

## REGULAR MEETING – SEPTEMBER 23, 2014

The regular meeting of the Common Council of the City of Marshall was held on September 23, 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: John DeCramer, Larry Doom, Glenn Bayerkohler, Mike Boedigheimer, Ellayne Conyers, and Craig Schafer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Director of Public Works/City Engineer, Glenn Olson; Executive Assistant, Cathy Lee 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 with the recommendation to remove agenda item #19 which was to consider Services Agreement with the Marshall Area Chamber of Commerce related to the Marketing and Scheduling of the Schwan Regional Amateur Sports Center.

### **THIRD WARD COUNCILMEMBER CRAIG SCHAFER RECITATION OF THE OATH OF OFFICE**

The City Council appointed Craig Schafer effective September 23, 2014 to the vacant Third Ward Council seat ending December 31, 2014 that was vacated by Councilmember Hulsizer. Finance Director/City Clerk Meulebroeck administered the reading of the oath of office to Craig Schafer. Councilmember Schafer will assume the board and committee responsibilities assigned to the vacated council seat that includes: Boards & Commissions: Library Board, and Police Advisory Board. Council Committees: Personnel Committee, Public Improvement & Transportation. Other Appointments: City Council/County Board/Library Agreement & Operations, and Marshall Area Transit.

### **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 9, 2014 AND THE COUNCIL WORK SESSION THAT WAS HELD ON SEPTEMBER 16, 2014**

Member (Larry Doom) moved, Member (Ellayne Conyers) seconded to approve the ORIGINAL motion that the reading of the minutes of the regular meeting held on September 9, 2014 and the Council Worksession held on September 16, 2014 be waived and that they be approved with the changes to the regular meeting on September 9, 2014 as filed with each member. 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 AND PHASE II -- 1) PUBLIC HEARING ON ASSESSMENT; 2) CONSIDER RESOLUTION ADOPTING ASSESSMENT.**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project has been divided into two phases to allow construction of the deep sanitary sewer main and watermain in the areas that would impact the construction of the SMASC ball fields. This also allowed any settlements of the deep sanitary sewer trench prior to the construction of the surfacing for Victory Drive. Phase I of this project involved the construction of sanitary sewer from the existing trunk sanitary main adjacent to T.H. 23 to the east city limits and the watermain on Victory Drive from just east of Tiger Drive to just north of Commencement Boulevard. Phase II

of the project involved the remainder of all street constructed items (gravel, surfacing, curb and gutter, sidewalks, etc.). The Wastewater Fund participation is for the extension of sanitary sewer availability to the east city limits line for future development. This amount should be charged to the future developer as a connection fee. This amount would be reimbursed to the Wastewater Fund at the time of connection.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion that the Council close the public hearing on assessments for Z06, Victory Drive Improvement Project – Phase I and II. 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 4062, SECOND SERIES, which is the "Resolution Adopting Assessment" for Z06, Victory Drive Improvement Project – Phase I and II, with any adjustments deemed appropriate. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**PROJECT Z19: PARK AVENUE RECONSTRUCTION / EAST COLLEGE DRIVE WATERMAIN REPLACEMENT PROJECT -- 1) PUBLIC HEARING ON ASSESSMENT; 2) CONSIDER RESOLUTION ADOPTING ASSESSMENT**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project involved the replacement of sanitary sewer, the replacement of watermain on Park Avenue from Marshall Street to East College Drive, the replacement of watermain on East College Drive from Walnut Street to approximately 150 feet east of Park Avenue, and the reconstruction of Park Avenue from Marshall Street to East College Drive, as well as some sidewalk replacement work in Liberty Park. The city special assessment procedure was addressed as follows: 1. Water main and water service line replacements are paid for by MMU; 2. Sanitary sewer main replacements are paid for by Wastewater Fund; 3. Street replacement costs associated with the replacement of the water and sewer mains are paid for by the Utility Funds; 4. ADA required sidewalk ramps at the intersections are paid for by the City; 5. The remaining street costs are split 50/50 between the property owners and the City; 6. The private sanitary sewer connections including the service line to the property line are the responsibility of each property owner attached to the sewer main; and 7. The removal and replacement of the individual driveways are the responsibility of the property owner as each driveway is different in size and serves only the property involved.

