

REGULAR MEETING – AUGUST 11, 2014

The regular meeting of the Common Council of the City of Marshall was held on July 22, 2014 in the Professional Development Room at the Marshall Middle School, 401 South Saratoga Street. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Jennie Hulsizer, John DeCramer, Larry Doom, Glenn Bayerkohler, Mike Boedigheimer and Ellayne Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Jane DeVries, Deputy City Clerk; Thomas M. Meulebroeck, Finance Director/City Clerk, Fire Chief Marc Klaith, and Assistant City Engineer Shane Waterman.

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 JULY 22, 2014, THE SPECIAL INFORMATIONAL MEETING HELD ON JULY 23, 2014 AND THE WORK SESSION HELD ON JULY 29, 2014:

Member (Larry Doom) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion that the minutes of the regular meeting held on July 22, 2014, the minutes of the special information meeting held on July 23, 2014 and the minutes of the work session held on July 29, 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: 7 Nay: 0. The motion Carried 7 - 0

VACATION OF GRAVEL ROAD (290TH STREET) BETWEEN CSAH 33 AND TH 59. – 1. PUBLIC HEARING; 2. CONSIDER RESOLUTION FOR VACATION OF ROAD IN THE CITY OF MARSHALL:

The purpose of this vacation is for the elimination of the road to allow construction of the MERIT Center driving track as designed. In order to provide the suggested lengths of track and provide the speed needed for training at the facility, it was necessary to design the track through the storm water pond and utilize a portion of the roadway as part of the track, it is necessary to vacate the gravel road right-of-way and convert it to track use. All utility companies have been contacted. The utility companies have requested retention of a permanent utility easement across the entire right of way to be vacated.

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion that the Council close the public hearing on the vacation of the gravel road (290th Street) between CSAH 33 and TH 59. 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 adopt RESOLUTION NUMBER 4042, SECOND SERIES, which is the "Resolution for Vacation of a Road" (290th Street) between CSAH 33 and TH 59.. Staff needs to talk to adjacent owner, Viesman to designate their half of right-of-way being transferred to other property owner Mosch/Bladholm. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

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CONSIDER APPROVAL OF CONSENT AGENDA.

Member (John DeCramer) moved, Member (Larry Doom) seconded to approve the ORIGINAL 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 to declare miscellaneous items including office furniture, computers and key boards from City Hall as surplus property.

The approval to declare bicycles surplus property for the Marshall Police Department.

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Vouches 90027 to Vouches 90209.

UPDATE ON RAILROAD "QUIET SIGNAL" CROSSING DESIGNATION REQUIREMENTS AND STATUS:

The Council directed the staff to investigate the possibility of eliminating the train whistles through town. City staff has met with Burlington Northern staff and identified specific items that must be done to eliminate the whistles.

Shane Waterman, Assistant City Engineer reviewed the feasibility report on quiet signal crossing designation requirement.

CONSIDERATION OF AUTHORIZATION FOR EXPENSE RELATED TO THE CLEANING OF THE MERIT CENTER CONFINED SPACE TRAINING PROP:

The MERIT Center has a confined space training prop that is a large tank. There was damage to the entry door that lead to birds entering and making a mess inside the tank. As a result, the current condition is unsanitary for training use. ADM has requested training in the facility in early September. The door is being repaired. Cleaning of the facility is significant and staff believes contracting with a company that specializes in this tank cleaning is appropriate for long term use of this facility. A company out of Tracy, MN had given a verbal estimate of \$3,000 for the cleaning. They are planning on visiting the site and will provide a quote prior to the Council meeting. Their quote is estimated to be between \$949.00 and \$1,773.00. Councilmember DeCramer and Fire Chief Klaith will provide an update to the council.

Member (John DeCramer) moved, Member (Mike Boedigheimer) seconded to approve the ORIGINAL motion to approve the cleaning of the MERIT Center tank with Premium Plant Services, LLC at a cost not to exceed \$1,773.00. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion PASSED 6-1, with Bayerkohler voting no.

MUNICIPAL BUILDING – AUTHORIZATION TO ENTER INTO A CONTRACT FOR REROOFING:

The Municipal Building has experienced continued deterioration of the roofing material allowing significant and regular leakage of water through the roof and into offices below. As the opinion of the Council has been to retain the Municipal Building as a viable structure for future use, it is recommended that the roof be improved to provide a useful structure in the future.

