

REGULAR MEETING – FEBRUARY 24, 2015

The regular meeting of the Common Council of the City of Marshall was held February 24, 2015 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, David Sturrock, John DeCramer, Glenn Bayerkohler, Larry Doom, and Craig Schafer. Absent: none. 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; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

It was the general consensus of the council that the agenda be approved as presented with the addition of agenda item number 26, which is a consideration of a Resolution Authorizing Execution of MN/DOT Cooperative Construction Agreement No. 07492 and Amendments relating to Project Y62 / S.A.P. 139-111-005 / S.P. 4207-55/ S.P. 4207-42016; T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 10, 2015:

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on February 10, 2015 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**

PROJECT Z22: MARGARET AVENUE IMPROVEMENT PROJECT – 1. PUBLIC HEARING ON IMPROVEMENT; 2. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Margaret Avenue Improvement Project Z22. Glenn Olson, Director of Public Works/City Engineer, indicated that this project consists of the construction of Margaret Avenue from approximately 225 feet south of the intersection of Boyer Drive to Windstar Street. The project shall include curb and gutter, grading, aggregate base, sanitary sewer, watermain, storm sewer, sidewalk and other work. Also included in this project is a mill and overlay of the existing Margaret Avenue from Boyer Drive to approximately 225 feet south.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing regarding Project Z22: Margaret Avenue 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 Council adopt RESOLUTION NUMBER 4134, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" for Project Z22: Margaret Avenue Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z30: WINDSTAR STREET IMPROVEMENT PROJECT – 1. PUBLIC HEARING ON IMPROVEMENT; 2. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Windstar Street Improvement Project Z30. Glenn Olson, Director of Public Works/City Engineer indicated that this project consists of the construction of Windstar Street from T.H. 59 to approximately 350 feet east to the existing Windstar Street. This project shall include bituminous surfacing, aggregate base, curb & gutter, sidewalk, bike path, grading, and other miscellaneous work. Construction shall provide left and right turn lanes on and off of T.H. 59.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing regarding Project Z30: Windstar Street 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 Council adopt RESOLUTION NUMBER 4135, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" for Project Z30: Windstar Street Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z37: NORTH "A" STREET / EAST REDWOOD STREET RECONSTRUCTION PROJECT – 1. PUBLIC HEARING ON IMPROVEMENT; 2. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on North "A" Street / East Redwood Street Reconstruction Project Z37. Glenn Olson, Director of Public Works/City Engineer, indicated that this project consists of the reconstruction of streets and utilities on North "A" Street from East Main Street to East Marshall Street and East Redwood Street from Jean Avenue to the Redwood River. Items of work included in the project are sanitary sewer, watermain, and storm sewer replacement, curb and gutter replacement, sidewalk replacement, bituminous surfacing, aggregate base, grading and other minor work. A public informational meeting was held on February 19, 2015 at 5:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance. The same handouts were mailed to all property owners within the project area that were not able to attend.

Mr. Olson indicated that the plans included sidewalks on both sides of "A" Street. He also indicated that all improvements will be done on the public right-of-way.

Questions and comments included:

- Lois Whitcomb, 309 "A" Street, indicated that 40 years ago the residents in the area indicated that they did not want sidewalks at that time – sidewalks were not installed. Lois asked if the residents could request that there be no sidewalks installed. Mr. Olson, indicated that they could request no sidewalks, but it would be a council decision.

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- There was a brief discussion on driveways. Mr. Olson indicated that if a driveway needs to be extended into the street as a result of the project this cost would be included in the city portion of the assessment. The property owner would pay if they had their driveway widened.
- Greg Reinhart, 116 East Redwood Street, indicated that this was a dead end street and all the residents have off street parking; therefore he did not see the need to widen the street. He indicated that they do not want to lose any of their trees. Mr. Olson asked Mr. Reinhart to check with his neighbors about parking on one side of the street only and which side they would prefer.
- Council Member Schafer indicated that they need to maintain a 32 foot street to allow enough room for emergency vehicles.
- Lori Meulebroeck, 401 North “A” Street, asked if sidewalks are necessary.
- Mayor Byrnes indicated that the City has a policy on sidewalks.
- Council Member Schafer indicated that there is very little area for sidewalks and asked if they can be placed along the curb. Mr. Olson indicated that if sidewalks are placed along the curb they would be 7 feet instead of 5 feet.
- Deb Doom, 606 VanBuren, owns property along Walker Lane. She is concerned about the time frame. Mr. Olson indicated that this would be at least a 4 month process and access would be limited off and on during this time.
- Matt Wendorf, 405 “A” Street, was concerned about losing green space. Mr. Olson indicated that “A” Street will gain green space.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing regarding Project Z37: North “A” Street / East Redwood Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Craig Schafer**) moved, Member (**Glenn Bayerkohler**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4136, SECOND SERIES, which is the “Resolution Ordering Improvement and Preparation of Plans” for Project Z37: North “A” Street / East Redwood Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z38: SOUTH 2ND STREET RECONSTRUCTION PROJECT – 1. PUBLIC HEARING ON IMPROVEMENT; 2. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on South 2nd Street Reconstruction Project Z38. Glenn Olson, Director of Public Works/City Engineer, indicated that this project consists of the reconstruction of streets and utilities on South 2nd Street from Grimes Street to George Street, Lucille Street from South 2nd Street to South 4th Street, and Maple Street from South 2nd Street to Williams Street. The project includes surveying and/or platting a portion of the assessment district. Items of work included in this project are sanitary sewer replacement, bituminous surfacing, aggregate base, grading and other minor work. A public informational meeting was held on February 19, 2015 at 5:30 p.m. at Marshall Municipal Utilities. Information and handouts were provided to all those in attendance. The same handouts were mailed to all property owners within the project area that were not able to attend.

