

The regular meeting of the Common Council of the City of Marshall was held July 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, John DeCramer, Glenn Bayerkohler, Larry Doom and Craig Schafer. Absent: David Sturrock. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Public Works Director/City Engineer; Ilya Gutman, Building Official; Kim Jergenson, Engineer Technician; Bob VanMoer, Wastewater Superintendent; Preston Stensrud, Parks Supervisor; Harry Weilage, Director of Community Services; Rob Yant, Director of Public Safety, Jeff Wenker, Police Sergeant; Cal Brink, CEO Marshall Area Chamber of Commerce; 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 removal of the interfund loan resolution for TIF 1-5 to 1-11 and to move the public hearing vacating portion of Peterson Street to Old Business'. 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 SPECIAL MEETING HELD ON JUNE 23, 2015 AND THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 23, 2015:

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the minutes of the special meeting held on June 23, 2015 and the minutes of the regular meeting held on June 23, 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: 6 Nay: 0. The motion **Carried 6 - 0**

PUBLIC HEARING - REQUEST TO MOVE DWELLING FROM 104 CARROW STREET TO 1121 EAST FAIRVIEW STREET:

This was the date and time set for a public hearing on the request to move a dwelling from 104 Carrow Street to 1121 East Fairview Street. This dwelling 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 a 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. 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.

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

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council approves 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**

PUBLIC HEARING - REQUEST TO MOVE DWELLING FROM 102 CARROW STREET TO 1115 EAST FAIRVIEW STREET:

This was the date and time set on the request to move a dwelling from 102 Carrow Street to 1115 East Fairview Street. This 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 a new location; at that time the entire house will be brought up to the new Building Code. The site at East Fairview Street seems to be adequate 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.

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

Member (**Craig Schafer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council approves the request of Kent Johansen to move a dwelling from 102 Carrow Street 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**

AWARD OF BIDS - PROJECT Z40: DEMOLITION OF BUILDING STRUCTURES LOCATED AT 103 W. LYON STREET, 105 N. FIRST STREET, AND 107 N. FIRST STREET:

Bids were received and read on June 30, 2015 for Project Z40: Demolition of Building Structures located at 103 West Lyon Street, 105 North First Street and 107 North First Street, Marshall, Minnesota. These bids include the removal of structures, basement and foundations. The demolition shall include the proper disposal of all hazardous materials incorporated into the structures. Bids were received from:

D & G Excavating, Inc.
Marshall, Minnesota
\$74,411.00

Thompson Excavating
Taunton, Minnesota
\$88,642.00

REGULAR MEETING – JULY 14, 2015

Landwehr Construction, Inc.,
St. Cloud, Minnesota
\$129,933.00

T & K Kennedy Excavating, Inc.
Benson, Minnesota
\$184,790.00

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award Project Z40: Demolition of Building Structures Located at 103 W. Lyon Street, 105 N. First Street, and 107 N. First Street to D&G Excavating, Inc. of Marshall, Minnesota, in the amount of \$74,411.00'. This project will be funded from Account Number 213-41136-5530 (Federal EDA – General Community Development – Improvements Other). Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

AWARD OF BIDS - SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER (SMASC) - CONSIDER AWARD OF PROPOSAL FOR IRRIGATION PUMP STATION:

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, aglime, materials and partial installation of the irrigation, have been awarded. This contract involves the acquisition of the pumping station to provide irrigation water from both the City water supply and the storm water pond. This pumping station is also able to supply pond water to the High School Ball Fields. Staff requested and received a proposal for the irrigation pump station. The pump station proposal was received from MTI Distributing of Brooklyn Center, Minnesota, including the design and material requirements. The total proposal including all materials and controls with the pump station, delivered to Marshall, off-loading, setup, and startup is \$201,561.00. Watertronics of Hartland, Wisconsin is the fabricator of the unit and MTI is proposing no markup as the City's supplier. MTI, irrigation consultant, will provide the 50% production deposit required by the Watertronics contract. Staff is also seeking proposals for the wet well and intake structures from the pond to the pump station and a recommendation will be forthcoming for that work. 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 (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the contract for the irrigation pump station for the SMASC Ball Park to MTI Distributing of Brooklyn Center, Minnesota, in the amount of \$201,561.00'. This project will be funded from Account Number 456-70579-5530 (Amateur Sports Center Fund – Improvements other than Buildings). 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 (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: 6 Nay: 0. The motion **Carried 6 - 0**

BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Avera Marshall Foundation to hold a raffle on September 14, 2015, at Marshall Country Club, 800 Country Club Drive, 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 VFW Post 742 for the month of August at the Lyon County Fairgrounds.