Member (John DeCramer) moved, Member (Larry Doom) seconded to approve the ORIGINAL motion that the Council authorize entering into a contract with TSP for the design and construction observation of the reroofing of the Municipal Building in accordance with the agreement. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion PASSED 6-1, with Hulsizer voting no.

CONSIDER ADOPTION OF AN ORDINANCE GRANTING HY-VEE INC., DBA HY-VEE MARKET CAFÉ AN INTOXICATING MALT LIQUOR ON-SALE LICENSE:

At the last City Council meeting the City Council approved a Wine License and a 3.2 Percent Malt Liquor License for Hy-Vee Inc., dba Hy-Vee Market Café.

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion for the adoption of ORDINANCE NUMBER 689, SECOND SERIES granting Hy-Vee Inc., dba Hy-Vee Market Café an intoxicating malt liquor on-sale license. 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 FOUNDATION:

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 Foundation to use on October 10 - 11, 2014 at the RA Facility, 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 INTRODUCTION OF ORDINANCE RELATED TO CHAPTER 2 ADMINISTRATION, ARTICLE VI BOARDS, COMMISSIONS AND AUTHORITIES, DIVISION 7 LIBRARY BOARD:

City Administrator Martig and Councilmember Bayerkohler have been reviewing the library issues with Plum Creek. Upon review, they are recommending updating several legal documents including the ordinance section related to the Library Board. The Lyon County Board of Commissioners and Marshall Lyon County Library (MLCL) Board have each made two appointments to the committee to work on drafting the Memorandum of Understanding to create coordination and unity amongst the three entities related to the issues with Plum Creek and MLCL. This group is scheduled to meet on Thursday, August 14. Also, the Lyon County Board of Commissioners passed a motion at their last meeting to require any of their library funding to go to those libraries in Lyon County that participate in membership in a regional library system as defined in State law. Additionally, they made a motion notifying the City of Marshall of its notice to terminate the existing agreement between Lyon County, City of Marshall and Marshall Lyon County Library with funding to terminate December 31, 2014. The Lyon County Board of

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Commissioners have indicated that they'd continue their support if the Marshall Lyon County Library rejoins Plum Creek. The proposed MOU has that clause included that pursues that option. The proposed ordinance would achieve two primary goals: 1) it updates the section references to state law related to library board authorities; and 2) places the authority exclusively over membership in the regional library system in the City Council. State law grants authorities to manage the library operations. There is broad general authority as well as some specific identified authorities. The proposed ordinance does not violate the explicit authorities and believes the requirement to grant authority to the Council is legal and appropriate in consideration of the joint library status with the County that is currently mandated to participate in a regional library under state law

The L&O Committee met today to discuss this issue. They recommended to approve the proposed ordinance with amendments. The Library Board Chair Sturrock and former Library Board Chair Thomas were in attendance at the meeting as well. There were a number of items discussed but the only recommended changes at this time included removal of reference to the County as shown in the ordinance.

Comments from the council included:

Hulsizer indicated that breaking the contract affects their funding. The council should be involved in their decision.

Bayerkohler was also concerned with the membership in having a significant effect on the funding.

Conyers indicated that the council will not make a decision until they receive all of the information.

DeCramer indicated that he is not in favor of the membership section of the proposed ordinance.

Member (**Jennie Hulsizer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion introduction of ordinance related to Chapter 2 Administration, Article VI Boards, Commissions and Authorities, Division 7 Library Board as recommended by the L&O Committee. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **PASSED 6 – 1**, with DeCramer voting no.

COMMISSION/BOARD LIAISON REPORTS

Bynes Southwest Minnesota Amateur Sports Center will be meeting on Wednesday, August 13, 2014.

Hulsizer No Report

Doom No Report

Bayerkohler No Report

DeCramer MERIT Center Commission met and did strategic planning.
Marshall Municipal Utilities – discussion on the water lines coming into Marshall.

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Boedigheimer Legislative & Ordinance Committee met today, Tuesday, August 11, 2014 and acted on the Library Board Ordinance that was discussed at the City Council meeting this evening.

Conyers: Community Services Advisory Board met last week and reviewed plans for Memorial Park.
Senior Citizen Center Commission held their annual meeting

COUNCILMEMBERS INDIVIDUAL ITEMS:

Jenni Hulsizer, City Councilmember thanked everyone and submitted her resignation, effective Monday, August 25, 2014, with this being her last council meeting. Mayor Bob Byrnes thanked her for her public service.

National Night Out was held last week and was well attended.

Sounds of Summer will be starting this week. Sunday will be the dedication of the Mrs. Whitney Statute.

