

## REGULAR MEETING – OCTOBER 28, 2014

The regular meeting of the Common Council of the City of Marshall was held on October 28, 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: Ellayne Conyers, John DeCramer, Larry Doom, Craig Schafer and Mike Boedigheimer. Absent: Glenn Bayerkohler. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Kim Jergenson, Engineer Technician; Shane Waterman, Assistant City Engineer; Michael Simmons; Building Inspector; Jane DeVries, Deputy City Clerk and Thomas M. Meulebroeck, Finance Director/City Clerk. Jeff Wenker, Sergeant, arrived late.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the Council that the agenda be approved with item number 21, which is to consider approval of Employee Life Insurance Benefit Plan for 2015 being added.

### **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 14, 2014, THE MINUTES OF THE WORK SESSION HELD ON OCTOBER 14, 2014 AND THE MINUTES OF THE JOINT CITY COUNCIL / LIBRARY BOARD MEETING HELD ON OCTOBER 20, 2014:**

Member (Larry Doom) moved, Member (Ellayne Conyers) seconded to approve the ORIGINAL motion 'that the minutes of the regular meeting held on October 14, 2014, the minutes of the work session held on October 14, 2014 be approved as filed with each member and the minutes of the Joint City Council / Library Board meeting held on October 20, 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: 0. The motion Carried 6 - 0

### **PUBLIC HEARING - RESOLUTION RESTRICTING PARKING ON EAST MAIN STREET – 1. PUBLIC HEARING; 2. CONSIDER RESOLUTION RESTRICTING PARKING:**

This was the date and time set for a public hearing on restricting parking on East Main Street. Glenn Olson, Director of Public Works/City Engineer, indicated that Mn/DOT is in the process of designing a roadway improvement on East Main Street (TH 59) from TH 23 to College Drive (TH 19) for the summer of 2015. Included in that design is a continuous left-hand turn lane, a new right-hand turn lane at "E" Street and other significant improvements to the roadway and ADA ramps at crosswalk locations. Because of these improvements, Mn/DOT has requested the City adopt a resolution restricting parking on both sides of East Main Street from TH 23 to 1<sup>st</sup> Street. As there is already no parking on the east side of East Main Street from 1st Street to College Drive, it is not necessary to include this section in the resolution. Parking along Memorial Park would continue to exist.

Nick Klisch, Mn/DOT Project Engineer, indicated that the project would add a central left turn lane on East Main Street, similar to the one running down East College Drive. East Main Street would then have only one lane of traffic moving in each direction. The roadway would merge from two traffic lanes down to one west of the East Main/Southview Drive intersection. Crosswalks would also be added at the intersections with East Main, and a right turn lane would

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be added at the intersection of East Main Street and “E” Street. Nick indicated that Mn/DOT looked at leaving parking on one side of the roadway, but this would create other problems like having heavy truck traffic too close to the curb on one side of the road.

The plan for a center left turn lane would leave only a six-foot shoulder at the sides of the street, which was not enough for parking. Accommodating both parking and a left turn lane would require a complete reconstruction and widening of the street.

Comments at the public hearing included:

Todd Hoseck, 117 East Main Street, indicated that the left hand turn lane would not fix anything; traffic would be too close to the property; not enough room to hook up a trailer; no room for visitors to park; the alley area is already full of vehicles; and this would cause an issue with garbage pickup and mail delivery.

Elizabeth DeVos, 512 East Main Street, was not in favor of not having parking on both sides, concerned with no crosswalks at the intersections and wanted to know where delivery trucks are supposed to park.

Genevieve Ahmann, 115 East Main Street, indicated that she has a single car driveway so there would be no room for visitors to park. She indicated that the alley behind her residence is not a true alley – the tenants from the apartments above Photo Works use this area as a parking lot.

Jim Lozinski owns rental property along East Main Street and was also concerned with parking.

Other comments included: parking in driveways causes sidewalks to be blocked; having a six foot shoulder for trucks; have parking on one side and off-set center turn lane.

Member (**Mike Boedigheimer**) 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: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Mike Boedigheimer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4087, SECOND SERIES, which is the “Resolution Restricting Parking on East Main Street” from 1st Street to TH 23 and the use of alleys'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1**, with DeCramer voting no.