Tim Anderson, 112 Park Avenue indicated that it was his understanding that anything on the outside of the sidewalk toward the street with the water and the sewer being a combination of one project; would have a \$5,500 cap. Ron Halgerson, 114 Park Ave. asked if the sidewalk in the City Park was included in the assessment calculation. Olson responded that it was allocated entirely to the city cost. Randy Serreyn, 101 Park Avenue had questions in the calculation or the formula but said he's follow-up with staff.

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Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion that the Council close the public hearing on assessments for Project Z19: Park Avenue Reconstruction / East College Drive Watermain Replacement 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 4063, SECOND SERIES, which is the "Resolution Adopting Assessment" for Project Z19: Park Avenue Reconstruction / East College Drive Watermain Replacement Project, with any adjustments deemed appropriate. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**PROJECT Z26: PATRICIA COURT / ELAINE AVENUE / STEPHEN AVENUE**  
**PROJECT -- 1) PUBLIC HEARING ON ASSESSMENT; 2) CONSIDER RESOLUTION**  
**ADOPTING ASSESSMENT.**

Glenn Olson, Director of Public Works/City Engineer, indicated that this project consisted of the street reconstruction of Patricia Court and Elaine Avenue from the west side of South 2nd Street to Patricia Court. Included in this project was the reconstruction of the street section, including bituminous pavement, aggregate base, street grading, subbase drainage, minor curb and gutter and sidewalk replacement and miscellaneous work. Also included in this project was a mill and overlay of Elaine Avenue from the west side South 2nd Street to South 4th Street and Stephen Avenue from Patricia Court to South 4th Street. The mill and overlay project are not special assessed and are paid for by the City under normal street maintenance costs. Street special assessments can be calculated by the front foot, square footage of the lot, or per each depending upon the configuration of the properties. This project street cost were calculated using the square footage of the lots as properties on corners have smaller or larger frontages depending upon the location on the curve.

James Carr from Carr Properties submitted an appeal of his assessment of \$45,000 and is concerned on the cost of assessment and project as a whole. Mr. Carr stated that it is a residential area and Carr Properties should have the same maximum assessment as a single family home.

Boedigheimer asked how the commercial property in this area was zoned. Olson stated that they are zoned R2 Multi Family and are all were assessed the same way.

Schafer asked if the City calculated using a per unit method. Olson explained the two methods and how they determine this on a project by project basis.

DeCramer asked why the project was more expensive than when it was developed. Olson responded that inflation, cost of removal, and changes in minimum design standards that will increase the life of the road were the factors.

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Carl Rohlik, 1218 and 1220 Patricia Court stated that his concern on the cost on the assessment.

James Zahnow, 201 Stephen Ave., is on a corner lot and would like further clarification on which side of the property he was assessed. Mayor Byrnes asked if Stephen Ave. has work done in the future how this is affected. Olson stated that the city has established a process for multiple projects; to deal with corner lots.

Steve Ritter was concerned with the method the assessments are calculated. He asked if the city looks at the cost per square foot versus frontage footage. Olson explained the two options in detail.

Bayerkohler asked if the city assessment calculation is similar to what other cities are doing. Olson stated that this is a typical way to do assessments.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion that the Council close the public hearing on assessments for Project Z26: Patricia Court/Elaine Avenue/Stephen Avenue 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 (**Glenn Bayerkohler**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4064, SECOND SERIES, which is the "Resolution Adopting Assessment" for Project Z26: Patricia Court/Elaine Avenue/Stephen Avenue Project, with any adjustments deemed appropriate. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**TALL GRASS ADDITION -- 1) PUBLIC HEARING ON VACATING UTILITY EASEMENTS; 2) CONSIDER RESOLUTION FOR VACATION OF UTILITY EASEMENTS; 3) PUBLIC HEARING ON PRELIMINARY PLAT AND APPROVAL OF PRELIMINARY PLAT; 4) CONSIDER RESOLUTION ADOPTING THE FINAL PLAT.**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City has acquired property known as Outlot C and Outlot D in J-C Boyer Addition as well as a small piece of property from JR&R Partnership (Running's) for the purpose of the new proposed Marshall Liquor Store. The City is in the process of replatting the area, and it is necessary to vacate the existing utility easements. After the vacations of easements are complete, the new subdivision, Tall Grass Addition will be considered for approval including new, replacement utility easements. In order to accomplish this proposed project, the utility easements described in the "Resolution for Vacation of Utility Easements" must be vacated. There are no existing operable utilities located currently within that easement area proposed to be vacated. All utility companies have been contacted and comments, if any, are incorporated.

