

REGULAR MEETING – SEPTEMBER 22, 2015

The regular meeting of the Common Council of the City of Marshall was held September 22, 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: David Sturrock, Ellayne Conyers, John DeCramer, Glenn Bayerkohler, Larry Doom and Craig Schafer. Absent: none. 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; Sheila Dubs, Human Resource Coordinator; 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 (John DeCramer) seconded to approve the **SUBSTITUTE** motion 'that the agenda be approved with the addition of item #17, which is to call for a public hearing for Host Approval on the Issuance of a Health Care Facilities Revenue Note and the addition of item #29, which is to consider approval of Liquor Store fixtures'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 9, 2015, THE MINUTES OF THE WORK SESSION HELD ON SEPTEMBER 9, 2015 AND THE MINUTES OF THE WORK SESSION HELD ON SEPTEMBER 15, 2015:

Member (Ellayne Conyers) moved, Member (Craig Schafer) seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on September 9, 2015, the minutes of the work session held on September 9, 2015 and the minutes of the work session held on September 15, 2015 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PUBLIC HEARING - PROJECT Z28: NORTH 5TH STREET / PLEASANT AVENUE RECONSTRUCTION PROJECT – 1. PUBLIC HEARING ON ASSESSMENT; 2. CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on Project Z28 North 5th Street / Pleasant Avenue Reconstruction Project. Glenn Olson, Director of Public Works/City Engineer, indicated that this project consisted of the reconstruction of streets and utilities on North 5th Street from West Marshall Street to Pleasant Avenue and Pleasant Avenue from North 5th Street to North 6th Street. Items included in the project were sanitary sewer, watermain and storm sewer replacement, curb and gutter, sidewalk reconstruction, bituminous surfacing, aggregate base, grading and other minor work. Mr. Olson briefly reviewed the City special assessment procedures: 1. Water main and water service line replacements are paid for by MMU. 2. Sanitary sewer main replacements are paid for by Wastewater fund. 3. Street replacement costs associated with the replacement of the water and sewer mains are paid for by the utilities. 4. ADA required sidewalk ramps at the intersections are paid for by the City. 5. The remaining street costs are split 50/50 between the property owners and the City. 6. The private sanitary sewer connections including the wye and the service line to the property line are the responsibility of each property

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owner attached to the sewer main. 7. The removal and replacement of the individual driveways are the responsibility of the property owner as each driveway is different in size and serves only the property involved.

Council Member Schafer indicated that he was concerned that the residence at 510 West Marshall Street was assessed for this project and questioned whether that may have been assessed in error. Mr. Olson will review the assessment roll. There was one written protest received from Rodney Tholen for his property at 412 North 5th Street.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z28: North 5th Street / Pleasant Avenue Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4195, SECOND SERIES, which is the "Resolution Adopting Assessment" for Z28 North 5th Street / Pleasant Avenue Reconstruction Project, with any adjustments deemed appropriate'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PROJECT Z37: NORTH "A" STREET / EAST REDWOOD STREET
RECONSTRUCTION PROJECT – 1. PUBLIC HEARING ON ASSESSMENT;
2. CONSIDER RESOLUTION ADOPTING ASSESSMENT:**

This was the date and time set for a public hearing on Project Z37 North "A" Street / East Redwood Street Reconstruction Project. Glenn Olson, Director of Public Works, indicated that this project consists of the reconstruction of streets and utilities on North "A" Street from East Main Street to East Marshall Street and East Redwood Street from Jean Avenue to the Redwood River. Items of work included in the project are sanitary sewer, watermain, and storm sewer replacement, curb and gutter replacement, sidewalk replacement, bituminous surfacing, aggregate base, grading and other minor work. Mr. Olson briefly reviewed the City special assessment procedures which are the same as Project Z28.

