

REGULAR MEETING – FEBRUARY 28, 2017

The regular meeting of the Common Council of the City of Marshall was held February 28, 2017 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: Craig Schafer, Steven Meister, Glenn Bayerkohler, John DeCramer, David Sturrock and James Lozinski. Absent: none. Staff present included: Nick Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; Rob Yant, Director of Public Safety; Scott VanDerMillen, Director of Community Services; Ilya Gutman, Plan Examiner; Preston Stensrud, Parks Superintendent; Bob VanMoer, Wastewater Facility Superintendent; Jeff Wenker, Sergeant; Jason Anderson, Assistant City Engineer and Jane DeVries, City Clerk. Others in attendance included: Cal Brink, CEO Marshall Area Chamber of Commerce and Darin Rahm, CVB Director.

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 FEBRUARY 14, 2017:

Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'the minutes of the regular meeting held on February 14, 2017 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**

REED ADDITION - PUBLIC HEARING AND APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the preliminary plat of Reed Addition in Marshall, Minnesota. Glenn Olson, Director of Public Works/City Engineer, indicated that JR&R Partnership (Runnings) has requested the introduction of the Reed Addition located adjacent to TH 59, Boyer Drive, Margaret Avenue and Windstar Street. The proposed plat includes the subdivision of one existing large lot and an adjacent smaller lot. As this property has not been previously subdivided, the property owner wishes to plat the property with the intent of demolishing an existing building on the site and making the resultant property available for future commercial use. The owner intends to keep the existing metal storage building in place at this time. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments. MMU has requested an easement. The applicant has not been able to contact the property owner for proposed Lot 3. It is necessary for all property owners to sign the final plat. If, in fact, the Lot 3 property owner is not available to sign the final plat as presented, Lot 3 will be excluded from the final plat of Reed Addition.

Member (**Steven Meister**) moved, Member (**David Sturrock**) seconded to approve the **ORIGINAL** motion 'that the Council close the public hearing'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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Member **(John DeCramer)** moved, Member **(James Lozinski)** seconded to approve the **NEW** motion 'that the Council approve the Preliminary Plat of Reed Addition'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER AWARD OF BIDS FOR ONE (1) NEW 2016 MODEL OR NEW 2017 MODEL OF ROTARY STRIPING MOWER FOR THE PARKS DEPARTMENT:

Preston, Stensrud, Parks Superintendent, reviewed the proposals received for a Rotary Striping Mower for the Parks Department. Three proposals were received utilizing Minnesota State Contract pricing and one proposal was provided for a 2016 Demo Unit. No local vendors are able to provide this piece of equipment. This unit will be essential to providing performance fields mainly at Legion Field and could also be utilized on other city fields in town as necessary. Council has approved the replacement of this unit and included \$22,000.00 in the 2017 Capital budget for this unit with \$31,000 for the new unit and \$9,000 trade-in of the existing unit. Proposals were received, opened and read on February 10, 2017 from:

Frontier Ag & Turf Hastings, Minnesota	Proposal A Vehicle with trade-in	Proposal B Vehicle only
2016 7400A Unit with 12 hours		
Base bid	\$31,000.00	\$31,000.00
Trade-in	<u>(4,000.00)</u>	NA
Net bid	\$27,000.00	\$31,000.00
2017 7400A brand new		
Base bid	\$31,350.00	\$31,350.00
Trade-in	<u>(4,000.00)</u>	NA
Net bid	\$27,350.00	\$31,350.00
Turfwerk's Eagan, Minnesota 2017 AR3 Model		
Base bid	\$27,915.00	\$27,915.00
Trade-in	<u>(2,000.00)</u>	NA
Net bid	\$25,915.00	\$27,915.00
MTI Distributing Brooklyn Center, Minnesota 2017 Toro 3500-D Model		
Base bid	\$31,154.10	\$31,154.10
Trade-in	<u>(6,500.00)</u>	NA
Net bid	\$24,654.10	\$31,154.10

There were no bids for Proposal C, which was to sell one (1) 2008 John Deere Mower.

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Member (**Craig Schafer**) moved, Member (**John DeCramer**) seconded to approve the **ORIGINAL** motion 'That Council award the bid for a Rotary Striping Mower to MTI Distributing, Inc. of Brooklyn Center, Minnesota in the amount of \$24,654.10 including trade-in of existing unit'. This will be funded from account number 401-70276-5540, (Capital-Parks Department-Machinery and Equipment). Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion **Passed 4 - 3** with Bayerkohler, Lozinski and Meister voting no.

