

The regular meeting of the Common Council of the City of Marshall was held October 23, 2018 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 Robert 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: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson Assistant City Engineer/Zoning Administrator; Karla Drown, Finance Director; Bob VanMoer, Wastewater Treatment Facility Superintendent; Preston Stensrud, Parks Superintendent and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the new agenda.

Consider approval of the minutes from the regular meeting held on October 9, 2018 and a council work session held on October 16, 2018.

Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the minutes of the regular meeting held on October 9, 2018 and a council work session held on October 16, 2018 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**

Project Z67: Michigan Road/Superior Road Reconstruction Project – 1) Continuation of Public Hearing on Assessment; 2) Consider Resolution Adopting Assessment.

At their meeting on September 25, 2018, the City Council voted to continue the public hearing at the regular Council meeting held on October 23, 2018. This project consists of the following: Reconstruction and utility replacement on Michigan Road between Superior Road and Hahn Road and on Superior Road from a point approximately 175 feet north of Ontario Road to Huron Road. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer. Currently the project is approximately 20% complete. No final measurements have been completed for installation of construction items. Plan quantities have been used for the determination of special assessments. Adjustments can be made to the participation by all of the utility entities after the end of construction.

Member **Steven Meister** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion to open the continuation of the public hearing on assessment for Project Z67: Michigan Road/Superior Road Reconstruction Project.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 – 0**

City Administrator presented the item to Council. City Attorney Dennis Simpson recommended that the continuation of the hearing be moved to March 26, 2019 to review the commercial assessment policy

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **NEW** motion to continue of the public hearing on assessment for Project Z67: Michigan Road/Superior Road Reconstruction Project to March 26, 2019, 5:30 PM, in the Professional Development

Room at the Marshall Middle School.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Consider award of bid for the pickup of garbage and trash for various City locations.

Bids were received on October 15, 2018 for the removal of garbage and trash from numerous municipal locations within the City of Marshall.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'award the contract for the pick-up of garbage and trash to Southwest Sanitation Inc., for 2019-2020 in the amount of \$22,811.74'. 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 services for hazardous materials inspection and reporting for various City buildings.

The purpose of the inspection for the properties shown on the attached maps is to identify any asbestos containing material, as well as subsurface investigation for potential petroleum contamination of the Marshall Taxi rental property. After research of previous activities involving pre-demolition hazardous building materials surveys for properties on Block 11, three reports completed in 2004, 2005 and 2006 referenced potential asbestos and petroleum contamination on portions of the properties. These reports will be available to the contractor hired to do the investigation of the properties. The project shall include a building inspection report and summary for all buildings and a petroleum contamination inspection report and summary for the Marshall Taxi rental property. Proposers may submit a proposal for one or both portions of the project. If proposing on both portions of the project, proposals must include separate costs for hazardous materials reporting and petroleum contamination reporting. The City of Marshall received three proposals for the above referenced project on October 17, 2018 for professional services for hazardous materials inspection for specific buildings and properties in the City of Marshall. As there was a significant difference between the low proposal and the other proposals, a phone call was made to Advanced Health, Safety and Security to ensure the inspection does meet all the requirements of a Minnesota Pollution Control Agency (MPCA) demolition inspection. The owner verified that he had done similar work before and all work would be in compliance with the MPCA requirements. I also contacted the EDA for previous experience with this contractor and verified good work results. In review of the proposals for petroleum contamination inspection and, after discussion concerning previous MPCA actions at the current taxi site (former gas station site), it is recommended to do nothing at this time and continue investigating the current status of the closed MPCA leak site.

Jason Anderson Assistant City Engineer/Zoning Administrator presented the item to Council.

Member **Steven Meister** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the Council award the proposal for building and inspection, testing and reporting for the properties shown on the attached maps to Advanced Health, Safety and Security of Balaton, Minnesota, in the amount of \$1,000.00.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed. 6 - 0 - 1** with Schafer abstaining.

Consider Award of Proposal for Manhole Relining Project at WWTF.

