

REGULAR MEETING – JULY 8, 2014

The regular meeting of the Common Council of the City of Marshall was held on July 8, 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; Glenn Olson, Director of Public Works/City Engineer; 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 with the addition of item #13, which is to consider calling for a public hearing for an On-Sale Intoxicating Liquor License for Bello Cucina.

PRESENTATION AND THANK YOU OF THE VIETNAM TRAVELING MEMORIAL WALL DONATION:

Bruce Knieff was in attendance at the meeting to thank the City Council for their donation to the Vietnam Traveling Memorial Wall that will be in Marshall from July 11-13, 2014. Mr. Knieff presented the Council members with a copy of the booklet that was published for the event. He indicated that the Marshall Volunteer Fire Department will provide an escort from Worthington to Marshall. The wall is scheduled to be set up by 8:00 A.M. on Thursday July 10th and open for viewing from 3:00 P.M. to Monday morning with a program scheduled for Friday evening.

CONSIDER APPROVAL OF THE MINUTES OF THE WORK SESSION HELD ON JUNE 24, 2014 AND THE REGULAR MEETING HELD ON JUNE 24, 2014:

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the work session held on June 24, 2014 be approved as presented and that the minutes of the regular meeting held on June 24, 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: 6 Nay: 1. The motion **Passed 6 – 1** with Boedigheimer voting no.

AWARD OF BIDS - PROJECT Z27: EAST MAIN STREET / SOUTHVIEW DRIVE SANITARY SEWER & WATERMAIN RECONSTRUCTION PROJECT – 1. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; 2. RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Bids were received, opened and read on July 1, 2014 for the East Main Street / Southview Drive Sanitary Sewer and Watermain Reconstruction Project Z27 from:

D & G Excavating, Inc.
Marshall, Minnesota
\$1,106,113.65

H & W Contracting, LLC
Sioux Falls, South Dakota
\$1,688,562.40

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Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4036, SECOND SERIES, which is a resolution providing for Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds 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 (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4037, SECOND SERIES, which is a Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with D&G Excavating, Inc. of Marshall, MN, in the amount of \$1,106,113.65 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**

SMASC BALLFIELDS/EARTHWORK BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City received bids for seven bid packages for the construction of the SMASC Ballfields. Several bids were received for the packages let for bidding. The earthwork bids received came in considerably over budget. After review by the construction manager, architect and City, the construction manager made a recommendation to reject all bids for the earthwork bid package. The remainder of the bid packages are being held for further review and will be making recommendations for those bid packages at a later date. Included in the review of the remaining bid packages is conversation with the apparent low bidders inquiring as to whether or not they would hold their bids for work beginning spring of 2015. City staff is reviewing alternate methods of construction with the architect and construction manager.

Mark Hovelson, Construction Manager, and David Maroney, Architect from ATS&R, provided an update on the Construction Document phase at a special meeting for the MERIT and SMASC Board on Monday, July 7. They were also in attendance at the meeting to provide the Council with an update.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'to reject all bids concerning the earthwork bids for SMASC Ballfields/Earthwork'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion '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 34 phones located in the Municipal Building be declared as surplus property.

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The adoption of RESOLUTION NUMBER 4038, SECOND SERIES regarding the Rural Service District tax parcel base. This resolution provides for the description of Tax Parcel ID # 27-819017-6 to be amended and include Parcel No. 27-819017-8.

The approval of a contract with Jessica Kesteloot to provide a petting zoo and with All Star Family Fun LLC to provide two inflatable venues for the National Night Out event to be held on Tuesday, August 5, 2014.

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Voucher No. 89636 through 89796.

Call for a public hearing to be held at 5:30 P.M. on July 22, 2014 for a new On-Sale Liquor License for Bello Cucina of Marshall, 100 West College Drive, Marshall, Minnesota.

AMENDMENT TO MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENTS - ADDITIONAL STATE FUNDING:

Council Member Doom requested this item be pulled from the consent agenda. He indicated that when the City receives additional money from the State that it should be recognized and not be included as part of the consent agenda.

The City received notice from the Minnesota Department of Transportation Office of Aeronautics indicating that MnDOT, upon approval of the State Legislature, has authorized a funding rate increase for State Airports. As a result of this increased State Funding, the Grant Agreement with MnDOT for Airport Maintenance and Operation has increased from 2/3 to 75%. This increase is included in Amendment # 1 to Grant Agreement #03904. Another result of this increased State Funding is the Grant Agreement with MnDOT for Rehab Airport Pavements has increased from 70% to 80% State Funding reducing the local share from 30% to 20%.