**PUBLIC HEARING AND CONSIDERATION OF MODIFICATION OF TAX INCREMENT FINANCING (ECONOMIC DEVELOPMENT) DISTRICT NO. 1-11:**

This was the date and time set for a public hearing on the Modification of Tax Increment Financing (Economic Development) District No. 1-11. Ben Martig, City Administrator, indicated that the proposed TIF amendment is to add Parcel No. 27-385003-0 (Lot 1, Block 2, Industrial Park 3<sup>rd</sup> Addition) to the TIF area for District No. 1-11. The purpose is to prepare for a combination of 3 lots into 1 lot in conjunction with the current expansion underway. There will

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be no change to the taxable value of the existing building and existing values scheduled for assessment 2016, payable in 2017.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'to adopt RESOLUTION NUMBER 4088, SECOND SERIES, which is a resolution Approving the Modified Tax Increment Financing Plan of the Housing and Redevelopment Authority in and for the City of Marshall for Tax Increment Financing District No. 1-11 and Modification of the Modified Redevelopment Plan for Redevelopment Project No. 1 in which the TIF District is Located in the City of Marshall, Minnesota '. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**CONSIDER AUTHORIZATION TO PURCHASE TWO POLICE PACKAGE VEHICLES FOR THE POLICE DEPARTMENT:**

Bids were received, opened and read for two Police package vehicles for the Marshall Police Department from:

Polar Chevy  
White Bear Lake, MN  
2015 Impala, FWD  
\$21,003.20

Polar Chevy  
White Bear Lake, MN  
2015 Caprice RWD  
\$27,025.61

Polar Chevy  
White Bear Lake, MN  
2015 Tahoe RWD  
\$29,318.00

Polar Chevy  
White Bear Lake, MN  
2015 Tahoe 4WD  
\$32,112.28

Polar Chevy  
White Bear Lake, MN  
2015 Taurus PI FWD  
\$23,371.00

Polar Chevy  
White Bear Lake, MN  
2015 Taurus AWD  
\$24,371.00

Burnsville Dodge  
Burnsville, MN  
2014 Durango  
Spec Service AWD  
\$28,672.00

Burnsville Dodge  
Burnsville, MN  
2014 Charger AWD  
\$25,931.00

Burnsville Dodge  
Burnsville, MN  
2014 Charger RWD  
\$24,390.00

Midway Ford  
Roseville, MN  
2015 Int. Utility AWD  
\$26,316.80

Lockwood Motors  
Marshall, MN  
2015 Impala Limited  
Police Pkg  
\$20,890.00

Lockwood Motors  
Marshall, MN  
2015 Durango Special  
Service Unit  
\$29,648.00

Rob Yant, Director of Public Safety, and Jeff Wenker, Sergeant, were in attendance at the meeting to review the request to purchase two (2) Police vehicles. Marked squad cars are the primary means for officers to be able to get around and perform their duties. The Police Department currently has six marked squad cars plus the Tahoe (supervisor vehicle). At this time

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staff is proposing to replace two of the 2012 Chevrolet Impalas as squad cars for the Marshall Police Department. State bid prices were requested and provided to Lockwood Motors to provide a bid for the 2015 Chevrolet Impala Limited Police Package and the 2015 Dodge Durango Special Service Unit. Kruse Motors did not provide any bids. Staff talked with officers from other departments and sat in most of the units that are being driven in the area. Staff found that the V6 Ford All-Wheel-Drive Police Interceptor Utility has replaced the Crown Victoria as the work horse police vehicle. This has a bit larger interior than most of the other units and the AWD is very good in weather that has winter driving and bad road conditions. The Minnesota State Patrol has gone with the V6 AWD Ford Interceptor Sedan (Taurus) as its primary patrol vehicle. Staff is recommending to get one of each of these units for 2014 to compare them with each other and with the current Chevrolet Impalas. These vehicles get very competitive gas mileage (m.p.g.) with the Utility V6 AWD getting 16 - Hwy/21 - City/18 - Combined and the Sedan V6 AWD getting 18 - City/25 Hwy/21 - Combined. Squad cars are officer's office and where they spend most of their 10-hour shift. The Fords have rear view cameras and rear backup sensors as an option which would help them to back up safely and they would help compensate for the poor rear visibility that squad cars have.

Following discussion Member (**Larry Doom**) moved, Member (**Mike Boedigheimer**) seconded to approve the bid be awarded to: Midway Ford, Roseville, Minnesota for a 2015 Int. Utility AWD Ford in the amount of \$26,316.80 and the bid be awarded to Lockwood Motors, Marshall, Minnesota for a 2015 Chevy Impala Limited Police Package in the amount of \$20,890.00. The motion also included declaring two (2) 2012 Chevy Impalas unit 1201 and 1202 as surplus property'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 2. The motion **Passed 4 – 2**, with Schafer and Byrnes voting no.

