

REGULAR MEETING – OCTOBER 10, 2017

The regular meeting of the Common Council of the City of Marshall was held October 10, 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: Sheila Dubs, Interim City Administrator, Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Karla Drown, Finance Director; Scott VanDerMillen, Director of Community Services; Preston Stensrud, Parks Superintendent; Bob VanMoer, Wastewater Superintendent; Jane DeVries, City Clerk and Kyle Box, City Clerk effective December 1, 2017.

The Pledge of Allegiance was recited at this time.

APPROVAL OF AGENDA:

It was a consensus that the agenda be approved as presented.

CONSIDER APPROVAL OF THE MINUTES OF THE WORK SESSION HELD ON SEPTEMBER 20, 2017, REGULAR MEETING AND WORK SESSION HELD ON SEPTEMBER 26, 2017 AND SPECIAL MEETING ON OCTOBER 3, 2017:

Member (Craig Schafer) Moved, Member (James Lozinski) Seconded to approve the ORIGINAL motion 'that the minutes of the work session held on September 20, 2017, regular meeting and work session held on September 26, 2017 and special meeting held on October 3, 2017 be approved 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**

CONSIDER AWARD OF BIDS FOR ONE (1) CREW CAB PICKUP TRUCK TO BE UTILIZED BY THE PARKS DEPARTMENT:

The Equipment Review Committee met on June 26, 2017 and on September 27, 2017 to review the specifications for this replacement unit. Six proposals were received for this unit - three proposals for a 1/2-ton unit and three proposals for a 3/4-ton unit. This unit will be replacing a 2002 Ford F-150. The approval to replace this unit was included in the 2017 Equipment Bond in the amount of \$31,000.00.

Preston Stensrud, Parks Superintendent, discussed the item to the council. Council Member Meister had questions for Mr. Stensrud about the State bids. Council Member Lozinski provided additional information on the item. There was further discussion by Council. The purchase of this unit will be funded from Account #401-70276-5550 (Capital-Parks Department-Motor Vehicles).

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BID TABULATION

FURNISH ONE (1) NEW OR CURRENT MODEL ½-TON 4WD CREW CAB PICK-UP WITH 5.5' BOX
FOR THE MARSHALL PARKS DEPARTMENT
PURCHASE / TRADE-IN ONE (1) 2002 CHEVROLET F150 2WD 1/2-TON PICK-UP
FROM THE MARSHALL PARKS DEPARTMENT

BIDDER	BID SECURITY	PROPOSAL A(Vehicle and Trade-In)	PROPOSAL B (Vehicle Only)	PROPOSAL C (Purchase Existing Vehicle Only)	COMMENTS
Lockwood Motor's – Chevy	NA	\$31,321.65 with Power Group (-\$360.00 w/o power group)	\$33,984.15 with Power Group (-\$360.00 w/o power group)		
Lockwood Motor's – Dodge	NA	\$30,400.43 with Power Group (- \$195.00 w/o power group)	\$33,062.93 with Power Group (-\$195.00 w/o power group)		Apparent Low Meeting All Specs
Kruse Motor's – GMC	NA	\$32,566.12 with Power Group (-\$258.10 w/o power group)	\$33,631.12 with Power Group (-\$258.10 w/o power group)		

Member (**Craig Schafer**) Moved, Member (**John DeCramer**) Seconded to approve the **ORIGINAL** motion 'Award the bid for a 2018 Ram 2500 pick-up to Lockwood Motors, Inc. of Marshall MN in the amount of \$31,447.32, including trade-in and sales tax in addition to a BOSS Plow installed by Bend-Rite of Marshall.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

APPROVAL OF CONSENT AGENDA:

Council Member, DeCramer, requested the item number 7, Consideration of an application for a Temporary On-Sale Intoxicating Liquor Licenses for Sunrise Rotary Club of Marshall, MN on November 9, 2017 at the Red Baron Club Room, 400 Tiger Dr., Marshall, MN.

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) 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**

Adopt RESOLUTION NO.4436, SECOND SERIES which is the amended resolution for final plat for DAR Addition.

Approval of a Temporary On-Sale Intoxicating Liquor Licenses for Avera Marshall of Marshall, MN on November 14, 2017.

Approval of renewal of employee life insurance benefits plan with Ochs, INC.

Approval of the bills/project payments as presented.