Member **(Larry Doom)** moved, Member **(Mike Boedigheimer)** seconded to approve the **ORIGINAL** motion 'that the Council approve Amendment # 1 to MnDOT Grant Agreement #03904'. This amendment provides for the Airport Maintenance and Operation be increased from 2/3 to 75% effective July 1, 2014. 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 Amendment # 1 to MnDOT Grant Agreement #04874' This amendment provides for the Rehab Airport Pavements be increased from 70% to 80% State Funding reducing the local share from 30% to 20%. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER SPECIAL EVENT PERMIT FOR SOUNDS OF SUMMER.

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that on March 25, 2014 the City Council adopted a resolution Declaring Sounds of Summer as a Community Festival. Sounds of Summer is scheduled for Thursday, August 14, 2014 through Sunday, August 17, 2014. This application identifies the various individuals, organizations and activities involved with the Sounds of Summer. Approval of this permit would allow the holder of a retail

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intoxicating liquor license to serve intoxicating liquor off their premises. By approving this Special Event Permit the Hitching Post will be allowed to serve alcohol at the Sounds of Summer.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'the approval of a Special Event Permit for the Marshall Festivals Inc., dba Marshall Sounds of Summer and approval for the Hitching Post to serve alcohol in the fenced off area of the parking lot on West College Drive from 5:00 P.M. to 11:00 P.M. on Thursday, August 14, 2014 and from 5:00 P.M. on Saturday, August 16, 2014 to 1:00 A.M. on Sunday, August 17, 2014'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Bayerkohler voting no.

UPDATE ON MARSHALL-LYON COUNTY LIBRARY WITHDRAWAL FROM THE PLUM CREEK REGIONAL LIBRARY SYSTEM:

Gwen Sturrock, Acting Chairman of the Marshall-Lyon County Library Board, took this opportunity to address the City Council on the actions the Library Board took on Monday, June 30 that resulted in the Marshall Lyon County Library Board withdrawing from the Plum Creek Regional Library System effective July 1, 2014. The County Board has asked their Administrator Stomberg and Attorney Maes to work with the City Administrator and City Attorney to review all the potential legal implications of this action. The cities of Cottonwood and Balaton are impacted as well as they are referred to as "branch libraries" of the Marshall Lyon County Library where the building is provided by their respective communities and the MLCL provides the staff and materials. There is a meeting scheduled with City Administrator Martig, City Attorney Simpson and County Attorney Maes next week to review the legal issues involved. The implications are vast and complex. The MLCL could be facing a situation where the County funding is in jeopardy depending on interpretations of State Law in regards to Regional Library Systems and County mandated requirements to participate with them. The City would not be obligated to increase funding but the issues at hand could have long term implications to the Marshall Lyon County Library and its branch libraries.

Comments from the council included:

Bayerkohler was concerned with the county financing and wanted to know if the library would be able to make necessary cuts or would they go back to Plum Creek. Ms. Sturrock was not sure what the Library Board would do.

DeCramer asked that they need to get more information out to the public.

Former Chairman William Thomas indicated that the board has spent a lot of time and effort on this issue. He indicated he will continue to be involved with the Library. He indicated that the City and County participated with the State Mediator.

CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA SHRINE CLUB.

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

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Shrine Club to use on August 1-2, 2014 at Southwest Minnesota State University, 204 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.

INTRODUCE ORDINANCE AMENDING WAGES FOR MAYOR AND COUNCIL MEMBERS:

Ben Martig, City Administrator, indicated that in accordance with the City of Marshall Charter, Section 2.53, the Mayor and City Councilmember's should discuss salary wage rate increase at the first council meeting in July. Section 2.53. Salaries read as follows: "Salaries of the Councilmember's and Mayor shall be discussed as an agenda items at the first council meeting in July of each year. After said discussion, the council shall set and determine said salaries in accordance with the applicable state law. Source: Ordinance No. 353, 2nd Series- Effective Date: April 1, 1996 City of Marshall, City Charter, Page 6 In accordance with Minnesota Statute 415.11 Subdivision 2, no change in salary shall take effect until after the next succeeding municipal election. Therefore, if the Council is proposing an increase either in 2015 or 2016 it should hold an ordinance hearing and adopt prior to the election in November. Minnesota Statute 415.11 Subd. 3 does provide temporary reduction authority to the Mayor and Council prior to an election to enact an ordinance that reduces the salaries of the members of the governing body. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted. The recommendation is to bring forward an ordinance that would be consistent with non-union employees. This would require a lag of one year as the 2015 rate was adopted with a 2% wage rate increase from January 1, 2015 to July 1, 2015 and 1% increase from July 1, 2015 to December 31, 2015 and the 2016 rate was adopted with a 2% wage rate increase from January 1, 2016 to July 1, 2016 and a 1% increase from July 1, 2016 to December 31, 2016. Staff and the City Attorney's office agrees the ordinance should have fixed dollar amounts to be in compliance with state statutes.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'introduce ordinance amending wages for Mayor and Councilmembers.' Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with DeCramer voting no.