**CONSIDER APPROVAL OF CONSENT AGENDA:**

Member (**Craig Schafer**) 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: 6 Nay: 0. The motion **Carried 6 - 0**

Authorization be granted to the Department of Public Safety to dispose of surplus City Property – one (1) vehicle. This vehicle will be auctioned on-line at the state site or will be taken to Alter for disposal.

The approval of a Temporary On-Sale Liquor License for Holy Redeemer Church to use on January 24, 2015 at 501 West Lyon Street, Marshall, Minnesota.

The approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use on December 1, 2014 at Bremer Bank, 208 East College Drive, Marshall, Minnesota.

BE IT RESOLVED that the City Council hereby (1) grants local unit of government approval to Holy Redeemer Church to hold a raffle on January 5, 2015 at Holy Redeemer Church Parish Center, 503 West Lyon Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall.

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The approval of the deferral of the balance of a special assessment in the amount of \$3,947.66 for Kathryn Jill Lang, 803 North 5th Street, Marshall, Minnesota.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 91033 through 91234.

**APPROVAL OF ITEMS PULLED FROM CONSENT - CONSIDER ADOPTION OF RESOLUTION ADOPTING ASSESSMENT FOR ICE AND SNOW REMOVAL AND FOR GRASS AND WEED CONTROL:**

Council Member DeCramer requested this item be removed from the Consent Agenda. This is a resolution Adopting Assessment for Ice and Snow Removal and for Grass and Weed Control for services provided in 2014 and not paid to the City. All of the affected property owners were provided written notice of what was due to the City of Marshall. The property owners were informed that if this was not paid the City Council would consider adopting a resolution authorizing that this would be certified to Lyon County to be added to their Real Estate Tax Statement due and payable in 2015. DeCramer questioned the process of assessing for this. Glenn Olson, Director of Public Works/City Engineer, indicated that the property owner is notified to take care of their issue and if they do not, the city hires someone. The property owner is then billed and if not paid the city can assess this to their property.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4089, SECOND SERIES Adopting an Assessment for Ice and Snow Removal and for Grass and Weed Control for services provided in 2014 and not paid to the City'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

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

Ben Martig, City Administrator indicated that the City Council had approved the contract with the Chamber of Commerce to provide marketing and scheduling support for the Schwan Regional Amateur Sports Center. The intent is for the CVB Director and CVB support staff would provide staff services. Additionally, proceeds from the contract would be eligible for other marketing and scheduling related expenses. The Chamber has hired a new full-time CVB Director and CVB assistant. The timing is appropriate to provide city funding. The Council did approve the \$4000 per month contract last meeting that will cover October 2014 contract services only.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to approve the Service Agreement with the Marshall Area Chamber of Commerce related to the Marketing and Scheduling of the Schwan Regional Amateur Sports Center and the MERIT Center at a fee of \$8,000 per month effective November 1, 2014'. The funding source for this is the 1 ½ percent prepared food and beverage sales tax. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Mayor Byrnes called for a 5-minute recess at 7:00 P.M.

**CONSIDERATION OF APPROVAL OF CONSTRUCTION DOCUMENTS AND AUTHORIZATION FOR BIDS MINNESOTA EMERGENCY RESPONSE AND INDUSTRIAL TRAINING (MERIT) CENTER EXPANSION:**

Dave Maroney from ATS&R provided a power point presentation on the construction of the Minnesota Emergency Response and Industrial Training (MERIT) Center Expansion. The scope and design is very similar to the design development presentation last October. The financing with State bonding had not been approved at that time and therefore there have been adjustments in the funding. The Sports Center budget continues to be developed.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the approval of the Construction Documents and Authorization for bids for the construction of the Minnesota Emergency Response and Industrial Training (MERIT) Center expansion'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**PROJECT Y97: SOUTH 1ST STREET LIFT STATION / GRIMES STREET RECONSTRUCTION PROJECT – 1. CONSIDER CHANGE ORDER NO. 3; 2. CONSIDER CHANGE ORDER NO. 4 (FINAL); 3. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 6:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the items on Change Order No. 3 are the result of work done for emergency sanitary sewer repair in the amount of \$5,000.00 and that the items on Change Order No. 4 (Final Reconciling Change Order) are the result of final measurements and changes in item quantities during

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 3 with Voss Plumbing & Heating of Paynesville, Minnesota, resulting in a contract increase in the amount of \$5,000.00 for Project Y97 South 1<sup>st</sup> Street Lift Station / Grimes Street'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Member (**John DeCramer**) moved, Member (**Mike Boedigheimer**) seconded to approve the **NEW** motion 'that Council approve Change Order No. 4 (Final) with Voss Plumbing & Heating of Paynesville, Minnesota, resulting in a contract increase in the amount of \$13,947.41 and acknowledgement of Final Pay Request (No. 6) in the amount of \$29,085.88 for Project Y97 South 1<sup>st</sup> Street Lift Station / Grimes Street'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**CONSIDER AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR SMSU FOUNDATION:**

