

REGULAR MEETING – DECEMBER 22, 2015

The regular meeting of the Common Council of the City of Marshall was held December 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, Director of Public Works/City Engineer; Ilya Gutman, Plan Examiner; Sheila Dubs, Human Resource Coordinator; Cal Brink, CEO Marshall Area Chamber of Commerce; Bob VanMoer, Wastewater Superintendent; Cathy Lee, Executive Assistant 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 (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to approve the agenda with the removal of item number 13, which is to consider a resolution authorizing use of local program income'. 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 DECEMBER 8, 2015 AND THE MINUTES OF THE WORK SESSION HELD ON DECEMBER 8, 2015:

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the minutes of the minutes of the regular meeting held on December 8, 2015 and the minutes of the work session held on December 8, 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 ON ORDINANCE TO AMEND CHAPTER 6 MARSHALL CITY ORDINANCE ALCOHOLIC BEVERAGES TO INCLUDE PAYMENT OF CURRENT TAXES AND FEES AS A REQUIREMENT OF INTOXICATING LIQUOR LICENSES:

This was the date and time set for a public hearing on an Ordinance Amending Section 6-33 relating to Alcoholic Beverages. Ben Martig, City Administrator, indicated that the Legislative and Ordinance Committee had a discussion on October 21, 2015 regarding Chapter 6 – Marshall City Ordinance Alcoholic Beverages. There has been some businesses, within the City of Marshall, that have been delinquent on their taxes while having an open liquor license. Some cases have included significant delinquency held through the end of the year and become current at the very end of December in order to be eligible for renewal. Staff suggested changes to require to remain current throughout the year. City Attorney Simpson made revisions to the current ordinance that the city can suspend or revoke liquor license based upon failure of the licensee to pay State or local liquor taxes, real estate taxes and assessments. The City Attorney said right now when the City issues their liquor license in January one of the conditions is that they have to be current on their taxes. Martig stated that the City could have a new Administrative Procedure that would cover the issue if they were 30 days late that they would be notified. However, staff has added this to the ordinance that is being recommended. Bayerkohler was concerned that by revoking their license because they did or could not pay their taxes, if the

City took away their license then would it not make it harder for the establishment to pay. Simpson pointed out that the City may revoke so the council could review and decide not to revoke. Bayerkohler conducted some review of other cities including New Ulm, Fairmont and St. Cloud that are similar in nature with some more restrictive. Bayerkohler asked what would be done after the City revoked their license for 60 days and they still don't pay their taxes then does the City revoke it again and it goes back to the City Council for review. Doom and Conyers agreed that it should be revoked until the taxes are paid. Staff has amended the ordinance from the L&O meeting to include a 30-day period of which the taxes would be due. This was a discussion at the L&O meeting and felt some leeway would be appropriate during the non-licensing time period. There was also discussion to incorporate language similar to St. Cloud that provided an exception if there were a legal appeal to the related taxes or obligations due. This was also added to the language.

Member **(Larry Doom)** moved, Member **(Craig Schafer)** seconded to approve the **ORIGINAL** motion 'that the public hearing be closed'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member **(Larry Doom)** moved, Member **(David Sturrock)** seconded to approve the **NEW** motion 'the adoption of ORDINANCE NUMBER 704, SECOND SERIES amending Section 6 Marshall City Ordinance Alcoholic Beverages'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**PUBLIC HEARING ON ORDINANCE TO AMEND CHAPTER 86 OF THE
MARSHALL CITY CODE OF ORDINANCES REGARDING PLANNED UNIT
DEVELOPMENT - CALL FOR A PUBLIC HEARING AND APPROVE ORDINANCE
AMENDMENT:**

This was the date and time set for a public hearing on an ordinance amending Chapter 86 relating to Planned Unit Development. Dennis Simpson, City Attorney, indicated that staff has been working with the Market Street Mall owner on a redevelopment project. The redevelopment project was presented to City Council and was previously approved by City Council pursuant to action on July 14, 2015. The various documents as approved, however, were not filed with the County Recorder and the amendments to the Marshall zoning ordinance were not made because of ongoing issues and discussions regarding platting procedure. It is staff's understanding that all matters have been resolved and that it is necessary to resubmit documents for approval, filing and recording. The first document that needs to be approved is the Planned Unit Development Agreement. Once approved and signed, the agreement needs to be filed with the Lyon County Recorder. This approval is subject to and contingent upon approval by City Council of the re-platting of the property to be identified as Marshall Square Addition. Upon the conclusion of the public hearing, City staff recommends that the ordinance and PUD be approved for amendment to the Marshall City Code zoning ordinances and also requiring that the PUD be recorded in the office of the Lyon County Recorder upon subsequent approval of the platting of the Marshall Square Addition.

Member **(Larry Doom)** moved, Member **(Craig Schafer)** seconded to approve the **ORIGINAL** motion 'that the public hearing be closed'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'the adoption of ORDINANCE NUMBER 705, 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: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

PROJECT Z31: INDEPENDENCE PARK POND RECONSTRUCTION -- 1) CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; 2) CONSIDER RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Bids were received, opened and read on December 15, 2015 for Independence Park Pond Reconstruction Project Z31 from:

A & C Excavating, LLC	R & G Construction Company	D & G Excavating, Inc.
Marshall, Minnesota	Marshall, Minnesota	Marshall, Minnesota
\$390,711.25	\$483,090.00	\$686,677.50

Glenn Olson, Director of Public Works/City Engineer, indicated that this project consists of the removal of sediment from the pond bottom and reshaping of the pond bottom. The project also includes ditch cleaning and installation of 6-inch drain tile near the ball fields. This project will have internal interim financing with bond issue in 2016 for repayment from the Stormwater Utility Fund.

Member (**John DeCramer**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4226, SECOND SERIES which provides for Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Z31: Independence Park Pond Reconstruction'. 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 4227, SECOND SERIES, which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with A&C Excavating, LLC of Marshall, Minnesota, in the amount of \$390,711.25 for Project Z31: Independence Park Pond Reconstruction'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

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CONSIDER AWARD OF PROPOSAL FOR SNOW REMOVAL SERVICES AT MERIT CENTER AND TALL GRASS LIQUOR:

Proposals were received for Snow Removal Services at the MERIT Center and Tall Grass Liquor on December 18, 2015 from:

Bidder	2"-4" of snow per occurrence	>4" of snow per occurrence
Action Company LLC Marshall, Minnesota	\$149.00	\$198.00
Andrew DeSaer Marshall, Minnesota	\$255.00	\$297.50
Moorseal Marshall, Minnesota	\$345.00	\$345.00
D & G Excavating Marshall, Minnesota	\$640.00	\$960.00

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for Snow Removal Services at MERIT Center and Tall Grass Liquor to Action Company, LLC of Marshall, Minnesota for the 2015/2016 through 2016/2017 winter seasons at the rate of \$149.00 for 2"-4" of snow per occurrence and \$198.00 for >4" of snow per occurrence in accordance with the Project Scope'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

STREET DEPARTMENT VENTILATION UPGRADE PROJECT – CONSIDER AWARD OF PROPOSAL:

Bids were received, opened and read for the Street Department Ventilation Upgrade Project on December 15, 2015 from:

Bisbee Plumbing & Heating Marshall, Minnesota \$51,900.00	Feder Mechanical Madelia, Minnesota \$86,245.00	Hart's Heating & Refrigeration Marshall, Minnesota \$68,500.00
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Glenn Olson, Director of Public Works/City Engineer, indicated that this project consists of a new ventilation/make-up air system, localized exhaust for a welding station, and CO2/NO2 detection system for the existing shop/garage. This project has been defined as necessary for the improvement of air quality within the working environment of the shop/garage area. TSP, the City's consultant on the project, has confirmed that Bisbee's acknowledged that their proposal is thorough, and they wish to enter into agreement with the City of Marshall. Within the completion schedule of 120 calendar days, there is 8-9 weeks for fabrication and delivery of equipment after their order. No work will be performed on-site until the new equipment is on hand. TSP recommends award of the contract to Bisbee Plumbing & Heating in the amount of \$51,900.00.