The Highway 23 Trunk Sewer Line was constructed in 1993. This sewer serves the entire South and East side of the city. Because of the nature of wastewater going septic in the sewer system, this causes formation of Hydrogen Sulfide gas (H₂S). H₂S is very corrosive to concrete. The sewer line is made of PVC pipe and is in very good shape yet, but the manholes are concrete and are leaking and becoming structurally unstable. We have seen continual deterioration of the manholes over the past several years. We recently relined two manholes using the Spectra Shield System. This is a 3-layer system that seals the walls and is chemical resistant to prevent any further damage to the manholes. The finished product has a warranty of 10 years and is expected to last for over 50 years. All the manholes along this sewer line will need to be repaired soon. Relining can be done for about 1/3 of the cost of replacing the manholes and much faster. I plan on doing six manholes this fall and will want to continue budgeting the relining process of several manholes each year. There is a total of 68 manholes on this system.

Wastewater Treatment Facility Superintendent Bob VanMoer presented the item to Council. There was further discussion from Council.

Member **Craig Schafer** Moved, Member **David Sturrock** Seconded to approve the **ORIGINAL** motion 'that the Council authorize approval of a manhole relining contract for the Highway 23 Trunk Sewer Line with R&H Painting of Cokato, Minnesota, in the amount of \$55,270.00.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Approval of Consent Agenda.

Member **James Lozinski** Moved, Member **John DeCramer** 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 a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce for November 15, 2018.

Approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce for December 3, 2018.

Approval of an Outdoor Public Fireworks Display

Approval of Resolution Number 4553, Second Series, calling for a hearing on the proposed assessment for ice and snow removal and for weed elimination.

Approval of a LG220 Application for Exempt Permit for Marshall Assembly of God for April 30, 2019.

Approval of a Tobacco License Transfer.

Approval of the bills/project payments

United Community Action Partnership (UCAP) Agreement.

Transportation Director Cathleen Amick will provide an update on United Community Action Partnership.

City Administrator Sharon Hanson introduced Cathleen Amick Transportation Director UCAP. Director Amick provide an update on United Community Action Partnership to Council.

Member **Craig Schafer** Moved, Member **Steven Meister** Seconded to approve the **ORIGINAL** motion 'to approve the Transportation Agreement between UCAP and 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 DeCramer abstaining.

Marshall Fire Department Assistance to Firefighters Grant (AFG) Letter of Support.

The City of Marshall Fire Department is in need of replacing all of our SCBA (Self Contained Breathing Apparatus) equipment. This equipment stores breathable air on the backs of firefighters, so they are able to safely extinguish fires when called to action. Each air bottle, which stores 4,500 lbs. of compressed breathable air, has a maximum lifespan of 15 years. When the Marshall Fire Department purchased our current SCBA packs, they were purchased in 2 separate waves, 1 year apart. 12 spare air bottles have been pulled out of service due to their expiration date which is now leaving our department short on spares. We knew that the majority of the SCBA's that we have would be expiring in 2019 so we thought we would wait until we would purchase as 1 lot as to not have this issue again. The cost to replace all of these SCBA's with current technology is in excess of \$225,000.

Sharon Hanson City Administrator presented the item to Council. Preston Stensrud, on behalf of the Marshall Fire Department, provided further information on the item.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **ORIGINAL** motion 'to support the submittal of AFG grant application'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

Consider Removal of City Special Assessments.

Assistant Finance Director Annette Storm presented the item to Council. Assessment rolls are reported on the City's financial statements as receivables, and prior to 2016, included City owned property. City owned property with assessments are not certified to the Lyon County Auditor/Treasurer. These assessments were used as an internal tracking tool to show the improvement benefit with no intention of ever being collected. None of these assessments will affect future bond obligations. There was further discussion from Council.

Member **Glenn Bayerkohler** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'the adoption of Resolution Number 4554, Second Series, Authorizing the removal of \$2,283,638.33 of assessments from the assessment roll'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

Consider Annual Service Agreement with Hach Inc. for Phosphorous Feed Equipment at WWTF.