That office furniture and miscellaneous items from Studio 1 be declared as surplus property.

That the Council authorize out-of-state travel for Rob Yant, Director of Public Safety, to attend the International Association of Chiefs of Police Annual Conference to be held from October 24, 2015 to October 27, 2015 in Chicago, Illinois.

That the following bills and project payments be authorized for payment ACCOUNTS PAYABLE, Voucher No. 94278 through 94531.

PUBLIC HEARING OF VACATION OF A PORTION OF PETERSON STREET –
1. CONTINUATION OF PUBLIC HEARING; 2. CONSIDER RESOLUTION
GRANTING VACATION:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City received a request for petition for vacation of a portion of Peterson Street 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. After discussion with the Registered Land Surveyor, it was recommended to modify the legal description of the vacated area as follows: All that portion of Peterson Street lying easterly of the west line of the east 103.18 feet of Lot 7, Block 2, McFarland Addition. If the resolution granting the petition is not approved, the property owner plans to terminate Peterson Street at the eastern edge of the Peterson Street right-of-way, prohibiting traffic from progressing through the mall area. All utility companies have been contacted and comments, if any, will be incorporated in the final plat of Marshall Square Addition. In addition, the final plat will include all required utility easements for existing and proposed facilities.

Under the redevelopment plan, the street would dead-end before the mall property, and a 60 foot stretch of the current street would be redeveloped along with the rest of the apartment complex.

REGULAR MEETING – JULY 14, 2015

Ben Martig, City Administrator, presented a power point presentation that provided information on the Market Street Mall Redevelopment Project.

Brian Pellowski, PBK Investments, indicated he was seeking Tax Increment Financing to redevelop the mall. He indicated that the vacation of Peterson Street was needed for the proposed apartment.

Todd Bock, Northwestern Mutual, 203 Jewett Street, requested that the vacating of a portion of Peterson Street not be approved. Mr. Bock indicated that the neighboring property and business owners were concerned that a dead end on Peterson Street would negatively affect traffic and safety in the area.

Mr. Pellowski, indicated that without the apartment and hotel components the project would not go forward.

Council Member Bayerkohler questioned Dennis about the signature for PBK Investments on the documents.

Council Member DeCramer suggested that a cul de sac be incorporated at the end of Peterson Street, which would help avoid a dead end.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing considering the vacation of a portion of Peterson Street'. 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 4171, SECOND SERIES, which is the "Resolution Granting Vacation of a Portion of Peterson Street in the City of Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 - 1**, with Bayerkohler voting no.

MARSHALL SQUARE ADDITION - CONSIDER RESOLUTION APPROVING THE FINAL PLAT:

At their special meeting on April 22, 2015, the Planning Commission held a discussion on the Marshall Square Addition. The discussion included recommendations for adjustments of lot lines to better provide definition of developable properties and Building Code setbacks. At the Planning Commission meeting on May 13, 2015, and they recommended approval to City Council as recommended by staff with the 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 the improvement is demolition essentially of 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. Staff reviewed 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 have been provided 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. The surveyor is in the process of making final adjustments to the plat and the final proposed final plat will be available at the council meeting for review and approval, if acceptable.

Member (Craig Schafer) moved, Member (John DeCramer) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4172, SECOND SERIES, which is the Resolution Approving the Final Plat of Marshall Square Addition, subject to an agreement for the Market Street Mall Planned Unit Development (PUD)'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1. The motion **Passed 5 – 1**, with Bayerkohler voting no.

TO CONSIDER AND APPROVE ORDINANCE AMENDING CHAPTER 86 OF THE CITY CODE OF ORDINANCES RELATING TO PLANNED UNIT DEVELOPMENTS; ADOPT PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT; AND RESOLUTION REGARDING CONTRACT FOR PRIVATE DEVELOPMENT BETWEEN CITY OF MARSHALL, HOUSING AND REDEVELOPMENT AUTHORITY AND MARSHALL SQUARE SHOPPING CENTER LIMITED PARTNERSHIP REGARDING PROPERTY REDEVELOPMENT PROJECT LOCATED AT MARKET STREET MALL AND SURROUNDING AREAS; ADOPT RESOLUTION AUTHORIZING INTERFUND LOAN FOR ADVANCE OF CERTAIN COSTS IN CONNECTION WITH TAX INCREMENT FINANCING DISTRICT NO. 1-13:

Dennis Simpson, City Attorney, indicated that the platting of the Marshall Square Addition is to be platted as a planned unit development pursuant to Chapter 86 of the Marshall City Code of Ordinances. Various plans have been submitted for the plat and PUD of Marshall Square Addition. The use parameters set the regulations for the development of property within the PUD. The proposed reconstruction of the mall, the development of a 72 unit apartment building, 56 room hotel and future restaurant space will all be subject to the terms and conditions of the PUD.

This PUD agreement has been developed through the assistance of consultants employed by redeveloper of the mall. It is anticipated that upon approval of the plat, the PUD will be brought forward for Council approval. The ordinance approving the PUD would then be recorded along with the PUD in the office of the Lyon County Recorder and the terms and conditions of said agreement will be placed of record against the affect lots within the plat.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt ORDINANCE NUMBER 698, SECOND SERIES, which is an 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: **5** Nay: **1**. The motion **Passed 5 – 1**, with Bayerkohler voting no.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4173, SECOND SERIES, which is a resolution regarding Contract for Private Development between City of Marshall, Housing and Redevelopment Authority and Marshall Square Shopping Center Limited Partnership regarding property redevelopment project located at Market Street Mall and surrounding areas'. 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 'that the Council adopt RESOLUTION NUMBER 4174, SECOND SERIES, which is a resolution authorizing interfund loan for advance of certain costs in connection with tax increment financing district no. 1-13'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1**, with Bayerkohler voting no.

Mayor Byrnes called for a 5-minute recess at 7:35 P.M.

CONSIDERATION OF RESOLUTION SUPPORTING REGIONAL PARK OR TRAIL DESIGNATION APPLICATION IN GREATER MINNESOTA FOR THE CAMDEN REGIONAL TRAIL:

Glenn Olson, Director of Public Works/City Engineer, indicated that Lyon County has applied for the Camden Regional Trail to be designated as a Regional Trail in Greater Minnesota. This designation will be a requirement to receive Legacy Trail funds going forward. Regional designation will allow applications for trail extensions and enhancement opportunities. There are no applications currently planned but this designation provides for opportunities that may arise in the future. This resolution is being requested for support by the City of Marshall and City of Lynd as partner communities that are connected on the current trail plan. The Parks and Trail Legacy Grant Program is no longer available through the Department of Natural Resources. Funding recommendations for parks and trails of regional significance outside of the seven county metropolitan area through the Parks and Trails Fund will be through the Greater Minnesota Regional Parks and Trails Commission. The Greater Minnesota Regional Parks and Trails Commission was established in 2013 to undertake system planning and provide recommendations to the legislature for grants funded by the parks and trails fund to counties and cities outside the seven-county metropolitan area for parks and trails of regional significance per Minnesota Statutes, 85.536. There would likely be value in the future to formally designate and coordinate Lyon County and the City of Marshall trail plans related to this trail. Past studies identify components but do not expressly have the name or formal aspects of this trail development. Trail construction is underway as is planning for the next phases. Additionally, there is logo development occurring in preparation of kiosks and wayfinding enhancements planned.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the City of Marshall supports Lyon County Resolution No. 2015-17, which is a Resolution Supporting Regional Park or Trail Designation Application in Greater Minnesota for the Camden Regional Trail'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

BALL FIELD LIGHTING - CONSIDER AWARD OF CONTRACT FOR FIELD LIGHTING AND INSTALLATION FOR LEGION FIELD BALL FIELD AND SMASC BALL FIELD:

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. Staff requested and received a proposal for the field lighting materials and a separate proposal for installation of the field lighting materials. These proposals are included in the National Joint Powers Alliance, of which the City is a member. This is similar to the State Bid process where bids are taken and the low responsible bidder is available to any of its members.

	MN SW Regional Amateur Sports Complex Softball Field Lighting	Legion Baseball Field Lighting
Musco Lighting Golden Valley, MN	\$179,519.00	\$117,158.00
Sports Technology Inc. Golden Valley, MN	\$59,300.00	\$74,893.00

The cost of the proposals is significantly less if both projects are awarded at the same time. If both projects are combined, there would be an additional material savings of \$4,300 and an installation savings of \$3,300. \$180,000.00 was approved in the 2015 Parks Budget for this project in Legion Field. The estimated savings by utilizing National Joint Powers Alliance, is \$65,424.00 for both projects. The existing light fixtures would be placed on the surplus equipment list and made available for sale. The RTR School District has expressed interest in the surplus equipment and is proposing to pay \$10,000.00. Staff believes this is a reasonable offer for the surplus equipment and to approve the sale.

The SMASC project will be funded from Account No. 456-70579-5530 (Amateur Sports Center Fund-Improvement other than Buildings).

The Legion Field project will be funded from Account No. 401-70276-5530 (Park Maintenance Improvements other than Buildings).

REGULAR MEETING – JULY 14, 2015

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the contract for the field lighting materials for the SMASC Ball Park to Musco Lighting of Golden Valley, Minnesota, in the amount of \$179,519.00'. 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 (**Ellayne Conyers**) seconded to approve the **NEW** motion 'to award the contract for the installation of the field lighting materials for the SMASC Ball Park to Sports Technology Inc. of Golden Valley, Minnesota, in the amount of \$59,300.00'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1. The motion **Passed 5 – 1**, with Bayerkohler voting no.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'to award the contract for the field lighting materials for Legion Field to Musco Lighting of Golden Valley, Minnesota, in the amount of \$117,158.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'to award the contract for the installation of the field lighting materials for Legion Field to Sports Technology Inc. of Golden Valley, Minnesota, in the amount of \$74,893.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'to declare the old light fixtures from Legion Field as surplus property'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'to approve the sale of the surplus light fixtures from Legion Field to RTR School District in the amount of \$10,000.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

SMASC PROJECT – CONSIDER CHANGE ORDERS: 1. CHANGE ORDER NO. 1 (1317.001) FOR CONTRACT #1317 ICE RINK FLOOR & REFRIGERATION WITH COMMERCIAL REFRIGERATION SYSTEMS, INC.; 2. CHANGE ORDER NO. 1 (2200.001) FOR CONTRACT #2200 PLUMBING & HEATING WITH BISBEE PLUMBING & HEATING; 3. CHANGE ORDER NO. 1 (0345.001) FOR CONTRACT #0345 PRECAST ARCHITECTURAL CONCRETE WALL PANELS WITH FABCON PRECAST, LLC.; 4. CHANGE ORDER NO. 2 (0345.002) FOR CONTRACT #0345 PRECAST ARCHITECTURAL CONCRETE WALL PANELS WITH FABCON PRECAST, LLC.; 5. CHANGE ORDER NO. 1 (0330.001) FOR CONTRACT #0330 CAST-IN-PLACE CONCRETE WITH INNOVATIVE BUILDERS OF ALEXANDRIA, INC.; 6. CHANGE ORDER NO. 1 (3210.001) FOR CONTRACT #3210 ASPHALT PAVING & CURBS WITH DUININCK, INC.; 7. CHANGE ORDER NO. 2 (3210.002) FOR CONTRACT #3210 ASPHALT PAVING & CURBS WITH DUININCK, INC.; 8.

CHANGE ORDER NO. 1 (0930.001) FOR CONTRACT #0930 TILE WITH SUPERIOR TILE & TERRAZZO, INC:

Mark Hovelson, representative from Wenk, reviewed the proposed change orders and provided an update on the SW MN Amateur Sports Center project.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **SUBSTITUTE** motion 'approve all change orders as presented'. The amount of changes to the project is a net increase in the amount of \$22,330 which will be funded from Account No. 456-70579-5520 (Amateur Sports Center Fund-Buildings and Structures). Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1**, with Bayerkohler voting no.