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Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for Street Department Ventilation Improvements to Bisbee Plumbing & Heating of Marshall, Minnesota, in the amount of \$51,900.00, contingent upon City Attorney review and approval of the agreement'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

Consider approval of amendment to the City's 2015 Wage/Classification Schedule.

Consider approval of the 2016 Wage Schedule for non-union employees.

Consider approval of the 2016 Temporary/Seasonal Wage Schedules.

Consider approval of Preventive Maintenance Agreement between Carlson & Stewart Refrigeration, Inc., and the City of Marshall.

Consider approval of agreement between EPA Audio Visual, Inc., and the City of Marshall.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) 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**

Approve to renew the City's Worker's Compensation Insurance with the League of Minnesota City Insurance Trust for 2016 with an estimated premium of \$264,866.

Approve the renewal of Taxi Cab Licenses for Downtown DD LLC dba Marshall Taxi; Rugama's and Southwest Minnesota Services for January 1, 2016 through December 31, 2016 contingent upon all requirements being completed.

The approval of a Temporary On-Sale Liquor License for Marshall Area Chamber of Commerce to use at the Complete Health Center, 111 Jewett Street, Marshall, Minnesota on January 21, 2016.

Approval to declare the Police Department 2012 Chevrolet Impala as surplus property.

That the Council reject all bids for Project Z39 Minnesota DNR Parks and Trails Legacy Program Project No. L025-13-4B: Diversion Channel Bike Trail Project (Diversion Channel to T.H. 10), authorize application for a new grant with revised project plans and updated project estimates, and authorization to rebid in 2016.

The approval of the On-Sale Intoxicating Liquor Licenses for Mariachi Fiesta and Marshall Golf Club; Sunday On-Sale Liquor Licenses for Four Seas Asian Restaurant, Mariachi Fiesta and Marshall Golf Club; Wine License for Four Seas Asian Restaurant and 3.2 Malt Liquor Beverage On-Sale License for Four Seas Asian Restaurant for 2016 contingent upon all requirements being completed.

Approve the State of Minnesota Professional and Technical Services Contract (MN/DOT Contract No. 1001621) for the Marshall Area Highway 23 Safety Assessment.

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Adoption of RESOLUTION NUMBER 4228, SECOND SERIES, which is a resolution of Authorization to Execute First Amendment to Grant Agreement related to MERIT Center Wind Tower and Ethanol Training Equipment.

Approval of Municipal Advisor Services with Springsted, Inc.

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Voucher No. 96448 through 96706.

**CONSIDER APPROVAL OF AMENDMENT TO THE CITY'S 2015
WAGE/CLASSIFICATION SCHEDULE:**

The City's Hay pointing consultant, recently completed a job evaluation on the Media Communications Specialist position. The job description for this position, formerly Cable Production Technician, underwent significant revision and a title change. The former position (Cable Production Technician) was essentially responsible for videotaping, editing, and production of program material for the City's cable access channel. The current position, now titled Media Communications Specialist, is responsible for those former duties, in addition to the following: • Creation and implementation of a City Communication Action Plan • Design, coordination, and production of marketing materials to enhance City communications through video and multiple platforms including websites, mobile apps, and social media • Managing part-time staff and interns that assist with video recording, editing, and production of program material • Partnering with the Marshall HS Production and Broadcast Journalism program (Teachers and students) • Partnering with the SMSU Studio • Etc. In addition to the new responsibilities, the minimum qualifications for the position was also amended. The former position required a HS Diploma, 1 yr. experience operating the associated equipment and a valid driver's license; the new Media Communications Specialist position requires a Bachelor's degree, 1 yr. experience operating the associated equipment, and a driver's license. The following is a summary of the points and salary schedule for each position: Cable Production Technician (former position) Points: 173 Wage range (from schedule eff 9/1/15): \$17.27 – 23.02 Media Communications Specialist Points: 245 Wage range (proposed eff 12/23/2015): \$19.61 – 26.14 The current Media Communications Specialist is compensated at \$19.00 per hour; the current employee was hired with the understanding that the position description would be evaluated for proper point placement. It is staff's intention to implement a wage adjustment for the employee, bringing the employee to Step 1 (\$19.61) effective upon City Council approval (12/23/15). Staff are recommending approval of the Hay Points to 245 and wage range of \$19.61 to \$26.14, to the 2015 Wage Schedule. The Council Personnel Committee met on December 9 and unanimously recommended approval.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council approve the amended 2015 Wage Schedule for the Media Communications Specialist position'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF THE 2016 WAGE SCHEDULE FOR NON-UNION EMPLOYEES:

Sheila Dubs, Human Resources Coordinator, reviewed the proposed 2016 wage schedule for the non-union full-time, part-time, and paid-on-call employee positions reflecting a 2.5% general wage increase. The paid-on-call Hazardous Materials Technician wage rate for in-state jurisdiction responses is determined via a contract with the State of Minnesota. For the purpose of payroll efficiency, staff propose to implement the general wage increases effective the first day of the pay period that includes January 1st. This is consistent with Council actions taken in 2014 and 2015.

Member (Larry Doom) moved, Member (Craig Schafer) seconded to approve the **ORIGINAL** motion 'that the Council approves the 2016 Wage Schedule for non-union employee positions which provides for a 2.5% wage increase'. 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 THE 2016 TEMPORARY/SEASONAL WAGE SCHEDULES:

Sheila Dubs, Human Resources Coordinator, indicated that on an annual basis, the Council reviews the wage schedule for temporary/seasonal employees. The Personnel Committee met at noon on December 21st to review the proposed wage increase for 2016 Temporary/Seasonal Wage Schedules. There are two schedules due to the Minnesota's minimum wage law, which was signed by Governor Dayton on April 14, 2014. The minimum wage in Minnesota will increase from \$9.00 to \$9.50 per hour effective on August 1, 2016. In order to reduce the fiscal impact to the City in 2016, Staff are recommending Council consideration and approval of the two schedules, the first to be effective for the pay period to include January 1st and the second schedule to be effective for the pay period to include August 1st. The minimum wage increase effective 08/01/16 will impact the City's wage schedule for temporary/seasonal employees only. No other City wage schedules are impacted. The majority of proposed revisions are related to the increase in minimum wage.

Member (Larry Doom) moved, Member (John DeCramer) seconded to approve the **ORIGINAL** motion 'approval of the 2016 Temporary/Seasonal Wage Schedules'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF PREVENTIVE MAINTENANCE AGREEMENT BETWEEN CARLSON & STEWART REFRIGERATION, INC AND THE CITY OF MARSHALL:

Ben Martig, City Administrator, reviewed the Preventive Maintenance Agreement with Carlson & Stewart Refrigeration, Inc., for the walk-in cooler refrigeration equipment located at Tall Grass Liquor.

Council Member Bayerkohler asked if the City had this same type of agreement for the previous Liquor Store. Martig indicated that this was a new agreement. Bayerkohler indicated that there should be a warranty on the new equipment. Martig indicated that he was not prepared to provide any information on the warranty.

Member (**Glenn Bayerkohler**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Preventive Maintenance Agreement between Carlson & Stewart Refrigeration, Inc. and the City of Marshall be tabled'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVE AGREEMENT BETWEEN EPA AUDIO VISUAL, INC. AND THE CITY OF MARSHALL:

Upon reviewing installation of the City's two "Smart 65 inch Interactive Flat Panels" in the MERIT classroom and re-alignment of the audio system and proposed lecture location, information technology representatives on behalf of the City and advised by Marshall Public Schools suggested the minimum improvements included in this proposal as outlined in the "Scope of Service" section. The system will create an integrated and substantially more user friendly operating format for video as well as connection to the room audio system. The racking and other setup will create an organized and professional setting while also accommodating expansion capability should other features be added such as "Interactive Video Conferencing" through the State system. There was an evaluation of adding connectivity and technology to be able to conduct conferencing through the state system. However, the roughly \$57,000 cost, not including installation labor, was significantly outside the City's affordability. Additionally, the usage of such a system has not been defined either. Marshall Public Schools, Southwest Minnesota State University and the City of Marshall all have utilized this consultant for related purposes and are very satisfied with their service. The proposal is a professional service "design build" contract proposal and staff feels that this is the appropriate procurement in consideration of the project scope, time necessary to implement for classroom usage and positive experiences working with them in the past.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'approve the "EPA Audio Visual, INC." MERIT Center Rev 1 related to upgrades of the audio visual presentation system for the City of Marshall's MERIT Center classroom with control and split/combining functions'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER THE REQUEST OF BORDER STATE ELECTRIC FOR A VARIANCE ADJUSTMENT PERMIT FOR OUTSIDE STORAGE AT 609 SOUTH 4TH STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Minnesota Valley Broadcasting, the Owner, and Border State Electric, the tenant, to allow outside storage of construction materials within existing fence. This building is located at the corner of South 4th Street and Lucille Street. This building is located in a B-3 General Business district while the area on the other side of Lucille Street is zoned R-1 Single family residential. Original Conditional Use Permit issued in 1974 classified a nonconforming use as conforming one for then current B-1 District. Current General Business district permits a wholesale operation with no outside storage. Currently there is a 75 feet by 30 feet yard enclosed with 6 foot tall fence around and that enclosure is being used for storage. A Variance permit to allow such storage was issued in 2012 for one year. In 2013, a Variance permit to allow exterior storage within existing fence was approved again for this location for 24 months to give the owner time to find another location. The applicant asserts that they cannot find a suitable building to lease in Marshall but are still trying and is asking for another 24 month extension. The conditions proposed by staff

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are intended to minimize the impact of this business on adjacent residential area while allowing it to operate relatively freely. There have been no complaints on file and in general the applicant has been in compliance with conditions. However, an aerial photo shows some storage outside the fence, and it was also observed on December 2 and December 9, 2015. The variance regulations and procedures can be found in Section 86-29, including considerations for granting a variance, and B-3 zoning requirements are located in Section 86-104. This was approved by the Marshall Planning Commission.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve the Variance Adjustment Permit for Border State Electric for outside storage at 609 South 4th Street within the existing fence 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.
4. All other City Ordinance requirements are complied with.
5. No storage outside of the fence of any materials or equipment is allowed at any time for any duration.
6. No material shall be exposed above the existing 6 foot fence.
7. This variance is valid through 2017 or until current tenant moves out, whatever comes earlier'.

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

**SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER (SMASC) –
CONSIDER CHANGE ORDERS -- 1) CHANGE ORDER NO. 6 (2600.006) FOR
CONTRACT #2600 ELECTRICAL/LOW VOLTAGE WITH L&S ELECTRIC, INC.
2) CHANGE ORDER NO. 7 (2600.007) FOR CONTRACT #2600 ELECTRICAL/LOW
VOLTAGE WITH L&S ELECTRIC, INC. 3) CHANGE ORDER NO. 1 (1140.001) FOR
CONTRACT #1140 FOOD SERVICE WITH STRATEGIC EQUIPMENT 4) CHANGE
ORDER NO. 2 (1266.002) FOR CONTRACT #1266 BLEACHER SEATING WITH
SEATING & ATHLETIC FACILITY ENTERPRISES:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed change orders for the Southwest Minnesota Regional Amateur Sports Center.

David Maroney from ATS&R and Mark Holvelson from Wenk provided information on changes to the project. City Administrator Martig indicated that a group from Marshall went to St. Cloud and they are recommending to increase the power to avoid issues. The specific change orders included additional wiring, changes to the building's pager system, an additional ventilation hood for food preparation, and adding features like guardrails, stair assemblies and cupholders to the arena seating.

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Council members were concerned about the number of change orders and whether the changes were items neglected from the original plans or just additional features.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that Council approve the following change orders for the various contracts for the SMASC Project in the amount of \$140,294. These will be paid out of Account number 456-70579-5520 Amateur Sports Center Fund – Buildings and Structures'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 – 2** with Sturrock and Bayerkohler voting no.

Change Order No. 6 (2600.006) for Contract #2600 Electrical/Low Voltage with L&S Electric, Inc. for a contract increase in the amount of \$35,968.00. The contract increase relates to additional wiring.

Change Order No. 7 (2600.007) for Contract #2600 Electrical/Low Voltage with L&S Electric, Inc. for a contract increase in the amount of \$48,057.00. The contract increase relates to changes in the paging system and other low voltage equipment.

Change Order No. 1 (1140.001) for Contract #1140 Food Service with Strategic Equipment, for a contract increase in the amount of \$33,052.00. The contract increase relates to the provision of additional exhaust hood (V2).

Change Order No. 2 (1266.002) for Contract #1266 Bleacher Seating with Seating & Athletic Facility Enterprises, for a contract increase in the amount of \$23,217.00. The contract increase relates to adding of cup holders to seats, add removable guardrail, delete exit step, and add portable stair assemblies.

PROJECT BP2: SMASC CENTER BALLPARK STORM SEWER AND SITE GRADING
PROJECT – 1) CONSIDER CHANGE ORDER NO. 1; 2) CONSIDER CHANGE ORDER
NO. 2 (FINAL); 3) ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 7:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project BP2 SMASC Center Ballpark Storm Sewer and Site Grading. This project consists of construction of aggregate base, watermain, storm sewer, site grading, and miscellaneous work for the Southwest Minnesota Regional Amateur Sports Ballpark. The contract increase on Change Order No. 1 is the result of additional work necessary to spread topsoil outside of the construction limits. 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.

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 with R&G Construction Co. of Marshall, Minnesota, resulting in a contract increase in the amount of \$2,000.00 for Project BP2 SMASC Center Ballpark Storm Sewer and Site Grading'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'that Council approve Change Order No. 2 (Final) with R&G Construction Co., resulting in a contract increase in the amount of \$1,071.10 Project BP2 SMASC Center Ballpark Storm Sewer and Site Grading'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council acknowledge Final Pay Request (No. 7) in the amount of \$46,098.53 to R&G Construction Co for Project BP2 SMASC Center Ballpark Storm Sewer and Site Grading'. 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 THE FINAL PLAT OF MARSHALL SQUARE ADDITION:

Dennis Simpson, City Attorney, indicated that additional plat approval is required as it relates to the redevelopment project of Market Street Mall. City Council had previously approved prior plat for the Marshall Square Addition. That prior plat included Lots 1-6 of Block 1, Marshall Square Addition. Prior plat did include as Lot 6, that portion of the Market Street Mall as owned by Marshall Food Shop Inc. The plat as previously approved was submitted for signature by all property owners. Signatures were not obtained in a timely fashion and as such the Marshall Square Addition was revised and property as previously identified as Lot 6, Block 1, Marshall Square Addition has been eliminated from the plat and does now show Lot 6 as an exception. Therefore, the Marshall Square Addition submitted for final plat approval includes Lots 1-5 of Block 1. The owner of Lots 1-5 of Block 1 does still intend to sell Lot 1 of Block 1 for apartment development and does plan to sell Lot 4, Block 1 for hotel development. The redevelopment of Market Street Mall located on Lot 5, Block 1 is the same plan as previously discussed. City staff recommends that the Marshall Square Addition be approved and submitted for the Lyon County Recorder for recording.

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4229, SECOND SERIES, which is a Resolution approving the final plat of Marshall Square Addition'. 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 RESOLUTION APPROVING CONTRACT FOR PRIVATE DEVELOPMENT AND OTHER ASSOCIATED DOCUMENTS INCLUDING THE MINIMUM ASSESSMENT AGREEMENT 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:

Dennis Simpson, City Attorney, indicated that the Marshall City Council and HRA have previously approved documents related to the redevelopment project and Tax Increment Financing (TIF) financial assistance for the Marshall Square Addition redevelopment project. All documents were previously approved on July 14, 2015. Those approvals were valid for a 90 day

time period. The Marshall Square Addition plat, Contract for Private Development (CPD), Minimum Assessment Agreement (MAA) and Planned Unit Development (PUD) documents need to be re-approved. Several minor changes have been made to each of the agreements. The commencement and completion of the project dates have been extended. The financial commitment from the City of Marshall, however, has not changed. The financial assistance is still based upon a “pay-as-you-go” note with the assistance provided through the Tax Increment Financing structure as previously approved. City staff recommends that the resolution and documents be approved so that all documents can be recorded yet this year.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4230, SECOND SERIES, which is a resolution approving Contract for Private Development and other associated documents including the Minimum Assessment Agreement 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: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER MAINTENANCE SERVICE PROPOSAL WITH BENSON TECHNICAL WORKS FOR MALSR AT AIRPORT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the FAA requires that the Airport “Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights” (MALSR) be maintained by a certified technician. The Maintenance Service Contract is with Benson Technical Works, Inc. for \$2,526.74 per year effective January 1, 2016 to December 31, 2018 for maintenance on the MALSR approach lighting. The maintenance will include periodic maintenance and certification as defined by the FAA and the support of FAA ground inspections and FAA flight inspections.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council authorize entering into a Maintenance Service Contract with Benson Technical Works, Inc. for the maintenance on the MALSR Approach Lighting for January 1, 2016 through December 31, 2018 in the amount of \$2,526.74 per year'. 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. CONSIDER CHANGE ORDER NO. 1 (FINAL); 2. ACKNOWLEDGEMENT OF FINAL PAY REQUEST NO. 4:

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. The items on the Change Order No. 1 (Final Reconciling Change Order) for this project are the result of final measurements and changes in item quantities during construction. All work has been completed in accordance with the specifications.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 (Final) with R&G Construction Co., resulting

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in a contract decrease in the amount of \$1,305.68 for Project Z23 Service Drive Reconstruction'. 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 acknowledge Final Pay Request (No. 4) in the amount of \$24,213.87 to R&G Construction Co. for Project Z23 Service Drive Reconstruction'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z22: MARGARET AVENUE IMPROVEMENT PROJECT / PROJECT Z30: WINDSTAR STREET IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 1. WITH R&G CONSTRUCTION CO:

This project consists of the construction of streets and utilities on Margaret Avenue from Boyer Drive to Windstar Street and Windstar Street from Margaret Avenue to T.H. 59 and turn lanes on T.H. 59. Items of work included in the project are sanitary sewer, watermain, and storm sewer placement, curb and gutter placement, sidewalk placement, bituminous surfacing, aggregate base, grading and other minor work. The contract increase is the result of additional work necessary for reconstruction of the turn lane and for Runnings parking lot regrading.

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approves Change Order No. 1 with R&G Construction Co. resulting in a contract increase in the amount of \$22,672.32 and a total contract amount of \$650,479.32 for Project Z22 Margaret Avenue Improvement Project'. 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 – CONSIDER CHANGE ORDER NO. 1 WITH R&G CONSTRUCTION CO:

This project consisted 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 were sanitary sewer, watermain, and storm sewer replacement, curb and gutter replacement, sidewalk replacement, bituminous surfacing, aggregate base, grading and other minor work. The contract increase is the result of additional work relating to safety grate for arch pipe apron, 1 inch PVC sump pump connection at First Lutheran Church, and two additional sanitary sewer manhole outside drops at Church Street and Walker Lane.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'that the Council approves Change Order No. 1 with R&G Construction Co. resulting in a contract increase in the amount of \$6,334.97 and a total contract amount of \$1,306,380.02 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**

CONSIDERATION OF 2015 TAX LEVY COLLECTIBLE IN 2016 AND THE 2016 BUDGET:

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 4331, SECOND SERIES, which is a resolution adopting the 2015 Tax Levy Collectible in 2016'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1**, with Bayerkohler voting no.

Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **NEW** motion 'to adopt RESOLUTION NUMBER 4332, SECOND SERIES, which is a resolution Adopting the 2016 Budget'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6-1** with Bayerkohler voting no.

CONSIDER FEE RESOLUTION AMENDMENT FOR 2016:

Member (**Craig Schafer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'to adopt RESOLUTION NUMBER 4233, SECOND SERIES, which is a resolution Amending the Fee Resolution'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF APPOINTMENTS TO THE LIBRARY BOARD:

Per the recommendation of Mayor Byrnes, Member (**Craig Schafer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'approval of appointments to the Library Board'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Library Board – Gwen Sturrock, be appointed to a 3-year term to expire on December 31, 2018

Library Board - Mark Goodenow be appointed to a 3-year term to expire on December 31, 2018

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No report.

Schafer Library Board discussed interviews for the new director position. Their budget is in place; Interim Director was appreciated and will help to bring the new director on board.

Doom EDA Service Advising Agreement was approved. Safe Route to School – looking for a grant. Personnel Committee items were acted on earlier in the meeting.

Bayerkohler No report.

DeCramer Utilities Commission approved their budget; Brian Dahl AWA Service Award – recognized by the State. Approved an amendment on Power Sales Agreement – will come to Council on January 12, 2016 for approval. Moving forward for resolution authorizing Public Revenue Bonds in the amount of \$8 ½ million.

Sturrock No report.

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Conyers No report.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Sturrock discussed with Mr. Olson Public Improvement/Transportation items.

CITY ADMINISTRATOR:

Ben Martig, City Administrator, indicated that the City did receive a Property/Liability/Auto Insurance dividend check from the League of Minnesota Cities; the old Liquor Store will be going up for sale in February; the Marshall Mall project is progressing.

Mayor Byrnes indicated that the current projects help to improve the City's economy. The City needs to continue to attract business.

Schafer thanked City staff for their hard work.

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, thanked staff for all their work in 2015. Wished everyone a Merry Christmas and Happy New Year.

CITY ATTORNEY

City Attorney Simpson wished everyone a Merry Christmas.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION ONLY:

There were no questions on the information items.

DETERMINATION TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03 RELATED TO UNION CONTRACTS:

Member (Craig Schafer) moved, Member (Larry Doom) seconded to approve the **ORIGINAL** motion 'approval to go into closed session at 7:50 P.M.'. 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 7:52 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; Sheila Dubs, Human Resource Coordinator and Thomas M. Meulebroeck, Finance Director/City Clerk.

During this closed session union contracts were discussed.

The Council came out of closed session at 8:14 P.M.

**CONSIDER APPROVAL OF AGREEMENTS BETWEEN THE CITY OF MARSHALL
AND AFSCME COUNCIL NO. 65:**

Member (**David Sturrock**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4234 SECOND SERIES approving a collective bargaining agreement for three years and memorandum of understanding between the City of Marshall and AFSCME Council No. 65 and authorizes proper City officials to sign said agreements'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'Adjourn Meeting'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**



Mayor

ATTEST:



Finance Director/City Clerk