CONSIDER AWARD OF BIDS FOR ONE (1) NEW 2016 MODEL OR NEW 2017 BALL DIAMOND DRAGGING MACHINE FOR THE PARKS DEPARTMENT AND AWARD THE SALE OF EXISTING BALL DIAMOND DRAGGING MACHINE TO LAKEVIEW PUBLIC SCHOOL OF COTTONWOOD, MINNESOTA IN THE AMOUNT OF \$4,050.00:

Preston Stensrud, Parks Superintendent, reviewed the proposals received for a Ball Diamond Dragging Machine for the Parks Department. One proposal was received utilizing Minnesota State Contract pricing for the purchase of a new unit and two proposals were received regarding the sale of an existing unit. No local vendors are able to provide this new piece of equipment. Council has approved the replacement of this unit and included \$14,000.00 in the 2017 Capital budget for this unit. Proposals were received from:

	Proposal A Vehicle & Trade-in	Proposal B Vehicle Only	Proposal C Purchase Existing Vehicle Only
Turfwerk's Eagan, Minnesota Smithco Sandstar II	NA	\$16,029.00	
D & G Excavating Marshall, Minnesota	NA	NA	\$4,00.00
Lakeview Public Schools Cottonwood, Minnesota	NA	NA	\$4,050.00

Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'That Council award the bid for a Ball Diamond Dragging Machine to Turfwerk's of Eagan, Minnesota in the amount of \$16,029.00 with no trade-in'. This unit will be funded from Account Number 401-70276-5540 (Capital-Parks Department-Machinery Equipment). Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 2. The motion **Passed 5 - 2** with Lozinski and Meister voting no.

Member (**John DeCramer**) moved, Member (**Steven Meister**) seconded to approve the **NEW** motion 'That Council award the sale of existing Ball Diamond Dragging Machine to Lakeview Public Schools of Cottonwood, Minnesota in the amount of \$4,050.00'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **Passed 6 – 1** with Lozinski voting no.

CONSIDER AUTHORIZATION TO PURCHASE TWO POLICE PACKAGE VEHICLES FOR THE POLICE DEPARTMENT AND TO DECLARE A CURRENT SQUAD (A CHEVROLET IMPALA) AS SURPLUS:

Rob Yant, Director of Public Safety, and Jeff Wenker, Sergeant, reviewed the proposals received for two police vehicles. Staff is intending to add two mid-sized SUV squad cars with Police packages for use as marked units for Patrol duties. The only vehicle that fits these criteria is the Ford (Explorer) SUV Interceptor. Having reliable vehicles for general police patrol is crucial for the delivery of police services to the community and the safety of the officers. Replacing cars before they have chronic maintenance problems both assures police personnel to respond quickly and safely with minimal costs and time out of service. Replacing two of the current squad cars was budgeted for in the 2017 Budget. However, due to the increase in Department staffing by two additional Police Officers, staff will keep one of the units (1501, a Ford Police Interceptor) and assign it to the Police Corporals. As supervisors, they are on patrol less than officers and will incur less mileage than officers. The second car due to be replaced is the last Chevrolet Impala (1502). Both cars are newer than the normal 3-year replacement cycle because the Ford took over six months to be delivered once ordered and Chevrolet took over a year to be delivered once ordered. Subsequent units purchased have all been the Ford Explorer Police Interceptor and have come within the normal timeframe which is approximately three months of ordering. The Ford Explorer Police Interceptors have been extremely good cars. Besides being the industry standard, they have worked well for the department. They give the officers adequate interior space for themselves and their equipment. They also drive well and have handled snow and other bad driving conditions well. They have backup cameras and now have backup warning systems to help officers safely back up, despite cars with otherwise poor interior visibility. They have had very good reliability. Proposals were received from:

	Kruse Motors Marshall, Minnesota	State Bid Midway Ford Commercial Roseville, Minnesota
2017 Ford Explorer w/o key fobs	\$27,579.00	\$26,870.00
2017 Ford Explorer with key fobs Camera/Sensors	\$27,809.00	NA

The bid from Kruse Motors is \$709.00 higher than the State Bid without key fobs and \$939.00 with key fobs.