The dedication of the mural will be Thursday, August 14, 2014 at 5:45 p.m.

Governor Dayton will be present for the Amateur Sports Center groundbreaking celebration on August 14, 2014. The Governor is planning on visiting Action Manufacturing after the groundbreaking celebration.

Information was provided from the City Charter in regards to a vacancy up to 30 days to act on a resignation and then make an appointment within a reasonable amount of time.

Council member Ellayne Conyers was recognized for being chosen as the "Outstanding Senior Citizen" at the Lyon County Fair.

CITY ADMINISTRATOR:

Ben Martig, City Administrator stated that the primary election is Tuesday, August 12, 2014. The last day for filing is August 12, 2014. Groundbreaking for the Amateur Sports Center is Thursday at 11:00 a.m. Schwan's retained naming rights of the sports complex and will be announced on Thursday. Work continues on the sports facility project. The Fire Department is working on the ethanol training. Jess Nelson has retired effective August 11, 2014. Staff is currently working on scheduling for programming, retitling the position and changing of job duties. The city is working with the school district and SMSU. There was limited staff to work at the National Night Out event. Ben suggested to get council members to volunteer to help with this event.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works gave an update on projects; East Main project has started. Met with MNDOT to discuss coordination of projects for next year. Public information meeting to be scheduled for later this month.

CITY ATTORNEY:

Dennis Simpson, City Attorney updated the cable TV franchise – time for discussion on renewal. One cable TV proposal to sell under review; hotel appraisal has been received, to be discussed at the closed session.

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PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items.

FIRE RELIEF ASSOCIATION ANNUAL FINANCIAL REPORT:

The Annual Financial Report for the Marshall Fire Department Relief Association for the year ended December 31, 2013 was presented to the City Council. The municipal contribution to the Relief Association for 2014 is \$74,507. The 2014 Maximum Benefit Worksheet reflected the Maximum Lump Sum Benefit Level under Minnesota Statute 424A.02, Subd. 3 to be \$7,500 per year of service.

MARSHALL INDEPENDENT SCHOOL DISTRICT #413 TRANSFER OF LAND TO CITY OF MARSHALL, SUPPLEMENTAL INFORMATION:

The Marshall City Council recently approved a memorandum of understanding between the City and School District related to transfer of property and future development projects in the area of the Amateur Sports Center and the Marshall High School. City Attorney Simpson indicated that the City Council wanted to review the warranty deed for the transfer of property which was not previously attached to the memorandum of understanding. The transfer of property involves the transfer of the private Tiger Drive and a lot which will be used in connection with the competition ball fields to the east. The original deed has been submitted to the School District for signature. The transfer of property is one of several steps that need to be taken for the re-platting of the Amateur Sports Center property and the dedication of the roadway for public roadway purposes.

UPCOMING MEETINGS:

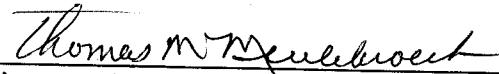
There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



Finance Director/City Clerk

COUNCIL WORK SESSION – AUGUST 19, 2014

The work session of the Common Council of the City of Marshall was held on August 19, 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 present: Doom, Bayerkohler, Boedigheimer, Conyers and DeCramer. Absent: Hulsizer. 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; and Thomas M. Meulebroeck, Finance Director/City Clerk. Others in attendance included Holly Martin Huffman, Library Director and Gwen Sturrock from the Library Board.

SMASC BALLFIELDS - REJECT ALL BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that on June 19, 2014, bids were received for the development of the SMASC Ballfields Project: #1. Contract #3231 – Fencing; #2. Contract 3280 – Irrigation; #3. Contract #3290 – Landscaping; #4. Contract #0330 - Cast-In-Place Concrete; #5. Contract #2600 – Electrical; and #6. Contract #3232 - Segmental Retaining Walls. There were seven bid packages received. The Contract #3100 - Earthwork/Site Utilities bids were rejected at July 8, 2014 meeting of the City Council. After review by the construction manager, architect and the City, the construction manager made a recommendation to reject all bids for the remaining packages. City staff will be redesigning and rebidding the water, sanitary sewer, storm sewer, fencing, irrigation, and landscaping and working with the consultant for any adjustments necessary to the cast in place concrete, electrical, and segmental retaining walls bid packages. The City staff will coordinate the construction work to try to fit the construction work within the budget parameters. This will be an ongoing review for bidding and construction to maximize the work that is able to be done within the budget limits established. Staff will provide the Council with progress reports on the construction costs and ability to provide the project within the budget.

