

REGULAR MEETING – AUGUST 23, 2016

The regular meeting of the Common Council of the City of Marshall was held on August 23, 2016 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: Larry Doom, Craig Schafer, Glenn Bayerkohler, John DeCramer, and David Sturrock. Ellayne Conyers arrived late. Staff present included: Nick Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Scott VanDerMillen, Community Services Director; Bob VanMoer, Wastewater Superintendent; Preston Stensrud, Parks Superintendent; Jane DeVries, City Clerk and Thomas M. Meulebroeck, Finance Director. Other staff included: Karla Drown, Finance Director effective September 1, 2016.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

It was the general consensus of the Council that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 8, 2016:

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the minutes of the regular meeting held on August 8, 2016 be approved as filed with each member and that the reading of the same be waived'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0**. The motion **Carried 6 - 0**

Be it noted the arrival of Council Member Conyers.

PROJECT BP5: BALLPARK PARKING LOT, ENTRANCE ROAD AND SIDEWALK IMPROVEMENT PROJECT AT THE SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS BALLPARK – 1. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; 2. RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, reviewed the Ballpark Parking Lot Project BP5 at the Southwest Minnesota Regional Amateur Sports Ballpark. This project includes construction of the parking lot, sidewalks, entrance road and miscellaneous work at the Southwest Minnesota Regional Amateur Sports Ballpark. Bids were received, opened and read on August 19, 2016 from:

D & G Excavating, Inc.
Marshall, Minnesota
\$749,428.50

Duininck, Inc.
Prinsburg, Minnesota
\$775,436.14

Member (**Larry Doom**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4298, SECOND SERIES, which provides for Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project BP5: Ballpark Parking Lot, Entrance Road and Sidewalk Improvement Project at the Southwest Minnesota Regional

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Amateur Sports Ballpark'. 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 **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4299, SECOND SERIES, which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with D & G Excavating Inc., of Marshall, MN, in the amount of \$749,428.50 for Project BP5: Ballpark Parking Lot, Entrance Road and Sidewalk Improvement Project at the Southwest Minnesota Regional Amateur Sports Ballpark'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 - 1** with Bayerkohler voting no.

APPROVAL OF CONSENT AGENDA:

Council Member DeCramer requested that the Introduction of Ordinance and Call for Hearing on Ordinance Amending Chapter 86, Sec. 86-97 R-1 One-Family Residence District, Sec. 86-98 R-2 One- to Four-Family Residence District, Sec. 86-99 R-3 Low to Medium Density, Multiple Family Residence District, Sec. 86-100 R-4 Higher Density, Multiple Family Residence District be removed from the Consent Agenda.

Member (**John DeCramer**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion '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**

The introduction of an ordinance to rename a street from 240th Avenue to Pacific Avenue in the Commerce Industrial Park.

The approval of a Tobacco License for GM Tobacco, 1113 East College Drive, Marshall, Minnesota to expire on December 31, 2016.

Per the recommendation of the Planning Commission, the Council call for a public hearing on the Preliminary Plat of Menard Second Subdivision to be held at the September 13, 2016 Council meeting.

That the following bills and project payments be authorized for payment, ACCOUNTS PAYABLE, Voucher No. 99899 through 100104.

The proper city officials be authorized to enter into a contract with Southwest Sanitation, Inc., for garbage hauling services at the Red BaronTM Arena & Expo to expire on December 31, 2021.

INTRODUCTION OF AN ORDINANCE AND CALLING FOR A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 86, SEC. 86-97 R-1 ONE-FAMILY RESIDENCE DISTRICT, SEC. 86-98 R-2 ONE- TO FOUR-FAMILY RESIDENCE DISTRICT, SEC. 86-99 R-3 LOW TO MEDIUM DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT, SEC. 86-100 R-4 HIGHER DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT:

Council Member DeCramer requested this item be removed from the consent agent.

In the last decade, there is a growing trend among mostly younger people to live environmentally friendly and that sometimes involves downsizing the living quarters to houses under 500 SF. The so called “tiny houses” are either built on site or preassembled off-site like a pre-fabricated house. In most cases they are installed in rural areas but it is entirely possible that some landowners would want to have a tiny house as their primary residence or as a secondary structure for their kids. Tiny houses in town may not fit into a neighborhood if installed among regular houses. Further, it may be possible to install several tiny houses on a single lot effectively forming a tiny house community which may create even more issues. Currently, there is nothing in the Ordinance that would prevent people from building a tiny house on site or bringing in a pre-fabricated tiny house. However, the Ordinance currently prohibits installing manufactured homes that have its narrowest dimension less than 24 feet (Sec. 86 165). To avoid potential problems, it may be reasonable to require minimum house dimensions of 24 feet in any direction and require a minimum area of 500 SF. This is suggested to be done by inserting this language individually in each residential district requirements.

The Planning Commission and the Legislative and Ordinance Committee are recommending this ordinance amendment.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the ORIGINAL motion 'that the Council introduce the ordinance amending Sec. 86-97 R-1 One-Family Residence District, Sec. 86 98 R-2 One- to Four-Family Residence District, Sec. 86 99 R-3 Low to Medium Density, Multiple Family Residence District, Sec. 86 100 R-4 Higher Density, Multiple Family Residence District and call for public hearing to be held on September 13, 2016'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion Carried 7 - 0

CONSIDER AWARD OF PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR WASTEWATER TREATMENT FACILITY PLAN:

Bob VanMoer, Wastewater Superintendent, indicated that in 2014 the MPCA required the Marshall Wastewater Treatment Facility to prepare a Phosphorus Facility Plan to address the upcoming phosphorus limit. The city approved a proposal from Bolton & Menk at that time to prepare this along with a Toxicity Reduction Evaluation, and a Chloride and Copper Monitoring Report. The Wastewater Facility is in need of upgrades to replace existing processes that were constructed in 1993. These systems are becoming worn and are in need of upgrading or replacement. There are new processes available that will meet the City’s current and future compliance needs more cost effectively. This Facility Plan would look at current system processes and regulatory requirements, future regulatory requirements, and give staff a Cost Benefit Analysis of the available treatment processes including Biological Phosphorus Removal

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and Total Nitrogen Removal. In addition, Bolton & Menk will coordinate with the City and Marshall Municipal Utilities to address potential construction costs and grant funding for construction projects at both the Water Treatment Plant and the Wastewater Treatment Plant to help the City meet its upcoming Chloride Compliance schedule and future regulatory requirements at the Wastewater Facility. The results of the Facility Plan would put the City in position to get on the MPCA Project Priority List and the availability to access grant money or low interest loans for the project. This proposal will be on an hourly basis not to exceed \$20,000 for Tasks 1 and 3, and \$5,000 for Task 2 and funded from the Wastewater General Professional Services account 602-90581-3311.

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'that the Council approve professional engineering services from Bolton & Menk Inc. of Mankato, Minnesota for completion of a Wastewater Treatment Facility Plan'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Y62 / S.A.P. 139-111-005: T.H. 23 / SOUTH SARATOGA STREET REDUCED CONFLICT INTERSECTION AND PEDESTRIAN OVERPASS PROJECT – CONSIDER CHANGE ORDER NUMBERS 1, 2, AND 3:

Glenn Olson, Director of Public Works/City Engineer, reviewed three (3) change orders for Project Y62 / S.A.P. 139-111-005 T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project. The change orders have been prepared, reviewed, and recommended for approval by SEH, the City's consultant on the project. These three change orders involve the additional emergency signing and traffic control recommended by Mn/DOT in reaction to the May 21, 2015 automobile crash. An initial adjustment was made resulting in Change Order No. 1 adding concrete barriers on TH 23 and signage indicating "Don't Follow Trucks into Work Zone". Change Order No. 2 involved additional lane markings to clarify conflicting existing lane markings. Change Order No. 3 included additional detour traffic signing and restrictions to turning movements during the one-day shutdown of TH 23 and the inclusion of detour signing during the setting of the bridge. Additional traffic controls, including reduced speeds and additional signing, were added.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 for Project Y62 / S.A.P. 139-111-005 T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project with Robert R. Schroeder Construction Co., Inc. of Glenwood, Minnesota, resulting in a contract increase in the amount of \$18,180.00'. 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 Council approve Change Order No. 2 for Project Y62 / S.A.P. 139-111-005 T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project with Robert R. Schroeder Construction Co., Inc. of Glenwood, Minnesota, resulting in a contract increase in the amount of \$8,236.13'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that Council approve Change Order No. 3 for Project Y62 / S.A.P. 139-111-005 T.H. 23 / South Saratoga Street Reduced Conflict Intersection and Pedestrian Overpass Project with Robert R. Schroeder Construction Co., Inc. of Glenwood, Minnesota, resulting in a contract increase in the amount of \$5,035.89'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL TO PURCHASE TOP DRESSER FOR SOUTHWEST AMATEUR BALL FIELDS:

Preston Stensrud, Parks Superintendent, reviewed the quotes received for the Top Dresser for Southwest Amateur Ball Fields. Two quotes were received from:

MTI Distributing, Inc.
Brooklyn Center, Minnesota
\$14,861.13

Frontier Ag & Turf
Hastings, Minnesota
\$22,711.90

Member (**Larry Doom**) moved, Member (**Ellayne Conyers**) seconded to approve the **ORIGINAL** motion 'to accept the quote from MTI Distributing, Inc. of Brooklyn Center, Minnesota for the Top Dresser in the amount of \$14,861.13'. This piece of equipment will be used for the Southwest Amateur Ball Fields and other ball fields in the City of Marshall. This will be paid from Account 413-70577-5540 (SMASC Ball Parks - Ball Fields – Machinery and Equipment. 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 TO PURCHASE ICE PAINTING EQUIPMENT FOR THE RED BARON™ ARENA & EXPO:

Preston Stensrud, Parks Superintendent, reviewed the quotes received for the Ice Paint Equipment for the Red Baron™ Arena & Expo. Two quotes were received from:

R & R Specialties of Wisconsin, Inc.
Somerset, Wisconsin
\$7,010.00

Rink Systems
Albert Lea, Minnesota
\$7,599.19

Preston indicated that purchasing this equipment will allow the Arena staff to do the actual painting of logos, stripes, etc. on the ice as opposed to hiring it done from an outside party. Two quotes were received for ice painting equipment at the Red Baron™ Arena & Expo. R&R Specialties of Wisconsin Inc. had the low quote in the amount of \$7,010.00. Purchasing this equipment will allow Arena staff to do the actual painting of logos, stripes, etc. on the ice as opposed to hiring it done from an outside party which would cost \$4,158 per time and it will be necessary to do the painting annually at a minimum of two times. Staff estimates it will cost \$980 in paint and \$750 in staff time for a total of \$1,730 per painting if done in-house. Performing the painting twice annually will be \$3,460. The payback on the purchase of the equipment through savings is 1.44 years; with future savings dedicated towards lower operational costs of the facility overall.

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Council Member Bayerkohler asked if this equipment could be rented to other ice arenas in the area. Preston indicated that would be an option.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'to accept the quote from R&R Specialties of Wisconsin Inc., for the ice painting equipment in the amount of \$7,010.00'. This will be paid from Account 456-70579-5540. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER, APPROVE AND AUTHORIZE PROPER SIGNATURE OF THE SPONSORSHIP AGREEMENT BETWEEN CITY OF MARSHALL AND VAST BROADBAND REGARDING SPONSORSHIP OF THE RED BARON™ ARENA & EXPO:

Dennis Simpson, City Attorney; and Darin Rahm, Convention & Visitors Bureau Director; indicated that Vast Broadband has approached the City to be the exclusive provider of public WiFi network at the Red Baron™ Arena & Expo facility. Representatives of the City of Marshall and Vast Broadband have negotiated the terms of a sponsorship agreement. Vast has agreed to design, install, implement and manage a public WiFi network at the Red Baron™ Arena & Expo facility in Marshall. Vast will deploy a Rukus high density wireless solution that will manage the network. The high level engineering of that project has been completed by Vast. This will provide public WiFi at the arena and at the ballparks adjacent to the Arena. The Rukus high density network is of the type that is used at the Denny Sanford Center in Sioux Falls, South Dakota and is similar to systems that have been deployed in many professional sports arenas throughout the country. Vast will provide the following: 1. Installation of the entire WiFi network; 2. Fiber internet and transport to the facilities; 3. Complete management of the WiFi network; 4. All reoccurring internet costs and management costs, estimated to be approximately \$1,000 per month, each month for a 5 year period of time, for total management costs of \$60,000; 5. Vast will provide the up-front capital equipment for the project, approximately \$60,000; and 6. Internet bandwidth for the WiFi network. This WiFi network will be free to the public for up to 2 hours per day. Vast customers will have unlimited access to the network. In return, Vast will receive the sponsorship rights, including in-ice logos, dasher board logos, and videoboard access and use of the facilities as set forth in the agreement. Approval of this agreement is necessary so that Vast can proceed to order the necessary equipment to start installation of the WiFi facilities.

Vast assumes all network and management costs and the City of Marshall will provide power at each wireless access point, and rack space and power in the arena for the necessary equipment.

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'Consider, approve and authorize proper signature of the Sponsorship Agreement between City of Marshall and Vast Broadband regarding sponsorship of the Red Baron™ Arena & Expo'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Bayerkohler voting no.

PROJECT Z50: BITUMINOUS CHIP SEALING ON VARIOUS CITY STREETS
1. CONSIDER CHANGE ORDER NO. 1; 2. ACKNOWLEDGEMENT OF FINAL PAY
REQUEST NO. 2:

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

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 (Final) with Caldwell Asphalt Co. Inc. of Hawick, Minnesota, resulting in a contract decrease in the amount of \$149.09 and acknowledgement of Final Pay Request (No. 2) in the amount of \$3,972.53 for Project Z50 Bituminous Chip Sealing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

MERIT CENTER ROAD COURSE PROJECT - 1. CONSIDER CHANGE ORDER
NO. 1; 2. CONSIDER CHANGE ORDER NO. 2 (FINAL); 3. ACKNOWLEDGEMENT
OF FINAL PAY REQUEST NO. 9:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Merit Center Road Course Project. This project consisted of a bituminous driving skills course with a 100,000 SF concrete skills pad. The project also included minor water and stormwater utility work, mass site grading, and security fencing. The item on Change Order No. 1 relates to concrete joint adjustments, not included in the original construction plans, for a lump sum amount of \$9,000.00. 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 for a contract decrease in the amount of \$56,377.05.

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 \$9,000.00 for the Merit Center Road Course Project'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 – 2** with Bayerkohler and Doom voting no.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **NEW** motion 'that Council approve Change Order No. 2 (Final) with R&G Construction Co., of Marshall, Minnesota, resulting in a contract decrease in the amount of \$56,377.05 and acknowledgement of Final Pay Request (No. 9) in the amount of \$123,542.58 for the Merit Center Road Course Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

WESTMAR CIRCLE RECONSTRUCTION PROJECT – CONSIDER RESOLUTION
ADOPTING ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall had included Westmar Circle in the 2016 mill and overlay projects. Upon beginning the project on Westmar Circle, it was found that there was not significant asphalt to mill and overlay, resulting in a loss of most of the surfacing. The original construction also only included a minimal amount of gravel beneath the surfacing creating a situation where the thin 1½” of overlay would not be

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sufficient to handle residential traffic nor heavier loads like garbage trucks. After review of this situation, it was determined that the City should propose a reconstruction project of the portion of Westmar Circle that entailed the six owners at the north end of the circle. This improvement would include the removal and replacement of the curb and gutter, as the existing curb and gutter does not drain properly out of the circle, removal and replacement of the center of Westmar Circle eliminating the curbing and replacing the grass space with asphalt. In addition, the existing fire hydrant and street light would be relocated to behind the new curb and gutter. The existing surfacing would be reclaimed (ground up) and relayed with some new granular base added to provide adequate slope and drainage to the outside curbs. Agreement letters have been received with acceptance signatures from 100% of all affected property owners for the reconstruction of the north portion of Westmar Circle agreeing to the work as indicated within the letter. The work was proposed to be participated as follows: City Costs: Relocate fire hydrant, relocate street light, 1½” asphalt (included in proposed mill and overlay project), tackcoat, 50% of all additional street costs. Property Owner Costs: 50% of all additional street costs, all driveway removal and replacement costs

The following is a brief description of the City special assessment procedures: 1. Water main extension is paid for by MMU (not included in the project costs). 2. Street light replacement is paid for by MMU (not included in the project costs). 3. Street replacement costs associated with the replacement of the water and sewer mains are paid for by the utilities. 4. The remaining street costs are split 50/50 between the property owners and the City. 5. 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.

Member **(Larry Doom)** moved, Member **(David Sturrock)** seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4300, SECOND SERIES, which is the “Resolution Adopting Assessment” for Westmar Circle Reconstruction Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z49: EAST MAIN STREET SIDEWALK REPLACEMENT PROJECT
1. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENT; 2. CONSIDER
RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the East Main Street Sidewalk Replacement Project Z49. This project consists of the proposed sidewalk and driveway improvements along East Main Street from Southview Drive to First Street. The improvements will be constructed along the both sides of East Main Street (T.H. 59) and shall meet ADA guidelines for wheelchair accessibility. The proposed assessment to property owners is based upon the current assessment policy. This amount may be decreased if special assessments for commercial properties are decreased resulting in an increase in City participation.

Member **(Larry Doom)** moved, Member **(John DeCramer)** seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4301, SECOND SERIES, which is a “Resolution Declaring Cost to be Assessed and Ordering the Preparation of

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the Proposed Assessment” for Project Z49: East Main Street Sidewalk Replacement Project'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4302, SECOND SERIES, which is a “Resolution for Hearing on Proposed Assessment” for Project Z49: East Main Street Sidewalk Replacement Project setting the hearing date on the proposed assessments for September 27, 2016'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER APPROVAL OF A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE:

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on October 24, 2016'. 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.

**THE SOUTHWEST MINNESOTA REGIONAL AMATEUR SPORTS CENTER –
CONSIDER CHANGE ORDER NO. 3 (0965.003) FOR CONTRACT #0965 – RESILIENT FLOORING & CARPET WITH MULTIPLE CONCEPTS INTERIORS, INC:**

These change orders have been prepared, reviewed and recommended for approval by the City’s Construction Manager, Wenk for the Southwest Minnesota Regional Amateur Sports Center.

Member (**Larry Doom**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that the Council approve Change Order No. 3 (0965.003) for Contract #0965 – Resilient Flooring & Carpet with Multiple Concepts Interiors, Inc. of Waite Park, Minnesota, resulting in a contract increase in the amount of \$1,450.00'. 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.

CONSIDER AND APPROVE THE RESOLUTION AND JOINT POWERS AGREEMENT BETWEEN THE CITY OF MARSHALL AND THE PORT AUTHORITY OF THE CITY OF ST. PAUL REGARDING THE FUNDING AND ADMINISTRATION OF THE PROPERTY ASSESSED CLEAN ENERGY PROGRAM (PACE OF MN):

Dennis Simpson, City Attorney, indicated that the Minnesota legislature has authorized governmental programs to provide financing through the State of Minnesota for making loans evidenced by various financing leases and loan agreements for the process of operating programs for the construction or installation of energy efficiency and conservation improvements on qualifying real properties located within boundaries of the City. The owner/redeveloper of the Market Street Mall is contemplating the use of PACE of MN funding to enhance energy efficiency and conservation improvements within the mall property. Regardless of whether that project proceeds or not, City staff is still recommending that the Joint Powers Agreement be entered into between the City of Marshall and the Port Authority of the City of St. Paul regarding the Property Assessed Clean Energy Program. The Joint Powers Agreement will then be in place in case there is ever current or future need to access that program. There is no financial risk to the City of Marshall to enter into this Joint Powers Agreement. If PACE of MN program is initiated by a local property owner, there is a still no financial risk to the City of Marshall. The

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Port Authority of St. Paul issues the loan and administers the oversight of the loan. The City of Marshall, through special assessment process would collect special assessments through the real estate tax process and would forward those special assessment payments back to the Port Authority. There is no financial liability to the City of Marshall if the property owner defaults on special assessment.

Member (**Larry Doom**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4303, SECOND SERIES, approval of the Joint Powers Agreement between the City of Marshall and the Port Authority of the City of St. Paul regarding the funding and administration of the Property Assessed Clean Energy Program (PACE of MN)'. Resolution Number 4303, Second Series is a resolution designating the Port Authority to Implement and Administer a Property Assessed Clean Energy Improvement Financing on Behalf of the City, and providing for the Imposition of Special Assessments as Needed in Connection with that Program. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AND APPROVE THE SPONSORSHIP AGREEMENT BETWEEN THE CITY OF MARSHALL AND ACTION MANUFACTURING REGARDING SPONSORSHIP AT THE RED BARON™ ARENA & EXPO:

Dennis Simpson, City Attorney; and Darin Rahm, Director of Convention & Visitors Bureau; indicated that City staff has been soliciting sponsorship agreements and has been working with various entities regarding financial commitment and sponsorship of the Red Baron™ Arena & Expo. Action Manufacturing, Inc;. has agreed to serve as a founding sponsor and to provide financial commitment of \$10,000 per year to support the Red Baron™ Arena & Expo. The sponsorship agreement is for a 5 year commitment at \$10,000 per year. The sponsorship agreement is similar to other agreements entered into between the City and other sponsors.

Member (**John DeCramer**) moved, Member (**Larry Doom**) seconded to approve the **ORIGINAL** motion 'Consider and approve the sponsorship agreement between the City of Marshall and Action Manufacturing regarding sponsorship at the Red Baron™ Arena & Expo'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 - 1** with Bayerkohler voting no.

CONSIDER AWARD OF PROPOSAL FOR CAMDEN TRAIL KIOSKS FROM AP DESIGN:

Scott VanDerMillen, Director of Community Services, reviewed the proposal for the Camden Trail Kiosks that was received from AP Design by Awards Plus, Inc., of Marshall, Minneosta. As Council is aware, Lyon County received funding for the Camden Regional Trail Signature Signage up to \$56,873 in the 2015 Legacy Grant. The AP Design proposal for the trail kiosks is for \$40,900.00.

Included in the abatement bonding was \$14,218.00 for the Camden Regional Trail signature signage. This will be paid out of account number 413-70577-5530. The remaining \$26,682.00 of the proposal will be funded out of the 2015 Legacy Trail Grant.

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Member (Larry Doom) moved, Member (David Sturrock) seconded to approve the ORIGINAL motion 'to accept the proposal for the Camden Trail Kiosks from AP Design by Awards Plus, Inc., Marshall, Minnesota in the amount of \$40,900.00'. Aye: 7 Nay: 0. The motion Carried 7 - 0

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No report.

Schafer No report.

Doom EDA met on August 17th to discuss the 2017 budget.

Bayerkohler No report.

DeCramer EDA discussed the agreement with the Port Authority and the City of St. Paul.

Sturrock Police Advisory Board will meet on August 31st.

Conyers Adult Community Center Commission reviewed their budget.

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member Doom indicated that there are still weeds along the bike trail on Saratoga Street, the Arena Open House will be held on September 8th; Council Member Conyers indicated that she has received information on underpasses from the State of Colorado. Council Member Sturrock thanked the staff of the Parks Department for all their work during the Sounds of Summer; thanked the Library for allowing Shakespeare in the Park to be performed their; suggested that staff organize a bus trip to the State Fair; requested better communication to the public in regard to change orders; the concert held at SMSU on Friday of the Sounds of Summer weekend was heard at the other end of town. Council Member DeCramer congratulated Rob Yant on being accepted as one of the 25 Top Law Enforcement Leader from across the state of Minnesota into the Minnesota Chiefs of Police Association's inaugural Advanced CLEO and Command Academy, cohosted with St. Cloud State University. It was suggested that the City pay for the cost of installing sidewalks along Main Street. There will be a short service at the Memorial Park on September 11th starting at 1:00 P.M.

CITY ADMINISTRATOR:

Nick Johnson, City Administrator, provided updates on:

Budget workshop will be held on August 30th

Merit Center and Red BaronTM Arena and Expo Center

Will tour SMSU Campus with President Connie Gores

Tom's retirement party will be held at the Red BaronTM Arena and Expo Center on August 26th.

Dave Parsons has accepted the City Assessor position

The employee health insurance will increase 17%.; staff is working on other options.

A railroad safety training was held at the Red BaronTM Arena and Expo Center

Working on cell phone service in the downtown area

REGULAR MEETING – AUGUST 23, 2016

DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works/City Engineer, provided an update on the construction projects; he thanked staff for all their work for the Sounds of Summer; the contractor for the ball fields is the same contractor as the MERIT Center. Council Member Schafer thanked the Public Works staff for helping with the issues at the Lyon County Fair.

CITY ATTORNEY:

No report.

PENDING ITEMS:

There were no questions on the pending items.


INFORMATION:

There were no questions on the information items.

UPCOMING MEETINGS


There were no questions on the upcoming meeting list.

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



Mayor

ATTEST:



City Clerk