

## REGULAR MEETING - JANUARY 2, 1990

The regular meeting of the Common Council of the City of Marshall was held on January 2, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Hockert. Absent: none.

Lewis moved, Mensing seconded, the approval of the minutes of the regular meeting held on December 18, 1989 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Siudzinski moved, Kirchner seconded, the adoption of ORDINANCE NUMBER 254, SECOND SERIES and that the reading of the same be waived. Ordinance Number 254, Second Series is an Ordinance repealing the ordinance regulating public dances in the City of Marshall, Minnesota. All voted in favor of the motion.

Mensing moved, Lewis seconded, the proper city personnel be authorized to execute an agreement between the City of Marshall and DCA Healthcare Management Group for the purpose of establishing the terms and conditions under which the plan supervisor agrees to provide administrative services with respect to the City of Marshall employees dental benefit plan with consideration for payment by the employer of the administrative fee. This agreement provides for an amendment to section 3.1 in which the employer agreed to pay the plan supervisor \$2.35 per month per enrolled employee for dental administration. This monthly fee was \$2.10 per month in 1989. The effective date of this increase is January 1, 1990. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the proper city personnel be authorized to advertise for bids on a Type III Ambulance for the Emergency Medical Service Department. These bids are to be received on January 29, 1990 at 2:00 o'clock P.M. All voted in favor of the motion.

Byrnes moved, Siudzinski seconded, the dependent life insurance rate with Minnesota Mutual Life be increase from 66 cents to 79 cents per month per family unit effective January 1, 1990. The premium for the employee life insurance portion and accidental death and dismemberment benefits will remain the same. All voted in favor of the motion.

Upon the recommendation of Corporate Risk Managers, Insurance Consultants for the City of Marshall, Kirchner moved, Lewis seconded, the worker's compensation insurance coverage for 1990 be renewed with Employee Benefit Administration in the amount of \$121,150 annual premium. All voted in favor of the motion.

Upon the recommendation of the Economic Development Authority, Byrnes moved, Lewis seconded, the proper city personnel be authorized to execute and agreement with Business Development Services for economic development consultant services for the period January 1, 1990 through June 30, 1990. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the approval of the renewal of a transient merchants license for Myron Kuyper DBA Lou Ba's Lunch Wagon. This license is for 1990 at a fee of \$200. Lou Ba's does provide a food service at B & H Electronics. All voted in favor of the motion.

Hockert moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1196, SECOND SERIES and that the reading of the same be waived. Resolution Number 1196, Second Series is a resolution appointing the official depositories for the City of Marshall funds for 1990. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the consideration for the designating of an official newspaper for the City of Marshall be placed on the agenda. All voted in favor of the motion.

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Hockert moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1197, SECOND SERIES and that the reading of the same be waived. Resolution Number 1197, Second Series is a resolution designating the Marshall Independent as the official newspaper for the City of Marshall, Minnesota. All voted in favor of the motion.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 33801 through 33917.

The following building permits previously approved by the Building Official were confirmed:

Robert Schultz  
232 Legion Field Road  
Section 5  
Part of NW 1/4 of SE 1/4  
Remodel Living & Addition to Garage  
\$3,000

Randy Hess - Carpet Cabin  
1215 East College Drive  
Section 3  
Part of SW 1/4 of NW 1/4  
Flat Wall Sign  
\$100

Heartland Food Company  
112 South 6th Street  
Section 4  
Part of NW 1/4 of SW 1/4  
Phase 1A - Floor Remodeling  
\$16,000

Scott Smith  
408 Thomas Avenue  
Eatros Place 4th Addition  
Block 1, Lot 20  
Remodel Basement - Additional Work  
\$2,000

There was a brief discussion at this time in regard to the increase in cable television monthly service rates to \$17.45 per month for one outlet of service effective February 1, 1990.

A question was raised in regard to the status of the Environmental Impact Ordinance presently under review for future consideration by the council.

Other items discussed included curb site pickup of recycled items; the illegality of selling cigarettes to minors and the compliance of the state law; the designating of an official radio station; the greater utilization of Channel 6 for the airing of public meetings; the status on a statement from the Marshall Municipal Utilities as to their participation in the lift station generator; the Municipal Utilities working with the city on the improvements to North 7th Street from Main Street to Marshall Street; initiating the Pledge of Allegiance prior to each City Council meeting; that the City Council agenda address upcoming items; the City Council be more concerned with the city finances and that some type of quarterly report be received.