Greg Dobrenski, 300 East Marshall Street, indicated that work was done on Marshall Street several years ago and now this project was done. He was concerned with being assessed twice. Mr. Olson indicated that he would review this.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z37: North "A" Street / East Redwood Street Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Craig Schafer**) moved, Member (**Ellayne Conyers**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4196 SECOND SERIES, which is the "Resolution Adopting Assessment" for Z37 North "A" Street / East Redwood Street Reconstruction Project, with any adjustments deemed appropriate'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z23: SERVICE DRIVE RECONSTRUCTION PROJECT – 1. PUBLIC HEARING ON ASSESSMENT; 2. CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on Project Z23 Service Drive Reconstruction Project. Glenn Olson, Director of Public Works/City Engineer indicated this project consisted of street reconstruction of Service Drive from Jewett Street to O'Connell Street. Included in this project was bituminous surfacing, aggregate base grading, minor curb and gutter replacement, and miscellaneous work. Mr. Olson briefly reviewed the City special assessment procedures as identified with Project Z28.

Mr. Olson, indicated that this project affected commercial properties and they are the only property owners to be assessed on one side of the frontage road; therefore the costs could be high. Under the current City Assessment Policy the majority of the project would have been paid for by the property owners. Mr. Olson is recommending that the City contribute half of the street cost and participate in part of the cost assessed to the business on Service Drive which would also reduce the assessments.

Kevin Stroup, attorney representing a majority of the property owners indicated that if the assessment is based on this recommendation, the property owners would probably not appeal the assessment.

Comments included:

Council Member Bayerkohler was concerned with only assessing $\frac{1}{4}$ of what the current policy would assess. He would like to have a new policy in place.

Mayor Byrnes indicated that this is a unique case.

Council Member Sturrock indicated that the policy be reviewed before the next construction season.

Council Member Doom suggested that this is the only area with a service road and a different approach would be appropriate.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing on assessments for Project Z23: Service Drive Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4197 SECOND SERIES, which is the "Resolution Adopting Assessment" for Z23 Service Drive Reconstruction Project, with any adjustments deemed appropriate'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA:

Council Member Bayerkohler requested that the following items be removed from the Consent Agenda: Consider approval of a resolution authorizing the purchase of MN/DOT Excess Parcel 201D; Consider approval of furniture for MERIT Center; and Consider Resolution Amending the Current City Fee Resolution – changes to the MERIT Center Classroom Fees.

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Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the following consent agenda items be approved as presented'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Approval of the amendments to the Personnel Policy Manual: Appendix B – Maximum Allowable Reimbursement / Per Diem Rates.

The introduction of an ordinance to rezone 1602 – 1604 North Highway 59 from A-Agricultural District to I-2 General Industrial District to allow for Kennel's in the area.

Authorization be granted to the Department of Public Safety to dispose of surplus City Property – four (4) vehicles. These vehicles will be auctioned on-line at the state site or will be taken to Alter Metal Recycling for disposal.

Approval of a Taxi Cab License for Armando Jose Rugama Lelaya dba Rugama's contingent upon the 2003 Chrysler T&C Van being marked as a Taxi as required by the City's Ordinance.

The adoption of RESOLUTION NUMBER 4198, SECOND SERIES, which is a resolution Authorizing the Proper City Officials to Execute a Deed to Convey Real Estate owned by the City of Marshall. This property is located at Lot 10, Block 4, Morningside Heights Addition and identified as MN/DOT Parcel 201D. This property will be transferred to Avera Marshall for a price of \$5,000, which is the price that the City of Marshall paid to acquire the property.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 95319 through 95499.

APPROVAL OF ITEMS PULLED FROM CONSENT:

CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE PURCHASE OF MN/DOT EXCESS PARCEL 201D:

The State of Minnesota Department of Transportation owns the parcel of property located at the intersection of E. College Dr. and S. Bruce Street. The parcel is approximately 43' in width and approximately 133' in length. The entire parcel is approximately 5,710 square feet. The parcel is not a buildable lot. The City has mowed the property for a significant period of time. There is one large tree located on that property. Immediately adjacent to that property, a house and several trees were recently removed. A graveled parking lot now exists immediately adjacent to this grass parcel of property. The City of Marshall has approached State of Minnesota regarding acquisition of that property. The State has expressed interest in selling the parcel of property for total purchase price of \$5,000. The City staff recommends the acquisition of that property. The acquisition is subject to the conditions as set forth in the August 25, 2015 letter from Mn/DOT. There is no direct access to this property off of E. College Dr. or S. Bruce Street. There is access to the property off of the 16' alley on the back side of the property. You can also access the property off of S. Bruce Street through the adjacent graveled parking lot. There is one fire hydrant located on the property. There appeared to be control boxes for the signalized intersection. The map from Mn/DOT however indicates that the traffic control boxes are located off of the property to be conveyed. It appears that the map for the sale of property includes just the bare lot approximately 5,710 square feet.

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Council Member Bayerkohler asked if there would be any cost to the City. Attorney Simpson indicated the costs would be minimal if any.

Member (**David Sturrock**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4199, SECOND SERIES, which is a resolution Authorizing the Proper City Officials to acquire real estate located at the intersection of East College Drive and South Bruce Street at a cost of \$5,000'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF FURNITURE FOR MERIT CENTER:

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'approve to purchase the office furniture for the MERIT Center from Office Elements in the amount of \$40,146.98'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER RESOLUTION AMENDING THE CURRENT CITY FEE RESOLUTION -- CHANGES TO THE MERIT CENTER CLASSROOM FEES:

The MERIT Board met on September 17 and recommended approval of the revised fee schedule. The fees were based on a comprehensive review of comparative fees - where available - as completed by three industry training persons on the MERIT Board. The Board agreed this will be reviewed with the move into the new facility and continually evaluated.

Comments included:

Bayerkohler was concerned with the Public Safety Department having to pay rent.

Martig indicated that the fee schedule includes all departments.

DeCramer indicated that this was discussed at the MERIT Center meeting.

Bayerkohler indicated that this is a regional center and the City is subsidizing other cities and counties.

Martig indicated that the classroom fees are based on market fees.

DeCramer stated that the MERIT Center was building for training and props to allow hands on training and not just classrooms.

Schafer indicated that this is a regional facility and the only place to use for several days.

Conyers indicated that this facility would bring a lot of people to town.

Sturrock stated that the fees would be reviewed in a couple of years.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4200, SECOND SERIES which is a resolution Amending the Fee Resolution. This resolution provides for changes to the MERIT Center Classroom fees on the current City Fee Resolution'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER RESOLUTION CALLING FOR A PUBLIC HEARING FOR HOST APPROVAL ON THE ISSUANCE OF A HEALTH CARE FACILITIES REVENUE NOTE AND AUTHORIZING THE PUBLICATION OF A NOTICE OF THE PUBLIC HEARING (WESTERN MENTAL HEALTH CENTER PROJECT):

Ben Martig, City Administrator, indicated that Western Mental Health Center (WMHC) has requested conduit financing that would include the issuance of a tax-exempt note, the proceeds of which will be used to construct a new building addition to its current facility located at 1212 East College Drive in Marshall. This project will result in a combined building comprising 20,740 square feet. The tax-exempt note proceeds will also be used to refinance various taxable indebtedness, which has been previously incurred to finance WMHC activities. Finally, a small amount of the note proceeds will pay the costs of issuance of the note. The City of Marshall was previously approached to be the issuer of the tax-exempt note, but due to the City issuing more than \$10 million of tax-exempt debt in 2015, the note would not have been a “bank qualified” debt. Bank qualified debt is more attractive to bank investors, resulting in lower interest rates, so if a host jurisdiction does not have bank-qualified capacity, it is very common for a borrower to seek out alternative bond issuers. This was done in this case and the City of Canby, which is also home to a WMHC facility, agreed to issue the note. Canby has bank-qualified capacity for 2015 as well. Canby will be holding a public hearing on this conduit revenue financing at its City Council meeting on October 21, 2015. Federal tax regulations require the host jurisdiction for the financing to also hold a public hearing and give “host approval” to the project. The purpose for the attached resolution is to schedule a public hearing for the October 27, 2015 meeting of the City Council, for the host approval. Bob Fenlon, Esq was in attendance at the meeting on behalf of Midwest Health Care Capital (MHC) and Western Mental Health Center (WMHC).

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4201, SECOND SERIES, which is a Resolution Calling for a Public Hearing for Host Approval on the Issuance of a Health Care Facilities Revenue Note and Authorizing the Publication of a Notice of the Public Hearing (Western Mental Health Center Project)'. This public hearing will be held on October 27, 2015. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 1 Abstain: 1. The motion **Passed 5 – 1 -1** with Bayerkohler voting no and Sturrock abstaining.

COLEMAN-URBAN APPEAL ADDITION -- INTRODUCE PLAT AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Coleman-Urban Appeal Addition in Marshall, Minnesota. This property was formerly owned by the Wherley Moving & Storage facility. The purpose of the plat is to combine properties of different subdivisions and to subsequently split the resulting property into two lots for the purpose of separate ownership and use. The utility companies have indicated that they will require utility easements along the northeasterly side of the property and are in the process of determining final location and size

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council call for public hearing on the Preliminary Plat of Coleman-Urban Appeal Addition to be held at the October 13, 2015 City Council meeting, as per the

recommendation of the Planning Commission'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER THE REQUEST OF KIM HENSPETER A VARIANCE ADJUSTMENT PERMIT TO HAVE A DECK WITH FRONT YARD LESS THAN PERMITTED BY THE CITY CODE AT 109 SOUTH HILL STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request by Kim Henspeter for a Variance Adjustment Permit to allow a front deck within the required front yard along Charles Avenue. The house has concrete steps at the main entrance and an actual front yard of about 12 feet. The Ordinance requires a front yard of 25 feet along both streets for corner lots. The owner wants to replace concrete steps with a new deck extending along the entire width of the entry porch and projecting 4 feet from the house. The Ordinance allows a deck to project only 6 feet into required front yards meaning in most cases allowing 19 foot front yard. The proposed deck will result in only 8 feet actual front yard. Considering that there is a greater than 25 foot yard along South Hill Street and that a four foot wide landing space is necessary for normal house access and exit, the City staff considers this request reasonable. Regulations for an R-1 district can be found in Section 86-97. The variance regulations and procedures are found in Section 86-29.

Member **(John DeCramer)** moved, Member **(David Sturrock)** seconded to approve the **ORIGINAL** motion that the Council approve a Variance Adjustment Permit for Kim Henspeter at 109 South Hill Street for a 12 foot by 4 foot deck in front of the house within the required front yard 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 Variance Adjustment 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 cure any such default.
3. That the conditions contained in this permit shall be binding upon the successors and assigns of the applicant.

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Mayor Byrnes called for a 5-minute recess at 7:02 P.M.

CONSIDER THE REQUEST OF BNSF RAILWAY FOR A CONDITIONAL USE PERMIT TO HAVE A COMMUNICATION TOWER TALLER THAN PERMITTED AT 704 WEST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request by the Railroad Company to build a communication tower taller than allowed by the City Ordinance. The proposed tower will be located within the railroad right-of way just north of the existing depot north of West Main Street within the area shown on the site plan and aerial photo. This tower is proposed to be 100 feet tall. The railroad is assumed to be in an I-2 General Industrial district as this is the only one permitting railroad right-of-way. The Ordinance permits towers up to 75 feet tall in that district and all towers taller than that require a conditional use permit. Article VI

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Supplemental Regulations, Division 6 Towers and antennas describes requirements for new towers. This tower seems to comply with all requirements.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion that the Council approve the Conditional Use Permit for the BNSF Railway at 704 West Main Street to build a communication tower taller than allowed by the City Ordinance 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 with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.
4. That the FAA approval is received.