CONSIDER AN APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR SUNRISE ROTARY CLUB OF MARSHALL, MN ON NOVEMBER 9, 2017 AT THE RED BARON ARENA CLUB ROOM, 400 TIGER DR., MARSHALL, MN:

Consider an application for a Temporary On-Sale Intoxicating Liquor License for Sunrise Rotary Club of Marshall, MN on November 9, 2017 at the Red Baron Arena Club Room, 400 Tiger Dr., Marshall, MN

Member **(David Sturrock)** Moved, Member **(Steven Meister)** Seconded to approve the **ORIGINAL** motion 'approve a Temporary On-Sale Intoxicating Liquor License for Sunrise Rotary Club of Marshall, MN on November 9, 2017 at the Red Baron Arena Club Room, 400 Tiger Dr., Marshall, MN'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **0** Abstain: **1**. The motion **Carried. 6-0-1**, with DeCramer Abstaining.

RESTRICTED PARKING ON HAMDEN STREET – 1) REMOVE THE ITEM FROM THE TABLE; 2) CONSIDER RESOLUTION TO PROVIDE RESTRICTED PARKING ON ALTERNATE SIDES OF HAMDEN STREET:

The Street Department has indicated extreme difficulty with maintenance of Hamden Street because of narrow street and parking allowed on both sides. The request is to eliminate or reduce parking for snow removal and street sweeping purposes. At their meeting on September 13, 2017 the Public Improvement/Transportation Committee, a motion was made by Lozinski, seconded by Schafer to provide restricted parking on alternate sides of Hamden Street. All voted in favor. At their meeting on September 26, 2017, the City Council tabled action on the recommendation until a notice for an informational meeting was sent to all property owners abutting Hamden Street. Informational meeting notices were sent to all abutting property owners on September 29, 2017 notifying said property owners of the informational meeting to be held at the regular City Council meeting on October 10, 2017.

Member **(Steven Meister)** Moved, Member **(James Lozinski)** Seconded to approve the **ORIGINAL** motion 'that the Council remove the item from the table.'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

Glenn Olson, Director of Public Works/City Engineer provided information on the item. An informational meeting notice was sent to the adjacent property owners that requested feedback on the item on what they would like to see. Option one, no parking on one side at any time, Option two, no parking on alternate sides by the day, Option three, no parking on alternate sides by the week. Three responded on no parking on one side at any time, one responded for no parking during a snow event. The item was discussed by Council.

Member **(James Lozinski)** Moved, Member **(Craig Schafer)** Second to approve the **NEW** motion 'that the Council adopt RESOLUTION NUMBER 4437, SECOND SERIES, which is the "Resolution Providing for Signage in the City of Marshall" to provide restricted parking on alternate sides of Hamden Street on a weekly basis subject to a one (1) year review. '. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

CONSIDER APPROVAL OF THE EMPLOYMENT AGREEMENT BETWEEN THE CITY AND SHARON HANSON FOR THE POSITION OF CITY ADMINISTRATOR:

On October 3, 2017, at the Special City Council meeting, the City Council approved a motion to offer the position of City Administrator to Sharon Hanson and authorized contract negotiations. Gary Weiers, search consultant with David Drown Associates, Inc., Mayor Byrnes, and Sheila Dubs, Interim City Administrator/Human Resource manager utilized an Employment Agreement template from Flaherty & Hood, P.A. to draft the agreement. Ms. Hanson has accepted the terms of the Employment Agreement.

Gary Weiers provided an overview of Ms. Hanson's contract. This item was discussed by Council.

Member **(Steven Meister)** Moved, Member **(James Lozinski)** Seconded to approve the **ORIGINAL** motion 'that the Council approve the Employment Agreement between the City and Sharon Hanson for the position of City Administrator'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **(passed)**. 6 – 1 with Bayerkohler voting no.

WASTEWATER WHOLE EFFLUENT TOXICITY TESTING PROPOSAL WITH BOLTON & MENK, INC.

The Marshall Wastewater Treatment Facility has failed its NPDES required Whole Effluent Toxicity tests in the past. This has put the Facility out of compliance with its NPDES Permit and the Facility is currently in a Toxicity Reduction Evaluation (TRE) with MPCA. Because of this, the Facility has been working to try to identify what is causing the failures. Results from past mock testing is pointing towards high Salty Discharge parameters in our effluent. Chloride is one of these. It could also be Potassium, Sulfates, Nitrates, or a combination of these. This will be a comprehensive test of several different combinations of ions to try isolate what is causing the toxicity. We will be mock testing using a makeup of the same ions present in our current wastewater effluent water and the current city water to identify what is causing the current toxicity and mock testing softened city water at 5 grains hardness and 10 grains and softened wastewater effluent water at 5 grains and 10 grains to see how the proposed MMU Water Plant upgrade will affect the future toxicity. Hopefully the future softening will take care of the toxicity issue. It is critical that Wastewater Treatment Facility determine what is causing the toxicity to regain compliance.