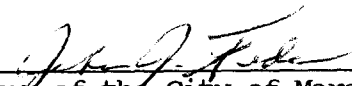
A Ways and Means Committee meeting was scheduled for February 2, 1990 at 12:00 o'clock noon.

A request was made that the priorities established at the Executive Committee Meeting held on December 11, 1989 be placed on the January 16, 1990 City Council meeting for discussion.

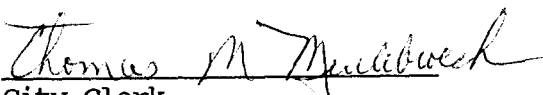
A brief discussion was held in regard to the City Transit System delivering the agendas to the councilmembers. It was the general consensus of the council that if the councilmembers were not home the agendas would be left in the front door.

## REGULAR MEETING - JANUARY 2, 1990

Upon motion made by Hockert, seconded by Lewis, the meeting was adjourned.  
All voted aye.

  
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Mayor of the City of Marshall

ATTEST:

  
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City Clerk

## REGULAR MEETING - JANUARY 16, 1990

The regular meeting of the Common Council of the City of Marshall was held on January 16, 1990. The meeting was called to order at 7:32 P.M. by Mayor Fedak. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Hockert. Absent: none.

The Pledge of Allegiance was recited.

Kirchner moved, Lewis seconded, the approval of the minutes of the regular meeting held on January 2, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

This was the date and time set to receive, open and read bids for a generator unit and associated equipment for the Wastewater Treatment Facility. Rich Victor, City Engineer, indicated that the Engineer's estimate for this piece of equipment is \$45,000. Mr. Victor asked if there were any additional bids to be received. There were no additional bids received, therefore the receiving of bids was declared closed. A bid was received, opened and read from Ziegler, Inc., Marshall, Minnesota in the amount of \$41,866. This bid was referred to the City Engineer for his review and recommendation later in this meeting.

Harry Hoffman from Springsted's, financial advisor for the City of Marshall, was in attendance at the meeting to discuss with the council the proposed \$1,210,000 General Obligation Revenue Wastewater Facility Bonds Series 1990A. This bond issue is to be used to finance approximately 1/3 of the construction costs of the present project that is underway at the Wastewater Treatment Facility. It is the intent these bonds will be paid totally out of the user fee receipts from the Wastewater Treatment Facility Operation. Upon the recommendation of Harry Hoffman, Springsted's, Lewis moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1198, SECOND SERIES and that the reading of the same be waived. Resolution Number 1198, Second Series is a resolution providing for the issuance and sale of \$1,210,000 General Obligation Revenue Wastewater System Bonds Series 1990A of the City of Marshall, Minnesota. These bids will be received on Tuesday, February 20, 1990 at 2:00 o'clock P.M. at the offices of Springsted's Inc. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the conditional use permit for a home occupation consisting of a beauty shop in an R-1, One Family Residence District, be renewed for 5 years for Linda Rye at 102 George Street. All voted in favor of the motion.

A discussion was held at this time in regard to a request from InsurTec for an increase in premiums for employee medical insurance coverage. The city was in receipt of a letter from InsurTec requesting a 48% rate increase for medical insurance coverage. Following the letter received from InsurTec there were a number of questions raised in regard to the information they provided as well as non compliance with the contract which required that they provide claims information on a quarterly basis. The city was also advise at this point that they were considered as part of a pool which had never been addressed previously or included in the original bid. Upon the recommendation of Chuck Jelinek, insurance consultant from Corporate Risk Managers, Lewis moved, Kirchner seconded, the proper city personnel be authorized to rebid the employee medical insurance coverage for bids to be received at 1:30 P.M. on February 20, 1990. A question was raised in regard to the company submitting bids providing a performance bond with their bid. Mr. Jelinek also indicated that he would be sending a letter to InsurTec and other people advising them of his dissatisfaction with their performance and not compliance with the contract. All voted in favor of the motion.



## REGULAR MEETING - JANUARY 16, 1990

Kirchner moved, Siudzinski seconded, the Mayor work with proper city personnel in addressing a letter to InsurTec and the State Insurance Commissioner addressing the violation of the contract with InsurTec and their being uncooperative in providing the city the necessary information to make a determination on the rate increase. It was requested that the letter also be made available to the employees. All voted in favor of the motion.

At the Executive Committee meeting held on December 11, 1989 a number of community priorities were discussed at that time. The city council took this opportunity to establish their priorities from the list of items presented at the Executive Committee meeting. The city council members were each to determine ten priorities with the highest priority receiving ten points to the lowest priority receiving one point. These numbers will be tabulated and presented to the city council at their next regular city council meeting.

Lewis moved, Byrnes seconded, the proper city personnel be authorized to prepare the plans and specifications and advertise for bids for the Street Department shop heating system with a radiant heating system and an alternate for interruptible electric. The specs for this project are to be reviewed with the local electrical contractors. All voted in favor of the motion.

Heartland Foods had been working through Business Development Services in an application to the Minnesota Department of Trade and Economic Development for financing under the small business development loan program. The purpose of this application is to provide financing to acquire and expand the turkey processing facility in Marshall as well as to acquire adjacent property and to construct a major addition and equipment acquisition for the expansion of this industry. There has been a previous public hearings for zoning and Tax Increment Financing on this project. Since that public hearing there have been no contacts made by any party to the city council members nor has the city received any written responses in regard to this project, therefore there was no further action at this time.

Byrnes moved, Lewis seconded, the approval of a Transient Merchants License for Lifetouch Portrait Studios to take pictures at the J. C. Penney Store in the Marshall Square Mall. The fee for this license is \$200.00 and is for the calendar year 1990. All voted in favor of the motion.

Upon the recommendation of the City Engineer Rich Victor, Lewis moved, Byrnes seconded, the bid for the generator unit and associated equipment for the Wastewater Treatment Facility be awarded to Ziegler, Inc., Marshall, Minnesota in the amount of \$41,866. All voted in favor of the motion.

Calvin Barnett, City Assessor, reviewed with the city council the activities of the city in recycling. Mr. Barnett indicated that all city departments are participating in the recycling program. The city has been involved with this recycling program since August of 1989 and as it accumulates this paper it is then picked up by Ritter's Sanitary Service. Mr. Barnett did indicate that in the 1990 paper supplies bid approximately 50% on those submitting a bid had available recyclable products. Councilperson Kirchner commended city staff for their involvement in the recycling program and requested the city councilmembers who are liaisons to the various commissions encourage these groups to become involved in the recycling of paper program.

## REGULAR MEETING - JANUARY 16, 1990

The following building permits previously approved by the Building Official were confirmed:

Don Magnuson  
1405 South Saratoga Street  
Section 9  
Part of SW 1/4 of SE 1/4  
Body Shop  
\$21,000

Lewis moved, Mensing seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 33918 through 34276.

A Legislative and Ordinance Committee meeting of the council was set for February 15, 1990 at 4:00 o'clock P.M. Items of concern for this meeting were environmental impact, recreational vehicles, and council member attendance at meetings.

City Attorney Brian Murphy was requested to address the Planning Commission as it relates to conditional use permits and zoning variances.

Councilperson Kirchner was concerned with parliamentary procedure in particular as it relates to the taking of minutes of advisory board meetings.

A comment was made in regard to a recent Personnel Committee meeting held in which a revised personnel policy was discussed and the possibility of setting a cap for the pay scales for the various positions.


Councilperson Byrnes requested that he be listed as a voting member under the Housing Commission and that he and Mayor Feda be listed as voting members under the Economic Development Authority Commission in the City of Marshall Directory of Elected and Appointed Officials.

Byrnes moved, Lewis seconded, the consideration of an appointment to the Housing Commission Board to fill a vacancy on this board be placed on the agenda at this time. All voted in favor of the motion.

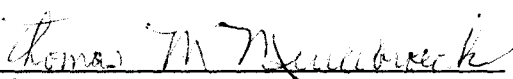
Mayor Feda volunteered to serve on the Housing Commission Board and requested that the proper city personnel be authorized to advertise the vacancy on this commission.

City Attorney Brian Murphy advised the city council that in December, 1988 J.V. Enterprises Inc., filed a suit with the City of Marshall as it related to the issuance of a second liquor license to an individual for separate establishment and in particular as it relates to the facility at 800 East Southview Drive. On January 8, 1990 Judge Marshall did dismiss the law suit and requested that Mr. Joseph Bot pay the city for the cost incurred.