Mr. Olson indicated that this area has meets and bound descriptions and that property lines need to be determined. The City has hired a surveyor to determine property lines in order to have this area platted. This may or may not be a 2015 project.

Questions and comments included:

- A written objection was received from Benjamin Denton, Attorney; on behalf of Divena Zeug, 113 West James Street.
- Kim Gagnon, 413 South 2nd Street, indicated that she has hired a surveyor to survey her property. Mr. Olson indicated that this information needs to be included in discussions with staff, the city attorney and Ms. Gagnon.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing regarding Project Z38: South 2nd Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4138, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" for Project Z38: South 2nd Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Mayor Byrnes called for a 5-minute recess at 7:01 P.M.

PROJECT Y98: COMMERCE INDUSTRIAL PARK IMPROVEMENT PROJECT – 1. PUBLIC HEARING ON IMPROVEMENT; 2. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Commerce Industrial Park Improvement Project Y98. Glenn Olson, Director of Public Works/City Engineer, indicated that the proposed Commerce Industrial Park will include the development of 145 acres of agricultural land recently purchased by the City of Marshall. Improvements shall include the extension of Michigan Road west to 240th Avenue, which is currently a township road on the border of the city limits. Two additional roads will be constructed between Michigan Road and Erie Road (Co. Rd. 33). A 16" Watermain will be extended along T.H.68 northwest to 240th Avenue and then north to Erie Road and then loop back east to the existing watermain on Erie Road near the MERIT Center. The project proposes to extend sanitary sewer and watermains along Michigan Road and both of the proposed north/south connecting roads between Michigan Road and Erie Road. A site grading plan will need to be developed for the proposed Industrial Park including storm sewer and stormwater ponds. The project will be developed in phases, with the initial phase being the extension of Michigan Road, the southern portion of 240th Avenue to T.H. 68, utilities within this roadway area, stormwater ponding, and watermain construction to the existing watermain just west of Lake Road. Phase I of the development area includes the extension of Michigan Road to 240th Avenue, improvements on 240th Avenue from Michigan Road to T.H. 68, and may include the construction of turning lanes on T.H. 68. The extension of Michigan Road includes the installation of watermain, sanitary sewer main, storm sewer main, storm water pond

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construction, street construction and other miscellaneous items. The proposed development may include the construction of turning lanes along T.H. 68 under a separate project, pending grant funding. All work shall be completed on the described area.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing regarding Project Y98: Commerce Industrial Park Improvement 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 4138, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" for Project Y98: Commerce Industrial Park Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

ORDINANCE AMENDING "ANIMALS" SECTION 14-22 CONFINEMENT OF RABIES SUSPECTS - 1. PUBLIC HEARING; 2.ADOPTION OF ORDINANCE AND ADOPTION OF SUMMARY ORDINANCE FOR PUBLICATION:

This was the date and time set for a public hearing on the proposed ordinance amending Animals, Section 14-22 Confinement of Rabies Suspects. Ben Martig, City Administrator, indicated that the ordinance amendment provides for a situation in which an animal that bites may be confined in the home if the victim approves. Additionally, there is clarifying language on the start of the confinement period, beginning following the testing date.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'that the Council adopt ORDINANCE NUMBER 692, SECOND SERIES, which is the Ordinance amending Chapter 14, Article II Rabies Control subject to the City Attorney final administrative amendments and adoption of the Summary Ordinance for Publication'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Council Member Sturrock requested the Resolution in Support of Agricultural Utilization Research Institute be removed from the consent agenda.