In 2014 the Wastewater Facility purchased an On-Line Phosphorus Monitor from Hach Company to continuously monitor our effluent phosphorus levels. This has proven to tremendously save on the chemical cost for treating to meet our effluent phosphorus limit. The annual service contract includes four service trips including parts and maintenance of the Phosphax unit. This is a very complex intricate machine with expensive parts. It is well worth the cost of the service contract.

Wastewater Treatment Facility Superintendent Bob VanMoer presented the item to Council.

Member **James Lozinski** Moved, Member **Craig Schafer** Seconded to approve the **ORIGINAL** motion 'that the Council authorize approval of an annual maintenance contract with Hach Company of Loveland, Colorado, in the amount of \$7,708.00.'. Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion **Carried. 7 - 0**

Consider Additional Services to Professional Services Agreement with Bolton & Menk, Inc. Relating to NPDES Permit Reissuance.

The City's WWTF current NPDES Permit will expire on May 31, 2019. The permit cycle is five years. The renewal application must be received by MPCA six months prior to expiration (December 1, 2018). This is a long and technical document that we do not have the ability to prepare and submit by the required deadline.

Wastewater Treatment Facility Superintendent Bob VanMoer presented the item to Council.

Member **John DeCramer** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'that the Council approve the attached agreement with Bolton & Menk, Inc. to provide additional services for the City of Marshall as part of the NPDES Permit Reissuance to be billed on an hourly basis not to exceed \$10,000.00.'. Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0 Abstain: 1. The motion **Passed. 6 - 0 - 1** with Schafer Abstaining.

Authorization for purchase of Playground Equipment at Legion Field.

At the October 16, 2018 Council work session City Council was made aware of a possible grant/funding opportunity for the replacement of the existing playground at Legion Field Park that is 25+ years old. Parks, Preston Stensrud, applied for the funding and was awarded funding for the project. In order to take advantage of this additional funding, the proposal from MN/WI Playground must be accepted and they must receive payment by October 31, 2018. Additionally, the City must take delivery of the equipment by December 31, 2018. The total cost of the equipment is \$47,628.74 including shipping. This replacement playground is currently in the 2019 CIP in the amount of \$50,000.00. Parks Department staff will do the installation of the equipment in 2019. Additional costs of engineered fiber to make playground ADA compliant will be approximately \$5,000.00. Preston will work with area organizations in hopes of getting donations and/or holding fundraisers to assist with these costs. State Contract pricing usually gives 10-15% off of playground equipment and staff feels the additional funding/discounts being given towards the purchase of this playground equipment makes this an opportune time to

purchase the equipment and allow the City to make the playground much larger than it would be with normal pricing and allotted budget dollars.

Preston Stensrud Parks Superintendent presented the item to Council as well as provided an alternate option for a more upgraded playground. Stensrud commented the normal price for the upgraded equipment is \$99,321.00. This is roughly \$20,000 more playground equipment; however, this playground receives additional discounts which results in a price tag of \$55,763.99, compared to the \$47,628.74. Council Member Bayerkohler indicated that he is in favor of recommendation #1 that the playground equipment be purchased at a cost of \$47,628.74.”

There was further discussion by Council on funding. The purchase of this unit will be funded from Account #401-70276-5530 (Capital-Parks Department-Improvements Other) using reserve funds.

Member **Craig Schafer** Moved, Member **John DeCramer** Seconded to approve the **AMENDED** motion 'that the Council award the proposal for new playground equipment at Legion Field Park to MN/WI Playground of Golden Valley, MN in the amount of \$55,763.99'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **2**. The motion **Passed. 5 - 2** with Meister and Bayerkohler voting no.

Project Z67: Michigan Road/Superior Road Reconstruction Project – Consider Change Order No. 1 with D&G Excavating, Inc.

Attached is a copy of Change Order No. 1 for the above-referenced project relating to removal of a tree and additional fill hauled in and out to facilitate street access, resulting in a contract increase of \$2,050.00. In addition, the contractor is requesting a 24-day time extension to the Substantial Completion date from October 19, 2018 to November 12, 2018 for delays, including but not limited to, multiple rain days, lack of warm drying weather, scheduling delays due to coordination of product delivery and additional work added to the scope of the project.