Member (**Mike Boedigheimer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on December 5, 2014 at SMSU PE Gym, 1501 State Street, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**CONSIDER AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR SMSU:**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University to use on January 10, 2015 at SMSU Upper Level Conference Center, 1501 State Street, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**CONSIDER APPOINTMENTS TO THE LIBRARY BOARD:**

Per the recommendation of Mayor Byrnes Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'approval of appointments to the Library Board'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Library Board – Bill Cole be appointed to an unexpired term to expire on December 31, 2016

Library Board – Mark Goodenow be appointed to an unexpired term to expire on December 31, 2015. Mr. Goodenow County Commissioner's position expires December 31, 2014; therefore he will not be able to serve on the Library Board until after January 1, 2015.

Library Board – Carole Martin be appointed for a three-year term to expire on December 31, 2017

**CONSIDER APPROVAL OF EMPLOYEE LIFE INSURANCE BENEFIT PLAN 2015:**

Ben Martig, City Administrator, indicated that the City of Marshall received proposals for the employee life insurance benefit program. Currently, the City offers a \$10,000 life insurance policy for single and an additional \$5,000 life for the spouse and \$2,000 per dependent. The City benefits policy provides for the City to fund this benefit. Retirees are eligible for the benefit as well but they pay 100% of the benefit. The City currently has a contract with Guardian. The City received a renewal that had a substantial increase 2-weeks ago. Staff and the agent Bill Chukuske have been working on receiving other quotes for this benefit. The City has received a proposal that would be affordable and slightly less through Ochs agency. The primary cost saving solution is by breaking out the retiree cost from the active employee cost.

The rates for retirees are as follows:

	100%	\$7.20 for single	\$9.00 for dependent
Age 65	80%	\$5.76 for single	\$9.00 for dependent
Age 70	50%	3.60 for single	\$9.00 for dependent
Age 75	35%	2.52 for single	\$9.00 for dependent

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to approve the 2015 Employee Life & AD&D Insurance with Minnesota Live, which is administered by Ochs, Inc., at a rate of \$1.30 for employee and \$1.78 for dependent coverage'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1. The motion **Passed 5 – 1**, with Boedigheimer voting no.

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**COMMISSION/BOARD LIAISON REPORTS:**

Byrnes No report

Schafer Library Board approved the Marshall/Lyon County/Library Agreement.

Doom Convention and Visitors Bureau is under new leadership.

DeCramer MERIT Center Commission items was acted on earlier; Utilities Commission met, but DeCramer was unable to attend.

Boedigheimer Airport Commission met

Conyers No report.

**COUNCIL MEMBERS INDIVIDUAL ITEMS:**

Council Member DeCramer requested that the City Council review the dollar amount proposed from the City in the 2015 budget for the Library operation. Council Member Schafer concurred.

**CITY ADMINISTRATOR:**

Ben Martig, City Administrator, indicated that he attended the Regional League meeting in Granite Falls. He indicated that there have been some changes in the law relating to data practices.

**DIRECTOR OF PUBLIC WORKS:**

Glenn Olson, Director of Public Works/City Engineer, introduced Michael Simmons the new Building Inspector. Glenn indicated that the asphalt plant plans to shut down on November 14<sup>th</sup>. Work is continuing on the Softball Fields and the roof at city hall. There was a pre-job conference on the dirt work for the new City Municipal Liquor store.

**CITY ATTORNEY:**

Dennis Simpson indicated that bids will be received on November 5<sup>th</sup> for the farm leases that the tenants did not agree to a three-year renewal at the current rate. Dennis is also working on the Fixed Base Operator Least Agreement for the Airport.

**FINANCE DIRECTOR/CITY CLERK:**

Thomas M. Meulebroeck, Finance Director/City Clerk, provided an update on the General Election to be held on November 4<sup>th</sup>.

**PENDING ITEMS:**

There were no questions on the pending items.

**INFORMATION ONLY:**

There were no questions on the information items.

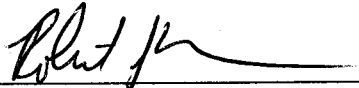
**UPCOMING MEETINGS:**

There were no questions on the upcoming meeting list.

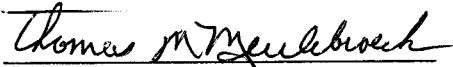


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Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the meeting be adjourned'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

  
\_\_\_\_\_  
Mayor

ATTEST:

  
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Finance Director/City Clerk