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

The approval of the Investment Policy in the City Administrative Code.

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Authorization be granted to the Department of Public Safety to dispose of surplus City Property – three (3) vehicle. These vehicles will be auctioned on-line at the state site or will be taken to Alter Metal Recycling for disposal.

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at Henle Printing, 601 Jewett Street, Marshall, Minnesota on March 9, 2015.

That the Council authorize out-of-state travel for Al Dale and Ed Raff, two employees of the Street Department, to attend the University of Minnesota American Traffic Safety Services Association (ATSSA) “How To” Training and Education Workshop in Fargo, North Dakota on March 16-18, 2015.

The adoption of RESOLUTION NUMBER 4140, SECOND SERIES, which is the “Resolution Approving the Final Plat of Tall Grass Addition”. This resolution does authorize filing of the plat within 90 days of this resolution approval. The initial recording was delayed due to final title review. That review has been concluded and final plat can now be recorded upon approval of the resolution.

That the proper city personnel be authorized to enter into an Unlicensed Maintenance Electrician Inspection Agreement between the City of Marshall and David Meier dba Meier Electric, Inc. for two years from June 1, 2015 to May 31, 2017.

That the following bills and project payments be authorized for payment ACCOUNTS PAYABLE, Voucher No. 92573 through 92758.

CONSIDER ADOPTION OF RESOLUTION IN SUPPORT OF AGRICULTURAL UTILIZATION RESEARCH INSTITUTE:

Council Member Sturrock requested this item be removed from the consent agenda.

Carissa Nath from Agricultural Utilization Research Institute (AURI) contacted Mayor Byrnes in regards to adoption of a resolution in support of AURI. Legislation (HF942) was brought forth by legislator Rick Hanson. A portion of this legislation would essentially abolish AURI and fold that money into the Minnesota Department of Agriculture in order to do what AURI currently does. Further, this portion of the legislation would remove AURI from all its current locations, including the SMSU campus in Marshall.

Bayerkohler stated that the legislature would have additional information and would be in a better position to make an informed decision regarding this matter than the Council. Bayerkohler stated that the purpose of the legislation might be to make government more efficient and economical.

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'approve the adoption of RESOLUTION NUMBER 4139, SECOND SERIES, as amended. This is a Resolution in Support of Agricultural Utilization Research Institute'. The amendment included adding AURI remain independent of any other state department or agency. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1**, with Bayerkohler voting no.

CONSIDERATION OF RESOLUTION AUTHORIZING CITY ATTORNEY TO PROCEED WITH LEGAL ACTION TO ACQUIRE MARSHALL HOTEL PROPERTY BY USE OF EMINENT DOMAIN:

Dennis Simpson, City Attorney, indicated that there have been numerous and ongoing actions involving the Marshall Hotel, for the past number of years. There was previously a public presentation to the Marshall City Council in 2009, regarding the condition of the building at that time. An administrative search warrant was obtained and the fire department inspected the interior of the building. A number of photographs from the 2009 inspection have previously been provided to the Council and have been reviewed at a public hearing. The Marshall City Council, in 2012, did issue an order to the property owner, requiring that the owner either repair or raze the building. A number of repairs were made, including a significant repair to the roof of the building. However, a final inspection of the roof was never completed and the City building officials still have concerns as to the efficacy of the roof repair. A public hearing was held on January 13, 2015. That public hearing addressed options available to the City, should the City of Marshall decide to proceed with eminent domain actions to acquire title to the property. The City of Marshall does have several options available to use, should the City decide to acquire property pursuant to eminent domain. Eminent domain statutes authorize governmental entities to acquire property, if a public use is the stated purpose for the property acquisition. Minnesota Statutes Chapter 117 does indicate that a public purpose for acquisition of property exists, if the taking is for “mitigation of a blighted area”, “remediation of an environmentally contaminated area”, “reducing of an abandoned property”, or “removing a public nuisance.” A public hearing was held as required by statutes and those public purposes do exist for the City of Marshall should the City decide to proceed with eminent domain action to acquire property. Additionally, the City of Marshall does have the availability to take the property for the public purpose of removal of hazardous buildings or hazardous property. Hazardous building or hazardous property as defined by Minnesota Statute means “any building or property, which, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or hazard to public health or safety.” City staff believes that the acquisition of Marshall Hotel is necessary to eliminate the hazardous building or hazardous property that presently exists at 326 W. Main Street.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4141, SECOND SERIES authorizing eminent domain action for acquisition of Marshall Hotel property located at 326 W. Main Street, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDERATION OF TEMPORARY EXTENSION OF ALCOHOL LICENSE AREA FOR BRAU BROTHERS BREWING COMPANY AT 1010 EAST SOUTHVIEW DRIVE ON MAY 2, 2015:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the request for the Cinco De Mayo Celebration to be held at Brau Brothers Brewing Company on May 2, 2015. The current alcohol license approved by the City and State is for a taproom and identifies the area to include the inside of the brewery and the exterior areas under the overhangs. The State does allow the City to allow for a temporary extension of the designated area if they are contiguous with the other areas of the license holder. The City has complete discretion of any approval or conditions

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that may be applied as determined necessary. There is no additional state notifications or approval. This application has been distributed to staff for any questions or concerns.