Upon motion made by Kirchner, seconded by Hockert, the meeting was adjourned. All voted aye.

  
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Mayor of the City of Marshall

ATTEST:

  
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City Clerk

## REGULAR MEETING - FEBRUARY 5, 1990

The regular meeting of the Common Council of the City of Marshall was held on February 5, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner and Hockert. Absent: Lewis and Byrnes.

The Pledge of Allegiance was recited.

Kirchner moved, Siudzinski seconded, the approval of the minutes of the regular meeting held on January 16, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

On January 29, 1990 bids were received, opened and read for One (1) Type III Ambulance. The bids received, opened and read were as follows:

Mobile Medical/Ringdahl & Co., Inc.	Lifeline Emergency Vehicles
Fergus Falls, Minnesota	Hanley Falls, Minnesota
New \$62,057	New \$64,440
Demo - No Bid	Demo \$60,730
Trade In Allowed \$3,000	Trade In Allowed \$2,500
Road Rescue, Inc.	Braun Handcrafted Ambulances
St. Paul, Minnesota	Lester Prairie, Minnesota
New \$67,674	New \$68,713
Demo \$ 63,474	Demo - No Bid
Trade In Allowed \$2,000	Trade In Allowed \$500

Upon the recommendation of Rich Victor, City Engineer, and Mark Wild, Director Ambulance Services, Mensing moved, Kirchner seconded, the bid for One (1) Type III Ambulance be awarded to Mobile Medical/Ringdahl & Co., Inc., Fergus Falls, Minnesota in the amount of \$59,057 which includes the trade in of the 1978 Dodge Ambulance. All voted in favor of the motion.

Lee Reich, Chairperson and Marsha Rehkamp a representative from the Christmas Lighting Committee were in attendance at the meeting to present to the council a report from this committee. Ms. Reich did indicate that the committee was in receipt of a number of donations from businesses, civic organizations and individuals for the new Christmas lights. Ms. Reich stated that the Chamber of Commerce does not want the liability nor do they have adequate insurance to cover the lights, therefore they were offering to the City of Marshall a gift in the amount of \$23,500 for the Christmas Lighting and they would also be giving the city an additional \$1,000 to be used for future Christmas lighting. As a representative of this committee Ms. Reich was asking the city to annually allocate additional funds to add additional lights, replace, maintain and repair the current lights. Ms. Reich did indicate the Chamber Retail Committee will continue to budget \$200 yearly for the replacement of bulbs. As for the future of the Christmas Lighting it is unknown since what was completed in the past year was only a start and that there needs to be more done, possibly in the area of more lights and more fund raising. Ms. Reich assured the council the committee has not made any promises or commitments that the city would be bound by accepting the gift. There is a 5 year warranty on the equipment and banners that is transferable. Display Sales, vendors of the lights recently purchased, has committed to work with the city in correcting the problems that were encountered during the installation and with the lights installed. Ms. Reich stated that upon the acceptance of this gift it is up to the city as to who they want to handle the Christmas Lighting from here on out and that there are people from the Committee who would be willing to work with city in the area of the Christmas Lighting.

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Kirchner moved, Siudzinski seconded, that the City of Marshall accept the gift of \$23,000 worth of Christmas lighting from the Christmas Lighting Committee for the recently installed lights and an additional \$1,000 and that the \$1,000 be placed in a designated fund for Christmas lighting. A friendly amendment was made to the motion to extend the appreciation to the Christmas Lighting Committee of the Marshall Chamber of Commerce for their work that they have done in getting new Christmas lighting for the City of Marshall. All voted in favor of the motion.

Don Bleloch, Chairman for the Sidewalk Implementation Committee, was in attendance to review with the City Council the final Sidewalk Policy. Kirchner moved, Hockert seconded, the Sidewalk Policy be accepted and referred to the Public Improvement Committee of the Council for a recommendation to the council on February 20, 1990, in particular as it relates to section 5.A-4 and the addressing of Phase I and Phase II Funding. All voted in favor of the motion.

Be it noted the arrival of Councilperson Byrnes.

Duane Aden, City Administrator, reviewed with the City Council proposed changes in the Personnel Policy for the City of Marshall. Upon the recommendation of the Personnel Committee, Hockert moved, Feda seconded, the adoption of RESOLUTION NUMBER 1199, SECOND SERIES and that the reading of the same be waived. Resolution Number 1199, Second Series is a resolution establishing and providing for the Personnel Policies, rules and regulations for the employees of the City of Marshall, Minnesota and repealing those provisions as set forth in previous resolutions. All voted in favor of the motion.

Upon the recommendation of the Personnel Committee, Hockert moved, Byrnes seconded, the Salary Pay Plan for the City of Marshall for 1990 be approved and that the proper city personnel be requested to obtain a proposal(s) for a professional consultant to review the pay plan for the City of Marshall for 1991. This report does include every full time position and the recommended salary range for 1990. Duane Aden, City Administrator, indicated that he had used various city positions in doing salary surveys to serve as bench marks for determining the salaries for the pay plan. The request for a paid professional consultant was to review the process and make sure what has been done in regard to adjusting the pay plan is consistent. All voted in favor of the motion.

A request was received from Francis Mortier to renew his lease with the city for the farming of agricultural land at the Marshall Municipal Airport. The current lease expires at the end of 1990. Francis Mortier was requesting the renewal of this lease so that he could plan his weed control and fertilizing operations. Councilperson Byrnes requested that a revision be made to the lease which addresses management practices as it relates to conservation for wind and water erosion. Mr. Byrnes also indicated the rate of rent should be competitive with other agricultural properties, therefore there was no action taken on the renewal of this lease at this time. City Attorney Brian Murphy and City Administrator Duane Aden are to review proposed changes with Francis Mortier. Consideration of the farm lease will be placed on the agenda for February 20, 1990.

Rich Victor, City Engineer, reviewed with the city council the Engineer's Feasibility Report for the 1990 Proposed Public Improvement Projects. Included in the Feasibility Report were 15 individual jobs consisting of water and sewer replacement and/or construction, roadway construction, sidewalks and storm sewer. Upon completion of the review Mr. Victor and his staff were commended for the detail and valuable information presented in the report.

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Byrnes moved, Hockert seconded, the adoption of RESOLUTION NUMBER 1200, SECOND SERIES and that the reading of the same be waived. Resolution Number 1200, Second Series is a resolution receiving the Engineer's Feasibility Report and calling for a hearing on the proposed 1990 Public Improvement Projects. The public hearing will be held on February 20, 1990 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Rich Victor, City Engineer, reviewed with the city council the projects included in the Municipal State Aid 5 Year Construction Program. Mensing moved, Hockert seconded, the adoption of RESOLUTION NUMBER 1201, SECOND SERIES and that the reading of the same be waived. Resolution Number 1201, Second Series is a resolution approving the Municipal State Aid Street Construction 5 Year Program. All voted in favor of the motion.

Siudzinski moved, Hockert seconded, the adoption of RESOLUTION NUMBER 1202, SECOND SERIES and that the reading of the same be waived. Resolution Number 1202, Second Series is a resolution establishing and accepting the final payment for the outstanding assessments for special improvements to Lot 2 through Lot 7, Block 2, Prairieview Estates Second Addition. This resolution is a conclusion to the negotiation with representatives from the Marshall School District pertaining to the outstanding assessments against the property that the Parkside Elementary School occupies and was purchased from the Nuese family. This resolution provides for the acceptance of \$11,000 from the Marshall Public Schools and that the remaining interest and principal be written off. All voted in favor of the motion, except Byrnes who voted no.

Kirchner moved, Byrnes seconded, the proper city personnel be authorized to advertise for bids to be received on February 28, 1990 at 2:00 o'clock P.M. for a backhoe loader for the Street Department; a pickup for the Street Department; a pickup for the Wastewater Department; and a motor pool vehicle; and a bid to be received on March 12, 1990 at 2:00 o'clock P.M. for a taxi vehicle. All voted in favor of the motion.

Byrnes moved, Hockert seconded, the proper city personnel be authorized to advise the State of Minnesota Gambling Control Board that they have approved the application for Gambling for the Fraternal Order of Eagles AERIES 3405 for operation at 423 West Main Street. All voted in favor of the motion.

A discussion was held at this time in regard to a City of Marshall Newsletter and the utilizing of Cable 6 programming. There was some indication amongst the councilmembers that Cable 6 was being under utilized in covering government events. There was some concern expressed in regard to the cost versus quality of utilizing a newsletter. There was some indications amongst the councilmembers that they would prefer greater utilizing of Cable 6 and that possible once a year a newsletter be mailed to the residents addressing the various activities of the city in the past year and any other things of particular interest.

Siudzinski moved, Hockert seconded, a recommendation be made at the March 5, 1990 meeting as to how the \$4,800 budgeted in the cable budget for advertising be used for Cable 6 and a City Newsletter. All voted in favor of the motion. Mayor Feda requested Councilmembers Hockert and Siudzinski to develop this recommendation.

Byrnes moved, Kirchner seconded, a rear yard variance of 5 feet in lieu of 15 feet as is required by City Code be granted to Karen VanMeveren, 104 "C" Street to construct a detached garage. All voted in favor of the motion.

Mensing moved, Hockert seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34277 through 34560.

## REGULAR MEETING - FEBRUARY 5, 1990

The following building permits previously approved by the Building Official were confirmed:

Heartland Food Company  
112 South Sixth Street  
Phase 1B Foundations  
\$125,000

Cover-All Siding & Window Co.  
505 Lynd Street  
Reside Dwelling  
\$3,500

Larry Robley  
700 West Marshall Street  
Interior Remodeling  
\$1,000

Paxton Signs, Inc.  
1219 East College Drive  
Signs  
\$2,000

Coudron Construction  
807 Westmar Circle  
Finish Bathroom  
\$1,350

Marshall Hockey Association  
Fairgrounds Road  
Replace Membrane  
\$54,000

Vincent Buysse  
114 Circle Drive  
Finish Basement  
\$5,000

Councilperson Mensing indicated that a Casino event will be held at the Marshall Senior Center on March 3, 1990 and relayed a request for council members to assist in this event. Mr. Mensing also indicate that the Area Senior Center Foundation has raised approximately \$23,000 to date.

A Public Improvement Committee meeting of the City Council was scheduled for 4:30 P.M. on February 13, 1990.

Kirchner moved, Siudzinski seconded, a letter be sent from the city council to the County Commissioners requesting their support for curb side recycling in all residential areas as soon as possible. All voted in favor of the motion.

It was the general consensus of the council that a letter be sent to all members of the Sidewalk Implementation Committee expressing the City Council's appreciation for their efforts and work they have done on this committee.

A Joint City Council-County Commissioners meeting has been scheduled for February 19, 1990.

A concern was made in regard to the presenting to the City Council the Audit for the Housing Commission and also the Weiner Memorial Medical Center.

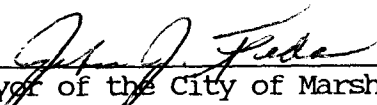
Mayor Feda briefly reviewed with the council the city's responsibility if they approve payments by the Fire Relief Association as addressed in the January 1990 League of Minnesota Cities Issue.

Duane Aden, City Administrator, reviewed a report with the city council which addresses the recent fish kill in the Redwood River which was allegedly caused by discharges from the Wastewater Treatment Facility.

Brian Murphy, City Attorney, indicated to the council that he would drafting an ordinance which addresses the disposal of residential garbage.

## REGULAR MEETING - FEBRUARY 5, 1990

Upon motion made by Hockert, seconded by Mensing, the meeting was adjourned. All voted in favor of the motion.

  
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Mayor of the City of Marshall

ATTEST:

  
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City Clerk

## REGULAR MEETING - FEBRUARY 20, 1990

The regular meeting of the Common Council of the City of Marshall was held on February 20, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis and Byrnes. Absent: Hockert.

The Pledge of Allegiance was recited.

Mensing moved, Kirchner seconded, the approval of the minutes of the regular meeting held on February 5, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Pursuant to Resolution Number 1198, Second Series which was the resolution providing for the issuance and sale of \$1,210,000 General Obligation Revenue Wastewater System Bonds Series 1990A for the City of Marshall, Minnesota, David MacGilivary from Springsted's Inc., was in attendance at the meeting to review with the city council the bids that were received by Springsted's on February 20, 1990. The bids received were as follows:

Edward D. Jones & Co.	American National Bank St. Paul
Net Interest Cost \$741,353.33	Net Interest Cost \$749,500.07
Net Effective Interest Rate 6.78325%	Net Effective Interest Rate 6.8578%

Piper, Jaffray & Hopwood Inc.	FBS Investment Services Inc.
Net Interest Cost \$751,113.33	Net Interest Cost \$754,733.96
Net Effective Interest Rate 6.8725%	Net Effective Interest Rate 6.9056%