Change Order No. 1 (1317.001) for Contract ##1317 Ice Rink Floor & Refrigeration with Commercial Refrigeration Systems, Inc. This change order amends the description of the alternates awarded by the contract (clarification only).

Change Order No. 1 (2200.001) for Contract #2200 Plumbing & Heating with Bisbee Plumbing & Heating, for a contract increase in the amount of \$1,177.00. The contract increase relates to lowering of a storm sewer.

Change Order No. 1 (0345.001) for Contract #0345 Precast Architectural Concrete Wall Panels with Fabcon Precast, LLC, for a contract decrease in the amount of \$5,550.00. The contract decrease relates to a credit for wood blocking at the top of wall panels.

Change Order No. 2 (0345.002) for Contract #0345 Precast Architectural Concrete Wall Panels with Fabcon Precast, LLC., for a contract increase in the amount of \$2,677.00. The contract increase relates to adding thin brick finish on some of the precast wall panels.

Change Order No. 1 (0330.001) for Contract #0330 Cast-In-Place Concrete with Innovative Builders of Alexandria, Inc., for a contract increase in the amount of \$9,071.00. The contract increase relates to provision of concrete walk and apron.

Change Order No. 1 (3210.001) for Contract #3210 Asphalt Paving & Curbs with Duininck, Inc., for a contract decrease in the amount of \$3,143.00. The contract decrease relates to a credit for heavy duty asphalt paving.

Change Order No. 2 (3210.002) for Contract #3210 Asphalt Paving & Curbs with Duininck, Inc., for a contract decrease in the amount of \$20,352.00. The contract decrease relates to provision of regular class 5 base in lieu of 100% crushed Class 5 for bituminous and curb and gutters.

Change Order No. 1 (0930.001) for Contract #0930 Tile with Superior Tile & Terrazzo, Inc., for a contract increase in the amount of \$39,450.00. The contract increase relates to provision of ceramic tile wall finish in various rooms.

MERIT CENTER ADDITION – CONSIDER CHANGE ORDER NO. 1 WITH MOHS CONTRACTING, INC:

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council approve the attached Change Order No. 1 with Mohs Contracting, Inc. of Owatonna, MN, resulting in a contract increase of \$1,612.25'. This change order includes the provision of heating water bypass lines and valve at boiler. This will be funded from Account Number 455-50551-5520 (Merit Center-Operations-Buildings and Structures). Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **1**. The motion **Passed 5 – 1**, with Bayerkohler voting no.

AUTHORIZATION TO PURCHASE TWO SQUAD VEHICLES:

Marked police vehicles are the primary means for officers to be able to get about and perform their duties. The Police Department currently has six marked squads plus the Chevrolet Tahoe (supervisor's vehicle) for patrol. A Chevrolet pickup is assigned for the CSO (Community Service Officer). At this time staff is proposing to replace squads 1203 and 1208. The bids received were from:

	2016 Impala FWD	2016 Ford PI SUV AWD	2016 Ford PI SUV AWD	2016 Ford PI SUV AWD	2016 Taurus PI AWD
	Polar Chevy	Kruse Motor	Kruse Motor	Midway Ford	Midway Ford
Contract Price	\$20,441.20	\$27,700.00	\$27,682.51	\$26,900.00	\$23,483.00
Color (Black)	YES	YES	YES	YES	YES
Keyless Entry	STD	YES	NO	NO	\$643.00
Engine-	3.6 V6	3.6 V 6	3.6 V 6	3.7 V6	3.7 V-6
Cloth Front Buckets	STD	YES	YES	STD	STD
Vinyl Rear	STD	YES	YES	STD	STD
HD Vinyl Floor	\$45.00	STD	STD	STD	STD
Floor Mats Rubber	\$160.00	N/A	N/A	N/A	\$149.00
Police Suspension	STD	STD	STD	STD	STD
Steel Wheels	STD	STD	STD	STD	STD
5 Police Rated Tires	STD	STD	STD	STD	STD
Dark Car Feature	STD	STD	STD	STD	\$18.00
LED LH Spotlight	\$177.00	YES	YES	\$345.00	\$157.00
Rear view Camera	N/A	\$214.00	\$214.00	\$213.00	\$214.00
Rear Backup Sensors	N/A	YES	YES	STD	\$264.00
Fleet Keying / 5 Keys	\$180.00	YES	YES	\$170.00	\$86.00
Heated mirrors	N/A	YES	YES	\$53.00	N/A
Block heater	N/A	YES	YES	\$30.00	N/A
W/ADDL OPTIONS	\$21,003.20	\$27,914.00	\$27,896.51	\$27,711.00	\$25,014.00

REGULAR MEETING – JULY 14, 2015

	2016 Tahoe 4 X 4 Pursuit	2016 Caprice Sedan RWD	2016 Durango Special Service	2016 Charger AWD Dodge	2016 Charger RWD Dodge
Contract Price	\$31,725.28	\$26,452.61	\$26,289.00	\$25,881.00	\$23,725.00
COLOR (BLACK)	YES	YES	YES	YES	YES
Keyless Entry	STD	STD	STD	STD	STD
Engine	V-8	V-6	V-6	V-8	V-8
Cloth Front Buckets	STD	STD	STD	STD	STD
Vinyl Rear	STD	\$109.00	N/A	\$107.00	\$107.00
HD Vinyl Floor	STD	STD	\$80.00	\$80.00	\$80.00
Floor Mats Rubber	\$175.00	\$160.00	N/A	STD	STD
Police Suspension	STD	STD	STD	STD	STD
Steel Wheels	STD	STD	STD	STD	STD
5 Police Rated Tires	STD	STD	\$134.00	STD	STD
Dark Car Feature		STD	N/A	STD	STD
LED LH Spotlight	\$155.00	\$177.00	\$575.00	\$321.00	\$321.00
Rear view Camera	N/A	N/A	\$975.00	\$312.00	\$312.00
Rear Backup Sensors	STD	N/A	N/A	YES	OPTIONAL
Fleet Keying / 5 Keys	\$57.00	\$127.00	\$130.00	STD	STD
Heated mirrors	N/A	N/A	N/A	N/A	N/A
Keyed alike	N/A	N/A	N/A	\$125.00	\$125.00
block heater	N/A	N/A	N/A	N/A	N/A
W/ADD ON OPTIONS	\$32,112.28	\$27,025.61	\$28,183.00	\$26,826.00	\$24,670.00

These are state bid pricing plus the bid from Kruse Motors for the Ford PI SUV-AWD, with and without keyless entry. Polar Chevrolet is bidding for a 2016 Impala based on 2015 pricing because the 2016 pricing has yet to be released, which staff has been waiting to get since February. Lockwood Motors was not willing to do this because of the much smaller sales volume for this type of sale. Chevrolet is phasing out the Police Package Impala but planning to provide it for 2015/2016 using the old Impala platform. This means there is a very limited production which is the major reason that staff has yet to receive the 2015 Impala that was ordered last October. Research has found that the over whelming majority of Police Departments are going to the Ford Police Interceptor Utility Vehicle - All-Wheel-Drive as their primary squad car. Mankato, Sioux Falls (SD), St. Cloud, Willmar, and Worthington Police Departments are all going to this unit. The Minnesota State Patrol has gone to the Ford Taurus, All-Wheel-Drive for their primary squad car. Based on the unreliability of the delivery of the Chevrolet Impala and the many advantages of the Ford PI SUV - AWD, staff is recommending that this is the best value for the Department to purchase two of these SUV vehicles.

In the Capital Account for Police (401-50151-5550) there is \$28,500 allocated for each of two vehicles. This price includes the purchase price plus set up cost for the vehicles for a total of \$57,000. Also included in the budget is an estimate of \$2,500 per vehicle for trade in or sale from vehicles, which could be very conservatively set at \$3,000 per vehicle. That would bring the total funds from the capital account plus the revenue generated from the sale of the vehicles to \$63,000. This budget was set anticipating buying two Impalas.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'recommend the purchase of two (2) Ford Police Interceptor SUV's with All-Wheel-Drive without keyless entry from Kruse Ford for a purchase price of \$55,793.02 plus authorization for the Police Department to spend an additional \$4,000 for the set-up of these two squad cars'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

CONSIDER PROPOSAL FOR INDEPENDENT FEE ESTIMATE (IFE) SERVICES WITH BOLTON & MENK RELATING TO AIRPORT MASTER PLAN UPDATE AND BUSINESS PLAN:

At their meeting on June 23, 2015, the City Council of Marshall, Minnesota authorized 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 the Southwest Minnesota Regional Airport (MML) 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. The City of Marshall has also submitted requests for grant agreements for federal and state funding for the project. One of the requirements that the sponsor must perform anytime the contract is over \$100,000 is an Independent Fee Estimate (IFE). The FAA requires the IFE be completed and submitted to them prior to issuance of the grant. City staff contacted Bolton & Menk, Inc. as they are familiar and capable with this type of project (specifically airport planning) to request the preparation of an IFE based on the approved scope of services.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for independent Fee Estimate (IFE) Services with Bolton & Menk relating to Airport Master Plan Update and Business Plan, in the amount of \$3,200.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

PROJECT Z29: DIVERSION CHANNEL/MAIN LIFT SANITARY SEWER INTERCEPTOR PROJECT-CONSIDER CHANGE ORDER NO.2:

Project Z29 Diversion Channel / Main Lift Sanitary Sewer Interceptor 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 original intent of the project was to only replace the water main and sewer main including the roadway above them. During construction, it was noticed that the existing pavement section was inadequate to provide a 10-ton roadway design. This section of roadway is utilized by a significant number of heavy trucks from Fairview Street to CSAH 33. It was intended to reconstruct this section of roadway within the next couple of years and, rather than dispose of all of the surface improvements installed under this project, it is recommend that this section of roadway from Fairview Street to Kossuth Avenue be reconstructed to the heavier standard now.

This change order involves the reconstruction of approximately one-third of the street surface, including surfacing gravel base, and drainage to reconstruct the entire street to a 10-ton roadway design. The change order also involves removal of asbestos bonded steel pipe that was over and above normal removal costs.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that Council approve the Request for Change Order No. 2 for Project Z29 Diversion Channel / Main Lift Sanitary Sewer Interceptor Project with H&W Contracting, LLC Sioux Falls, South Dakota, resulting in a contract increase in the amount of \$182,299.40'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

CONSIDER APPROVAL OF PROPOSED AMENDMENTS TO WAGE SCHEDULE RELATED TO THE ASSISTANT CITY ENGINEER POSITION:

The City of Marshall has recently had a vacancy in the Assistant City Engineer position. Staff has been reviewing duties and responsibilities within the department related to this position with the goal to improve department performance and to prepare for succession planning for the Director of Public Works. The analysis is complete for this position and due to the vacancy of this position that is important to the operations of the City staff is recommending action at the July 14, 2015 Council meeting. The City Administrator has authorized changes in the job description including new oversight over building inspections including direct supervisory responsibility of the Building Official (currently supervised by the Director of Public Works) as well as the Building Inspector I/II and Office Assistant/Receptions (currently supervised by the Building Official). Staff is concurrently reviewing amendments to the Director of Public Works and Building Official job descriptions as well that in the latter could have an impact to the Hay points and wage schedule. There are also qualification changes including requiring a Professional Engineer (PE) License that wasn't included previously. There are also substantial new duties due to new MS4 stormwater regulations. The City's job classification consultant has completed the job classification point review as required by State law. The points increased by 34 from 417 to 451 with the significant changes made to the position description. Human Resource Coordinator, Dubs, has conducted an external market wage analysis for this position which has been past practice for the last full pay study and for positions thereafter staff believes may be impacted significantly by market conditions. Engineering positions are identified as positions likely impacted by market conditions and the analysis of the comparable cities along with a handful of others have substantiated this. Based on the data, staff is recommending to match with the next highest wage grade on the City's pay system as proposed in detail in the proposed wage schedule. The following is a summary of the points and salary schedule for the current and proposed position: Assistant City Engineer Current Points: 417 Salary Range: \$57,865.60 - \$77,147.20 Assistant City Engineer Proposed Points: 451 Salary Range: \$59,654.40 - \$79,539.20. Upon approval, staff intends to post the position and begin the recruitment process for this vacancy that exists for the position. The personnel committee met on Monday, July 13 and approved recommending the amendment on a 3-0 vote.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'approve amendments to the City's 2015 Wage/Classification Schedules as proposed for the Assistant City Engineer Position'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion **Carried 6 - 0**

**CONSIDER APPROVAL AND ADOPTION OF POST-ISSUANCE COMPLIANCE
PROCEDURE AND POLICY FOR TAX-EXEMPT GOVERNMENTAL BONDS:**

The City of Marshall needs to adopt a Post-Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds in order to avoid problems with the Internal Revenue Service.

John Utley and Sofia Lykke, from Kennedy & Graven, Chartered are recommending the adoption of the proposed Policy in order to permit the City to fully satisfy recent amendments in the *Information Return for Tax-Exempt Governmental Obligations, Form 8038-G* (the “Form 8038-G”), which is the information tax return that issuers of tax-exempt governmental bonds are required to submit to the Internal Revenue Service (the “IRS”) for each tax-exempt bond issue. The revised Form 8038-G has added several new provisions regarding whether the issuer of the bonds has written policies in place to: (i) take action to remediate any private use that may occur in a bond-financed facility (which can cause interest on the bonds to become subject to federal and State of Minnesota income taxation); and (ii) ensure that the arbitrage rules are followed.

A major focus of the IRS in recent years been the necessity for issuers of tax-exempt governmental bonds to adopt written policies and procedures for compliance with the tax code and the tax regulations related to the use of the proceeds of tax-exempt bonds and bond-financed facilities. If a problem with the tax exemption of the bonds is identified at some point, the IRS has indicated it will allow reduced closing agreement amounts under its Voluntary Closing Agreement Program for issuers who implement written post-issuance compliance procedures.

Given the focus of the IRS on written compliance policies and procedures and the additional provisions on the Form 8038-G, John Utley and Sofia Lykke are recommending that the City adopt this policy for the City’s General Obligation Bonds, Series 2015B.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4175, SECOND SERIES, which is a resolution approving post-issuance compliance procedure and policy for tax-exempt governmental bonds'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

**STATEMENT OF ANNUAL PERFORMANCE REVIEW FOR THE CITY
ADMINISTRATOR.**

In accordance with the personnel policy on Employee Performance Reviews (Policy 4.6), all employees should receive annual evaluations upon his/her anniversary date and annually thereafter. Individual Council member ratings and comments have been compiled into a summary performance evaluation for the City Administrator. An executive summary of the performance evaluation was be presented by Mayor Byrnes.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'motion to accept the annual performance evaluation for City Administrator Ben Martig'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

REGULAR MEETING – JULY 14, 2015

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No report.

Schafer Library Board – there was an article in the Marshall Independent in reference to their meeting.

Doom Items were acted on earlier in the meeting.

Bayerkohler No report.

DeCramer EDA will meet on July 16th; and Utilities Commission will meet on July 22nd.

Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Mayor Byrnes and City Administrator Martig attended the annual League of Minnesota Cities meeting. Martig was elected to the Board of Directors.

CITY ADMINISTRATOR:

Mr. Martig thanked the Council for his performance review.

DIRECTOR OF PUBLIC WORKS:

Mr. Olson provided a brief update on the projects and that the parade route for the Sounds of Summer may need to change.

CITY ATTORNEY:

No report.

PENDING ITEMS:

The budget meeting scheduled for July 21st was cancelled due to the Firemen Appreciation Supper.

INFORMATION ONLY:

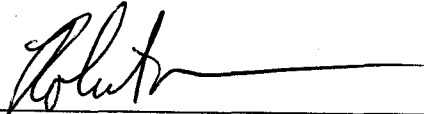
There were no questions on the information items.

UPCOMING MEETINGS:

There were no questions on the upcoming meeting list.

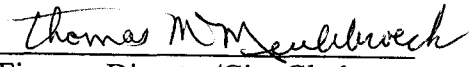
REGULAR MEETING – JULY 14, 2015

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



Mayor

ATTEST:



Finance Director/City Clerk