Darin Rahm, CVB Director and Alex Andujar were in attendance at the meeting to review this request. Glenn Olson, Director of Public Works/City Engineer, indicated that Brau Brothers need to talk to the other property owners in this area that will be affected by the event.

Member (**David Sturrock**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to approve the temporary extension of alcohol license area for Brau Brothers Brewing Company at 1010 East Southview Drive from 11:00 A.M. on May 2, 2015 to 1:00 A.M. on May 3, 2015 contingent upon receipt of the necessary insurance certificates'. 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 PRAIRIE HOME HOSPICE INC:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Prairie Home Hospice Inc., to use on April 18, 2015 at the SMSU Event Center, 1501 State Street, 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 SCHEDULE CHANGE FOR THE MARSHALL MUNICIPAL BUILDING (CITY HALL):

Ben Martig, City Administrator, indicated that the Personnel Committee reviewed and unanimously approved a recommendation to the Council to change the open business hours of City Hall from 8AM-5PM to 8AM-4:30PM effective May 1, 2015, with corresponding amendments to the Work Day policy, Meal Breaks and Rest Periods policy, and the addition of Hours of Operation policy, closely aligning with the LMC model personnel policy manual. The 8:00 a.m. - 4:30 p.m. hours of operation will be particularly useful in reducing the time that other staff must cover positions that interact with the public in person and by phone in the municipal building. These positions exist in four key function areas in City Hall, including Public Works, Community Services, Assessing, and Administration/Clerks/Finance. Per the recommended policies, staff lunch periods would decrease from 1 hour to 30 minutes. The 8-4:30 hours of operation would be consistent with the following other governmental agencies in Marshall: City of Marshall Wastewater Treatment Facility, Joint Law Enforcement Center (reception hours 7:45-4), Lyon County Gov't Center (open 8:30-4:30 to the public), Lyon County Public Works, Marshall Municipal Utilities, Marshall Workforce Center, MN Dept of Health--District Office, MN State Patrol--District Office, MnDOT--District Office, MN Pollution Control Agency--District Office, Southwest Health and Human Services, United States Post Office (retail and bulk mail acceptance), University of MN Extension--Regional Office (7:30-4:30) Staff believes this change, closing 1/2 hour earlier, would not have a significantly adverse impact on service-delivery to the public.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council approves amendments to the Personnel Policy Manual, which will effectively change the open business hours of City Hall to 8:00-4:30 effective May 1, 2015'.

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Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 – 2**, with Sturrock and Bayerkohler voting no.

CONSIDER AND APPROVE RESOLUTION AUTHORIZING PURCHASING AGENT AGREEMENTS REGARDING SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER:

Dennis Simpson, City Attorney, indicated that in 2013, the Minnesota legislature granted a limited sales tax exemption to cities, which took effect January 1, 2014. One of the more complicated parts of the tax exemption relates to construction projects. Materials for a city's construction project are generally tax exempt if the City purchases them directly. The limited sales tax exemption does not apply to a lump sum contract for labor and materials. The limited sale tax exemption applies only to materials, to be used in the construction, alteration or repair of a public building or facility. The project must be publicly bid and the City must be the purchaser of the material, equipment or supplies. The council will recall that the City recently approved numerous contracts for the Southwest Minnesota Regional Amateur Sports Center. Several of those approved contracts are contracts for the purchase of materials only. It is recommended that the City enter into the appropriate purchasing agent agreements so as to allow for the purchase of materials only which would then be exempt from State sales tax. For reference, Marshall Municipal Utilities did use the purchasing agent agreement process for the purchase of significant amount of water pipeline used on the Sandnes well site project. MMU estimates that it saved approximately \$250,000 of project costs, by the elimination of sales tax requirements on the direct purchase of the water pipe. As an aside, there is presently pending before the 2015 State legislature, legislation which may amend or modify the State tax exemptions. The use of purchasing agent agreements is presently required under State law and it is recommended that the City enter into the appropriate purchasing agent agreements so as to purchase materials, supplies or equipment for the Southwest Minnesota Regional Amateur Sports Center in such a manner so as to exempt those purchases from States sales tax.

Mr. Olson indicated that the City will have to pay for insurance to cover the supplies that have been delivered.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4143, SECOND SERIES, which is a resolution Authorizing Purchasing Agent Agreements Regarding Southwest Minnesota Regional Amateur Sports Center'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

REVIEW PROPOSED PLANNED UNIT DEVELOPMENT (PUD) FEES FOR AMENDMENT TO THE RESOLUTION APPROVING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL:

Glenn Olson, Director of Public Works/City Engineer, indicated that an interest from an outside party was expressed in utilizing a Planned Unit Development concept for the development of the mall area in the very near future. The Section 86-140 (e) provides for PUD application fees that must be set by resolution by the City Council. However, there are no PUD fees listed on the latest Fee Resolution. Currently, the Fee Resolution specifies Platting fees based on acreage of the area and provides for separate Preliminary plat fees and Final plat fees. It appears that PUD

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development process is similar in many aspects to the platting process but the scope of review is much greater since it includes all building uses, parking, landscaping, etc. Therefore, it seems reasonable to maintain two separate fees for preliminary and final PUD plans and base it on area acreage. However, due to the complex nature of PUD development, the fees are proposed to be double of the platting fees, i.e. \$140/acre for preliminary PUD plan application and \$100/acre for final PUD application. The Ways & Means Committee met on February 23, 2015 regarding this agenda item.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4144, SECOND SERIES, which is the Resolution Approving Specific Fees to be Charged by the City of Marshall, which includes the addition of Planned Unit Development (PUD) application fees'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'approval of appointments to the various boards and commissions'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Police Advisory Board – Angela Sersha be appointed for a three year term to expire on May 31, 2018.

Planning Commission – Don Edblom be reappointed for a three year term to expire on May 31, 2018 and Chis Ellingson be reappointed for a three year term to expire on May 31, 2018.

Utilities Commission – Bill Ziegenhagen be reappointed to a five year term to expire on May 31, 2020.

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT COOPERATIVE CONSTRUCTION AGREEMENT NO. 07492 AND AMENDMENTS RELATING TO PROJECT Y62 / S.A.P. 139-111-005 / S.P. 4207-55 / S.P. 4207-42016: T.H. 23 / SOUTH SARATOGA STREET REDUCED CONFLICT INTERSECTION AND PEDESTRIAN OVERPASS PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Cooperative Construction Agreement No. 07492 with Mn/DOT relating to Project Y62 / S.A.P. 139-111-005 / S.P. 4207-55 / S.P. 4207-42016: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project. This agreement provides for participation and payment for portions of the construction work. Some of the work is capped by a \$3,500,000 CIMS grant and is identified in the agreement. A Preliminary Schedule "I" is included in the agreement with a Final Schedule "I" to be provided after bidding and award of the contract. Items of work included in State cost participation are estimated at \$3,982,940.10, of which the \$3,500,000 of State CIMS funding is allowed. The City Attorney has been provided this agreement for his review and approval.

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Member (**David Sturrock**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4145, SECOND SERIES, which is the "Resolution Authorizing Execution of Mn/DOT Cooperative Construction Agreement No. 07492 and Amendments" relating to Project Y62 / S.A.P. 139-111-005 / S.P. 4207-55 / S.P. 4207-42016: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project, contingent upon City Attorney review and approval'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

COMMISSION/BOARD LIAISON REPORTS:

Byrnes Regional Development Commission is in the process of reforming this commission.

Schafer No report.

Doom No report.

Bayerkohler No report.

DeCramer EDA approved their 2014 annual report. Utilities Commission reviewed their report on investments; MERIT Center sub committees are in the process of meeting.

Sturrock No report.

Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Sturrock indicated that Lt. Governor Tina Smith will be in Marshall on February 27th to discuss transportation issues. Council Member Conyers indicated that there will be a goal setting work session at the Adult Community Center.

CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that he met with the developers from the Market Street Mall Project. He also indicated that Dahms and Swedzinski will be in Marshall on Friday.

DIRECTOR OF PUBLIC WORKS:

No report.

CITY ATTORNEY:

No report

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

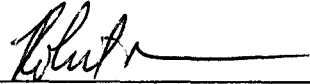
There were no questions on the information items.

REGULAR MEETING – FEBRUARY 24, 2015

UPCOMING MEETINGS:

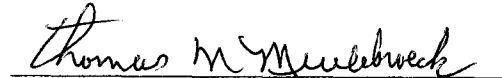
There were no questions on the upcoming meeting list.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) 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