Norwest Investment Services Inc.	Dain Bosworth Inc.
Net Interest Cost \$756,312.92	Net Interest Cost \$757,043.12
Net Effective Interest Rate 6.9201%	Net Effective Interest Rate 6.9268%

Miller, Johnson & Kuehn, Inc.	Dean Witter Reynolds Inc.
Net Interest Cost \$757,287.29	Net Interest Cost \$763,083.75
Net Effective Interest Rate 6.9290%	Net Effective Interest Rate 6.9820%

Upon the recommendation of David MacGilivary, Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1203, SECOND SERIES and that the reading of the same be waived. Resolution Number 1203, Second Series is a resolution authorizing and awarding the sale of and providing the form, terms, covenants and directions for \$1,210,000 General Obligation Revenue Wastewater System Bonds, Series 1990A. This resolution provides for the sale of the bonds to Edward D. Jones & Co., with a Net Interest Cost of \$741,353.33 and a Net Effective Interest Rate of 6.78325%. All voted in favor of the motion.

Due to an error in the specs for the requests for proposals for employee group health insurance the proposals for this insurance will not be received until 1:30 P.M. on February 21, 1990, therefore there was no discussion or action on the proposals for employee group health insurance at this time.

This was the date and time set for a public hearing on the proposed public improvement projects for 1990. Rich Victor reviewed each project with the council and those in attendance at the meeting. There were no comments received on the following jobs: Storm Sewer, Job No. 404; Watermain for Nielsen's 9th Addition, Job No. 412; Sewer for Nielsen's 9th Addition, Job No. 413; Curb & Gutter on South 4th Street, Job No. 414; Bituminous Surfacing on Skyline Drive and Skyline Circle Job No. 415 and Watermain Replacement on Lynd Street, Job 419.

Upon the request of the affected property owners, Job No. 411 the widening of Peterson Street into the mall has been deleted from the proposed 1990 public improvement projects.



## REGULAR MEETING - FEBRUARY 20, 1990

A letter was received from L. W. Mannion, 303 North 7th Street, expressing his opposition to Job No. 406 which is the Sanitary Sewer Replacement on North 7th Street.

Job No. 407 which is the construction of "A" Street from Depot Street to Saratoga Street was included in the 1990 public improvement projects by the City of Marshall. This street is a highly maintainable street for the city. Steve Klein, Klein Honey Farm which is adjacent to "A" Street, is opposed to the improvement to "A" Street since his business will gain no benefit from this improvement and did indicate that the biggest users of the street are high school students and by improving this street the traffic would only increase along this road. A letter was received from Lyon County Coop expressing their opposition to this project. Wally Brewers who is adjacent to "A" Street, as well, did indicate his opposition to the improvement to "A" Street for the same reasons as Mr. Klein.

Jobs No. 408, Sanitary Sewer Replacement on South 4th Street; Job No. 409, Watermain Replacement on South 4th Street; and Job No. 410, Road Construction on South 4th Street were all discussed at the same as these projects affect the same area. The improvement proposed for this area is Sanitary Sewer Replacement, Watermain Replacement, Street Grading, Gravel Base, Curb & Gutter, Sidewalk Replacement, Bituminous Surfacing and Turf Establishment. The sidewalks will only be replaced in those areas that are in need of repair.

Following Rich Victor's, City Engineer, review of these projects Eurtism Newman on behalf of the Peter Boerjan property was concerned with the cost of this project and how are the elderly who are on a fixed income going to be able to pay for these improvements. Duane Aden, City Administrator, indicated that it is the intent of the city and city council to provide a reasonable interest rate on the assessment if they are not paid and did indicate that senior citizens on limited income are eligible for deferrals of the assessments, but these assessments continue to accumulate interest during the deferral time.

Virgil LeBeau who has lived in the same residence since 1943 on South 4th Street felt that South 4th Street has a lot of usefull life left, but did feel there has to be something done with the Sanitary Sewer and Watermain.

Mr. Aden did indicate that if all improvements are done at one time there would be a savings in the cost and the amount assessed.

Mr. LeBeau was also concerned with how the assessments are determined and felt that apartment complexes should be charged more than single family dwellings.

Rich Victor did indicate that approximately \$53,000 is being assessed to the adjacent property owners for the improvements along South 4th Street and that the remainder of the cost of approximately \$212,000 will be paid by the State of Minnesota.