Jason Anderson Assistant City Engineer presented the item to Council.

Member **James Lozinski** Moved, Member **Steven Meister** Seconded to approve the **SUBSTITUTE** motion 'that Council not approve Change Order No. 1 with D&G Excavating, Inc. of Marshall, Minnesota, resulting in a contract increase of \$2,050.00.'. Upon a roll call vote being taken, the vote was: Aye: **1** Nay: **6**. The motion **Failed. 1 - 6** with Schafer, Meister, Bayerkohler, Byrnes, DeCramer and Sturrock voting no.

Member **David Sturrock** Moved, Member **John DeCramer** Seconded to approve the **SUBSTITUTE** motion 'that Council approve Change Order No. 1 with D&G Excavating, Inc. of Marshall, Minnesota, resulting in a contract increase of \$2,050.00.'. Upon a roll call vote being taken, the vote was: Aye: **6** Nay: **1**. The motion **Passed. 6 - 1** with Lozinski voting no.

Member **James Lozinski** Moved, Member **John DeCramer** Seconded to approve the **SUBSTITUTE** motion 'that Council approve a 24-day time extension to the Substantial Completion date from October 19, 2018 to November 12, 2018.'. 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 January 15, 2019, February 16, 2019 and February 23, 2019.

Member **John DeCramer** 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, to hold a raffle on January 15, 2019, February 16, 2019 and February 23, 2019, 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 Bayerkoher abstaining.

Consider Appointments to the Various Boards, Commissions, Bureaus and Authorities.

President Pro Tempore, David Sturrock introduced and recommended the following appointees to the following Boards and Commissions:

Police Advisory Board:	Brain West, with a term set to expire 5/31/19
Convention & Visitors Bureau:	Carol Purrington, with a term set to expire 12/31/21
Planning Commission:	Brady Carstens, with a term set to expire 5/31/21

Member **Steven Meister** Moved, Member **James Lozinski** Seconded to approve the **ORIGINAL** motion 'approval of appointments to the various boards, commissions, bureaus and authorities.'. Upon a roll call vote being taken, the vote was: Aye: **7** Nay: **0**. The motion **Carried. 7 - 0**

Commission/Board Liaison Reports

Byrnes	<u>Fire Relief Association</u> met to review funds.
	<u>Regional Development Commission</u> met to review the revolving loan fund.
Schafer	<u>MERIT Center</u> will be bringing in two (2) shipping containers to convert into a burn house for training purposes. There will be also a ground breaking for the new MERIT Center track expansion.
Meister	<u>Economic Development Authority</u> met and discussed the sales within Parkway addition and development with Ashley Home Furniture.
Bayerkohler	No Report
DeCramer	No Report
Sturrock	<u>Convention and Visitors Bureau</u> met and is continuing to work with the new CVB director.
Lozinski	No Report

Councilmember Individual Items

Council member Lozinski commended the Marshall Fire Department for the increased work load. Member Lozinski also mentioned that the City Hall Building Committee is meeting for discussion.

Council member DeCramer commented on an event held out at the Red Baron Arena, Avera Plaza.

City Administrator

City Administrator Sharon Hanson commented on the redevelopment of downtown businesses. Avera Marshall is seeking additional security for their facility and has mentioned funding an additional police officer. Administrator Hanson commented that the Red Cross was contacted to assist the businesses in the building fire on Main Street. City Administrator Hanson also participated in a leadership panel.

Director of Public Works

Assistant City Engineer/Zoning Administrator Jason Anderson provided an update on construction projects throughout the City.

City Attorney

City Attorney Dennis Simpson commented on an accusation by the State of Minnesota for property associated with the J-Turn project on Hwy 23 and County Rd. 7.

Attorney Simpson also attended the court hearing regarding Sunrise courts on behalf of the City of Marshall.

Administrative Reports

There were no questions on the administrative reports

Information Only


There were no questions on the information items.

Upcoming Meetings

There were no questions regarding the upcoming meetings.

Adjourn Meeting

At 7:11 PM, Member **Steven Meister** 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