Doom moved, DeCramer seconded, that the Council reject all the bids for the SMASC Baffields Contract #3231, Fencing; #3280, Irrigation; #0330, Cast in Place Concrete; #2600, Electrical; and #3232, Segmental Retaining Walls. All voted in favor of the motion.

REVIEW 2015 LIBRARY FUNDING REQUEST AND PROPOSED BUDGET:

Ben Martig, City Administrator, reviewed the proposed library budget as authorized to come forward by the Joint Budget Review Board. This budget is based on the assumption that the partnership with the County will remain as-is in the new year. The Council and County have ultimate authority over the funding levels but the library board sets the final expenditure allocations within that. The other issues surrounding Plum Creek Regional Library System and Lyon County is being dealt with under a separate process.

Holly Martin Huffman, Library Director, provided a copy of the Library's Annual Report to the City Council. Ms. Huffman reviewed the proposed 2015 Library budget, which reflects a 13% increase in funding from the City of Marshall and Lyon County. This budget does not reflect any additional personnel for 2015.

In light of the discussion on the funding alternatives for the Library, Ms. Huffman presented an alternate budget with 94% of the funding being provided by the City. With the reduced funds the suggested cuts to the library budget include but are not limited to: the eliminating of the branch

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libraries; eliminate the young adult position and have the cataloger perform these duties; reduce outreach to Marshall only at 20 hours per week; sub hours would be reduced by ½; part-time senior position will be eliminated; and full-time positions will be 32 hour per week plus 100% benefits. Various other issues were discussed in regard to the working relationships between the City of Marshall, Lyon County, Marshall Lyon County Library and the Plum Creek Regional Library System.

Mayor Byrnes called for a 5-minute recess at 6:55 P.M.

REVIEW PRELIMINARY LEVY RESOLUTION:

The Preliminary Levy Resolution was not available for this meeting.

REVIEW 2015 PRIORITY PROJECTS, OPERATING IMPACTS AND OTHER BUDGET ITEMS:

Ben Martig, City Administrator, briefly reviewed the 2015 City Administrator Preliminary Budget Highlights as follows:

Capital Construction

- a) Sports Center
- b) MERIT Center
- c) Liquor Store
- d) Highway 23/Saratoga Reduced Conflict Intersection/Pedestrian Overpass
- e) Public Works Street Shop – HVAC system
- f) Public Works Streets Sand/Salt
- g) Camden Trail (city golf course section and County sections with the exception of Savannah Oaks)
- h) N. 7th Street Construction
- i) South 2nd Street Reconstruction

CIP Equipment

- j) Request list presented last meeting. Priority under review.

Personnel Review

- k) Police Department – PT officer to 1 FTE
- l) Finance Clerks – add 1 FTE Assistant Finance Director/City Clerk
- m) Parks – add 1 FTE Parks employee
- n) Cable Production Technician – retitle and added duties for external communications (social media, internet, etc.)
- o) Adult Community Center – 1 PT to 2 PT (15/20 hr)
- p) 2015 union contracts for 2016
- q) MERIT/Sports Marketing and Scheduling under review for implementation starting no later Sept.-Dec. 2014. Preparation of other operations into next year.
- r) Health insurance – no premium increase for 2015. Lower plan deductible minor increase.

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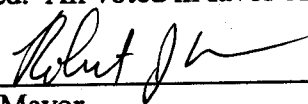
Economic Development

- s) Industrial Park – commerce park planning/development (Helena)
- t) Block 11 Demolitions (Hauge Egg, Sharpening) and Varsity Pub Patio Expansion and Private Parking
- u) Workforce Development
 - a. Career Pathways MPS, SMSU, MnWest & Tech Ed.
 - b. SMSU Town & Gown – student enrollment growth partnership
 - 1. University North – 2016

Planning Phase

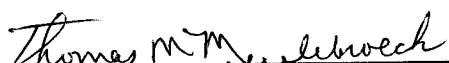
- v) 5-Year CIP Financial Planning Update & Analysis (equipment/facilities)
- w) City Hall (finance then design)
- x) Parkway II Addition – 1 spec home/model home (private or public)
- y) Special Commercial District Planning
 - a. Downtown Financing Partnership (banners, c-mas lights, snow removal, litter control, parking lots)

Doom moved, DeCramer seconded, the meeting be adjourned. All voted in favor of the motion.



Mayor

ATTEST:



Finance Director/City Clerk