

REGULAR MEETING – JUNE 10, 2014

The regular meeting of the Common Council of the City of Marshall was held on June 10, 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, Mike Boedigheimer and Ellayne Conyers. John DeCramer arrived at 5:48 P.M. 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; Ilya Gutman, Building Official; Nate Ellis, Intern; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/City Clerk. Kim Jergenson, Engineer Technician 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 MAY 27, 2014:

Council Member Bayerkohler indicated that he had submitted suggested corrections to the minutes to the Finance/Clerk's Department. Copies were provided to the Council at the meeting. There was a brief discussion that the Council members did not have time to review the original minutes and the proposed change; therefore Bayerkohler moved, Hulsizer seconded, to table the approval of the minutes to later in the meeting. All voted in favor of the motion, except Doom and Boedigheimer who voted no.

PUBLIC HEARING PROJECT Y62 / S.A.P. 139-111-005: T.H. 23 / SOUTH SARATOGA STREET REDUCED CONFLICT INTERSECTION AND PEDESTRIAN OVERPASS PROJECT –1. PUBLIC HEARING ON IMPROVEMENT; 2. RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Project Y62 / S.A.P. 139-111-005: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project. Glenn Olson, Director of Public Works/City Engineer, and Chris Cavett, Engineer from Short Elliott Hendrickson, reviewed this 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 Street from the Mn/DOT right-of-way to Southview Drive will be reconstructed. A public informational meeting was held on May 5, 2014 at 5:30 p.m. at the Marshall-Lyon County Library. Information and handouts were provided to all those in attendance.

Ben Martig, City Administrator, provided an update on the proposed pedestrian crossing and provided information on the most recent car crash at this intersection. Chris Cavett indicated that

REGULAR MEETING – JUNE 10, 2014

the accident rate for this type of intersection is 4 times higher than other intersections. Mr. Olson indicated that this type of intersection has been used in other parts of Minnesota and other states.

Council Member Bayerkohler asked why the city was not considering a full interchange. He wanted to make sure that all the options were considered.

Mr. Cavett and Mr. Olson indicated that a highway interchange would be more difficult to build and would require the city to purchase additional property.

David Bero, 302 East Thomas, asked the City to pursue lowering the speed limit on Highway 23 to 40 miles per hour within the City Limits and installing lights at the intersection. He also indicated that he has not seen the formal request the city presented to MN/DOT to reduce the speed. Mr. Bero was also concerned with the large gaps in the railing.

Mary Jo Olberding, 1136 David Drive, indicated that she can see this area from her residence and that she agrees the speed limit needs to be reduced.

Mike Dulas, 2219 County Road 25 in Lynd, indicated that he travels this road every day and agreed that something needs to be done, but he was concerned that it would take 2 years to complete this project.

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 (Mike Boedigheimer) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4028, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" 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: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING - PROJECT Z29: DIVERSION CHANNEL/MAIN LIFT SANITARY SEWER INTERCEPTOR PROJECT -1. PUBLIC HEARING ON IMPROVEMENT; 2. RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; 3. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

This was the date and time set for a public hearing on the Diversion Channel/Main Lift Sanitary Sewer Interceptor Project Z29. Glenn Olson, Director of Public Works/City Engineer, indicated that this project was initiated by Marshall Municipal Utilities by requesting the replacement of the existing 16" ductile iron watermain from T.H. 59 North extending east to North 7th Street. Marshall Municipal Utilities has experienced watermain breaks on the existing watermain which serve the industrial park. In addition to watermain breaks, it was concluded that a more reliable looped system was necessary to better serve the industrial park. The Wastewater Department has reviewed the existing sanitary sewer system along the proposed project. The sanitary sewer mains are not in good shape and need to be replaced. There is some minor storm

sewer main on North 7th Street that needs to be relocated and replaced. During the design of this project, staff will investigate the best alternative solutions for resolving the current drainage problems. 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.

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 (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4029, SECOND SERIES, which is the Resolution Ordering Improvement and Preparation of Plans" for Project Z29: Diversion Channel/Main Lift Sanitary Sewer Interceptor 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 (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4030, SECOND SERIES which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z29: Diversion Channel/Main Lift Sanitary Sewer Interceptor Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING CHAPTER 86, ARTICLE VI SUPPLEMENTAL REGULATIONS, DIVISION 3 OFF-STREET PARKING AND OFF-STREET LOADING – 1. PUBLIC HEARING; 2. ADOPTION OF ORDINANCE AND ADOPTION OF SUMMARY ORDINANCE FOR PUBLICATION:

This was the date and time set for a public hearing on Chapter 86, Article VI Supplemental Regulations, Division 3 Off-Street Parking and Off-Street Loading. Glenn Olson, Director of Public Works/City Engineer, 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

REGULAR MEETING – JUNE 10, 2014

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 ordinance as attached.

Member (**John DeCramer**) 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 (**Glenn Bayerkohler**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council adopt ORDINANCE NUMBER 686, SECOND SERIES which is the Ordinance amending Chapter 86, Article VI Supplemental Regulations, Division 3 Off-Street Parking and Off-Street Loading and adoption of the Summary Ordinance for Publication'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING CHAPTER 86, ARTICLE VI SUPPLEMENTAL REGULATIONS, DIVISION 4 PERFORMANCE STANDARDS – 1. PUBLIC HEARING; 2. ADOPTION OF ORDINANCE AND ADOPTION OF SUMMARY ORDINANCE FOR PUBLICATION:

This was the date and time set for a public hearing on Chapter 86, Article VI Supplemental Regulations, Division 4 Performance Standards. Glenn Olson, Director of Public Works/City Engineer 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 rational and reason behind proposed changes. In some cases, the proposed language is less restrictive than existing even though the sections grew longer. It is important to note that this ordinance will not be applicable to existing buildings unless specifically called for in certain circumstances (i.e., significant additions). 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. During discussion, a comment was made concerning eliminating the vegetable garden provision under Sec. 86-247 Landscaping. As an alternative, this provision may be deleted in its entirety or allowed garden area may be increased.

Mike Dulas, 2219 County Road, Lynd, indicated that the proposed ordinance was a reasonable compromise from the first draft.

REGULAR MEETING – JUNE 10, 2014

Council Member DeCramer indicated that this ordinance gives Marshall residents a formal way to address concerns.

Member (**John DeCramer**) 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 (**Ellayne Conyers**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt ORDINANCE NUMBER 687, SECOND SERIES, which is the Ordinance amending Chapter 86, Article VI Supplemental Regulations, Division 4 Performance Standards and adoption of the Summary Ordinance for Publication.'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 – 2** with Hulsizer and Doom voting no.

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**Larry Doom**) moved, Member (**John DeCramer**) 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**

That the City Council meetings for 2015 be held on the second and fourth Tuesday of the month at the Marshall Middle School Professional Development Room 401 South Saratoga Street at 5:30 p.m. except for the conflict on September 8th the meeting will be held on Wednesday, September 9, 2015.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 89239 through 89396.

APPROVAL OF ITEMS PULLED FROM CONSENT

CONSIDER AUTHORIZATION TO APPROVE MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE CONTRACT WITH SOUTHWEST MINNESOTA CHEMICAL ASSESSMENT TEAM FOR TECHNICIAN TRAINING:

The members of the Southwest Chemical Minnesota Assessment Team (CAT) members have been trained as Hazardous Materials Technicians by the OSHA standard. However most of the state teams go to the higher NFPA Technician standard. It is expected that will be the expected standard in the future and would also strengthen both the skills of the members but issues with liability. Staff is arranging to have testing to have the members certified at that standard next November. However the City is contracting with Minnesota West to provide training for the team beyond the teams self training to help prepare for this. Minnesota West has provided training for the team in the past and the team has found it very worthwhile. In addition to providing 3 days of training, MN West is also certifying the overall training provided by the team members and will provide a certificate of completing for the total training received by each team member. This document was made available on Monday, June 2. Therefore, it was after some of the training has occurred.

Council Member Boedigheimer was concerned that this contract was 2/3 complete and wanted to know what would happen if the Council did not approve the contract. He stated that the Council

REGULAR MEETING – JUNE 10, 2014

should have received the contract before the first day of training. Council Member Bayerkohler agreed.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that authorization be granted to approve Minnesota West Community and Technical College contract with Southwest Minnesota Chemical Assessment Team for Technician training'. This agreement is for training on May 15, 2014, May 29, 2014 and June 26, 2014 from 5:30 P.M. to 9:30 P.M. at a fee of \$1,375.00 Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Boedigheimer voting no.

CONSIDER LEGALSHIELD AND IDENTITY THEFT SHIELD VOLUNTARY EMPLOYEE FAMILY BENEFIT:

Ben Martig, City Administrator, indicated that the City of Marshall currently does not offer any identity theft or legal services products. These are not as common among employers but with identity theft concerns rising they are becoming more common. There is plenty of commentary you can find online and from financial consultants. Ben indicated that he was solicited by Midwest Benefits Solutions regarding this product. They had bid on the City's benefits in the past and currently does some benefit work with the County. After reviewing, Ben contacted Bill Chukuske to see if he offered any identity theft coverage. He did not but referred Usightproviders from Olivia. Ben met with them and they had the same plan and rates. Therefore, Ben brought forward Midwest Benefits since they were the original company to solicit. The employee advisory committee met twice to review this topic. Upon significant research from members, they supported moving forward the benefit proposal forward for council approval and to see if employees sign up. There would need to be at least five employees to sign up with one of the packages to be eligible for an employee plan. Midwest Solution has indicated that based on past experience with cities there will no problem meeting this minimum. The personnel committee met on June 2 and unanimously recommended approval to the City Council of the product.

Council Member Bayerkohler indicated that he contacted his insurance agent and was informed that this was included with his homeowners insurance and that he could also purchase identity shield from his agent. He suggested that employees shop around for this coverage.

Ben indicated that this would be a voluntary benefit for the employee and that there would be no City contribution.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve "LegalShield" Identity Theft Shield and LegalShield products as a voluntary employee benefit program that does not include any employer contribution with Midwest Benefit Solutions'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Boedigheimer voting no.

CONSIDER ADOPTION OF RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY FOR THE MARSHALL FIRE DEPARTMENT:

Member (Larry Doom) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion 'the adoption of RESOLUTION NUMBER 4031, SECOND SERIES Accepting the Donation of Personal Property from Mary J. Henderson Trust and CHS to be used for the new Fire Chief vehicle'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 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
Fran's Communication	\$24,140.00	\$0	\$55.00 / hr.
SDN Communications	\$18,550.50	\$0	\$125.00 / hr.

There were several clarifications that were necessary on the SDN proposal as it related to utilizing the existing phone system available through MMU.

The Fran Communication proposal would be a voice over internet program with the City having a server for this system using Fran's Communication for a majority of service call needs. In comparison, the SDN Communication system utilizes the existing server with MMU. There are some upgrades necessary to handle the newer technology and to manage multiple entities that will be able to maintain unique phone numbers that the end user will see no change from how it operates today. The costs for some of the upgrades are shared also providing cost savings to the City. Therefore, the proposals are unique from one another and not comparable in hardware.

After consultation with MMU, the review team was unanimous in recommending SDN Communications. MMU has utilized this telephone system since 2007. Mr. Walters is familiar with the telephone system and can do most of the troubleshooting by himself. MMU has also been satisfied with this telephone system and indicated there have been very few issues with the telephone system. Mr. Walters recommended that the City only consider a non-hosted system, that is, the system would reside on the City's server and they would have control of the server.

The shared use of the phone system is a substantial operating cost savings and will likely be added to the annual partnership agreement with MMU.

REGULAR MEETING – JUNE 10, 2014

Mr. Martig indicated that the City IT personnel (Brian Hart and Scott Walters) indicate that the City operations are heavily reliant on connection to the servers at MMU for all computer use. The new phone system connects the same as the computers so any temporary or permanent system required a computer data connection. They both reiterated their support for investment in the new phone system at this time regardless on plans for City Hall. They indicated that if there was a temporary move, remodeling, or permanent move this system would be more easily managed than the current system.

Council Member DeCramer indicated that there would be a benefit to having this system even with the possible changes for City Hall.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve purchasing the telephone system from SD Communications in the amount of \$18,550.00 plus windows software license'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 - 1** with Boedigheimer abstaining

Mayor Byrnes called for a 5-minute recess at 7:03 P.M.

ONLINE PHOSPHORUS CONTROLLER FOR WWTF - 1. AUTHORIZATION TO PURCHASE; 2. AUTHORIZATION OF EXTENSION OF SERVICE AGREEMENT WITH BOLTON & MENK, INC:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Wastewater Treatment Facility recently had its NPDES Discharge Permit renewed for the next five year cycle. New phosphorus discharge limits were issued to be met by 2019 or as soon as possible. Part of the conditions of the time extension is to have a Phosphorus Facility Plan done to determine how the City will meet the new 1 mg/l limit. The Wastewater Department has done research to find an online phosphorus analyzer to maximize the efficiency of our chemical addition. They are not sure if they can meet the new limits consistently with chemical feed only and may need to do construction of a Biological Phosphorus Removal System. The facility plan will help determine this. The Hach Chemical Phosphax Controller is a unit that is being used by several municipalities to monitor and adjust chemical feed as needed to maintain the limit set point. There have been savings on the chemical costs by as much as 56% from the constant monitoring of the effluent phosphorus and automatic adjustment of chemical dosage. The Wastewater Superintendent feels that by purchasing the Hach Analyzer up front and incorporating the findings of the constant monitoring, the Wastewater Department will have the needed information to determine in our Facility Plan if they can economically meet the new limit with chemical addition only or if a costly plant expansion will be needed. If the Wastewater Department does need an expansion, this equipment will still be used in the treatment system. Bob VanMoer is estimating that future chemical costs could exceed \$200,000 per year. All the municipalities staff talked with said the chemical savings payback on the Hach equipment had a return of investment within one year.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that Council authorize the purchase of a Hach Online Phosphorus Controller for the WWTF in the amount of \$45,371.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council authorize additional engineering services with Bolton & Menk, Inc. for the City of Marshall to meet the Compliance Schedule for phosphorus reduction included in the City's Final Reissued NPDES/ SDS Permit on an hourly basis with a not to exceed fee of \$29,000, plus meeting costs of \$1,000 per meeting as required'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z06: VICTORY DRIVE IMPROVEMENT PROJECT-PHASE I -- 1.
CONSIDER CHANGE ORDER NO. 2; 2. CONSIDER CHANGE ORDER NO. 3
(FINAL); 3. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 3:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 for Victory Drive Improvement Project Z06 – Phase I resulting in a contract increase of \$8,899.50. This change order includes additional erosion/sediment control best management practices be installed for the storm water pond slopes. The change order also include additional concrete pavement on Victory Drive approach. Glenn also reviewed Change Order No. 3 (Final) for this project results in a contract decrease in the amount of \$28,506.13. 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. 3, results in the amount of \$66,372.60.

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 2 with H&W Contracting LLC resulting in a contract increase of \$8,899.50 and a total contract amount of \$528,856.85, and an increase in contract time of 21 calendar days for Victory Drive Improvement Project Z07 – Phase I'. 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. 3 (Final) with H&W Contracting LLC resulting in a contract decrease of \$28,506.13 and a total contract amount of \$500,350.72 for Victory Drive Improvement Project Z06 – Phase I'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council acknowledge Final Pay Request No. 3 in the amount of \$66,372.60. for Victory Drive Improvement Project Z06 – Phase I to H&W Contracting LLC'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z06: VICTORY DRIVE IMPROVEMENT PROJECT-PHASE II –
CONSIDER CHANGE ORDER NO. 1:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 for Victory Drive Improvement Project Z06 – Phase II. This change order includes extra work related to storm sewer mains, sanitary sewer service line, and debris disposal from common excavation. An additional sanitary sewer service was stubbed north to accommodate the proposed lot split for a separate hotel and restaurant properties. An additional storm sewer was also stubbed into this lot to accommodate the proposed lot split. The watermain needed to be lower to resolve an

elevation conflict with the originally proposed storm sewer. Other miscellaneous work included plugging an old farm tile, debris disposal and drainage structure adjustments.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 1 with Sherbrooke Turf of Pelican Rapids, Minnesota, for a contract increase in the amount of \$14,549.97 and a total contract amount of \$579,346.22 for Victory Drive Improvement Project Z07 – Phase II'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

AUTHORIZATION TO ESTABLISH A BUILDING CUSTODIAN POSITION - PART-TIME, NON-EXEMPT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall currently has a contract for cleaning services for the following City-owned buildings: Adult Community Center, Airport A/D Building, MERIT Center, Street Department, Studio 1, and the Wastewater Treatment Facility. The frequency for services for each of the buildings is different in accordance with a checklist for each building. The contract for these contracted cleaning services terminates June 30, 2014. City staff is responsible for the janitorial services of the following: Marshall-Lyon County Library, MERIT Center (additional services), and the Municipal Building. The City is proceeding with a request for proposals for the janitorial services currently under contract. The frequency of services is being reviewed by each department to ensure the level of service requested is based on the needs of each department. The request will be for a one-year period from July 1, 2014 to June 30, 2015. Within the next year, the City will also have additional janitorial needs due to the library addition, the MERIT addition, and the new amateur sports facility. It may be better for the City to have part time employees hired by the City and supervised by the Building Maintenance Supervisor than to rely on outside services. After the proposals are received for the janitorial services for the buildings currently under contract, City staff will make a recommendation to Council for what is believed to be the best alternative for the City. The City personnel department has requested a determination of pointing of the position and established an hourly wage for the position.

Council Member Boedigheimer asked about the current part-time position for the building maintenance. Ben Martig, City Administrator, indicated that there are only 2 fulltime maintenance personnel and no part-time positions at this time.

There was additional discussion regarding transportation between buildings, the need for additional cleaning supplies, why is the cleaning contract not on a calendar year basis, is it most cost effective to contract the cleaning and who would have authority to do the hiring.

Council Member Doom indicated that once the position is pointed and a salary determined it will be compared to the bids that will be received for cleaning to determine which would be the most economical decision.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council authorizes the establishment of a part-time, non-exempt Building Custodian position'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

TRANSFER OF AIRPORT ENTITLEMENT FUNDS FROM TRACY, MINNESOTA AIRPORT:

Glenn Olson, Director of Public Works/City Engineer, indicated that at the Minnesota Council of Airports Conference in April 2014 in Bemidji, cities were made aware of the possibility of the City of Tracy, Minnesota losing their 2014 GA Entitlement Funds because of not being able to authorize a project utilizing those funds. The City of Tracy may transfer its Entitlement Funds to any other GA Airport in the state if they are not able to utilize those funds. At the May meeting of the Airport Commission, this opportunity was discussed, and the County liaison to the Airport Commission, offered to set up a meeting with the City Administrator of Tracy, the County Chair of Lyon County Commission, and the City of Marshall Director of Public Works. A meeting was held in Tracy with the people indicated above, and the Administrator indicated that at least two other cities had already contacted him concerning the potential availability of these funds. After discussion, the Administrator indicated that he would discuss the options with his Council and would send the City of Marshall a proposal, if possible. The City received a proposal by email on June 3, 2014 from the Tracy Administrator, Michael Votca, offering to transfer up to \$150,000 of their GA Entitlement Funds to the City of Marshall. He also requested that they would like to receive that funding back to them next year or as soon as possible. Typically a transfer of GA Entitlement Funds would not involve repayment. However, the City of Tracy is losing their GA Entitlement Funds for the next couple of years because their number of hangared aircraft has fallen below the minimum requirements. They will be trying to increase this number in order to restore the GA Entitlement. In the meantime, they would like the return of the loan of these entitlement funds to allow them to have funding for necessary improvements during the next couple of years. These entitlement funds must be used for a project under purchase agreement by July 3, 2014. The City of Marshall has a federal request this year for the Master Plan and Airport Layout Plan (ALP), which has a total expenditure of \$92,000. 90% of that amount, the federal share, is \$82,800. This is the most the City could request from Tracy as a transfer without losing the remainder of Tracy's entitlement. Tracy could transfer the remainder to any other city that could utilize those funds. At the June Airport Commission, the Commission unanimously recommended to the City Council to approve a request from Tracy to transfer up to \$82,800 of their entitlement funds to the City of Marshall and repay this amount when additional entitlement funds became available to the City (2016/2017). The City of Tracy will provide Marshall with all of the necessary documentation for receipt of the additional GA Entitlement Funds, as well as a repayment proposal.

Mr. Olson indicated that this item is being pulled from the agenda due to the fact that the City of Marshall does not have a Master Plan that is up to day. He also indicated that staff will work to put together a Master Plan and work with a consultant for the Plan to be submitted.

APPROVE SMSU USE AGREEMENT TO USE THE FACILITIES COMPUTER LAB FOR POLICE OFFICER CANDIDATE TESTING:

The Marshall Police Department has gone to a written test to test candidates for the position of Police Officer that is a computer format. This test has been used for the past two testing processes for Police Officer and staff is very satisfied with the outcomes. It also provides immediate grading of the candidate's test results. This testing process has been approved by the Police Advisory Board.

REGULAR MEETING – JUNE 10, 2014

Member (**John DeCramer**) moved, Member (**Jennie Hulsizer**) seconded to approve the **ORIGINAL** motion 'Approve the SMSU Use Agreement to use the facilities computer lab for Police Officer candidate testing on June 7, 2014 at a cost of \$187.50'. 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 A TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University to use on September 27, 2014 at the Regional Event Center, 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.

Member (**Jennie Hulsizer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on May 27, 2014 be approved as corrected 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**

STAFF REPORTS:

Ben Martig, City Administrator, indicated that the audit was being completed; there is a Council Work Session scheduled for June 3rd; and the Municipal Building Committee will meet on June 6th.

Glenn Olson, Director of Public Works/City Engineer, indicated that there was an information meeting held for the Patricia Court Project for the contractors and residents; the Park Avenue and the Victory Drive Project are progressing; and fountains have been ordered for the ponds.

Dennis Simpson, City Attorney, indicated that the inspection of the hotel roof repair and interior is scheduled for June 13th; staff is still waiting for the results of the Special Assessment Appeal trial; and staff continues to work with the Building Inspection Department on enforcement issues.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

Council Member Hulsizer indicated that Marshall Lyon County Library has approved the terms of the agreement with Plum Creek. She also indicated that the Library is working to raise additional funds for the library addition.

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 for

REGULAR MEETING – JUNE 10, 2014

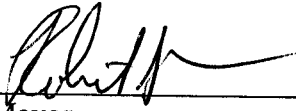
110 8th Street and 305 Legion Field Road'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

The Council went into closed session at 7:51 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; 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 8:05 P.M.

UPCOMING MEETINGS:


There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk