 27, 2014, at SMSU, 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.

CONSIDER APPROVAL OF ALTERNATIVE IMPLEMENTATION DATES FOR UNION AND NON-UNION EMPLOYEE GENERAL WAGE INCREASES IN 2014 AND 2015:

Ben Martig, City Administrator, indicated that to aid in the efficient administration of payroll changes and in accordance with wage schedules approved by the City Council for all union and non-union employees, staff are recommending City Council's approval of alternative implementation dates for general wage increases. The City Council has previously approved union agreements and wage schedules for all City employees through December 31, 2015. In an effort to administer those pay changes efficiently, Staff are requesting that the pay changes be implemented at the beginning of the pay period immediately preceding the contract/wage schedule effective dates. If approved, the schedule would be implemented as follows: July 1, 2014-December 31, 2014 schedule to be implemented on June 30, 2014; January 1, 2015-June 30, 2015 schedule to be implemented on December 29, 2014; and July 1, 2015-December 31, 2015 schedule to be implemented on June 29, 2015.

Mr. Martig also indicated that the cost to implement the annual/semi annual pay adjustment for 2014 and 2015 at the beginning of a pay period, has been determined the cost for wages only for the one day to implement the 1% increase the beginning of a pay period(6-30-14) which includes the 7-1-14 is \$196.86. This amount includes all union and non-union employees for the City, Wastewater, Liquor and Library. If the same procedure is used for the previously approved 1-1-15 increase the implementation would be on 12-29-14 or for 3 days (\$590.58) and for the 7-1-15 increase the implementation would be 6-29-15 or for 2 days (\$393.72). The total cost impact for the three years is estimated at about \$1,181.16 for all funds. A Memorandum of Understanding is not required for the non-union employees.

Member (Larry Doom) moved, Member (Ellayne Conyers) seconded to approve the **ORIGINAL** motion 'motion to approve the alternate implementation dates of June 30, 2014, December 29, 2014, and June 29, 2015 for union and non-union general wage increases and authorize the proper personnel to execute the Memorandum of Understanding between the City of Marshall and Law Enforcement Labor Services, Inc., Local 245, Law Enforcement Labor Services, Inc., Local 190, and American Federation of State, County and Municipal Employees,

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Council No. 65'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion Passed 5 – 2 with Bayerkohler and Boedigheimer voting no.

APPROVAL OF AN EMPLOYEE ASSISTANCE PLAN (EAP) FOR CITY EMPLOYEES:

Ben Martig, City Administrator, reviewed an Employee Assistance Program (EAP) for the City of Marshall for all full-time and part-time police and fire department employees at a rate of \$0.78 per month per employee for July through December 2014. The Employee Assistance Program (EAP) offers access to professional counselors who provide confidential assessment and short-term counseling to employees and their families in order to assist in dealing with a variety of issues. The EAP provides support with all of life's issues, including financial, marriage/relationship problems, work-related issues, substance abuse, stress and mental health to just name a few. The proposed program is for employees, spouses and children and is available 24/7.

Member (Larry Doom) moved, Member (Jennie Hulsizer) seconded to approve the ORIGINAL motion 'to approve the Employee Assistance Plan (EAP) with Blue Cross Blue Shield for all full-time and part-time police and fire department employees at a rate of \$.78 per month per employee for July through December of 2014'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes No report.

Hulsizer Marshall Area Transit Committee met on May 22, 2014 – they discussed merging with Pipestone and providing transportation to and from Joni Craft in Wabasso.

Doom Convention & Visitors Bureau discussed the Bike Tram web site.

Bayerkohler No report.

DeCramer EDA met but DeCramer was unable to attend. Utilities Commission will be meeting on May 28th.

Boedigheimer No report.

Conyers No report.

COUNCIL MEMBERS INDIVIDUAL ITEMS:

Council Member DeCramer asked if the 5th Street Construction project would result in narrowing this street. Shane Waterman, Assistant City Engineer, indicated that the street would be narrowed, but that it is currently wider. Mayor Byrnes indicated that there was a mediation

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session between the Marshall Lyon County Library and Plum Creek with a proposal to be further clarified at a meeting to be held on May 28th.

STAFF REPORTS:

Ben Martig, City Administrator, indicated that he will provide his update in the Admin Brief.

Shane Waterman, Assistant City Engineer, provided an update on current projects.

Rob Yant, Director of Public Safety, indicated that their staffing level is not adequate to handle their calls; vehicle storage is an ongoing issue; the computer records system upgrade for the squad cars is being worked on; they are working on upgrading their phone system with Lyon County; funding for the Drug Task Force may be reduced or reallocated and they could potentially lose up to 50% of their funds.

Dennis Simpson, City Attorney, indicated that the court trial was held in regard to the Marshall Street / Redwood Street construction project but they do not have any result at this time. Issues with the MERIT Center Burn Prop project are being reviewed.

PENDING ITEMS:

Council Member Hulsizer requested an update on the quiet signals. Shane Waterman, Assistant City Engineer, indicated that staff met with a rep from the Railroad and MN/Dot. He indicated that a report will be prepared and hopefully will be available at the end of June.

INFORMATION ONLY:

Ben Martig, City Administrator indicated that there will be a City Council Work Session held on June 3rd and the Municipal Building Committee will meet on May 30th.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS/COMMISSIONS:

Doom moved, DeCramer seconded, that consideration to make appointments to various Boards and Commissions be added to the agenda. All voted in favor of the motion.

Per the recommendation of Mayor Byrnes, Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'approval of appointments to the following boards and commissions'.

Airport Commission – Angela Chelsey be appointed for a 3-year term to expire on May 31, 2017

Airport Commission – Joseph Gordon be appointed for a 3-year term to expire on May 31, 2017

Police Advisory Board – Carole Kerkaert be reappointed to a 3-year term to expire on May 31, 2017

Adult Community Center Commission – Cheryl Wyffels be reappointed to a 3-year term to expire on May 31, 2017

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

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Mayor Byrnes asked staff to review if a non-benefit City employee can be appointed to a commission.

**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:**

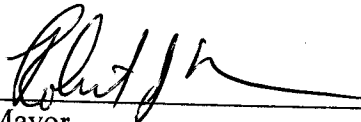
Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'to close the meeting for purposes of discussion of property acquisition'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

The Council went into closed session at 8:40 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, Hulsizer, Doom, Bayerkohler, Conyers, Boedigheimer, and DeCramer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Rob Yant, Director of Public Safety; Cal Brink, CEO Marshall Area Chamber of Commerce; Nate Ellis, Intern; and Thomas M. Meulebroeck, Finance Director/City Clerk. The Council came out of closed session at 9:00 P.M.

UPCOMING MEETINGS:

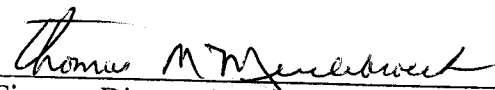
There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk