

## REGULAR MEETING – JUNE 23, 2015

The regular meeting of the Common Council of the City of Marshall was held June 23, 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, and Larry Doom. Craig Schafer arrived at 7:13 P.M. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Public Works Director/City Engineer; Ilya Gutman, Building Official; Bob VanMoer, Wastewater Superintendent; 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:**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'Approval of Agenda with the deletion of item number 12, which is a Transient Merchant License for Bradley Boark; the deletion of item number 25, which is Change Order No. 1 with Sussner Construction for the Salt/Sand Storage Facility and the addition of item number 28, which is the introduction of ordinance amending chapter 86 of the City Code of Ordinances Relating to Planned Unit Developments'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

### **CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 9, 2015:**

Member (**Glenn Bayerkohler**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on June 9, 2015 be approved as corrected and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

### **VACATION OF A PORTION OF PETERSON STREET – PUBLIC HEARING:**

This was the date and time set for a public hearing on the Vacation of a Portion of Peterson Street. Glenn Olson, Director of Public Works/City Engineer, reviewed a 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. All utility companies have been contacted. To date, staff has received a comment from Centurylink. Utility easements will be required on the final plat where existing or proposed public utilities are needed. Final action concerning the petition, including the "Resolution Granting a Petition for Vacation of a Portion of Peterson Street" is scheduled to take place in conjunction with other Market Street Mall PUD and TIF actions, tentatively scheduled for the regular Council meeting of July 14, 2015.

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Mr. Olson indicated that the current development plans call for Peterson Street to dead-end although it wouldn't affect driveway access for businesses on the street. He indicated that the owner does not want public access in this area.

Todd Bock, Northwestern Mutual, 203 Jewett Street, was concerned about the effect this would have on nearby businesses. He indicated that this would create a dead end and there would be no access to the mall area. Mr. Bock indicated that Dr. Parisek, 301 Jewett Street was also concerned. Objections were also received from Dan Taft and Dr. Bruns who have a business at 203 Jewett Street.

Council Member Bayerkohler asked if the City Council could require an entrance as part of the PUD approval. Mr. Olson indicated that this would be part of the PUD discussion.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **SUBSTITUTE** motion 'that the Council continue public hearing to next regular City Council meeting on July 14, 2015'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**PROJECT Z22: MARGARET AVENUE IMPROVEMENT PROJECT / PROJECT Z30: WINDSTAR STREET IMPROVEMENT PROJECT – 1. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS FOR MARGARET AVENUE; 2. CONSIDER RESOLUTION FOR THE FUNDING OF WINDSTAR STREET; 3. CONSIDER RESOLUTION ACCEPTING BID (AWARDING CONTRACT):**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Margaret Avenue Improvement Project Z22 / Windstar Street Improvement Project Z30. This project consists of the construction of streets and utilities on Margaret Avenue from Boyer Drive to Windstar Street and Windstar Street from Margaret Avenue to T.H. 59 and turn lanes on T.H. 59. Items of work included in the project are sanitary sewer, watermain, and storm sewer placement, curb and gutter placement, sidewalk placement, bituminous surfacing, aggregate base, grading and other minor work.

The bids that were received on June 16, 2015 were from:

R & G Construction Company  
Marshall, Minnesota  
\$627,807.00

D & G Excavating, Inc.  
Marshall, Minnesota  
\$686,466.15

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4166, **SECOND SERIES**, which provides for Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Z22 Margaret Avenue Improvement'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

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Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4167, SECOND SERIES which is the Resolution for Funding of Project Z30: Windstar Street Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4168, 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 \$627,807.00 for Project Z22: Margaret Avenue Improvement Project / Project Z30: Windstar Street Improvement Project'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER AWARD OF BIDS FOR WWTF REROOF PROJECT:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the WWTR Reroof project. This project consists of the reroofing of three buildings at the Wastewater Treatment Facility: storage building, thickening building, and load-out building.

Bids were received on June 17, 2015 from:

Byusse Roofing Marshall, Minnesota \$46,700.00 \$1.25/Board foot	Laraway Roofing, Inc. New Ulm, Minnesota \$36,880.00 \$0.90/Board foot Deduct \$550 for 2 roofs Deduct \$1,100 for 3 roofs	Schwicker's Mankato, Minnesota \$44,910.00 \$1.15/Board foot
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Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the WWTF Reroof Project for three (3) roofs to Laraway Roofing, Inc. of New Ulm, Minnesota, in the amount of \$35,780.00 (\$36,880.00 - \$1,100.00), plus replacement of wet/deteriorated insulation in the amount of \$0.90/board foot'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**SMASC BALLPARK PROJECT - CONSIDER AWARD OF PROPOSAL FOR IRRIGATION SYSTEM MATERIALS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall is in the process of installing performance ball fields at the new SMASC development area. The City has previously called for bids for all work associated with this project. All previous joint projects have been rejected due to costs significantly above project estimates. The project has been divided up into specialized areas of work, including the grading, special topsoil, aglime, site utilities, irrigation, pump station, fencing, concrete work, landscaping, lighting and concessions. The grading, special topsoil and aglime has been essentially completed and the City has called for proposals for the installation of the irrigation, including materials and labor as separate proposals. Proposals were received for both the irrigation system materials and installation of the materials within the ball fields and the perimeter supply for the irrigation system. Staff is recommending to acquire all of the irrigation materials necessary for the complete build-out of

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the facility at this time, and only recommend the installation of the perimeter supply line and irrigation systems for all of the ball fields.

One proposal was received for the irrigation system materials from:

MTI Distributing  
Brooklyn Center, Minnesota  
\$64,965.76

Three proposals were received for the installation of the materials for the perimeter supply line and four ball fields from:

Greenwood Nursery Marshall, Minnesota \$20,288.00	Reed's Irrigation Plus, LLC Kandiyohi, Minnesota \$74,000.00	Green Care Mankato, Minnesota \$86,680.00
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Mr. Olson indicated that after construction of the dugouts and installation of the concrete work for the concessions building and dugouts, staff will call for proposals for the remainder of the irrigation system. Proposals are also being requested for the pump station, wet well, fencing and backstop areas, and the recommendation will be forthcoming for that work. Staff has received a proposal for a prefabricated pump station, which could be mounted over the wet well significantly reducing construction and supply costs. There has been significant savings in the proposals that have been received to date and will be keeping track of all costs associated with the development in a master spreadsheet as the projects are approved by Council.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council award the supply contract for the irrigation system for the SMASC Ball Park to MTI Distributing of Brooklyn Center, Minnesota in the amount of \$64,965.76'. This will be funded from Account No. 456-70579-5530. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion Passed **5 – 1** with Bayerkohler voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council award the installation contract for the irrigation system for the SMASC Ball Park to Greenwood Nursery of Marshall, Minnesota in the amount of \$20,288.00'. This will be funded from Account No. 456-70579-5530. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion Passed **5 – 1** with Bayerkohler voting no.

**CONSIDER APPROVAL OF CONSENT AGENDA:**

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the following consent agenda items be approved as presented'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

The approval of a Transient Merchant License for TNT Fireworks to sell Minnesota approved Safe & Sane Fireworks in the WalMart parking lot located at 1221 East Main Street.

The approval of a Tobacco License for La Young Grocery, 300 East College Drive, Marshall, Minnesota to expire on December 31, 2015.

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The adoption of RESOLUTION NUMBER 4169, SECOND SERIES, which is a Resolution for Police Officer Declaration for PERA.

The request for approval of a Transient Merchant License for Bradley Boark was removed from the agenda.

The approval of a five-year renewal of a Conditional Use Permit for Leo and Martha Bass for a home occupation to conduct a sewing business at 1302 Parkside Drive in an R-1 One-Family Residence District with the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair any such default.
3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties.
4. That the hours of business visits be between 7:00 a.m. to 6:00 p.m. on weekdays and 10:00 a.m. to 3:00 p.m. on weekends only.
5. The permit expires five years after approval.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 94097 through 94277.

**CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA SHRINE CLUB:**

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the ORIGINAL motion 'the approval of a Temporary On-Sale Liquor License for the Marshall Area Shrine Club to use on July 31, 2015 to August 1, 2015 at Southwest Minnesota State University, 204 Mustang Trail, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0 Abstain: 1. The motion **Passed 5 – 0 – 1** with Bayerkohler abstaining

**CONSIDER APPROVAL OF A WINE LICENSE, SUNDAY LIQUOR LICENSE AND ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR FOUR SEAS ASIAN RESTAURANT:**

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the request for a Wine License, Sunday Liquor License and an On-Sale 3.2 Percent Malt Liquor License for Four Seas Asian Restaurant. This item was considered at the June 9<sup>th</sup> Council meeting, but there were questions; therefore this item was tabled at the June 9<sup>th</sup> Council meeting.

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

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Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **NEW** motion 'the approval of a Sunday Liquor License at a fee of \$200.00 and an On-Sale 3.2 Percent Malt Liquor License at a fee of \$250.00 for Four Seas Asian Restaurant, 1404 East College Drive to expire on December 31, 2015'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1** with Bayerkohler voting no.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'the approval of a Wine License at a fee of \$800.00 for Four Seas Asian Restaurant, 1404 East College Drive to expire on December 31, 2015'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 - 1** with Bayerkohler voting no.

**CONSIDER ADOPTION OF AN ORDINANCE GRANTING FOUR SEAS ASIAN RESTAURANT AN INTOXICATING MALT LIQUOR ON-SALE LICENSE:**

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'the adoption of ORDINANCE NUMBER 697, SECOND SERIES granting Four Seas Asian Restaurant an intoxicating malt liquor on-sale license'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2015B, FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT:**

Terri Heaton, Springsted, reviewed the following bids that were received for the \$1,905,000(a) General Obligation Bonds, Series 2015B.

Bidder	Price	Net Interest Cost	True Interest Rate
Robert W. Baird & Co., Inc.	\$2,048,536.00 (b)	\$183,017.75 (b)	1.8101% (b)
C. L. King & Associates			
Cronin & Company, Inc.			
Vining-Sperts IBG, Limited Partnership			
Loop Capital Markets, LLC			
WNJ Capital			
Crews & Associates			
Castleoak Securities, L.P.			
Davenport & Company LLC			
Duncan-Williams, Inc.			
Ross, Sinclair & Associates, LLC			
Dougherty & Company LLC			
Country Club Bank			
Oppenheimer & Co., Inc.			
Sumridge Partners			
R. Seelaus & Company, Inc.			
Sierra Pacific Securities			
Alamo Capital			
Isaak Bond Investments, Inc.			
UMB Bank, N.A.			

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IFS Securities

United Bankers' Bank	\$1,942,683.85	\$178,256.46	1.8331%
Raymond James & Associates Inc.	\$2,070,687.10	\$194,534.15	1.9156%
Northland Securities, Inc.	\$1,908,736.90	\$195,086.60	2.0289%

- (a) Subsequent to bid opening, the issue size decreased from \$1,905,000 to \$1,755,000.
- (b) Subsequent to bid opening, the price, net interest cost, and true interest rate have changed to \$1,888,692.95, \$171,513.30, and 1.8195% respectively.

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4170, SECOND SERIES Awarding the Sale of General Obligation Bonds, Series 2015B, Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing For Their Payment'. These bonds were sold to Robert W. Baird & Co., Inc. at a price of \$1,888,692.95, net interest cost of \$171,513.30 and a true interest rate of 1.8195%. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**CONSIDERATION OF APPROVAL OF THE ANNUAL FINANCIAL REPORT (AUDIT) FOR THE YEAR ENDED DECEMBER 31, 2014:**

Kyle Meyers, Partner of Abdo, Eick and Meyers LLP, presented the 2014 City of Marshall's Audit Financial Report at a Special City Council meeting held at 4:00 P.M. on June 23<sup>rd</sup>. Mr. Meyers provided a brief summary at this time.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to approve the Annual Financial Report (audit) for the Year Ended December 31, 2014'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**CALL FOR PUBLIC HEARING TO MOVE HOUSE FROM 104 CARROW STREET TO 1121 EAST FAIRVIEW STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to move the house from 104 Carrow Street to 1121 East Fairview Street. He indicated that this is a one story over basement 1,800 S.F. footprint house with two car attached garage built in 1959. This house was inspected by Ray Henriksen, Building Inspector II, and found to be in good condition suitable for moving. The plan is to set this house on a newly built basement at new location; at that time the entire house will be brought up to the new Building Code. This house will be converted into a duplex and a request for a Conditional Use Permit is on today's Council agenda. The site at East Fairview Street seems to be adequate for a duplex and compliant with the City Ordinance. The residential area where this house will be moved in does not appear to have any covenant agreements. All dwellings in that area were built in the mid 70's, have one story (one is a split entry), and have about 1,400 SF average footprint; some houses have attached garage and some do not. The house from Carrow Street seems to be a good match for the area. According to the City Ordinance, the aesthetics, i.e. how the house fits into the locale to which it is being moved, is the main concern for the Council and a deciding factor for approval which shall be granted in

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case it is determined that the house does fit into the area. The time frame is critical for the process and the staff is suggesting discussing potential problems with this moving now even though the Council will make the final decision only after the Public Hearing that will take place at the next meeting. In order to expedite the process, the staff may approve a permit for the footing and foundation work before final approval. Underground work permits have been issued separately from the rest of the building in the past and basement walls may be used either for a new construction or as a foundation for a moved-in house.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council call for public hearing to be held on July 14, 2015, on the request of Kent Johansen to move a dwelling from 104 Carrow Street into a residential district at 1121 East Fairview Street'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CALL FOR PUBLIC HEARING TO MOVE HOUSE FROM 102 CARROW STREET TO 1115 EAST FAIRVIEW STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to move the house from 102 Carrow Street to 1115 East Fairview Street. It is a one story over crawl space 1,200 S.F. footprint house with one car attached garage built in 1963. This house was inspected by Ray Henriksen, Building Inspector II, and found to be in good condition suitable for moving. The plan is to set this house on a newly built basement at new location; at that time the entire house will be brought up to the new Building Code. The residential area where this house will be moved in does not appear to have any covenant agreements. All dwellings in that area were built in the mid 70's, have one story (one is a split entry), and have about 1,400 SF average footprint; some houses have attached garage and some do not. The house from Carrow Street seems to be a good match for the area. According to the City Ordinance, the aesthetics, i.e. how the house fits into the locale to which it is being moved, is the main concern for the Council and a deciding factor for approval which shall be granted in case it is determined that the house does fit into the area. The time frame is critical for the process and the staff is suggesting discussing potential problems with this moving now even though the Council will make the final decision only after the Public Hearing that will take place at the next meeting. In order to expedite the process, the staff may approve a permit for the footing and foundation work before final approval. Underground work permits have been issued separately from the rest of the building in the past and basement walls may be used either for a new construction or as a foundation for a moved-in house.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council call for public hearing to be held on July 14, 2015, on the request of Kent Johansen to move a dwelling into a residential district at 1115 East Fairview Street'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER THE REQUEST OF GLEN & MARY BRUNS FOR A CONDITIONAL USE PERMIT FOR A DUPLEX IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 1121 EAST FAIRVIEW STREET:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Glen and Mary Bruns for a Conditional Use Permit for a duplex in an R-1 One Family Residence District at



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1121 East Fairview Street. This is a request to have a single ownership duplex in an R-1 One Family Residence District. The owner intends to move a single family house currently located at 104 Carrow Street to this location and convert it into a duplex with separate units at upper and lower levels. The existing house to be moved has been inspected and found to be in good shape suitable for moving. The lot size is adequate for a duplex and all yard regulations will be complied with. However a separate council action to approve moving this house will still be required after a separate Public Hearing. The Planning Commission is recommending approval of this request with conditions.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion that the Council approve the conditional use permit (CUP) with the following conditions:

- 1) That the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such structure is located therein shall be conformed with.
- 2) That the City reserves the right to revoke the Conditional Use Permit in the event that the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.
- 3) That the owner maintain the structure to conform to the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
- 4) That the conditions contained in this permit shall be binding upon the successors and assigns of the applicant.
- 5) That the building meets Building Code requirements for a duplex.
- 6) That the outside appearance does not show evidence of two family dwelling.

Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TKDA FOR THE AIRPORT MASTER PLAN UPDATE PROJECT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that on December 9, 2014, the City Council authorized entering into a Professional Services Agreement for Engineering, Architecture and Planning Services with TKDA for Airport development at the Southwest Minnesota Regional Airport (MML) for the period January 1, 2015 through December 31, 2019. The agreement defined the terms and conditions of TKDA's services to be provided and allows the use of individual authorizations for specific projects for the period of the agreement or until completion of the CIP items as listed in the Request for Statement of Qualifications and as identified in the SFY2016-2020 CIP. Individual projects will require additional individual contracts as authorized by City Council to come before both the Airport Commission and City Council for approval.

Mr. Olson reviewed the proposed Professional Services Agreement with TKDA for the Airport Master Plan Update Project (Master Plan and Business Plan) in the amount of \$404,000. There are two signatures on this agreement, one for the Master Plan Update and one for the Business

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Business Plan. The Master Plan is fully federally eligible for funding. TKDA intends to seek State funding for the Business Plan since it has been determined to be federally ineligible by the local FAA office. Both sections of the agreement are contingent on the receipt of the corresponding federal and State grants (federal and State funding for the Master Plan and State funding for the Business Plan). If it is determined State funding is not available for the Business Plan, then TKDA would not proceed with that portion of the project unless directed by the City. TKDA presented the project at the Airport Commission meeting on June 2, 2015. This agreement is being brought forward to the City Council with no recommendation from the Airport Commission due to lack of a quorum at their meeting. This agreement has been provided to City Attorney Dennis Simpson for his review.

Member (**David Sturrock**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council authorize entering into a Professional Services Agreement with Toltz, King, Duvall, Anderson and Associates, Incorporated (TKDA) of St. Paul, Minnesota for the Airport Master Plan Update Project (Master Plan Update and Business Plan) for a total project cost not-to-exceed \$404,000.00, contingent upon receipt of federal and State grant funding for the Master Plan Update and State grant funding for the Business Plan'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**CONSIDER LEASE FOR THE MINNESOTA EMERGENCY RESPONSE AND INDUSTRIAL TRAINING (MERIT) CENTER WITH MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE. STAFF IS COMFORTABLE WITH A FORMAT CHANGE WITH THE CITY ATTORNEY REVIEW:**

Ben Martig, City Administrator, reviewed the current 3-year agreement with MnWest that will expire the end of June 2015. The MERIT Commission recommended a one-year extension of the existing lease at the same terms and conditions. The thought was that MnWest is on a fiscal year beginning in July, a new President is incoming in the coming months, and the City is transitioning to new space this year and therefore it is suggested to generally keep things status quo and work toward a new agreement to be finalized in one year. Staff has reviewed the agreement and is recommending some modifications of this recommendation. One of the primary changes is to leave the fee similar but after the first of the year propose that MnWest pay all applicable fees for use of the facility that does not relate to their office space. This has been discussed in the past that staff would be transitioning to a similar fee schedule for non-office use when the expansion is completed. Staff is still supportive of a one year agreement to analyze other aspects over the coming months to establish a multiple year agreement as staff has done in the past. Staff has been working with MnWest on a revised new one year agreement to begin in July of 2015. The proposed lease rate is \$10,500 per year. Staff has some other revisions related to cleaning responsibilities and other maintenance costs.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of the lease in the amount of \$10,500.00 for the Minnesota Emergency Response and Industrial Training (MERIT) Center with Minnesota West Community and Technical College for one year to expire on June 30, 2016'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Mayor Byrnes called for a 5-minute recess at 7:07 P.M.

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Be it noted the arrival of Council Member Criag Schafer and Shane Waterman, Assistant City Engineer at 7:13 P.M.

**SALT/SAND STORAGE FACILITY PROJECT - CONSIDER CHANGE ORDER NO. 1 WITH SUSSNER CONSTRUCTION, INC:**

This item was removed from the agenda.

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

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the ORIGINAL motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to use on August 21 - 22, 2015 at SMSU RA Facility Parking Lot, 400 Mustang Trail, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0 Abstain: 1. The motion Passed 5 – 0 – 1, with Bayerkohler abstaining.

**MPCA CERTIFICATE OF COMMENDATION TO THE CITY OF MARSHALL WASTEWATER TREATMENT FACILITY:**

The City of Marshall acknowledged the MPCA Certificate of Commendation awarded to the City of Marshall Wastewater Treatment Facility. The certificate is awarded based on the performance of the permitted wastewater treatment system and meeting the outstanding facility criteria. This is the 13th certificate the WWTF has received since 1982. It recognizes the exemplary effort expended in 2014 to comply with the MPCA Permit Program in helping to protect and preserve the waters of Minnesota. It involves considerable effort put forth to protect and preserve water quality and enables the state to achieve a significant reduction of pollution coming from point sources.

**CONSIDER INTRODUCTION OF ORDINANCE AMENDING CHAPTER 86 OF THE CITY CODE OF ORDINANCES RELATING TO PLANNED UNIT DEVELOPMENTS:**

Member (John DeCramer) moved, Member (David Sturrock) seconded to approve the ORIGINAL motion 'introduction of ordinance amending Chapter 86 of the City Code of Ordinances Relating to Planned Unit Developments'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

**COMMISSION/BOARD LIAISON REPORTS:**

- Byrnes      Fire Relief Association will hold their quarterly meeting in July. Regional Development Commission met last week.
- Schafer      Library Board budget committee met to review proposals to be addressed at the next board meeting.
- Doom      Convention and Visitors Bureau met last week and in the future the meetings will be held quarterly. EDA will receive proposals for lots in Parkway Addition for spec homes.
- Bayerkohler      No report.

## REGULAR MEETING – JUNE 23, 2015

DeCramer     Utilities Commission will be using a paperless system for their meetings. MERIT Center Board – there will be a demo on Thursday, June 25 on the Shooting Simulation System.

Sturrock     Airport Commission will meet on July 7<sup>th</sup>. Public Improvement Transportation Committee discussed the Special Assessment Policy.

Conyers     Community Services Advisory Board held their annual bus tour. Adult Community Center Commission held their annual meeting. They discussed the budget and window replacement for the center.

### **COUNCILMEMBER INDIVIDUAL ITEMS:**

Mayor Byrnes and Administrator Martig will be attending the Minnesota League of Cities meeting in Duluth. Staff met with MN/DOT to discuss Highway 23 by-pass, including the roll as a major highway and a route within the City of Marshall with many intersections.

### **CITY ADMINISTRATOR:**

Ben Martig, City Administrator, provided updates on the following:

- Highway 23 by-pass and the new Saratoga intersection
- Funding for Parkway Addition
- Staff has received the draft report from AEM Financial Solutions and provided comments for them to review. The final report will be presented to the Ways and Means Committee.
- Assistant City Engineer Shane Waterman has accepted a job in Watertown, SD
- The Personnel Committee will be meeting.
- The budget process has started.

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

Glenn Olson, Director of Public Works/City Engineer, indicated that the Public Improvement/Transportation Committee discussed the Special Assessment Policy for commercial property assessments. He also provided an update on traffic control changes due to road construction projects. He thanked Shane Waterman for his years of service to the City of Marshall.

Shane Waterman, Assistant City Engineer, took this opportunity to thank the Council and City Staff.

### **CITY ATTORNEY:**

Dennis Simpson, City Attorney, reviewed EDA Development.

### **PENDING ITEMS:**

There were no questions on the pending items.

### **INFORMATION ONLY:**


There were no questions on the information items.

REGULAR MEETING – JUNE 23, 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