Glenn Olson, Director of Public Works/ City Engineer and Bob VanMoer, Wastewater Superintendent presented this item to the Council. There was further discussion by Council.

Member **(John DeCramer)** Moved, Member **(David Sturrock)** Seconded to approve the **ORIGINAL** motion 'that the Council approve proposal from Bolton & Menk, Inc. for Mock Whole Effluent Toxicity (WET) Testing of Wastewater Effluent.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 1. The motion **(passed)**. 6 - 1 with Meister voting no.

**PROJECT Z56 / SAP 139-129-002: NORTH 7TH STREET RECONSTRUCTION
PROJECT (FAIRVIEW TO CSAH 33) – CONSIDER CHANGE ORDER NO. 1 WITH
R&G CONSTRUCTION CO:**

This change order is for work performed relating to the reconstruction of the drainage structures on the project resulting in a contract increase of \$4,619.00. One storm sewer manhole needed to be altered due to conflict with the existing sanitary sewer force main. One storm sewer manhole was adjusted in the field to better accommodate the Flint Hills storm water pipes.

Member **(John DeCramer)** Moved, Member **(Craig Schafer)** 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 \$4,619.00.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**RUNWAY 2/20 MILL & OVERLAY PROJECT / FAA AIP NO. 3-27-0056-015-2017 /
STATE PROJECT NO. A4201-98 – CONSIDER RESOLUTION AUTHORIZING
EXECUTION OF MN/DOT AGREEMENT NO. 1029357:**

Glenn Olson, Director of Public Works/City Engineer reviewed the Resolution to Authorize to Execute MN/DOT Grant Agreement, 1029357 and the Agreement for Airport Improvement Excluding Land Acquisition from MN/DOT Office of Aeronautics for the Runway 2/20 Mill & Overlay Project. This Agreement will remain in effect until June 1, 2021. This agreement is the companion agreement to the FAA Grant Number 3-27-0056-015-2017 received in the amount of \$640,822 and approved at the City Council meeting on September 12, 2017.

Member **(David Sturrock)** Moved, Member **(Steven Meister)** Seconded to approve the **ORIGINAL** motion 'that the Council adopt RESOLUTION NUMBER 4438, SECOND SERIES, which is the Resolution to Authorize to Execute MN/DOT Grant Agreement No. 1029357 for the Runway 2/20 Mill & Overlay Project in the amount of \$35,602.00.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

**ADOPTION OF A RESOLUTION DECLARING COSTS TO BE ASSESSED FOR ICE
AND SNOW REMOVAL AND FOR WEED ELIMINATION AND ALSO THE
ADOPTION OF A RESOLUTION CALLING FOR A HEARING ON THE PROPOSED
ASSESSMENT:**

Pursuant to City of Marshall Code Section 62-2 (ice and snow on public sidewalks) and pursuant to City of Marshall Code Section 82-1 (grass and weeds on private property), said ice and snow or grass and weeds have been removed from various locations within the City. Minnesota Statue 429.101 does set forth the various types of City charges that can be assessed against property taxes pursuant to the special assessment process.

Jane DeVries, City Clerk presented this item to Council. Leroy Affolter asked Council about the ordinance and how the snow removal process works. Glenn Olson, Director of Public Works/City Engineer, provided information on the procedure with the City followed by further discussion by Council. Leroy A. presented his concerns and questions to Council.

Member **(David Sturrock)** Moved, Member **(John DeCramer)** Seconded to approve the **ORIGINAL** motion 'adopt RESOLUTION NUMBER 4439, SECOND SERIES Declaring Costs

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to be Assessed for Ice and Snow Removal and for Weed Elimination'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Glenn Olson, Director of Public Works/City Engineer, reiterated that process that the City takes with Snow and Weed removal. There was further discussion by Council.

Member (**Steven Meister**) Moved, Member (**Craig Schafer**) Seconded to approve the **NEW** motion 'adopt RESOLUTION NUMBER 4440, SECOND SERIES Calling for a Public Hearing on the Proposed Assessment to be held on November 14, 2017'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR DECEMBER 1, 2017:

This LG220 application of Exempt Permit is for Southwest Minnesota State University Foundation to hold a raffle on December 1, 2017 at SMSU, 1501 State Street, Marshall, Minnesota

Council Member, Lozinski inquired about the item and why the City is waiving the 30 day wait period. Jane DeVries, City Clerk, spoke to the item and explained that by waiving the 30 day wait, this allows Southwest Minnesota State University to start selling raffle tickets prior to the scheduled event date.