The City of Marshall is in the process of the development of a new liquor store. The entire property is owned by the City of Marshall and is located just south of Boyer Drive and east of T.H. 59 adjacent to the Pizza Ranch. As the project is being developed on two properties in two separate subdivisions, the County Recorder requires a subdivision plat combining the two parcels into one subdivision for property designation purposes. Also included is the dedication of the

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portion of Margaret Avenue south of Boyer Drive and north of Windstar Street, as well as additional Windstar Street right-of-way designation.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion that the Council close the public hearing on the vacation of utility easements currently located on the south side of Outlot C, and the north side, west side, and southwest side of Outlot D in J-C Boyer Addition. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4065, SECOND SERIES, which is the "Resolution for Vacation of Utility Easements" located on the south side of Outlot C, and the north side, west side, and southwest side of Outlot D in J-C Boyer Addition. 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 close the public hearing and approve the Preliminary Plat of Tall Grass Addition. 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 4066, SECOND SERIES, which is the "Resolution Approving the Final Plat of Tall Grass Addition". Tall Grass Addition is the property where the new Municipal Liquor Store will be built. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**RUNNINGS ADDITION -- 1) PUBLIC HEARING ON VACATING UTILITY EASEMENTS; 2) CONSIDER RESOLUTION FOR VACATION OF UTILITY EASEMENTS**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City has transferred Lot 4, Block One, Sonstegard Subdivision I to Running's for the purpose of a significant expansion to their operation located on adjacent property in Lots 1 and 2, Block Two of the Marshall Industrial Park Third Addition. It is Running's' intent to construct an expansion of their facility, adding on to their existing facility and constructing across the south property line of their existing facility and onto the newly acquired Lot 4. In order to accomplish this proposed project, the utility easements described in the "Resolution for Vacation of Utility Easements" must be vacated. There are no existing operable utilities located currently within that easement area proposed to be vacated.

Member (**Craig Schafer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion that the Council close the public hearing on the vacation of utility easements currently located on the south side of Lot 1 and Lot 2, Block Two of Marshall Industrial Park Third Addition and a portion of the easement on the north side of Lot 4, Block One, Sonstegard Subdivision 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 adopt RESOLUTION NUMBER 4067, SECOND SERIES, which is the "Resolution for Vacation of Utility Easements" located on the south side of Lot 1 and Lot 2, Block Two of Marshall Industrial Park Addition and a portion of the easement on the north side of Lot 4, Block One, Sonstegard Subdivision 1. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**CONSIDER APPROVAL OF CONSENT AGENDA**

Mayor Byrnes asked that item # 15 "Consider 2015 League of Minnesota Cities Insurance Trust Property/Casualty and Liability Insurance" be removed from the Consent Agenda. Mike Boedigheimer asked that item #11 "Personnel Policy Amendments" be removed from the Consent Agenda. Both items were removed from the Consent Agenda.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion that the following consent agenda items be approved as presented. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Approval of the final pay request (No. 3) in the amount of \$30,690.99 to Magney Construction, Inc. of Chanhassen, Minnesota for Project W12: WWTF Solids Contact Clarifier Project.

Approval of the final pay request (No. 7) in the amount of \$40,247.58 to R&G Construction Co. of Marshall, MN for Project Y67/A4201-86: Marshall Airpark East-Phase 2-Schedule 1.

Approval Change Order No. 1 with D&G Excavating, Inc. for time extension of 21 calendar days from October 1, 2014 to October 22, 2014 for Project Z27: East Main Street/Southview Drive Sanitary Sewer and Watermain Reconstruction Project.

That the following bills and project payments be authorized for payment: ACCOUNT PAYABLE, Voucher No. 90594 to Voucher 90776.

**APPROVAL OF ITEMS REMOVED FROM THE CONSENT AGENDA:**

In reference to the Personnel Policy Amendments, Boedigheimer indicated that there was an attachment showing the change to the allowance amount for the cell phones. Doom stated that the Personnel Committee took no action on the cell phone allowance amount at this time but just the language in the policy.

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion that the Council approves the amendments to the Personnel Policy manual Appendix B to set the non-local travel reimbursement and per diem rate as per the schedule set by the U.S. General Service Administration and that section 12.4 which is the Monthly Allowance for Mobile Communication Devices. This section would change the language to allow the City Council to establish the rate and the City Administrator to determine the employees who are eligible for the allowance. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

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Sheldon Kimpling, from Bremer Insurance reviewed the Property/Auto/Liability insurance renewal with the League of Minnesota Cities for October 1, 2014 to September 30, 2015.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion for the renewal of the LMCIT property and casualty/liability insurance with the League of Minnesota Cities for October 1 2014 through September 30, 2015. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**PRESENTATION FROM THE YELLOW RIBBON COMMITTEE**

Denise Schneckloth and Justin Guggisberg from the Yellow Ribbon Committee updated the City Council on the committee's work for the past year.

Mayor Byrnes called for a five minute recess at 6:55 p.m.

**CONSIDER RESOLUTION DECLARING BUILDING "BLIGHTED" AND "SUBSTANDARD" FOR REDEVELOPMENT**

Ben Martig, City Administrator stated that the Economic Development Authority met on Wednesday, September 17, 2014 and approved using restricted Federal CRIF funds for the demolition of the three properties located at 103 W. Lyon St., 107 North 1st Street and 105 North 1st Street. The removal of blight is an eligible expense of these federal dollars. The properties were purchased with City restricted TIF Funds and have been intended for demolition. The proposed resolution serves two primary purposes as follows:

1. It designates language to document the qualifying expense for the use of Federal CRIF funds.
2. It provides the City the ability in the future to designate the properties as structurally substandard that would qualify them in establishing a Redevelopment TIF if the City would choose to do so. There would be up to three years to use this authority under State law.

Councilmember Bayerkohler inquired about a couple provisions of the resolution. Martig responded that they were prepared by Springsted to meet the State Law but that he would verify for accuracy. Boedigheimer raised concern that he did not have time to review since the documents were posted today.

Member (**Mike Boedigheimer**) moved, Member (**Glenn Bayerkoher**) seconded to table the motion. Upon a hand vote, the vote was Aye: 2 Nay 5. The motion did not carry with Byrnes, DeCramer, Schafer, Conyers and Doom voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion approve RESOLUTION 4068, SECOND SERIES which is a Resolution making certain funding with respect to Substandard Building and Slum and Blight Spot Declaratory. The parcels be included in this area are 27.677115.0 (formally Tiny's Sharpening) 26-677117-0 (formally Mid Pane Gas) and 27-677118.0 (formally Hauge Egg). Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion ( **CARRIED**). **5 – 2** with Boedigheimer and Bayerkohler voting no.

**CONSIDER SERVICES AGREEMENT WITH THE MARSHALL AREA CHAMBER OF COMMERCE RELATED TO THE MARKETING AND SCHEDULING OF THE SCHWAN REGIONAL AMATEUR SPORTS CENTER.**

This agenda item was removed.

**CONSIDER APPROVING CONSTRUCTION DOCUMENTS FOR BID PACKAGE NO. 1 AND AUTHORIZATION TO BID.**

Ben Martig, City Administrator indicated that TSP has completed the Design Development Documents which were presented to staff. TSP is now recommending to bid the site grading for the liquor store. This will allow for the potential of a full site preparation this Fall. There would be benefit to the construction schedule if the work is successfully bid and constructed this Fall. Municipal Liquor Store Bid Package No.1 - Site Preparation includes site grading, soil correction, granular backfill, aggregate base, sanitary sewer, watermain, storm sewer, underground and temporary and permanent erosion control.

Ron Halgerson explained the bid packages. Mayor Byrnes asked if the project was still on schedule. Halgerson confirmed that it was. Doom asked if the soil testing was completed and Halgerson confirmed that it was.

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the **ORIGINAL** motion to approve Construction Documents for Bid Package No. 1 and Authorization to Bid for the site preparation for the future Municipal Liquor Store Property. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Carried. 6 – 1** with Bayerkohler voting no.

**PROJECT Z15: ELM STREET / NORTH 4TH STREET AREA SANITARY SEWER AND WATERMAIN REPLACEMENT PROJECT - 1. CONSIDER CHANGE ORDER NO. 2 (FINAL); 2. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 5.**

Glenn Olson, Director of Public Works/City Engineer indicated that this project involves the replacement of the watermain on Elm Street from North 3rd Street to North 4th Street, the watermain on North 4th Street from Elm Street to Whitney Street, the sanitary sewer in the rear yards within the block surrounded by Elm Street, North 4th Street and Whitney Street, and the reconstruction of Elm Street from North 3rd Street to North 4th Street. The items on the Change Order No. 2 (Final Reconciling Change Order) are the result of final measurements and changes in item quantities during construction. Each individual line item is shown on the spreadsheet attached to the change order. All work has been completed in accordance with the specifications.

Member (John DeCramer) moved, Member (Mike Boedigheimer) seconded to approve the **ORIGINAL** motion that Council approve Change Order No. 2 (Final) with R&G Construction Co. of Marshall, Minnesota, resulting in a contract decrease in the amount of \$22,794.00 and acknowledgement of Final Pay Request (No. 5) in the amount of \$22,902.02 for Project Z15: Elm Street/North 4<sup>th</sup> Street Area Sanitary Sewer and Watermain Replacement Project. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**



**PROJECT BP1: SMASC BALLPARK SANITARY SEWER AND WATERMAIN CONSTRUCTION PROJECT - 1. CONSIDER CHANGE ORDER NO. 1 (FINAL); 2. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 2.**

Glenn Olson, Director of Public Works/City Engineer indicated that this project includes the construction of sanitary sewer and watermain serving the Southwest Minnesota Regional Amateur Sports Center Ballpark. The items on the Change Order No. 1 involve the installation of storm sewer manhole added to the project to avoid removal of a previously installed sanitary sewer main. All work has been completed in accordance with the specifications.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion that Council approve Change Order No. 1 with R&G Construction Co. of Marshall, Minnesota, resulting in a contract increase in the amount of \$11,900.00 and acknowledgement of Final Pay Request (No. 2) in the amount of \$14,476.90 for Project BP1: SMASC Ballpark Sanitary Sewer and Watermain Construction Project. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**PROJECT Z34: BLOCK 11 SIDEWALK AND PARKING LOT IMPROVEMENT PROJECT -- 1) CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT; 2) CONSIDER RESOLUTION RECEIVING FEASIBILITY REPORT; 3) CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; 4) CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS**

Glenn Olson, Director of Public Works/City Engineer indicated that this project includes reconstruction of parking lot, driveways, sidewalks and miscellaneous items to the property abutting West Main Street from East College Drive to the east line of the existing City owned parking lot located in Block 11. The intent of the project is for the City to complete improvements on the City-owned parking lot, as well as replacement driveways and sidewalk work. These improvements will be special assessed to the currently City-owned parking lot property. Subsequently, by agreement, all costs associated with these improvements will be transferred to the new owner. The 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 (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion that the Council adopt RESOLUTION NUMBER 4069, SECOND SERIES, which is the "Resolution Ordering Preparation of Report on Improvement" for Project Z34: Block 11 Sidewalk and Parking Lot Improvement 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 (**Craig Schafer**) seconded to approve the **NEW** motion that the Council adopt RESOLUTION NUMBER 4070, SECOND SERIES, which is the "Resolution Receiving Feasibility Report" for Project Z34: Block 11 Sidewalk and Parking Lot Improvement 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 adopt RESOLUTION NUMBER 4071, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" for Project Z34: Block 11 Sidewalk and Parking Lot Improvement 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 (**Craig Schafer**) seconded to approve the **NEW** motion that the Council adopt RESOLUTION NUMBER 4072, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z34: Block 11 Sidewalk and Parking Lot Improvement Project. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**CONSIDER RESOLUTION APPROVING THE PRELIMINARY TAX LEVY FOR 2014, COLLECTABLE IN 2015.**

Ben Martig, City Administrator provided the tax levy as presented at the most current budget worksession as directed by the City Council. The preliminary tax levy is proposed to change from \$5,119,357 in 2014 to \$5,380,444 in 2015. The total preliminary levy may be decreased before adoption in December but may not be increased.

Member (**John DeCramer**) Moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion to approve Resolution Number 4073, Second Series, which is a resolution approving the preliminary tax levy in the amount of \$5,380,444 for 2014, collectable in 2015. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**CONSIDER RESOLUTION ADOPTING THE PRELIMINARY 2015 BUDGET.**

Ben Martig, City Administrator reviewed the preliminary General Fund budget for 2015. This is required for adoption by the end of September in accordance with State law.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion to approve the Resolution Number 4074, Second Series, which is a Resolution Adopting the Preliminary for the General Fund 2015 Budget. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**CONSIDER RESOLUTION OF SUPPORT FOR MULTI-JURISDICTIONAL EFFORT TO PURSUE FUNDING AND DEVELOPMENT OPTIONS FOR A BICYCLE/PEDESTRIAN TRAIL CONNECTION AND SIGNATURE SIGNAGE ALONG THE CAMDEN REGIONAL TRAIL.**

Ben Martig, City Administrator stated that City staff are assisting Lyon County with the submission of a grant application to the Minnesota Department of Natural Resources (DNR) for Trail Legacy funding to develop and construct the final 2.40 mile trail segment and build/install signature signage along the Camden Regional Trail. In 2012 and (January) 2014, Legacy grant dollars were awarded to Lyon County to develop a new trail called "Camden Regional Trail" from Marshall's Victory Park to Camden State Park. Lyon County has been awarded a total of \$1,674,680 to date for the development and construction of trail. One 2.40 mile section of trail remains; this section, called the "Savannah Oaks" section is adjacent to the Savannah Oaks Golf Course in Lynd. The current application requests funding to acquire and complete this section

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along with the installation of signature signage along the Camden Regional Trail. The proposed trail section will be 10 feet wide bituminous with 2 foot graveled shoulders on each side, located off-road, signed and constructed to accommodate ADA accessibility guidelines. The trail from Camden State Park to Marshall has been identified as a priority in the Pedestrian and Bikeway Comprehensive Plan, by the Southwest Regional Development Commission's Region Trail Plan, and most recently, it was identified by the MyMarshall group as a top priority project within their action plan. The MyMarshall group embraced the project following community surveying and special focus group discussions. Like the city's prior applications, Lyon County is taking the lead on the project in the design, application, and construction document phases. The City of Marshall would be participating through assisting on grant applications, providing feedback on design options, and partnering with in-kind funding of the construction as has been previously authorized by the Council. The City of Lynd and MnDOT are supporting the project with utilization of right-of-way. The request for Legacy funding also entails the trail in Marshall, now titled the "North Trail", which follows the northern perimeter of the city, as part of the Camden Regional Trail. Construction of the Savannah Oaks section will make this a contiguous off-road trail from SMSU to Camden State Park. The Lyon County Commissioners have already approved a similar resolution of support, as will the City of Lynd. If awarded funding, the project must be completed by June 30, 2017. Staff recommends Council approval of a Resolution of Support and authorization for the execution of the Certification form, if required, as part of this application. Though there is no matching requirement, priority is given to projects that provide a non-state cash match. Local matching funds account for 8% of project scoring.

Member (**Craig Schafer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion approval of Resolution Number 4075, Second Series, which is a Resolution of support for multi jurisdiction effort to pursue funding and development option for a bicycle/pedestrian trail connection and signature signage along the Camden Regional Trail between Marshall and Camden State Park. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

### **CONSIDER INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING ON CITY CHARTER AMENDMENT.**

Ben Martig, City Administrator stated that the City Charter Commission met on September 10th and approved the proposed amendment to the City Charter related to Marshall Municipal Utilities (MMU). Administrator Martig had met with the MMU Director on language as the City Legislative and Ordinance Committee is working on the ordinance section of our boards and commissions and thought it would be a good time to address any updates for MMU in the Charter at the same time. Under Minnesota Statute an amendment may be made by an Ordinance and upon a recommendation of the charter commission the city council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. Most of the proposed amendments are administrative in nature.

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion to approve the Introduction of Ordinance and Call for Public Hearing on City Charter Amendment. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

**CONSIDER RECOMMENDATIONS FOR NOMINATIONS TO THE CITY CHARTER COMMISSION.**

Ben Martig, City Administrator indicated that the City of Marshall is a Home Rule Charter City under Minnesota Statutes. State Statutes 410.05 outlines the requirements of the Charter Commission. There may be between 7 and 15 members at any time. The appointments from the Charter Commission is made by the District Court Judge following review of nominations by the City Council and Charter Commission. The term of office is for four years and there are no term limits. Members must be residents of the City of Marshall to be eligible. There is no restrictions by state statute or city charter that shall disqualify members from serving on the charter commission by reason of holding any other elective or appointive office other than judicial. Staff is bringing the option of nominations to the attention of the City Council if they would like to make nominations at this meeting or a future meeting. The Charter Commission nominated Linda Baun and Jay Cattoor at their last meeting. The Council may also nominate these individuals as well as others at their discretion. The council asked that this be brought back before the end of the year so that they would then have time to propose names for the commission.

**CONSIDER RESOLUTION CALLING FOR A PUBLIC HEARING FOR CITY CAPITAL IMPROVEMENT PLAN.**

Ben Martig, City Administrator stated that the City Council has been working on several capital improvement projects that will require public hearings on the projects prior to completing the financing. The City is proposing to use Street Reconstruction Bond Authority for Highway 23/Saratoga Street Intersection, Pedestrian Overpass, and Reconstruction of Saratoga Street from Southview Drive to Highway 23.

Staff is working on completing the formal documents for the Capital Improvement Plan and the Street Reconstruction Plan in preparation of the hearing on October 14, 2014. The hearings are required as part of the financing process.

Member (**Mike Boedigheimer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion to approve RESOLUTION 4076, SECOND SERIES establishing the date for a public hearing with respect to consideration of a capital improvement plan and a proposal to issue general obligation capital improvement bonds of the city; and with respect to consideration of a street reconstruction plan and a proposal to issue general obligation street reconstruction bonds of the City. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

**CONSIDER 2015 EMPLOYEE HEALTH INSURANCE AND WELLNESS PROGRAM  
MEMORANDUM OF UNDERSTANDING.**

The City of Marshall has received its annual health insurance renewal. There is no change to the overall premium. The city is a member of the Southwest Service Cooperative pool.

Administration is not proposing any changes to the overall plan. Staff is proposing to implement the pilot Employee Assistance Program that was approved in May to add to a permanent benefit with an employee cost sharing half of the program. City Administrator Martig and the Wellness Committee also are recommending approval of the new Wellness Incentive Program. The City has participated in this program in the past. The new program expands into more biometric qualifications and offers alternatives focused on particular areas of improvement for the employee.

Bayerkohler asked how the requirements were determined. Martig responded that the Southwest Service Cooperative designed the program. Martig stated that this program is modified each year and Cathy Lee will check with Southwest Service Cooperative to see how they came up with the steps.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion to approve the 2015 Employee Group Health Insurance Plan for eligible full time employees and also including the Employee Assistance Program participation only for all full-time and part-time police and fire department employees. 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 to approve 2015 Employee Health Insurance and Wellness Program Memorandum of Understanding. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**COMMISSION/BOARD LIAISON REPORTS**

Byrnes: No Report

Shafer: No Report

Doom Personnel Committee met and the council acted on the item at the meeting tonight.  
Convention & Visitors Bureau – interviewed eight people for the Visitor and Convention position. The financials were presented. The hotels were audited.\

Bayerkohler: No Report

DeCramer: EDA – met and approved the 2015 Discover Southwest Partnership Agreement.

MERIT Center Commission met and working on strategic plan. The tank for the confined space was cleaned and a door was put on.

## REGULAR MEETING – SEPTEMBER 23, 2014

Boedigheimer: Attended a Library Committee meeting at 7:00 a.m. with the county commissioner's representatives along with county attorney and city staff, city attorney, and councilmember Bayerkohler on Tuesday, September 23<sup>rd</sup> to discuss the Library agreement. Boedigheimer also attended the Library Board meeting at 4:00 p.m. on September 23<sup>rd</sup> to rescind the offer to join Plum Creek. The Library Board wants to know all conditions before rejoining Plum Creek. Boedigheimer requested the City Administrator and City Attorney advise the council on the City Council authority in this decision if they would not agree with the Library Board.

Conyers: No Report

### **COUNCILMEMBERS INDIVIDUAL ITEMS:**

Bayerkohler shares Mike Boedigheimer concern on receiving information well in advance of the meetings since the councilmembers have a duty and responsibility to read and understand documents before the council meeting so that they can vote on them.

Conyers has received complaints when people are watching the council meetings on TV, that they are having trouble hearing and especially when people come forward to speak. It was suggested that headsets be purchased. Martig stated that councilmember Boedigheimer brought this up recently and Cathy Lee is pursuing options.

Mayor Byrnes stated that the farm leases are coming due and with the new farm bill some farm leases that are small parcels, less than ten acres, are not eligible for the farm bill unless they consolidate with another parcel that they farm. The city has a farm lease that is less than ten acres, therefore, the city may have to sign, as a land owner, that the city is agreeable to have the yield combined with another parcel owned by the tenant.

Olson indicated that staff has does not follow the new farm bill and how that impacts the leases. The cities intent is to have all new leases coming forward for renewal and that they would be effective the first of the year. All of these leases should be on the same schedule so they would all become due at the same time and city would like them to be multi-year leases to allow the renter to make commitment to what he is doing with his operations including fall input. Mayor Byrnes suggested approving a 1-year lease extension with Paul and Fran Deutz, Inc. due to the farm bill issues and potential development of Fairview Street. The Mayor also suggested offering an extension if leases to the other tenants. There was no objection raised by the Council.

### **CITY ADMINISTRATOR:**

Martig updated on the Running's project. A replat is in the process. Martig had a meeting with the county auditor and the financial consultant as it relates to JOBZ and tax increments and if the city combined the lots how does the city deal with the issue of JOBZ and TIF with combining all for these lots together. Trying to achieve the ability to capture all of the expansion area as a TIF district to pay back the infrastructure cost that would be dedicated for this development.

REGULAR MEETING – SEPTEMBER 23, 2014

**DIRECTOR OF PUBLIC WORKS:**

Olson did an update on the speed study. The result was they could increase the speed on Hwy. 23 by five miles per hour but because of safety concerns at various intersections the current speed of 55 miles per hour is appropriate to remain as is. MNDOT will be making no change. Mayor Byrnes stated that this information should be shared with the public.

**CITY ATTORNEY:**

No Report

**PENDING ITEMS:**

There were no questions on the pending items.

**INFORMATION ONLY:**

There were no questions on the information items.

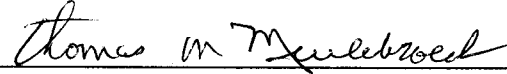
**UPCOMING MEETINGS:**

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