

## REGULAR MEETING – JUNE 9, 2015

The regular meeting of the Common Council of the City of Marshall was held June 9, 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; Shane Waterman, Assistant City Engineer; Rob Yant, Director of Public Safety; Jeff Wenker, Police Sergeant; Bob Van Moer, Wastewater Treatment Facility Superintendent; Marc Klaith, Fire Chief; Ray Hendrickson, Assistant Fire Chief; 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.

### **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 26, 2015:**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on May 26, 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**

### **MARSHALL SQUARE ADDITION – PUBLIC HEARING AND APPROVAL OF PRELIMINARY PLAT:**

This was the date and time set for a public hearing on the Preliminary Plat for Marshall Square Addition. Shane Waterman, Assistant City Engineer, indicated that the Planning Commission held a discussion on the Marshall Square Addition and is recommending revisions regarding lot lines. The revised layout modifies Lot 2 of the preliminary plat to be divided into two discreet lots allowing development on each side of the center line of Market Street extended as separate lots. The limits of each of the other lots has been modified to allow a 25 ft. perimeter setback from the proposed buildings to the property lines, as well as a relocation of the property lines adjacent to the hotel to be extended to the center of the access drive aisles allowing proper setback distances. A developer is planning to improve the entire area currently known as the Market Street Mall. Included in improvement is demolition essentially the north half of the existing mall, removal of all pavements, lighting, and existing utilities within the site, reconfiguring the access locations to the property, designating multiple building sites within the existing parking area, refacing the existing businesses on the south half of the mall, and other improvements associated with this work. In order to accomplish this plan, the developer wishes to replat a portion of the existing subdivision into what is proposed to be Marshall Square Addition. The intent is to utilize the property for essentially the same uses as allowed in the B-4 Shopping Center District. Included in the development plan is available property for a motel, multiple-residence apartment, the reduced mall, and four separate lots for other private commercial development. The City review will entail the recommendations of the designated lots, public roadway or dedicated public driveways, location and designation of all City-owned public utilities (water, sanitary sewer, and storm sewer). In addition, easements must be provided

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for other public utilities, such as telephone, fiber, natural gas, etc. Copies of the proposed subdivision have been presented to the local utility companies for their review.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on the Preliminary Plat of Marshall Square Addition'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'that the Council approve the Preliminary Plat of Marshall Square Addition'. 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. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; 2. CONSIDER RESOLUTION ACCEPTING BID (AWARDING CONTRACT):**

Shane Waterman, Assistant City Engineer, reviewed the North "A" Street / East Redwood Street Project Z37. 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.

The bids that were received on May 28, 2015 were from:

R & G Construction Company  
Marshall, Minnesota  
\$1,300,045.05

Kuechle Underground, Inc.  
Kimball, Minnesota  
\$1,473,258.93

D & G Excavating Inc.  
Marshall, Minnesota  
\$1,535,699.20

Duininck, Inc.  
Prinsburg, Minnesota  
\$1,836,859.75

H & W Contracting, LLC  
Sioux Falls, South Dakota  
\$1,984,021.00

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4161, SECOND SERIES, which provides for Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds 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**

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4162, SECOND SERIES which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with R&G Construction Co. of Marshall, Minnesota, in the amount of \$1,300,045.05

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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 Z41: BITUMINOUS CHIP SEALING ON VARIOUS CITY STREETS –  
CONSIDER RESOLUTION ACCEPTING BID (AWARDING CONTRACT):**

The bids received, opened and read on June 2, 2015 for the Bituminous Chip Sealing on Various City Streets Project Z41 were received from:

McLaughlin & Schulz, Inc.  
Marshall, Minnesota  
\$73,435.61

Caldwell Asphalt Co., Inc.  
Hawick, Minnesota  
\$82,081.99

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4163, SECOND SERIES which is the "Resolution Accepting Bid (Award Contract)" for Project Z41: Bituminous Chip Sealing on Various City Streets to McLaughlin & Schulz, Inc. of Marshall, Minnesota, in the amount of \$73,435.61'. This project is to be funded through account number 101-60211-2227. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Shane Waterman, Assistant City Engineer, indicated that the 2015 budgeted amount for Chip Sealing is \$105,000.00. Staff provided an alternative option that includes bituminous chip sealing of additional streets up to \$105,000 which is the 2015 budgeted amount.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **SUBSTITUTE** motion 'that staff be allowed to add additional streets for bituminous chip sealing up to the maximum budget amount of \$105,000.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z42: BITUMINOUS OVERLAY ON VARIOUS CITY STREETS –  
CONSIDER RESOLUTION ACCEPTING BID (AWARDING CONTRACT):**

One bid was received on June 2, 2015 for the Bituminous Overlay on Various City Streets Project Z42 from:

McLaughlin & Schulz, Inc.  
Marshall, Minnesota  
\$223,666.80

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4164, SECOND SERIES, which is the "Resolution Accepting Bid (Award Contract)" for Project Z42: Bituminous Overlay on Various City Streets to McLaughlin & Schulz, Inc. of Marshall, Minnesota, in the amount of \$223,666.80'. This project is to be funded through account number 101-60211-2227. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AWARD OF WWTF POND TILING PROJECT:**

Proposals were received for the Wastewater Treatment Facility Pond Tiling Project from:

Southwest Farm Tiling, LLC  
Tyler, Minnesota  
\$92,489.00

Johnson Trenching Co.,  
Russell, Minnesota  
\$93,606.00

Schlemmer Tiling  
Milroy, Minnesota  
\$102,391.85

D & G Excavating, Inc.  
Marshall, Minnesota  
\$117,772.00

The Wastewater Facility has an 84.9 acre field adjacent to the treatment plant that is leased out as an agricultural field for farming. This field is part of the City's original pond treatment system that was abandoned in 1975 when the mechanical plant was built. It is very flat, but has very heavy soils and does not drain well. Currently the City is leasing this parcel for \$76/acre due to the poor farming conditions. The WWTF land applied Biosolids on 164 acres of farm land in 2013. Due to the location of the City's leased field, staff could effectively land apply nearly one half of the biosolids at the plant site. This would save a considerable amount of time and costs annually by not having to haul to other farm fields. Currently the site is unable to accept biosolids due to the perched water table and no tile drainage. The tile project will greatly improve the soil conditions and ultimately increase revenue from the lease along with considerable expense savings by being able to apply our Biosolids just outside the treatment plant. The lease will be able to increase due to the additional fertilizer value being applied annually.

Council Member Bayerkohler asked if this property would be needed for future plant expansion and what the payback period would be. Bob VanMoer, Wastewater Superintendent, indicated that the city would not need this land for future expansion and there would be approximately a 5 year payback period.

Member (**David Sturrock**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the WWTF tiling project to Southwest Farm Tiling LLC of Tyler, Minnesota, in the amount of \$92,489.00'. This project will be funded from account number 602-90581-5530. 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 (**John DeCramer**) 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**

Approval of the contract for services with Lexipol to provide one year law enforcement policy manual update subscription and access to Knowledge Management System for updates and editing. The cost of the basic Lexipol Services is \$2,650.00.

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That the City Council meetings for 2016 be held on the second and fourth Tuesday of the month at the Marshall Middle School Professional Development Room, 401 South Saratoga Street at 5:30 p.m. except for the two conflicts which are: August 9th was changed to August 8th because of the primary election and November 8th was changed to November 1st because of the general election.

Authorization be granted to approve Minnesota West Community and Technical College contract with Southwest Minnesota Chemical Assessment Team for Technician Training.

Approval of the application for domain name change for the City of Marshall.

That the following bills and project payments be authorized for payment ACCOUNTS PAYABLE, Voucher No. 93931 through 94096.

**CONSIDER SPECIAL EVENT PERMIT FOR SOUNDS OF SUMMER:**

On March 24, 2015 the City Council adopted a resolution Declaring Sounds of Summer as a Community Festival. Sounds of Summer is scheduled for Thursday, August 20, 2015 through Sunday, August 23, 2015. This application identifies the various individuals, organizations and activities involved with the Sounds of Summer. Approval of this permit would allow the holder of a retail intoxicating liquor license to serve intoxicating liquor off their premises. By approving this Special Event Permit the Hitching Post will be allowed to serve alcohol at the Sounds of Summer.

Member (Larry Doom) moved, Member (Ellayne Conyers) seconded to approve the ORIGINAL motion 'the approval of a Special Event Permit for the Marshall Festivals Inc., dba Marshall Sounds of Summer and approval for the Hitching Post to serve alcohol in the fenced off area of the parking lot on West College Drive from 5:00 P.M. to 11:00 P.M. on Thursday, August 20, 2015 and from 5:00 P.M. on Saturday, August 22, 2015 to 1:00 A.M. on Sunday, August 23, 2015'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion Passed 6 – 1 with Bayerkohler voting no.

**UPDATE ON MERIT CENTER AND AMATEUR SPORTS PROJECTS:**

Dave Maroney, ATS&R, and Mark Hovelson, Bossardt Corporation, were in attendance at the meeting to provide an update on the MERIT Center and Amateur Sports Projects. A Power Point on the construction schedule and a cost summary was provided for the MERIT Center. Precast concrete for the walls of the Sports Facility have been placed.

**MARSHALL LIQUOR STORE - CONSIDER CHANGE ORDER NO. 1 WITH SALONEK CONSTRUCTION & CONCRETE, INC. FOR THE LIQUOR STORE PROJECT IN THE AMOUNT OF \$18,041.00:**

Member (Ellayne Conyers) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'approve Change Order No. 1 for Salonek Construction & Concrete, Inc. for the liquor store project in the amount of \$18,041.00'. This change order provides for the addition of concrete paving, main entry roof color and storefront framing color; and the deletion of the utility transformer location. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion Passed 5 – 2 with Bayerkohler and Doom voting no.

**CONSIDER APPROVAL OF A WINE LICENSE, SUNDAY LIQUOR LICENSE AND ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR FOUR SEAS ASIAN RESTAURANT; AND THE INTRODUCTION OF AN ORDINANCE GRANTING FOUR SEAS ASIAN RESTAURANT AN INTOXICATING MALT LIQUOR ON-SALE LICENSE:**

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the request from Four Seas Asian Restaurant for a Wine License, a Sunday Liquor License and an On-Sale 3.2 Percent Malt Liquor License. Four Seas Asian Restaurant is also requesting that they be allowed to sell intoxicating malt liquors at on-sale as per State Statute 340A, Subd 5. This has previously been approved for the Hunan Lion, Dickey's Barbecue Pit and HyVee Market Café.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of a Wine License, Sunday Liquor License and an On-Sale 3.2 Percent Malt Liquor License for Four Seas Asian Restaurant, 1404 East College Drive to expire on December 31, 2015'.

Council Member Bayerkohler, questioned the application for the Wine License not being completed accurately. It was indicated that the application should be returned to the applicant.

Council Member Schafer and Doom rescinded their motion.

Member (**Glenn Bayerkohler**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the approval of the Wine License, the Sunday Liquor License and the On-Sale 3.2 Percent Malt Liquor for Four Seas Asian Restaurant be tabled to the next regular Council meeting on June 23, 2015'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**David Sturrock**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'the introduction of an ordinance granting Four Seas Asian Restaurant an intoxicating malt liquor on-sale license'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER RESOLUTION AMENDING THE CURRENT CITY FEE RESOLUTION -- ADD MS4 CONSTRUCTION PLAN REVIEW FEES:**

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. As a result of this the Ways and Means Committee is recommending that Surface Water Management MS4 Construction Plan Review Fees be added to the current City Fee Resolution.

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the City Council adopt RESOLUTION NUMBER 4165, SECOND SERIES, which is a resolution adding Surface Water Management MS4 Construction Plan Review Fees to the current City Fee Resolution'. 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.

**VACATION OF A PORTION OF PETERSON STREET -- RECEIPT OF PETITION TO VACATE AND ORDER HEARING ON RESOLUTION GRANTING PETITION TO VACATE:**

Shane Waterman, Assistant City Engineer, reviewed the request for petition for vacation of a portion of Peterson Street that was submitted from the owners of all of the abutting properties of the portion of the street described as follows: the east 58.86' +/- of the North 60.00 feet of the West 327.6 feet of Lot 7, Block 2, McFarland Addition, between Jewett Street and Market Street Mall parking lot. It is also petitioned that the vacated portion of the street be transferred in its entirety to the property owner of Lot 6, Block 2, McFarland Addition. The purpose of the vacation is for redevelopment purposes. Prior to the public hearing and adoption of the resolution granting a petition for vacation, all utility companies will be contacted.

Eric Miller, Engineer representing the owner of the mall was in attendance at the meeting.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) 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 the hearing date for June 23, 2015'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER APPROVAL OF AN ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY:**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of an On-Sale 3.2 Percent Malt Liquor License for Southwest Minnesota State University to expire on December 31, 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.

**APPROVAL OF APPOINTMENT TO THE ECONOMIC DEVELOPMENT AUTHORITY:**

Per the recommendation of Mayor Byrnes, Member (**Craig Schafer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'approval of appointment to the Economic Development Authority'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Economic Development Authority – Stacy Frost be appointed to a 6 year term to expire on May 31, 2021.

**COMMISSION/BOARD LIAISON REPORTS:**

Byrnes            No report.

Schafer        Library Board met on June 8<sup>th</sup>. They discussed the progress on the Children's Wing and that the staffing for the library remain at status quo.

Doom            Southwest Minnesota Amateur Sports Center met and discussed the survey results.

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Bayerkohler Public Housing Commission met on June 8<sup>th</sup>. They discussed the bid for roof replacement.

DeCramer No report.

Sturrock Airport Commission met on June 2<sup>nd</sup>, but he was unable to attend.

Conyers Community Services Advisory Board conducted their annual tour of Marshall

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Mayor Byrnes indicated that Sergeant Wenker, Fire Chief Klaith, Assistant Fire Chief Hendrickson and Police Chief Yant were in attendance at the meeting and thanked them for all their help over the weekend. Council Member DeCramer indicated that he received several calls in regard to the accident on Saturday and that one resident thanked the City for everything they have done. Council Member Bayerkohler indicated that he would like the Council to consider including in the 2016 liquor store budget funds to be used for ads associated with alcoholic beverage consumption. Doom indicated there has always been a sweet corn stand at the corner of Saratoga and Southview and suggested that staff notify them of the construction in this area. He also indicated that he has received calls from the owner of the Delux Motel in regard to people using their parking lot as a thorough fare to get to Main Street and now trucks from Viking Coke are sending their trucks through there and most of the vehicles are not using a reasonable speed. Schafer also thanked everyone for all their efforts during the past weekend.

**CITY ADMINISTRATOR:**

Ben Martig, City Administrator, provided updates on the issues at the intersections along the Highway 23 by-pass. He indicated that staff from the City and from MN/DOT have been meeting to discuss options for this area.

Rob Yant, Police Chief; Jeff Wenker, Sergeant; and Marc Klaith, Fire Chief; also provided updates on these issues and what changes are taking place.

**DIRECTOR OF PUBLIC WORKS:**

Shane Waterman, Assistant City Engineer, indicated that there is a speed reduction from Travis Road to O'Connell Street. He also addressed the concern in regard to turning lanes at South 4<sup>th</sup> Street and Saratoga Street. He indicated that these are now right in and right out from Highway 23 and there is no crossover at these intersections.

There was no quorum at the Airport Commission meeting but TKDA did provide an update.

**CITY ATTORNEY:**

No report.

**PENDING ITEMS:**

There were no questions on the pending items.



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**INFORMATION ONLY:**

There were no questions on the information items

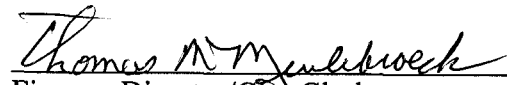
**UPCOMING MEETINGS:**

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