Member (**Craig Schafer**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Southwest Minnesota State University Foundation, to hold a raffle on December 1, 2017, at SMSU, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall'. 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.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Member (**David Sturrock**) Moved, Member (**Steven Meister**) Seconded to approve the **ORIGINAL** motion 'approval of appointment to the various boards and commissions.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Andrew Mortenson Kindschi was appointed to Airport Commission set to expire 5/31/20.

Todd Ellis was appointed to the Cable Commission with a term set to expire 5/31/18.

Mike Carter and Joseph Ullian were appointed to the Cable Commission with a term set to expire 5/31/19.

Rick Herder and Bruce Lamprecht were appointed to the Cable Commission with a term set to expire 5/31/20.

Steven Meister was appointed to the Cable Commission as Council liaison.

Bruce Knieff was appointed to the Planning Commission with a term set to expire 5/31/20.

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COMMISSION/BOARD LIAISON REPORTS:

Byrnes No Report

Schafer Library Board met on 10/9/17, and will be hosting a Book return amnesty program offering to forgive book fines for food. More information can be found on their website and in the local paper.
Southwest Minnesota Amateur Sports Commission met on 10/10/17. They will be having a board retreat for 14 new members. There have been recent events held at the Amateur Sports Arena; SMSU 50th Anniversary, a local wedding and an upcoming 16 team bantam hockey tournament held at the Arena.

Meister Community Services Advisory Board met at the Red Barron Arena. There will be a BETA Test Survey going out to the community to help guide decisions coming from Community Services.

Bayerkohler No Report

DeCramer Committee of the City Municipal Building did meet and invited three (3) organizations to submit proposals for the Marshall Hotel and current Municipal Building. CTS Group of St. Louis, Missouri, TSP of Sioux Falls, SD and Engan Associates Architects of Wilmar, MN.

Sturrock Police Advisory Board met on 9/27/17 to formalize the hire and promotion for the Marshall Police Department.
Airport Commission met on 10/3/17

Lozinski No Report

COUNCILMEMBER INDIVIDUAL ITEMS:

Council Member, Bayerkohler discussed conditional use permits vs. interim use permits. Council Member Bayerkohler requested the City Attorney look further into this to see if this is something the City should adopt as an ordinance.

Council Member, Lozinski discussed the landscape ordinance and the esthetic ordinance the City has in place. Lozinski has proposed that the Mayor set up a committee of city staff, citizens and local builders to review these ordinances before they go to Legislative and Ordinance Committee.

Mayor Byrnes touched on Governor's Pheasant Opener.

CITY ADMINISTRATOR:

Sheila Dubs, Interim City Administrator, provided a reminder that the Marshall Green Step Community Forum will be held on 10/12/17 at the Red Barron Arena. There are a number of staff who will be in attendance as well as invitation community-wide.

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DIRECTOR OF PUBLIC WORKS:

Glenn Olson, Director of Public Works, provided information on Safe Rides to School and a corresponding grant to go with that project.

Midwest Contracting is completing all the contractual requirements for the Commerce Park project.

Bladholm Construction has begun working on the art work at the Red Baron Arena.

Furniture Mart is continuing to work on improvements to their parking lot.

The access to APMC and O'Connell Street - It was recommended that a stop sign be put in place immediate followed by the formal process to put in place a permanent stop sign. An emergency locator will be put in place of the stop sign until the formal process is complete.

There was discussion from the Mayor and Council and the intersection of Highway 23 and Highway 59. They inquired about the traffic signals and if this was something that could be reviewed. Olson said he could inquire with MN Dot and ask for a review on the traffic lights.

CITY ATTORNEY:

Dennis Simpson, City Attorney, provided information on a \$2,000,000 grant awarded to the City. Plum Creek is putting together a new agreement.

The Concessions Contract with the Marshall Hockey Association for providing concessions at the Red Barron Arena is out for review.

PENDING ITEMS:

There were no questions on the pending items.

INFORMATION:


There were not questions on the information items.

UPCOMING MEETINGS:

There were no questions on the upcoming meeting list.

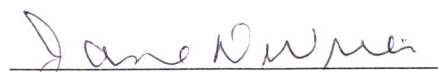
ADJOURN MEETING:

Member (**David Sturrock**) 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 with Lozinski voting no.



Mayor

Attest:



City Clerk