In the capital plan two units were to be sold instead of one. Also, now the second unit will have to have all new equipment as it is for an additional unit including a lightbar/siren and radio. The actual cost per vehicle would be \$27,809.00 for a total vehicle cost of \$55,618.00 (\$29,000.00 per vehicle was the budgeted amount). The set up for the first squad would be \$6,000.00. The second squad is an additional one and estimated set up is \$15,000.00 because there would need to be a new lightbar and siren, cage, push bumper, etc.

The estimated trade in on the sale of the Chevrolet Impala is \$2,500.00. This is with sale of one vehicle instead of two. But recently the City has been getting over \$3,000.00 and with the

condition of the car the City may get more.

Member (**James Lozinski**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'To purchase two 2017 Ford SUV Interceptors with key fobs from Kruse Motors, Marshall, Minnesota in the amount of \$27,809.00 per vehicle for a total of \$55,618.00 and to declare the current MPD squad car 1501 as surplus property once the new squads are both in service'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 – 1** with Bayerkohler voting no.

CONSIDER AUTHORIZATION TO PURCHASE A DETECTIVE VEHICLE FOR THE POLICE DEPARTMENT:

Rob Yant, Director of Public Works, and Jeff Wenker, Sergeant, reviewed the proposals received for a Detective vehicle. The 2008 GMC Canyon, small pickup, that is assigned as the C.S.O. (Community Service Officer) vehicle is being replaced. This vehicle works as the departments general service vehicle, hauling most animals and bicycles picked up. It was intended to do more hauling, such as items for special events or large evidence but its small size has limited this use and the truck assigned to Investigations has often filled this role. It is also helpful for our C.S.O. to have 4-wheel drive and they are often going through rough terrain, such as when retrieving items from the river. NOTE: in the capital plan this was originally set to be replaced in 2016, but it was not budgeted last year. A third vehicle was budgeted in the Police Department's capital plan for 2017. The intent is to purchase a mid-sized SUV to replace the Canyon and assign that unit to Investigations. Staff's recommendation for this is the 2017 Dodge Durango with the Special Service package. This vehicle would not normally do pursuit driving but could do emergency driving and would have internal emergency lighting. Current investigative staff would like a unit that carries gear and occasionally evidence enclosed instead of in the back seat or bed of a truck. This would give them room to haul this equipment and personnel and still have 4-wheel drive capability. The 2013 Dodge Ram pickup currently assigned to Investigations would be marked and set up for the C.S.O. vehicle. Having the large bed and hauling capacity of that truck has been very useful and would be even more useful for the personnel that do the most hauling, the C.S.O.'s. Proposals received were from:

	Kruse Motors Marshall, MN	Lockwood Motors Marshall, MN	State Bid Midway Ford Commercial Roseville, MN
2017 Ford Explorer w/o key fobs	\$27,918.00	NA	\$27,293.00
2017 Ford Explorer with key fobs Camera/Sensors	\$28,166.00	NA	\$27,293.00
2017 Dodge Durango No BU sensors No BU Camera Key fobs included	NA	\$26,686.00	NA

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The bid from Kruse Motors is \$625.00 higher than the State Bid without key fobs and \$873.00 with key fobs.

Lockwood Motors bid for the 2017 Dodge Durango does not have backup sensors or a backup camera, where the Explorers do. Lockwood's bid is \$1,480.00 below the state bid.

The advantage of the Dodge Durango, besides being \$1,480.00 less expensive, is that it has a larger cargo area than the Ford. The biggest advantage is the different appearance than the Ford. The detectives want a vehicle that looks different from Fords, but have similar functionalities.

The Dodge Durango with the Special Services package from Lockwood Motors is \$26,686.00. Set up is budgeted at \$6,000.00 and the Trade-in on the Chevrolet Colorado pick up is budgeted at \$3,000.00 so the final cost is estimated to be \$29,686.00.

Member **(Steven Meister)** moved, Member **(James Lozinski)** seconded to approve the **ORIGINAL** motion 'To purchase a 2017 Dodge Durango with the Special Services package from Lockwood Motors, Marshall, Minnesota in the amount of \$26,686.00 and to declare the Community Service Officers 2008 Chevrolet Canyon as surplus property once this new unit is in operation'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

APPROVAL OF CONSENT AGENDA:

The following items were pulled from the consent agenda:

Consider and approve a one year extension of a farm lease between the City of Marshall, Lessor, and Paul & Fran Deutz, Inc., a Minnesota corporation, Lessee.

Consider an application for On-Sale Intoxicating Liquor License for Lyon County Pheasants Forever.

Approve MERIT Center Lease with Department of Public Safety for Performance of Commercial Driver's License Skills Testing.

Member **(John DeCramer)** moved, Member **(Steven Meister)** 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**

Approval of the Community Services Advisory Board meetings for 2017: January, February, March, May, August, October, December.

The Council call for a public hearing to be held at 5:30 P.M. on March 14, 2017 relating to the adoption of a Wastewater Treatment Facility Plan.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 102613 through 102815; and Draft No. 245 through 255.

**CONSIDER AND APPROVE A ONE YEAR EXTENSION OF A FARM LEASE
BETWEEN THE CITY OF MARSHALL, LESSOR, AND PAUL & FRAN DEUTZ, INC.,
A MINNESOTA CORPORATION, LESSEE:**

The City of Marshall owns a number of parcels of property located in and around the City of Marshall. A number of the parcels are under lease through 2017. Parcel #2, which is a 9.47-acre parcel of property has been leased on a year by year basis. There is a potential that the property will be used for a connecting road project at some point in the future. Therefore, the City has been leasing the land on a year-by-year basis.

Council Member Sturrock asked if this land is located outside of the city limits. Glenn Olson, Director of Public Works/City Engineer, indicated that this parcel is located inside the city limits. Council Member Meister asked where this parcel is located. This parcel is located between Skunk Hollow Road and Ditch 62. It was indicated that MMU might own land outside of the city limits.

Member (**Craig Schafer**) moved, Member (**Steven Meister**) seconded to approve the **ORIGINAL** motion 'the approval of a one year extension of a farm lease between the City of Marshall, Lessor, and Paul & Fran Deutz, Inc., a Minnesota corporation, Lessee for 9.47 acres at a rate of \$1,325.80 due on March 15, 2017'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

**CONSIDER AN APPLICATION FOR AN ON-SALE INTOXICATING LIQUOR
LICENSE FOR LYON COUNTY PHEASANTS FOREVER:**

Member (**Craig Schafer**) moved, Member (**Steven Meister**) seconded to approve the **ORIGINAL** motion 'the approval of a Temporary On-Sale Liquor License for Lyon County Pheasants Forever to use on March 11, 2017 at the SMSU Conference Center, 1501 State Street, Marshall, Minnesota'. 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.

**APPROVE MERIT CENTER LEASE WITH DEPARTMENT OF PUBLIC SAFETY
FOR PERFORMANCE OF COMMERCIAL DRIVER'S LICENSE SKILLS TESTING:**

City staff is recommending that Council approve a three-year lease between the City of Marshall and the State of Minnesota Department of Public Safety, Driver & Vehicle Safety. This lease would authorize the use of the driver's track and skills pad for the performance of commercial driver's license skills testing. The lease would be approximately 11 or 12 days per month as the dates and times indicated in the lease. Payment is \$125 per month (\$1,500 per year). Council Member Schafer recently addressed the fact that there is no testing for CDL licensing done in the City of Marshall anymore. The development of the driving track and skills pad appears to be the appropriate facility at which the CDL skills testing could be completed. The proposed lease and availability of the CDL skills testing appears to be a good fit for the MERIT Center driving track and skills pad. Chief Yant is recommending approval of the lease. The financial terms of the lease are based upon projected use of the facility. It is anticipated that testing would be at a rate of 10 per test for an estimated 150 tests per year i.e. rental of \$1,500.

Council Member Bayerkohler asked if the driving track is available for rent by other organizations. It was indicated that staff is working on scheduling for the MERIT Center and driving track.

Member **(James Lozinski)** moved, Member **(David Sturrock)** seconded to approve the **ORIGINAL** motion 'Approve the MERIT Center Lease with the Department of Public Safety for Performance of Commercial Driver's License Skills Testing at a rate of \$125.00 per month'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER THE REQUEST OF GRACE LIFE CHURCH, MARSHALL, MINNESOTA FOR A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY AT 601 EAST COLLEGE DRIVE IN AN R-1 ONE FAMILY RESIDENCE DISTRICT:

Grace Life Church is requesting a Conditional Use Permit to operate a daycare facility serving 120 individuals at 601 East College Drive. A daycare facility serving more than 14 individuals is a conditional use in this district requiring a conditional use permit. This building is owned by Grace Life Church which leases a part of it out for Head Start Daycare. Another part of the building is leased out to Marshall Area Christian School which has its own daycare program. There is a Conditional Use Permit that Grace Life Church has now for daycare operations for 100 kids. A new conditional use permit is necessary because the total number of children in all daycare facilities in the building will exceed that number. The conditions applied are the same that were applied to the 2011 Conditional Use Permit. Location of the daycare on the first floor is dictated by the Building and Fire Code. In order to avoid a need for more Conditional Use Permits in the future in case the number of kids increases (original Conditional Use Permit was issued in 2006 for 54 kids), the staff suggested a reference to permitted number of kids rather than specific number. There are no complaints on file for current operations. However, during Planning Commission meeting, concerns were brought up about the number of kids and a traffic light at East College Drive and Whitney Street intersection and a number of kids permitted was suggested to be limited to 140. The Planning Commission recommends approval 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 Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the applicant with written notice specifying items of any default and allow the applicant a reasonable time in which to repair 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) The use must be licensed by the State of Minnesota. 5) The use is limited to serving no more than 140 individuals combined. 6) The permit is not transferrable to any other person or business entity. 7) This permit expires if daycare business stops being in operation or its license is suspended for two years. 8) All daycare facilities are located on main floor to allow exiting without use of stairs. Staff recommend adding condition 9 to the eight conditions suggested by the Planning Commission to avoid any misinterpretations of the allowed number of kids. During the February 14, 2017, City Council meeting, a question was brought up if a Conditional Use Permit can be limited to the current owner. The request was then tabled to allow for research. It's staff's opinion that a Conditional Use Permit may be limited to current owner by specific condition.

Member (**Steven Meister**) moved, Member (**James Lozinski**) seconded to approve the **ORIGINAL** motion 'That this item be removed from the table for discussion'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**David Sturrock**) moved, Member (**Craig Schafer**) seconded to approve the **NEW** motion 'Planning Commission recommends a motion to approve the request of Grace Life Church (applicant) for a Conditional Use Permit for a daycare facility at 601 East College Drive with the following conditions applied: 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 applicant with written notice specifying items of any default and allow the applicant a reasonable time in which to repair 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. The use must be licensed by the State of Minnesota. 5. The use is limited to serving no more than 140 individuals combined. 6. This permit expires if the business has not been in operation for two years or if the business daycare license has been suspended for a period of two years. 7. All daycare facilities are located on main floor to allow exiting without use of stairs. 8. All previous conditional use permits related to daycare operations on this property are revoked'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

ADOPTION OF ORDINANCE OF LYON COUNTY, FOR A MAP AMENDMENT (REZONE) THE PROPERTY FROM A-AGRICULTURAL DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT AT 512 FAIRGROUNDS ROAD:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Lyon County to rezone property at 512 Fairgrounds Road from A-Agricultural District to I-1 Limited Industrial District. The building located at 512 Fairground Road was housing an ice rink but now Lyon County has purchased this building and will be using a part of it as a mattress recycling facility. Recycling is not a permitted use in an A-Agricultural District but is a conditional use in an I-1 Limited Industrial District. To make recycling facility possible, Lyon County requests to rezone this area to I-1 Limited Industrial District, matching zoning of a nearby Public Works Building. To provide continuity of the zoning district, the staff suggest similar rezoning of property at 510 Fairground Road and surrounding area along with the rest of outlot 10 to include parking across the road. Additionally, the staff recommends rezoning City property located directly north of the County's maintenance garage, and which is currently used as a driving range, from I-1 Limited Industrial District to A-Agricultural District; it seems that at some point it was shown to be in I-1 Limited Industrial District by mistake. It is the County's intent to combine outlots 2, 3, and 10 in order to comply with condition 4 of Conditional Use Permit which is dictated by the Building Code.

Member (**Craig Schafer**) moved, Member (**Steven Meister**) seconded to approve the **ORIGINAL** motion 'that the Council adopt ORDINANCE NUMBER 717, SECOND SERIES, which is an ordinance rezoning the property at 510 and 512 Fairgrounds Road from

A-Agricultural District to I-1 Limited Industrial District and parcel 27-603018-0 (no address) from I-1 Limited Industrial District to A-Agricultural District'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER THE REQUEST OF LYON COUNTY, FOR A CONDITIONAL USE PERMIT TO HAVE A RECYCLING FACILITY IN AN I-1 LIMITED INDUSTRIAL DISTRICT AT 512 FAIRGROUNDS ROAD:

This is a request by Lyon County, for a Conditional Use Permit to have a recycling facility in an I-1 Limited Industrial District. The previous request has asked to rezone this area into an I-1 Limited Industrial District, where recycling facility is a conditional use. Conditions attached are standard for all Conditional Use Permits. The fourth condition is added to provide compliance with the Building Code. Limited Industrial District regulations are located in Section 86-106. The conditional use permit regulations are found in Section 86-46 and the Standards for Hearing are found in Section 86-49.

Member **(Craig Schafer)** moved, Member **(David Sturrock)** seconded to approve the **ORIGINAL** motion 'the approval of a Conditional Use Permit for Lyon County to have a recycling facility in an I-1 Limited Industrial District at 512 Fairgrounds Road subject to this property rezoning approval with the following conditions applied: 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 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. That the property lines are adjusted to allow at least 10 feet between them and the building on all sides'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z31: INDEPENDENCE PARK POND SEDIMENT REMOVAL PROJECT – CONSIDER CHANGE ORDER NO. 1 WITH A&C EXCAVATING, LLC;

Glenn Olson, Director of Public Works/City Engineer reviewed Change Order No. 1 for Independence Park Pond Sediment Removal Project Z31. 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. The project notes detailed that 9,300 yds. of the 19,010 yds. of Common Excavation on the project was muck and the remaining 9,710 yds. of Common Excavation was undisturbed clay. Once the project started, it became clear that this note was not correct and much more muck was present than anticipated. Based on a set of reasonable assumptions, staff estimated the muck quantity to be closer to 13,972 yds. or 4,672 additional yards (increase of \$22,705.92). In addition, the change order includes bituminous removals around the picnic shelter (increase \$1,620.00), a 12-inch tile extension in the southwest pond (increase \$250.00), and temporary erosion control (increase \$4,500.00).

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Member (**John DeCramer**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'that Council approve Change Order No. 1 for Independence Park Pond Sediment Removal Project Z31 with A&C Excavating, LLC of Marshall, Minnesota, resulting in a contract increase in the amount of \$29,075.92'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

PROJECT Z59: OUTLOT A, CARR ESTATES POND SEDIMENT REMOVAL & IMPROVEMENT PROJECT (MAJESTIC POND) - 1) PETITION FOR LOCAL IMPROVEMENT; 2) AGREEMENT OF ASSESSMENT AND WAIVER OF IRREGULARITY AND APPEAL; 3) RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT; 4) RESOLUTION RECEIVING REPORT; 5) RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; 6) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Z59 Outlot A, Carr Estates Pond Sediment Removal and Improvement Project (Majestic Pond). Mr. Olson indicated that staff has received a petition for Local Improvement for the initiation of the special assessment procedures for this project, as well as the Agreement of Assessment and Waiver of Irregularity and Appeal. If the Council authorizes acceptance of the petition and agreement, staff recommends authorization to proceed with the preparation of the Feasibility Report. The Feasibility Report covers the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility and proposed project schedule. The proposed improvements as described in the report are necessary, cost-effective, and feasible from an engineering standpoint. If the City Council decides to proceed with the project, a resolution needs to be adopted ordering the improvement and the preparation of plans. The plans and specifications have been prepared by City staff for this project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids.

Lil Schroeder spoke on behalf of the Majestic Pond Association.

Member (**Steven Meister**) moved, Member (**James Lozinski**) seconded to approve the **ORIGINAL** motion 'that the Council receive the Petition for Local Improvement for Project Z59 Outlot A, Carr Estates Pond Sediment Removal and Improvement Project (Majestic Pond)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**David Sturrock**) moved, Member (**John DeCramer**) seconded to approve the **NEW** motion 'that the Council approve and execute the Agreement of Assessment and Waiver of Irregularity and Appeal with the Majestic Pond Association'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member (**Craig Schafer**) moved, Member (**Steven Meister**) seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4351, SECOND SERIES, which is the "Resolution Declaring the Adequacy of Petition and Ordering Preparation of Report" for Project Z59 Outlot A, Carr Estates Pond Sediment Removal and Improvement Project (Majestic Pond)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

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Member **(Steven Meister)** moved, Member **(David Sturrock)** seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4352, SECOND SERIES, which is the "Resolution Receiving Feasibility Report" for Project Z59 Outlot A, Carr Estates Pond Sediment Removal and Improvement Project (Majestic Pond)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member **(Steven Meister)** moved, Member **(Craig Schafer)** seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4353, SECOND SERIES, which is the "Resolution Ordering Improvement and Preparation of Plans" for Project Z59 Outlot A, Carr Estates Pond Sediment Removal and Improvement Project (Majestic Pond)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