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR A BEAUTY SALON BUSINESS AT 700 VIKING DRIVE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Kathy Deutz for a five-year renewal of a Conditional Use Permit for home occupation to conduct beauty salon business at 700 Viking Drive in an R-1 One Family Residence District. The original Permit was granted in 2009 and renewed in 2010. There are no comments on file.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion that the Council approve the request of Kathy Deutz for a five-year renewal of a Conditional Use Permit for a beauty salon business at 700 Viking Drive with the following condition:

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. This permit expires five years from its date of adoption.
5. Business hours shall be between 7:00 a.m. and 9:00 p.m. only.

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION APPROVING THE PRELIMINARY TAX LEVY FOR 2015, COLLECTABLE IN 2016:

Ben Martig, City Administrator, provided the tax levy as presented at the most current budget work session.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 4202, SECOND SERIES which is a resolution Approving the Preliminary Tax Levy for 2015, Collectable in 2016 for a total levy of \$5,654,847'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION ADOPTING THE PRELIMINARY 2016 BUDGET:

Ben Martig, City Administrator, reviewed the Preliminary General Fund budget for 2016. This is required for adoption by the end of September in accordance with State law.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4203, SECOND SERIES, which is a resolution Adopting the Preliminary 2016 General Fund Budget'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

MARSHALL LIQUOR STORE - CONSIDER CHANGE ORDER NO. 2 WITH SALONEK CONSTRUCTION & CONCRETE, INC. FOR THE LIQUOR STORE PROJECT IN THE AMOUNT OF \$14,159.00:

Ben Martig, City Administrator, reviewed Change Order No. 2 for Salonek Construction & Concrete, Inc. for the liquor store project in the amount of \$14,159.00. PR7 is a civil engineering elevation change. PR8 is for electrical room rough-in. PR9 is an amendment to the color stone variation of the kasota stone. TSP had originally included a flat color type. This was not the original intended design for this area so the variation needed to be changed. The order needed to be authorized for production and delivery scheduling. All of these have been authorized by the owner and work has been completed.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the approval of Change Order No. 2 for Salonek Construction & Concrete, Inc. for the liquor store project in the amount of \$14,159.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER (SMASC) – CONSIDER CHANGE ORDERS: -- 1) CHANGE ORDER NO. 1 (0420.001) FOR CONTRACT #0420 MASONRY WITH JOHNSON NELSON MASONRY, INC.; 2) CHANGE ORDER NO. 1 (0510.001) FOR CONTRACT #0510 STEEL ERECTION WITH SOWLES COMPANY; 3) CHANGE ORDER NO. 2 (0512.002) FOR CONTRACT #0512 STEEL SUPPLY WITH THURNBECK STEEL FABRICATION, INC.; 4) CHANGE ORDER NO. 1 (0610.001) FOR CONTRACT #0610 CARPENTRY WITH ROBERT L. CARR COMPANY; 5) CHANGE ORDER NO. 1 (0920.001) FOR CONTRACT #0920 DRYWALL/COLD FORMED METAL FRAMING WITH G.J.P., INC.; 6) CHANGE ORDER NO. 1 (1266.001) FOR CONTRACT #1266 BLEACHER

SEATING WITH SEATING & ATHLETIC FACILITY ENTERPRISES; 7) CHANGE ORDER NO. 4 (2200.004) FOR CONTRACT #2200 PLUMBING & HEATING WITH BISBEE PLUMBING & HEATING; 8) CHANGE ORDER NO. 5 (2200.005) FOR CONTRACT #2200 PLUMBING & HEATING WITH BISBEE PLUMBING & HEATING; 9) CHANGE ORDER NO. 3 (2600.003) FOR CONTRACT #2600 ELECTRICAL/LOW VOLTAGE WITH L&S ELECTRIC, INC.; 10) CHANGE ORDER NO. 1 (0810.001) FOR CONTRACT #0810 DOORS, FRAMES & HARDWARE WITH BUILDERS SUPPLY COMPANY; 11) CHANGE ORDER NO. 3 (3210.003) FOR CONTRACT #3210 ASPHALT, PAVING & CURBS WITH DUININCK, INC.;

Member (David Sturrock) moved, Member (Craig Schafer) seconded to approve the ORIGINAL motion that Council approve the following change orders for various contracts for the SMASC project in the amount of \$26,048.00:

Change Order No. 1 (0420.001) for Contract #0420 Masonry with Johnson Nelson Masonry, Inc., for a contract increase in the amount of \$1,764.00. The contract increase relates to additional CMU and mortar work.

Change Order No. 1 (0510.001) for Contract #0510 Steel Erection with Sowles Company, for a contract increase in the amount of \$3,482.00. The contract increase relates to erection of steel angles, deck and railing.

Change Order No. 2 (0512.002) for Contract #0512 Steel Supply with Thurnbeck Steel Fabrication, Inc., with no contract amount nor contract time change. The change order relates to modifications to stairs, ramps and railings.

Change Order No. 1 (0610.001) for Contract #0610 Carpentry with Robert L. Carr Company, for a contract increase in the amount of \$5,277.00. The contract increase relates to provision of fire extinguishers and modify toilet stalls.

Change Order No. 1 (0920.001) for Contract #0920 Drywall/Cold Formed Metal Framing with G.J.P., Inc., for a contract increase in the amount of \$3,825.00. The contract increase relates to provision of rated gypsum assemblies.

Change Order No. 1 (1266.001) for Contract #1266 Bleacher Seating with Seating & Athletic Facility Enterprises, for a contract increase in the amount of \$1,280.00. The contract increase relates to the provision of 8 additional chairs.

Change Order No. 4 (2200.004) for Contract #2200 Plumbing & Heating with Bisbee Plumbing & Heating, for a contract increase in the amount of \$2,420.00. The contract increase relates to modification of faucets.

Change Order No. 5 (2200.005) for Contract #2200 Plumbing & Heating with Bisbee Plumbing & Heating, for a contract increase in the amount of \$3,246.00. The contract increase relates to the provision of irrigation stub from B125 to outside of building.

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Change Order No. 3 (2600.003) for Contract #2600 Electrical/Low Voltage with L&S Electric, Inc., for a contract increase in the amount of \$950.00. The contract increase relates to provision of exit signs and electrical modifications.

Change Order No. 1 (0810.001) for Contract #0810 Doors, Frames & Hardware with Builders Supply Company, for a contract increase in the amount of \$3,504.00. The contract increase relates to supplying of hardware.

Change Order No. 3 (3210.003) for Contract #3210 Asphalt, Paving & Curbs with Duininck, Inc., for a contract increase in the amount of \$300.00. The contract increase relates to provision of parking lot striping.

Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on October 26, 2015'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed 6 – 0 – 1** with Bayerkohler abstaining.

S.P. 4208-58 / S.P. 4209-23 / S.P. 4205-32 / FEDERAL PROJECT NHPP 0059 (314): T.H. 59 FROM T.H. 23 TO T.H. 19 – COOPERATIVE CONSTRUCTION AGREEMENT NO. 06935 SUPPLEMENTAL AGREEMENT NO. 05 PART B (ADDITIONAL CITY COST FOR SANITARY SEWER AND WATER LINE REPLACEMENT ON EAST MAIN STREET FROM NORTH 1ST STREET TO "A" STREET):

Glenn Olson, Director of Public Works/City Engineer, indicated that 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 it was determined that removal was necessary for the 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. Due to the State replacing the surfacing, it was decided to proceed with utility reconstruction beneath this pavement section. At the July 28, 2015 City Council meeting, the City entered into Supplemental Agreement No. 05 Part A authorizing additional work on the section of Main Street from North 1st Street to "A" Street. Part A of the agreement was approved and indicated actual costs would be submitted at a later date for Council approval. Supplemental Agreement No. 05 Part B addresses the additional costs to the City. Staff has reviewed the request and finds it to be acceptable. The complete cost to the City is \$98,218.10. However, due to other reductions in cost, the State may only be invoicing the City for approximately \$90,000.00.

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Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that Council approve Cooperative Construction Agreement No. 06935 Supplemental Agreement No. 05 Part B with Mn/DOT in the amount of \$90,000.00'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER RESOLUTION OF SUPPORT FOR TRANSPORTATION ECONOMIC DEVELOPMENT (TED) DEED GRANT APPLICATION:

The Transportation Economic Development (TED) program is a joint effort of the Minnesota Departments of Transportation (MnDOT) and Employment and Economic Development (DEED). The program's purpose is to fund construction, reconstruction, and improvement of state and local transportation infrastructure that creates and preserves jobs, improves the state's economic competitiveness, increases the tax base, accelerates transportation improvements to enhance safety and mobility, and promotes public/private partnerships. A total of approximately \$30 million is available through the 2015 TED program solicitation. This includes approximately \$28 million in MnDOT trunk highway funds and approximately \$4 million of DEED general obligation bond funding. Greater Minnesota project proposals will compete for funding only with other proposed Greater Minnesota projects. The maximum award provided to any one project in this solicitation will be \$10 million. The TED program will provide funding for up to 70% of the total transportation infrastructure cost of the project or the state's maximum allowable share as determined by MnDOT's cost participation policy.

Member (**David Sturrock**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4204, SECOND SERIES, which is a Resolution of Support for Transportation Economic Development (TED) DEED Grant Application'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Bayerkohler voting no.

CONSIDER APPROVAL OF LIQUOR STORE FIXTURES:

Ben Martig, City Administrator, reviewed the plans for the purchase of cashier stations at the new liquor store. These are a specialty design build feature and Stan Morgan specializes in these services. They were identified through the Municipal Beverage Association and come recommended from other municipal stores. They also have experience with other private stores.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'to approve Liquor Store fixtures with Stan Morgan & Associates in the amount of \$22,317.89'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Bayerkohler voting no.

COMMISSION/BOARD LIAISON REPORTS:

Byrnes Regional Development Commission held their regular meeting last month in Tracy.

Schafer No report.

Doom Convention and Visitors Bureau reviewed their financial report; EDA discussed the Mall Development; Personnel Committee met on September 16, 2015.

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Bayerkohler Public Housing Commission approved their budget for 2016 and it was noted that construction has started on a new roof for the Parkview Apartment Building. Planning Commission items were acted on earlier in the meeting.

DeCramer MERIT Center Commission toured the new facility; Utilities Commission is working on their budget.

Sturrock Police Advisory Board met on September 21st.

Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Sturrock was concerned with MN/DOT construction on Hwy 68 and County Road 33 which could cause traffic issues during the harvest season.

CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated there has been discussion to request a change in the speed limit by County Road 33.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, provided updates on the reduced conflict intersection bridge; Main Street will be open for SMSU Homecoming parade; Margaret/Windstar project is continuing; and asphalt has been installed on the skills pad at the MERIT Center.

CITY ATTORNEY:

No report.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items.

CONSIDER GOING INTO CLOSED SESSION FOR THE PURPOSES OF ATTORNEY CLIENT PRIVILEGE:

Member (Larry Doom) moved, Member (Craig Schafer) seconded to approve the ORIGINAL motion 'to consider going into closed session at 8:17 P.M. for the purposes of Attorney Client Privilege'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

The closed session was called to order at 8:17 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Ellayne Conyers, David Sturrock, John DeCramer, Glenn Bayerkohler, Larry Doom and Craig Schafer. Staff present included: Ben Martig, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Finance Director/City Clerk.

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The Council came out of closed session at 8:35 P.M.

UPCOMING MEETINGS

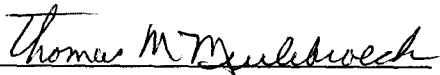
There was no questions on the upcoming meeting list.

Doom moved, Conyers seconded, that the meeting be adjourned. All voted in favor of the motion.



Mayor

ATTEST:



Finance Director/City Clerk