

REGULAR MEETING – JULY 28, 2015

The regular meeting of the Common Council of the City of Marshall was held July 28, 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, Glenn Bayerkohler, and Larry Doom. Absent: David Sturrock, John DeCramer and Craig Schafer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Public Works Director/City Engineer; 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 (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'Approval of the agenda with the addition of Project Z39: Diversion Channel Bike Trail Project (Diversion Channel to T.H. 19) - Consider Resolution Approving Plans & Specifications and Authorize Advertisement for Bids and State Project 4208-58 / Federal Project NHPP 0059(314): T.H. 59 From T.H. 23 To T.H. 19 – Supplement Agreement No. 05 Part A (Main Street From 1st Street To "A" Street)'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion **Carried 4 - 0**

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 14, 2015:

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on July 14, 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: 4 Nay: 0. The motion **Carried 4 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Member (**Larry Doom**) moved, Member (**Glenn Bayerkohler**) 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: 4 Nay: 0. The motion **Carried 4 - 0**

That the Council authorize out-of-state travel for Adult Community Center (ACC) Coordinator, Barb Lipinski and ACC Program Specialist, Heather Radtke, to attend the Minnesota Association/Wisconsin Association of Senior Centers state/regional in Eau Claire, WI Sept 16-18, 2015. This is a great learning/networking opportunity for ACC Staff on current and upcoming news in the senior population.

The approval of the Fireworks Display for August 22, 2015 with Brooten - Premier Pyrotechnics as part of the Sounds of Summer Event. This Display will be from the parking lot located between Schwan's Corporate Office and the YMCA as part of Sounds of Summer.

That the following bills and project payments be authorized for payment ACCOUNTS PAYABLE, Voucher No. 94532 through 94749.

CONSIDER AND APPROVE RESOLUTION EXTENDING THE TIME TO FILE THE FINAL PLAT OF TJL ADDITION:

Dennis Simpson, City Attorney, indicated that TjL Addition has been proposed and platted to involve property adjacent to the Marshall Square Addition. This involves the property where Home Federal Bank is located as well as the current Super Wash car wash facility. The final plat for TjL Addition was approved by Council on April 28, 2015. That resolution approving the final plat, however, is void after 90 days unless the plat is filed. The developer has been in discussion with a proposed new owner for Lot 1 of Block 1, TjL Addition. The acquisition of Lot 1 has not yet occurred and the developer is requesting additional time to file the plat. Therefore, it is recommended that the City Council grant an additional 60 day time to conclude the real estate transaction and to then file the plat. The developer hopes to have the process completed in the very near future and believes that 60 days is adequate time to conclude all matters.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4176, SECOND SERIES, which is a resolution extending the time by 60 days to file the final plat of TjL Addition'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion **Carried 4 - 0**

COALITION OF GREATER MINNESOTA CITIES 2015 CITY VISIT AND LEGISLATIVE UPDATE:

Marty Seifert, Lobbyist from Flaherty-Hood was in attendance at the meeting to provide the City of Marshall with a legislative update related to the Coalition of Greater Minnesota Cities of which they provide services for and the City of Marshall are members. Councilmen Sturrock is a Board member of the Coalition of Greater Minnesota Cities as well.

CONSIDER ANNUAL SERVICE AGREEMENT WITH HACH INC. FOR PHOSPHOROUS FEED EQUIPMENT AT WWTF:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Hach Inc. Service Partnership quotation for phosphorous feed equipment. The Wastewater Treatment Facility purchased the Hach Phosphorous Analyzer, Filtrax, and sc1000 Controller unit last year to monitor and control the ferric chloride feed in the Wastewater treatment to meet MPCA effluent permit limits. These units have proven to be very instrumental in maintaining chemical feed at its most optimal level by continuous monitoring the effluent and changing feed rates as needed. Starting in January 2016 the City will need to start treating continuously year round to meet the new limits. The contract includes all parts and maintenance of the equipment.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council approve the annual Service Contract with Hach Inc. to service and maintain the Hach Phosphorus Analyzer, Filtrax, and sc1000 Controller equipment installed at the Wastewater Treatment Facility for the period of August 8, 2015 through August 7, 2016 in the amount of \$7,212.00'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion **Carried 4 - 0**

PROJECT Z34: BLOCK 11 SIDEWALK AND PARKING LOT IMPROVEMENT
PROJECT -- 1. CONSIDER CHANGE ORDER NO. 1; 2. CONSIDER CHANGE ORDER
NO. 2 (FINAL); 3. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 3:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Z34, Block 11 Sidewalk and Park Lot Improvement. He indicated that this project included the reconstruction of parking lot, driveways, sidewalks and miscellaneous items to the property abutting West Main Street from East College Drive to the east line of the existing City owned parking lot. The items on the Change Order No. 1 relate to a unit cost adjustment for the 4" concrete walk (Soloman #467 Rustique) and additional work to hammer and load out concrete from the alley. This is related to the original project scope and would be incorporated into the overall agreement and funding. The items on the Change Order No. 2 (Final Reconciling Change Order) are the result of final measurements and changes in item quantities during construction. Specifically, the scope of full sidewalk replacement was added to the project from the end of the property that is being sold to North First Street as it was in extremely poor condition providing safety and accessibility concerns if left as-is. All work has been completed in accordance with the specifications.

Member (Larry Doom) moved, Member (Glenn Bayerkohler) seconded to approve the ORIGINAL motion 'that Council approve Change Order No. 1 with D&G Excavating, Inc. of Marshall, Minnesota, resulting in a contract increase in the amount of \$3,850.50 for Block 11 Sidewalk and Parking Lot Improvement Project Z34'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion Carried 4 - 0

Member (Larry Doom) moved, Member (Ellayne Conyers) seconded to approve the NEW motion 'that Council approve Change Order No. 2 (Final) with D&G Excavating, Inc. of Marshall, Minnesota, resulting in a contract increase in the amount of \$30,908.69 and acknowledgement of Final Pay Request (No. 3) in the amount of \$26,522.32 for Block 11 Sidewalk and Parking Lot Improvement Project Z34'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion Carried 4 - 0

CONSIDERATION OF REIMBURSEMENT RESOLUTION FOR AMATEUR SPORTS
BALLPARK IMPROVEMENTS:

The City Council has previously authorized improvements to the ballpark in conjunction with the Amateur Sports Ballpark. These included the following:

6/23/15 irrigation materials = \$64,965.76
6/23/15 irrigation labor = \$20,288.00
7/14/15 irrigation pump station materials = \$201,561.00
7/14/15 field lighting materials = \$179,519.00
7/14/15 field lighting labor materials = \$59,300.00
Total Cost = \$525,633.76

These have all been awarded by the City Council and is now an administrative item to adopt this resolution.

Member (Ellayne Conyers) moved, Member (Larry Doom) seconded to approve the ORIGINAL motion 'that the Council adopt RESOLUTION NUMBER 4177, SECOND SERIES, which is a Reimbursement Resolution for Amateur Sports Ballpark improvements in

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the amount of \$525,633.76'. Upon a roll call vote being taken, the vote was: Aye: 3 Nay: 1. The motion **Passed 3 – 1**, with Bayerkohler voting no.

CONSIDER RESOLUTION APPROVING THE TERMS OF UP TO A \$1,559,932.70 INTERFUND LOAN IN CONNECTION WITH TAX INCREMENT FINANCING (REDEVELOPMENT) DISTRICT NO.1-11:

Ben Martig, City Administrator, reviewed the request relating to the financing of the Sonstegard Industrial Park Series 2011A. The Council was provided with the Post Sale Bond Payment Schedule for General Obligation Tax Increment Bonds, Series 2011A (Post Sale) in the amount of \$1,265,000. The bond references "levy amount" which is legally required for bond purposes related to a guarantee. This amount was levied for in 2013, 2014 and 2015 for one half year only. Total amount collected was \$65,170. The intent was to fund this from existing Tax Increment pooled funds versus a tax levy. The proposed resolution will allow the repayment of debt service levy from pooled TIF 1-5. The funds that had been levied to this bond payment will in turn be used to pay other existing debt obligations.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4178, **SECOND SERIES**, which is a resolution Approving the Terms of up to a \$1,555,932.70 Interfund Loan in Connection with Tax Increment Financing (Redevelopment) District No.1-11'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion **Carried 4 - 0**

CONSIDER APPROVAL OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU:

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University to use on September 12, 2015 at the Regional Event Center, 400 Mustang Trail, Marshall, Minnesota'. Upon a roll call vote being taken, the vote was: Aye: 3 Nay: 0 Abstain: 1. The motion **Passed 3 – 0 – 1**, with Bayerkohler abstaining.

PROJECT Z39: DIVERSION CHANNEL BIKE TRAIL PROJECT (DIVERSION CHANNEL TO T.H. 19) - CONSIDER RESOLUTION APPROVING PLANS & SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Z39 Diversion Channel Bike Trail Project (Diversion Channel to T.H. 19). He indicated that the purpose of the project is to construct a segment of recreational bike trail along the Redwood River Diversion Channel. The project will create a new trail segment between two existing trail segments from the diversion structure (south) to Channel Parkway (at West College Drive north). The trail segment will provide a direct connection between the existing trail segments and will provide a safe crossing of the BNSF Railroad by constructing the trail under the existing rail bridge. The design for the project was based upon a project previously constructed under the rail bridge located between North T.H. 59 and North 7th Street in Marshall. The construction includes a concrete retaining wall, reinforced concrete pavement and other related work in the vicinity of the BNSF facilities. The proposed project was designed to withstand flooding conditions as a portion of it is below the 1% flood elevations within the diversion channel. This project proposes to construct a bituminous/concrete recreational trail along the Redwood River Diversion Channel.

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Improvements include a 3” thick bituminous trail over a 6” Class 5 base and a 6” thick reinforced concrete pavement over a 6” Class 5 base for portions of the trail constructed below the 1% floodplain elevation. Improvements also include construction of a concrete wall to minimize grading along the Marshall Golf Course and under the BNSF Railroad Bridge. It further includes construction of a safety fence along the golf course driving range portion of the project. Presently the route between two segments of the bike trail system require traveling along the shoulder of West College Drive (T.H.19) and crossing the railroad tracks at grade and unprotected. The purpose of the trail segment is to provide a more direct alternate route between two existing trail segments and provide a safe passage across (under) the railroad tracks. There are no alternates proposed at this time. Copies of the plans have been submitted to Permit Services of Burlington Northern Railroad for construction approval within their right of way, as well as to the Department of Natural Resources for Environmental Assessment review. Staff is awaiting the review and approval of both agencies prior to advertisement of bids. The U.S. Army Corps of Engineers will be notified of the project by the DNR. Staff expects no issues with the USACOE as they have an identical bike path underpass on the north side of town near the Street Department. The plans and specifications have been prepared by the City staff for this project.

The project is partially funded by a Legacy Grant through Lyon County as the sponsoring agent. The available funding is approximately 90% of the originally estimated cost of \$274,680.00, resulting in an estimated grant amount of \$247,212.00.

The design of this segment of bike path was modified after discussions with the Marshall Golf Course and the revised estimate is \$401,390.00, including 10% contingencies. Engineering design, inspection, and testing is not included in this amount and is estimated at an additional \$64,225.00.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4179, SECOND SERIES, which is the “Resolution Approving Plans and Specifications and Ordering Advertisement for Bids” for Project Z39: Diversion Channel Bike Trail Project (Diversion Channel to T.H. 19), subject to any requirements from Burlington Northern Permit Services and Department of Natural Resources Environmental Assessment Review'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion **Carried 4 - 0**

Member (**Ellayne Conyers**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4180, SECOND SERIES, which is a Resolution providing for the Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion **Carried 4 - 0**

STATE PROJECT 4208-58 / FEDERAL PROJECT NHPP 0059(314): T.H. 59 FROM T.H. 23 TO T.H. 19 – SUPPLEMENT AGREEMENT NO. 05 PART A (MAIN STREET FROM 1ST STREET TO “A” STREET):

Glenn Olson, Director of Public Works/City Engineer, indicated that Mn/DOT is in the process of improvement to T.H. 59 from T.H. 23 to T.H. 19 within the city limits of Marshall. The project consisted of reconstruction of T.H. 59 from T.H. 23 to just west of Hy-Vee. The

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remainder of the project was scheduled for mill and overlay only. During construction of the mill portion of the project, the section of concrete underneath the existing asphalt pavement located between 1st Street and "A" Street was severely deteriorated and was determined removal was necessary requiring entire reconstruction of that section of roadway. Because of the complete reconstruction of this section, the sanitary sewer and storm sewer were reviewed for condition as well and was determined that both the sanitary and storm sewer needed replacement. The contractor was requested to provide cost for the reconstruction and Mn/DOT indicated by email that the City's portion of the sanitary sewer cost would be around \$100,000.00 plus 8% for engineering costs. Actual costs will be submitted at a later date for Council approval.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that Council approve Supplemental Agreement No. 05 Part A with Mn/DOT'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion **Carried 4 - 0**

COMMISSION/BOARD LIAISON REPORTS:

Byrnes Fire Relief Association held their quarterly meeting and reviewed the annual audit report; Regional Development Commission held their annual meeting on July 23rd, but Byrnes was not able to attend.

Doom EDA approved the sale of lots in Parkway Addition to Marshall Lumber Company and Western Community Action.

Bayerkohler No report.

Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Mayor Byrnes briefly reviewed the schedule for the DNR Commissioner's Prairie Pedal Bicycle Tour.

CITY ADMINISTRATOR:

Ben Martig, City Administrator indicated that the outside organizations will be at the budget meeting to submit their requests for 2016. Construction on the new liquor store is on schedule.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, provided an update on the construction projects.

CITY ATTORNEY:

No report.

PENDING ITEMS:

There were no questions on the pending items.

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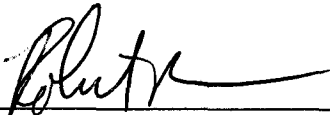
INFORMATION ONLY:

A copy of the Annual Financial Report for the Marshall Fire Department Relief Association for the year ended December 31, 2014 was provided to the Council. The report includes a copy of the worksheet calculating the required contribution of the City to the Fire Relief Association of \$21,502 for 2016. The contribution for 2015 is \$0. The 2015 Maximum Benefit Worksheet is also included, which reflects the Maximum Lump Sum Benefit Level under Minnesota Statute 424A.02, Subd. 3 to be \$7,500 per year of service.

UPCOMING MEETINGS:

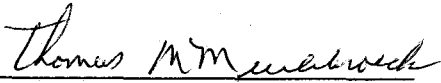
There were no questions on the upcoming meeting list.

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0. The motion **Carried 4 – 0**



Mayor

ATTEST:



Finance Director/City Clerk