Member **(Craig Schafer)** moved, Member **(David Sturrock)** seconded to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4354, SECOND SERIES, which is the "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z59 Outlot A, Carr Estates Pond Sediment Removal and Improvement Project (Majestic Pond)'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried 7 - 0**

CONSIDER REIMBURSEMENT RESOLUTION FOR MARSHALL HOTEL PROJECT:

On April 12, 2016 the City Council adopted a resolution for reimbursement for the Marshall Hotel Project. The resolution authorized expenditures up to \$200,000 from the TIF 1-11 Fund. The negotiations for the final amount have concluded within the parameters set by City Council. The authorized amount of the interfund loan with TIF 1-11 needs to be amended to cover the expenditures for the Marshall Hotel Project. Staff estimates this will be up to \$350,000.

Member **(Craig Schafer)** moved, Member **(David Sturrock)** seconded to approve the **ORIGINAL** motion 'the adoption of RESOLUTION NUMBER 4355, SECOND SERIES, which is a resolution Approving the Terms of up to a \$350,000 Interfund Loan in Connection with Tax Increment Financing (Redevelopment) District No. 1-11'. 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 SERVICE AGREEMENT BETWEEN CITY OF MARSHALL AND MARSHALL AREA CHAMBER OF COMMERCE FOR THE MERIT CENTER:

The City of Marshall had been under a unified agreement with Marshall Area Chamber of Commerce (MACC) for services to the Red Baron Arena and Expo and the MERIT Center. On December 13, 2016 City Council approved an agreement with MACC to provide service for the Red Baron Arena and Expo only. The MERIT Center Commission requested the MERIT Center be left out of the new agreement so they may implement a plan of hiring a staff person to coordinate the activities. Upon further review of the services offered by MACC and the need for transitional measures until the new plan is implemented, this new agreement is being recommended for approval. The agreement would provide the services stated therein for the agreed to monthly cost.

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Member (**Craig Schafer**) moved, Member (**James Lozinski**) seconded to approve the **ORIGINAL** motion 'the approval of an agreement with Marshall Area Chamber of Commerce for the MERIT Center'. 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 FOR AN AUDIT PREPARATION CONSULTING SERVICES:

Karla Drown, Finance Director, indicated that Abdo Eick & Meyers LLP is the City's auditing firm that conducts the annual audit through contract. This same firm has a separate division that conducts consulting with the preparation of the audit. These are two individual divisions, which allows an entity to utilize both facets of the business and keep an independent audit. By utilizing their consulting services, it will allow for a smooth transition through the auditing process. This will also assist in making sure that the City meets all current standards and practices.

Member (**Glenn Bayerkohler**) moved, Member (**Craig Schafer**) seconded to approve the **ORIGINAL** motion 'approval for an Audit Preparation Consulting Services agreement with AEM Financial Solutions, LLC in the amount of \$3,200.00'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried 7 - 0**

COMMISSION/BOARD LIAISON REPORTS:

Byrnes No report

Schafer No report

Meister No report

Bayerkohler No report

DeCramer Utilities Commission ADM is in the process of installing a filtration site. Discussion was also held on AMR, Advanced Meter Reading.

Sturrock Public Improvement and Transportation Committee and the Ways and Means Committee will hold a joint meeting on March 1, 2017.

Lozinski Marshall Area Transit they are pleased with the agreement for CDL testing at the MERIT Center.

COUNCILMEMBER INDIVIDUAL ITEMS:

Each council member was asked to bring one name to be considered for the Charter Commission to the next regular City Council meeting. The council responded to the editorial from Mayor Byrnes that was in Marshall Independent.

CITY ADMINISTRATOR:

There will be a work session for the Council on March 7th.

DIRECTOR OF PUBLIC WORKS:

No report.

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CITY ATTORNEY:

No report.

PENDING ITEMS:

There were no questions on the pending items.


INFORMATION ONLY:

There were no questions on the information items

UPCOMING MEETINGS


There were no questions on the upcoming meeting list.

Member (**Glenn Bayerkohler**) moved, Member (**Steven Meister**) seconded to approve the **ORIGINAL** motion 'adjourn meeting'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed 6 - 1**



Mayor

ATTEST:



City Clerk