STATEMENT OF ANNUAL PERFORMANCE REVIEW FOR THE CITY ADMINISTRATOR:

In accordance with the personnel policy on Employee Performance Reviews (Policy 4.6), all employees should receive annual evaluations upon his/her anniversary date and annually thereafter. Individual Council member ratings and comments have been compiled into a summary performance evaluation for the City Administrator.

Mayor Byrnes indicated that the Council Members had the opportunity to complete a Performance Evaluation instrument that assessed job performance in areas of Job Knowledge, Relations with Elected Member of the City Council, Policy Execution, Strategic Vision, Fiscal Management, Intergovernmental Affairs, Reporting and Communications, Citizen/Community Relations, Staffing and Supervision.

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A total of 48 areas were evaluated on a scoring system of one to five. The overall average score of all Council Member input for the 48 areas of evaluation was 3.97, indicating a high level of performance beyond that required for successful performance in the position and scope of responsibilities, a proven, highly effective leader who builds trust and instills confidence in City leadership, peers and employees, and often exceeds the challenging performance expectations established for this position.

Upon a favorable annual performance review, Ben Martig is eligible for an annual salary adjustment in accordance with the City Personnel and Compensation Policy.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'motion to accept the annual performance evaluation and approval of an annual salary adjustment in accordance with the City Personnel and Compensation Policy'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

At this time Scott Monson, new superintendent for Marshall Public School, took the opportunity to introduce himself to the City Council and staff.

COMMISSION/BOARD LIAISON REPORTS:

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

- Byrnes Fire Relief Association reviewed their annual audit; Regional Development Commission will hold their annual meeting on July 16, 2014.
- Hulsizer No report.
- Doom SW MN Amateur Sports Center reviewed the construction documents.
- Bayerkohler No report.
- DeCramer MERIT Center Commission – council received an update earlier in the meeting, they had a discussion on the cost of asphalt and whether or not to consider concrete; Utilities Commission elected new officers, there will be a Prairie Net Wan Joint Powers meeting on July 14th. Indicated that they are on a three year schedule for aerial photo and considering to move to a four year schedule. This cost is shared by three entities.
- Boedigheimer Airport Commission reviewed the five plan update; EDA will meet on July 9th.
- Conyers No report.

COUNCILMEMBERS INDIVIDUAL ITEMS:

Thursdays on 3rd will begin on July 10th and will continue for the next 5 weeks. The Vietnam Memorial will be set up at Independence Park from Thursday, July 10th to Monday, July 14th and the MS Bike Tram will be at Independence Park from Monday, July 14th until Tuesday, July 15th.

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STAFF REPORTS:

Ben Martig, City Administrator, indicated that the funeral for Rick Johnson, Building Inspector, was held earlier today. Ben has spent a great deal of time working on strategic planning and marketing scheduling issues for the MERIT Center and SW MN Amateur Sports Center. The new liquor store project is progressing, he hopes to have preliminary cost estimates on design from TSP. The 2015 Budget process will be starting soon, Ben is working on a schedule for the Council.

Glenn Olson, Director of Public Works/City Engineer, indicated that the contactors are continuing to work on projects; he provided information on the street closure for an event for Schwan's under the information section. Glenn expressed his sympathy to the Johnson family. Staff has started the process for hiring a new Building Inspector.

Dennis Simpson, City Attorney, indicated that the roof inspection for the Marshall Hotel has been postponed.

PENDING ITEMS:

There were no questions on the pending items list.

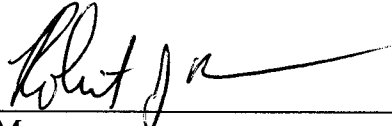
INFORMATION ONLY:

There were no questions on the information items.

UPCOMING MEETINGS

There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk