

## REGULAR MEETING – APRIL 14, 2015

The regular meeting of the Common Council of the City of Marshall was held April 14, 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; Harry Weilage, Director of Community Services; Kim Jergenson, Engineer Technician; Shane Waterman, Assistant City Engineer; Bob VanMoer, Wastewater Superintendent; Scott Truedson, Wastewater Assistant Superintendent; Marc Klaith, Fire Chief; Jane DeVries, Deputy City Clerk; Cal Brink, CEO Marshall Area Chamber of Commerce; 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 deletion of agenda item number 22, which is consideration of software, services and equipment with Retail Information Technology Enterprises for Marshall Municipal Liquor Store and the addition of agenda item number 30 which is Change Order No. 1 for the Diversion Channel Main Lift Sanitary Sewer Interceptor Project: Z29.

### **CONSIDER RESOLUTION OF APPRECIATION OF GORDON TIMMERMAN:**

Gordon Timmerman retired on February 27, 2015 from the Wastewater department as an Operator. Mr. Timmerman started working for the City of Marshall on April 9, 1990.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4149, SECOND SERIES, which is a resolution expressing the City of Marshall's Appreciation to Gordon Timmerman'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL MEETING HELD ON MARCH 24, 2015, THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 24, 2015 AND THE MINUTES OF THE LOCAL BOARD OF APPEAL AND EQUALIZATION HELD ON APRIL 6, 2015:**

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the minutes of the special meeting held on March 24, 2015, the minutes from the regular meeting held on March 24, 2015 and the minutes of the Local Board of Appeal and Equalization held on April 6, 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**

### **SOUNDS OF SUMMER -- 1. PUBLIC HEARING FOR PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS (AUGUST 20-23, 2015); 2. PARADE (AUGUST 22, 2015):**

This was the date and time set for a public hearing on the street closure for the 2015 Sounds of Summer Celebration. Glenn Olson, Director of Public Works/City Engineer, reviewed the

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request from the Sounds of Summer Committee requesting permission for the following: - Closure of West College Drive from the corner of Main Street and West College Drive to Saratoga Street, and also Marvin Schwan Memorial Drive from West College Drive to South 1st Street on Thursday, August 20, 2015 from 3:00 p.m. to approximately 12:00 midnight, and again on Saturday, August 22, 2015 from 12:00 noon to Sunday, August 23, 2015 to approximately 3:00 a.m. to allow adequate time for clean up after the Saturday evening activities. - Sounds of Summer Parade on Saturday, August 22, 2015, along the same route as prior years. Line-up would begin at 2:00 p.m. on Jewett Street and East Lyon Street to South Bruce Street, the start of the parade. The parade would start at 4:00 p.m. It would proceed to East Main Street (TH 59) northwesterly to downtown Marshall and ending between 5th and 6th Streets at approximately 5:30 p.m., or if exceptionally large parade, could be 6:00 p.m. If approved by the City Council, the request will be coordinated with Mn/DOT for their approval. In accordance with Section 62-6 of the Marshall City Code, any private use of public streets and parking lots on either a temporary or permanent basis should be considered by the Marshall City Council. Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, the City Council held a public hearing on this request prior to granting final approval. In the past, the City's Public Safety and Public Works Departments have worked with applicants on the issues and public safety concerns that would have to be addressed as part of this request.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing regarding the private use of public streets and parking lots for Sounds of Summer (August 20-23, 2015)'. 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 approve the private use of public streets and parking lots for Sounds of Summer (August 20-23, 2015)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council approve the Sounds of Summer Parade to be held Saturday, August 22, 2015, subject to Mn/DOT approval. Line-up would begin at 2:00 p.m. on Jewett Street and East Lyon Street to South Bruce Street, the start of the parade. The parade would start at 4:00 p.m. It would proceed to East Main Street (TH 59) northwesterly to downtown Marshall and ending between 5th and 6th Streets at approximately 5:30 p.m., or if exceptionally large parade, could be 6:00 p.m.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PUBLIC HEARING ON THE PROPOSED MODIFICATION OF THE MODIFIED TAX INCREMENT FINANCING PLANS FOR TAX INCREMENT DISTRICT NO. 1-13 LOCATED WITHIN REDEVELOPMENT PROJECT NO. 1 OF THE MARSHALL HOUSING AND REDEVELOPMENT AUTHORITY FOR THE MARKET STREET MALL REDEVELOPMENT PROJECT:**

This was the date and time set for the public hearing on the Proposed Modification of the Modified Tax Increment Financing Plans for Tax Increment District No. 1-13 located within Redevelopment Project No. 1 of the Marshall Housing and Redevelopment Authority for the Market Street Mall Redevelopment Project. Ben Martig, City Administrator, provided a power point presentation on the proposed project. Mr. Martig, introduced Cal Brink, Economic Development Director; Brian Pellowski, PBK Investments (overall developer), and John F. Seibert, Royal Business Consulting Corporation (broker apartments and hotel projects).

The power point provided the project summary; the construction schedule; what Tax Increment Financing (TIF) is; the historical use of TIF in Marshall; and the proposed TIF Redevelopment District. Mikaela Huot, Springsted's Inc., reviewed the TIF revenue; the estimated TIF eligible costs; the City intended eligible and in-eligible TIF expenses; and TIF Qualifications. Mr. Martig also reviewed the proposed Mall elevation concept; the site plan; the existing interior; utility plan; landscape plan; and the proposed apartment and hotel plans

Cal Brink, CEO Marshall Area Chamber of Commerce, indicated that he has been working with the Market Street Mall owner Brian Pellowski on this project. Mr. Pellowski indicated that the mall is deteriorating and he has had difficulty filling its retail space.

John Seibert, Royal Business Consulting Corporation, indicated that the apartments and hotel would help rejuvenate this area. He indicated that developers are looking to provide amenities Marshall currently doesn't have. He also indicated that TIF funds would not be used for these two projects.

Attorney Dustan Cross, representative for the Ramada Inn, indicated that the TIF funding might give the planned hotel an unfair advantage over competitors. Mr. Cross, indicated that there is currently a saturation of rooms in Marshall. Mr. Cross asked that the City take the hotel project out of the proposed TIF district.

Mr. Brink responded to Mr. Cross, saying that TIF funding can go to specific projects within a district. Having more properties in the district would also help improve taxable property values.

Council Member Bayerkohler indicated that he also has reservations about the hotel and the use of TIF for the development project. He doesn't think that the City should favor some businesses over others.

Council Member Schafer stated that this would help prevent the mall from ending up like the Marshall hotel.

Council Member DeCramer stated that authorizing TIF plans at this time would just give the city the potential to negotiate TIF funding.

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Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'to adopt RESOLUTION NUMBER 4150, SECOND SERIES, which is a Resolution Authorizing the Modified Tax Increment Financing Plans for Tax Increment District No. 1-13 located within Redevelopment Project No. 1 of the Marshall Housing and Redevelopment Authority for the Market Street Mall Redevelopment Project'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

Mayor Byres requested that item number 17, which is to consider a Resolution approving plans and specifications and ordering advertisement for bids for North “A” Street / East Redwood Street Project Z37 be considered at this time.

### **PROJECT Z37: NORTH “A” STREET / EAST REDWOOD STREET RECONSTRUCTION PROJECT -- CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS.**

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council remove the item from the table regarding the adoption of a Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for North “A” Street / East Redwood Street Project Z37'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Glenn Olson, Director of Public Works/City Engineer, indicated that North “A” Street / East Redwood Street Project Z37 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. Prior to the improvement hearing at the City Council meeting of February 24, 2015, a public informational meeting was held concerning this project. At the improvement hearing, there was a discussion concerning the width of East Redwood Street to reduce the overall street width from 40 feet to 32 feet and prohibit parking on one side of the street. There was also a discussion of eliminating sidewalks from the west side of North “A” Street from East Marshall Street to East Redwood Street. Petitions were received for each of these proposals from property owners along each of the streets. Subsequent to the improvement hearing, City staff went out to the project and placed paint markings where the proposed new curb and gutter, proposed sidewalk locations (orange for sidewalk proposal next to the right-of-way and white for sidewalk proposal 5’-6’ from the back of the new curb), and stakes on the right-of-way line/property lines. At the March 24, 2015 meeting, the City Council tabled this item for further review and direction for City staff to meet with the individual property owners regarding the placement of sidewalks and location of trees. The City’s Comprehensive Plan addresses the issue of sidewalks and pedestrian accessibility throughout the community. The City of Marshall has prided itself in providing bicycle and pedestrian access for the general public, including an additional consideration for ADA needed improvements. This sidewalk would provide better continuity locally and through the area connecting to the new

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pedestrian bridge located at the westerly end of East Redwood Street. City staff met with property owners along the west side of North “A” Street from East Redwood Street to East Marshall Street to present the design as shown in the proposed plans, specifically involving the locations of the new street location, curb and the two proposals for sidewalk locations. After review with the property owners, the City is recommending the installation of a 5-foot sidewalk along this section of North “A” Street, approximately 6 feet west of the new curb line rather than at the right of way line. In areas where existing mature trees were in conflict with the proposed sidewalk at this location, staff requested the individual property owners to recommend to City staff their preference if they would want to relocate the sidewalk to avoid the existing mature trees. This could be accomplished by moving the sidewalk towards the new curb or away from the curb closer to the right of way line. By doing this, all of the tree removals could be avoided on this section of boulevard, except for one located adjacent to the southernmost property. It is also staff’s recommendation to reduce the overall street width on East Redwood Street from 40 feet to 32 feet and prohibit parking on the south side of East Redwood Street from North “A” Street to the Redwood River. Additional street width will be provided for a turnaround at the west end of East Redwood Street.

Mr. Olson briefly reviewed the maximum assessment amount plus any additional items per the property owner’s request. It was indicated that 100% of the property owners submitted protests to adding sidewalks to a two-block segment of “A” Street that currently does not have any. Mr. Martig indicated that pedestrian safety is a high priority in the City of Marshall.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4151, SECOND SERIES which is the “Resolution Approving Plans and Specifications and Ordering Advertisement for Bids” Project Z37: North “A” Street / East Redwood Street Reconstruction Project with no sidewalks on the west side of A Street where there are currently no sidewalks'.

Bayerkohler indicated that staff recommended sidewalks be constructed on the west side of North “A” Street from East Redwood Street to East Marshall Street. The motion on the floor specifically eliminated the sidewalks from the project. Bayerkohler indicated that he was in favor of the project as originally recommended by staff, but not the motion as presented. He stated that he was voting against the motion because it excluded the sidewalks from the project.

Council Member Schafer also indicated that he was not in favor of excluding the sidewalks.

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

Mayor Byrnes called for a 5-minute recess at 7:09 P.M.

**AWARD OF BIDS - SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER (SMASC) – AWARD OF PROPOSAL FOR WASTE RECYCLING & DISPOSAL:**

The specifications for the SMASC project included waste recycling and disposal services to be provided by the City. Proposals were requested by the City's Construction Manager, Wenck Construction (Bossardt). The budget for the SMASC includes construction waste recycling and disposal with an estimated budget of 15,855.00. These services will be funded from Account Number 456-70579-5520 (Amateur Sports Center Fund – Buildings & Structures). Two proposals were received from:

Waste Management, Marshall, Minnesota

Waste/Service Type	Description Details	Rate per Pull	Disposal Rate	One-Time Rate
Roll off delivery to job site				\$73.26 each
30 Yard roll off	Trash	\$189.26	\$73.26 per ton	
30 Yard roll off	Construction debris	\$207.57	\$38.16 per ton	
20 Yard roll off	Concrete recycle	\$122.10	\$79.37 per load	
20 or 30 Yard Roll off	Metal recycle	\$152.63	NC	
30 Yard roll off	Cardboard Recycle	\$134.31	\$27.81 per tom	

Rate includes 10% fuel and 11% environmental charge  
Concrete must be clean no rebar or it cannot be recycled

Southwest Sanitation, Marshall, Minnesota

Clean Construction/Demolition Debris

12 Yard \$125.00 / haul plus landfill

30 Yard \$155.00 / haul plus landfill

Landfill Demo \$25.00 / ton plus \$2.00 / ton tax – no tax on pull charges

(As long as it's what the Landfill considers a clean load and we have lists of acceptable material and the drivers can help with any questions also)

Mixed Load Debris/MSW

12 Yard \$125.00 / haul plus landfill

30 Yard \$155.00 / haul plus landfill

Landfill MSW (mixed) \$48 / ton plus tax of 17% on disposal charge and pull charged

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Concrete and Masonry (not wash out boxes)

25 Yard      \$155 / haul plus landfill

The landfill charges are usually \$25 / ton plus \$2 / ton tax. They recycle this material back into road base. They might charge or they might not, depends on the material.

Metal Recycling

25 Yard      \$108.00 / haul no tax

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for waste recycling and disposal services for the SMASC to Southwest Sanitation Services of Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

**PROJECT Y62 / S.A.P. 139-111-005: T.H. 23 / SOUTH SARATOGA STREET REDUCED CONFLICT INTERSECTION AND PEDESTRIAN OVERPASS PROJECT – AWARD OF BIDS:**

Bids were received, opened and read on March 26, 2015 for T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project Y62 / S.A.P. 139-111-005. The bids received were from:

Robert Schroeder Construction Company  
Glenwood, Minnesota  
Schedule A    \$2,404,583.46  
Schedule B    \$2,494,115.00  
Total Bid      \$4,898,698.46

R & G Construction Company  
Marshall, Minnesota  
Schedule A    \$2,466,852.75  
Schedule B    \$2,772,670.00  
Total Bid      \$5,239,522.75

Minnowa Construction, Inc.  
Harmony, Minnesota  
Schedule A    \$2,572,086.10  
Schedule B    \$2,779,438.90  
Total Bid      \$5,351,525.00

Duininck, Inc.  
Prinsburg, Minnesota  
Schedule A    \$2,363,838.45  
Schedule B    \$3,028,559.00  
Total Bid      \$5,392,397.45

The estimated total project cost including estimated force account items and estimated project delivery costs is \$6,282,750 to be funded from Account #428-60211-5570 (Saratoga/Highway 23 Pedestrian Overpass Fund-Streets-Infrastructure), with \$3,500,000 CIMS funding, which is the maximum amount eligible from that grant; \$1,550,000 from MSAS Advance; \$1,265,000 included in the 2015A GO Bond; and \$225,000 included in the Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax Exempt Bonds, if MSAS Advance State Aid funding is not approved.

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4152, SECOND SERIES, which is a Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for 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

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and Pedestrian Overpass 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 (**David Sturrock**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4153, SECOND SERIES, which is a Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with Robert R. Schroeder Construction Co. Inc. of Glenwood, Minnesota, in the amount of \$4,898,698.46 for 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'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPROVAL OF CONSENT AGENDA:**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) 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 a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use at Lyon County Museum, 301 West Lyon Street, Marshall, Minnesota on May 5, 2015.

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to the MN Chapter National Wild Turkey Federation / Buffalo Ridge Gobblers to hold a raffle on September 26, 2015, at Running's Farm & Fleet, 1101 East Main 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.

The approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use at Legion Field from May 15, 2015 to September 15, 2015 at a fee of \$200.00.

The approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association to use at the Softball Complex from May 15, 2015 to September 15, 2015 at a fee of \$200.00.

Authorization be granted for the street closure for the Southwest Minnesota State University Homecoming Day Parade on Saturday, September 26, 2015. Line up would begin at 10:00 a.m., with the parade starting at 11:00 a.m. and ending at approximately 12:30 p.m. Line up would begin at Jewett Street and East Lyon Street to Bruce Street and beginning there, proceeding to East Main Street (T.H. 59) northwest to downtown Marshall and ending at 5th and 6th Streets upon the approval of MN/DOT.

The adoption of RESOLUTION NUMBER 4154, SECOND SERIES Amending the Budget Amount for 2015 for the MERIT Center.

That the following bills and project payments be authorized for payment ACCOUNTS PAYABLE, Voucher No. 93120 through 93342.



**ITEM REMOVED FROM CONSENT AGENDA - CONSIDER REQUEST FOR STREET CLOSURE FROM REINHART FOODSERVICE FOR COMPANY TRUCK RODEO EVENT ON MAY 31, 2015 – CALL FOR PUBLIC HEARING:**

Member (John DeCramer) moved, Member (Dave Sturrock) seconded to approve the ORIGINAL motion 'that the Council call for a public hearing to be held on April 28, 2015 regarding the request of Reinhart Food Service for the closure of West Fairview Street from just east of True Value's north driveway to just west of the Burlington Northern Railroad tracks from 8:00 a.m. to 3:00 p.m. on Sunday, May 31, 2015'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

**CONSIDER ADOPTION OF RESOLUTION ACCEPTING THE 2015 GOOD NEIGHBOR CITIZENSHIP GRANT FROM THE STATE FARM COMPANIES FOUNDATION AND STATE FARM:**

Harry Weilage, Director of Community Services, indicated that in the fall of 2014, Marshall Community Services worked with Marshall Convention and Visitor's Bureau and State Farm representative Charlie Aufenthie to write a grant for the MERIT Center Driver's Education (DE) program. Staff established the need to update the DE simulators and identify equipment needed for Marshall Driver's Education program. State Farm Foundation approved this grant.

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'adopt RESOLUTION NUMBER 4155, SECOND SERIES accepting the 2015 Good Neighbor Citizenship Grant of \$20,000 from the State Farm Companies Foundation and State Farm'. This grant will be used to update the current Driver's Education simulators at the MERIT Center. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER ADOPTION OF RESOLUTION ACCEPTING DONATION OF PERSONAL PROPERTY FOR THE MARSHALL FIRE DEPARTMENT:**

Marc Klaith, Fire Chief, briefly reviewed the donations that the Fire Department received for the remodeling of the kitchen at the Fire Hall and other equipment for the Fire Department.

Member (Craig Schafer) moved, Member (Larry Doom) seconded to approve the ORIGINAL motion 'the adoption of RESOLUTION NUMBER 4156, SECOND SERIES Accepting the Donation of Personal Property for the Marshall Fire Department'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z27: EAST MAIN STREET / SOUTHVIEW DRIVE SANITARY SEWER & WATERMAIN RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 3:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 3 for East Main Street / Southview Drive Sanitary Sewer and Watermain Reconstruction Project Z27. This project consists of replacing sanitary sewer and watermain along East Main Street from "E" Street to Southview Drive and along Southview Drive from East Main Street to the south side of the existing Hy Vee property southwest approximately 755 feet. The project also included the replacement of the sanitary sewer manhole located at intersection of "A" Street and Main Street. The manhole was in dire need of replacement, and it was necessary to replace the manhole prior

to the Mn/DOT mill and overlay project on East Main Street this summer. The Wastewater Department has reviewed the condition of the existing sanitary sewer main on “A” Street from Main Street to Marvin Schwan Memorial Drive. Staff has concluded that replacement of the sanitary sewer main is warranted at this time and have requested a change order to include this work in the project. Therefore, the items on Change Order No. 3 are the result of the extra work required to extend the sewer main replacement on “A” Street to Marvin Schwan Memorial Drive. The work includes 12” PVC sewer main, three (3) sanitary services lines, a manhole and related street surface replacement items. The work is proposed to be completed at current project unit prices for a total amount of \$49,848.75. This change order work is scheduled to be completed outside of the original work time frame and will not be included in any determination of liquidated damages for the project.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 3 with D&G Excavating, Inc. of Marshall, Minnesota, resulting in a contract increase in the amount of \$49,848.75 for East Main Street / Southview Drive Sanitary Sewer and Watermain Reconstruction Project Z27'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**INTRODUCTION OF ORDINANCE AMENDING CHAPTER 30-ENVIRONMENT OF THE CODE OF ORDINANCES:**

Shane Waterman, Assistant City Engineer, indicated that the City of Marshall has been required to participate in the MPCA Stormwater Program for Municipal Separate Storm Sewer Systems (MS4) Program since 2007. In 2013, the MPCA reissued the General Stormwater Permit Program to the MS4 cities extending coverage from August 1, 2013 to July 31, 2018. The permit establishes conditions for discharging stormwater and specific other related discharges to waters of the State. This permit requires the City to review, modify and establish the following: 1) MS4 Partnerships 2) Regulatory Mechanisms (Reg Mech) (i.e., contracts, ordinances, permits, standards) 3) Enforcement Response Procedures (ERPs) 4) Storm Sewer Mapping and Inventory 5) Minimum Control Measures (MCM) (i.e., Illicit Discharge Detection and Elimination (IDDE)) 6) Meet Waste Load Allocations (WLA) It is the goal of the Public Works staff to revise or establish the City's ordinances, policies, and enforcement procedures to meet the minimum requirements of the MPCA MS4 Permit Program. Staff will engage all of the appropriate City Boards, Committees, Commissions and Council to implement these goals. The Legislative and Ordinance Committee is recommending the proposed ordinance revisions to Chapter 30-Environment to ensure compliance with the City's MS4 Permit. The ordinance further supports establishing the procedures and schedule for implementation of the updates required to comply with the MS4 Program by May 8, 2015.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the City Council introduce the ordinance amending Chapter 30-Environment of the City of Marshall Code of Ordinances'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1**, with Schafer abstaining.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the City Council introduce the summary ordinance amending Chapter 30-

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Environment of the City of Marshall Code of Ordinances'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 - 0 - 1**, with Schafer abstaining.

### **SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER (SMASC) -- CONSIDER CHANGE ORDER NO. 1 (0341.001) FOR CONTRACT #0341 PRECAST CONCRETE PLANK AND STADIA:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 for Contract #0341 Precast Concrete Plank and Stadia for the Southwest Minnesota Regional Amateur Sports Center (SMASC) project. The decrease in the contract consists of the elimination of plank bearing angles provided by Contract #0345-Precast Concrete Wall Panels. These angles were included in both contract proposals and, after receipt and review of the proposals, staff is recommending elimination of these angles from this contract.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 for Contract #0341 Precast Concrete Plank and Stadia with Molin Concrete Products, Inc. of Lino Lakes, Minnesota, resulting in a contract decrease in the amount of \$18,149.00 for the Southwest Minnesota Regional Amateur Sports Center (SMASC) project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER (SMASC) -- CONSIDER CHANGE ORDER NO. 1 (0512.001) FOR CONTRACT #0512 STEEL SUPPLY:**

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 for Contract #0512 Steel Supply with Thurnbeck Steel Fabrication, Inc., amending the description of the alternates awarded by the contract for the Southwest Minnesota Regional Amateur Sports Center (SMASC) project'. There is no change in the contract amount nor the contract time. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **TJL ADDITION – RECEIPT OF PETITION FOR VACATION OF UTILITY EASEMENTS AND CALL FOR PUBLIC HEARING ON PETITION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the petitions for vacation of utility easements as submitted from the owners of all of the real property at 1416 and 1418 East College Drive. The purpose of the vacation is for the elimination of the existing utility easement located along the westerly, southerly and easterly sides of the car wash property, as well as the elimination of the existing easement along the north side of the southwest portion of the new bank property. These utility easements will be replaced by platted easements to be recorded in the final plat of the new TJL Addition. These vacations must be recorded prior to the recording of TJL Addition as these existing easements will not be shown on the final plat. Prior to the public hearing and adoption of the resolution granting a petition for vacation, all utility companies will be contacted.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council acknowledge receipt of the petition to vacate, order the petition to be filed for record with the City Administrator, order hearing on such petition, and set

## REGULAR MEETING – APRIL 14, 2015

the hearing date for April 28, 2015 for the real property located at 1416 and 1418 East College Drive'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **TJL ADDITION – INTRODUCTION OF PRELIMINARY PLAT AND CALL FOR PUBLIC HEARING:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of TJL Addition in Marshall, Minnesota. The property consists of two separate properties described by metes and bounds. In the redevelopment of the property, the owners intend to transfer a portion of one parcel to the other for development purposes. In order to accomplish this transfer and development, it is necessary to have the following procedures in place: 1. Determine any outstanding deferred assessments/special assessments. 2. Pay all outstanding taxes on the properties. The intent would be to have documents ready to be recorded that will: 3. Transfer a portion (southwest portion of Parcel 1) of Parcel 1 to the owner of Parcel 2. 4. Record Resolution Granting Petition to Vacate Existing Easements. 5. Record Resolution Adopting Final Plat. 6. Record Final Plat. A copy of the proposed subdivision have been sent to the local utility companies for their review and comments. Any adjustments will be made prior to submission of the final plat to Council.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council introduce the Preliminary Plat of TJL Addition and call for public hearing to be held at the April 28, 2015 City Council meeting, as per the recommendation of the Planning Commission'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

### **CONSIDER RESOLUTION REVOKING RESOLUTION NUMBER 4177, SECOND SERIES - RESOLUTION FOR MUNICIPAL STATE AID STREET FUNDS ADVANCE AND AMENDING MUNICIPAL STATE AID STREET FUNDS ADVANCE REQUEST:**

Glenn Olson, Director of Public Works/City Engineer, indicated that on January 27, 2015 the City Council adopted a resolution for advance MSAS funds for a portion of the estimated costs of Project Y62 / S.A.P. 139-111-005: T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project, as well as additional funds necessary for the completion of Project Y59 / S.A.P. #139-010-14: T.H. 23 Pedestrian Underpass Project. The City has received bids for the T.H. 23/South Saratoga Street and Pedestrian Overpass Project. The bids came in slightly higher than estimated, resulting in a required revision to the advance MSAS funds. All additional costs are eligible for Mn/DOT participating funding. As the City had previously applied for an advance of Municipal State Aid funds, rather than apply for additional advance funds for the same project, Mn/DOT has recommended that the previous resolution requesting MSAS funds advance be revised to include the entire advance request.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4157, SECOND SERIES, which is the "Resolution Revoking Resolution Number 4127, Second Series - Resolution for Municipal State Aid Street Funds Advance and Amending Municipal State Aid Street Funds Advance Request" requesting an advance of Municipal State Aid System (MSAS) funding in the amount of up to \$1,800,000.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR LYND ALL SCHOOL REUNION:**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Lynd All School Reunion to use at SMSU, 1501 State Street, Marshall, Minnesota on June 27, 2015'. 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 AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE:**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use at SMSU, 320 North O'Connell Street, Marshall, Minnesota on April 27, 2015'. 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.

**PROJECT Z29: DIVERSION CHANNEL/MAIN LIFT SANITARY SEWER INTERCEPTOR PROJECT - CONSIDER REQUEST FOR CHANGE ORDER NO. 1:**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 for the Diversion Channel / Main Lift Sanitary Sewer Interceptor Project Z29. This project consists of the reconstruction of the Diversion Channel / Main Lift interceptor sewer line. This project begins at the Main Lift Station on Kossuth Avenue, thence northwesterly to the intersection of North 7th Street and Kossuth Avenue; thence to the west along the southerly Diversion Channel right-of-way to the west right-of-way of the Burlington Northern Railroad. Included in the sanitary sewer replacement is the reconstruction of sanitary sewer from the intersection of North 7th Street and Kossuth Avenue to the intersection of North 7th Street and Fairview Street. Also included in this project is the replacement of the 16" loop feeder watermain from North 7th Street to T.H. 59 along the south side of the Diversion Channel requested by Marshall Municipal Utilities. The project requires the installation of gravity sanitary sewer beneath an existing sanitary sewer forcemain. The existing sanitary sewer forcemain is asbestos cement (AC) pipe rather than ductile iron pipe and, because of the significant amount of excavation beneath the AC pipe, the contractor is concerned that the forcemain may collapse during the installation of the new gravity sanitary sewer pipe. In order to enable the contractor to proceed with the gravity sanitary sewer pipe, it is strongly recommended that the City replace approximately 20 lineal feet of AC pipe with 16-inch PVC. Bob VanMoer, Wastewater Superintendent, has reviewed the proposal and after discussions, the change order is recommended as requested.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that Council approve the Change Order No. 1 for the Diversion Channel / Main Lift Sanitary Sewer Interceptor Project Z29 with H&W Contracting, LLC Sioux Falls, South Dakota, resulting in a contract increase in the amount of \$14,848.76'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

## REGULAR MEETING – APRIL 14, 2015

### **COMMISSION/BOARD LIAISON REPORTS:**

- Byrnes - Fire Relief Association met earlier today; Regional Development Commission will have a 2-day Strategic Planning meeting starting April 15, 2015.
- Schafer Library Board met on Monday – the children's wing is progressing, they hope to open by June; MERIT Center Board discussed the Governor bonding proposal and they received a grant from State Farm for the MERIT Center Driver's Education (DE) program.
- Doom SW MN Amateur Sports Center met earlier today.
- Bayerkohler No report.
- DeCramer EDA will meet on April 15<sup>th</sup>; Utilities Commission will meet on April 15<sup>th</sup> to review their annual audit.
- Sturrock Airport Commission is working on their 5-year master plan; Police Advisory Board will meet on April 16<sup>th</sup>.
- Conyers No report.

### **COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items from the Council included: MN/DOT held an open house on April 2<sup>nd</sup>; the naming of the bridge at Highway 23 / Saratoga intersection; and discussion on the Bike Trail from Marshall to Camden Park.

### **CITY ADMINISTRATOR:**

Ben Martig, City Administrator, indicated that the walls at the MERIT Center are up. He also stated that staff is busy with all of the projects in Marshall.

### **DIRECTOR OF PUBLIC WORKS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the MERIT Center addition looks good; work is continuing on the driving track; excavation has been completed for the sports facility; and the Varsity Pub project will start on April 16<sup>th</sup>.

### **CITY ATTORNEY:**

No report.

### **PENDING ITEMS:**

There were no questions on the pending items.

### **INFORMATION ONLY:**

There were no questions on the information items.

**DETERMINATION BY THE CITY COUNCIL TO GO INTO CLOSED SESSION  
PURSUANT TO MINNESOTA STATUTE 13D.05 SUBD. 3(C)(1) TO ESTABLISH  
PRICING RELATED TO DISCUSSION OF REAL PROPERTY ACQUISITION:**

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to close the meeting for purposes of discussion of property acquisition for 110 8th Street and 305 Legion Field Road'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**


The Council went into closed session at 8:08 P.M. pursuant to Minnesota Statute 13D.05 Subd. 3(c)(1) to establish pricing related to discussion of real property acquisition. Those present at the closed session included: Byrnes, Schafer, Doom, Bayerkohler, DeCramer, Sturrock and Conyers. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Jane DeVries, Deputy City Clerk; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The council came out of closed session at 8:15 P.M.

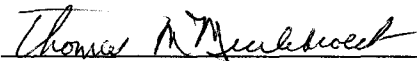
**UPCOMING MEETINGS:**

There were no questions on the upcoming meeting list.

Member (**Larry Doom**) moved, Member (**David Sturrock**) 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