Councilperson Mensing was concerned with the trees along the boulevard along South 4th Street. Mr. Victor did indicate that to the best of his knowledge all the trees will remain except 2 along Legion Field, one on the curb and possible one more and that there is one that is questionable and may be able to be moved.

A concern was expressed in regard to the widening of the street to 44 feet. Mr. Victor did indicate that the street is currently 34 feet wide and that the new street would be 24 feet wide for the driving lanes and 10 feet on each side for parking.

Dwight Lauinger was comfortable with leaving the street as is and providing parking on the one side. He did indicate that he would like to see the watermain replaced. Mr. Lauinger also indicated that he felt the trees would

## REGULAR MEETING - FEBRUARY 20, 1990

not live with the widening of the street and the their location to the curb and the affect salt would hae on them. Mr. Lauinger basically said he did not want the improvement and felt that they were not needed. Mr. Lauinger also indicated that semi traffic along the street has increased.

Ms. Kathy Bradley owner of an 8 plex apartment along South 4th Street was in favor of widening the street. Ms. Bradley did indicate that they did have only one hookup for their apartment for watermain but that they do need additional parking spaces for this complex. Ms. Bradley felt the additional money that they pay in taxes does compensate for them only being charged for one watermain or sanitary sewer hookup.

Edmond Conway questioned the difference in curvature of this street in comparing it what it is now and what it is proposed to be. Mr. Conway was advised that the trees along the street will be at least 3 feet from the curb. Mr. Conway suggested that the street be left as is, except that there be a change in the curve. Mr. Conway did debate the traffic count that was provided by the Minnesota Department of Transportation. A concern was expressed in regard to the time table for the construction of the various proposed improvements along South 4th Street. It is the intent that they would do all the improvements along South 4th Street to eliminate any additional costs and it is the intent the project would start by approximately June 1st and that all the work would be completed in the fall of 1990.

A letter was received from Loretta Caron who was opposed to Project No. 408, 409 and 410.

Mr. Victor did indicate that the assessment for the bituminous surfacing on Southview Court Job No. 416 would be assessed to the properties on both sides of the street.

In reference to Job No. 417, Sidewalk Replacement in various locations throughout the city Steve Mowinkel, 310 West Redwood Street, indicated the sidewalk at this location was in good condition and did not think it was in need of replacement at this time. Mr. Mowinkel was also concerned with the installing of handicapped ramps at the intersection. Mr. Victor did indicate that handicapped ramps would be installed at the intersection of Redwood and 4th Street.

Job No. 418 which is the Sidewalk Construction in various locations throughout the city as recommended by the Sidewalk Implementation Committee would provide access to the college, the schools and the shopping areas. The exact location of these sidewalks on the properties have not been specifically decided at this time.

Dick O'Connell, a representative from the Marshall Public School Board, was concerned with the cost and how the school was to pay the proposed assessment of \$71,000 when they are in a financial crunch at this time. Mr. O'Connell questioned the status of sidewalk district assessment.

Mark Timmerman, Parkside Drive, was concerned with Sidewalk Implementation Policies recommendation for the implementation of sidewalks and how this committee determined which side of the street the sidewalks should be placed and how they determined who was to pay. In response to Mr. Timmerman's concern, it was indicated that the intent was that the adjacent property owners pay a portion of the sidewalk costs as there would be some benefit to them and that they would be responsible for the sidewalks in front of their residence. Mr. Timmerman's feelings were that all property owners should pay an assessment for sidewalks. Mr. Timmerman suggested that sidewalks be placed on the North side of the street since the sun would reach these sidewalks quicker in the winter time to thaw the ice off them.

## REGULAR MEETING - FEBRUARY 20, 1990

Mary Enquist who was a member of the Funding Committee of the Sidewalk Implementation Policy Committee did strongly feel that city wide funding or sidewalk districting of the sidewalks implementation should be considered.

Upon the recommendation of the Public Improvement Transportation Committee, Byrnes moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1204, SECOND SERIES and that the reading of the same be waived. Resolution Number 1204, Second Series is a resolution adopting the Sidewalk Policy for the City of Marshall as recommended by the Sidewalk Implementation Policy Committee. All voted in favor of the motion.

Councilmember Byrnes reviewed with the city council the recommendation of the Public Improvement Transportation Committee meeting of February 13, 1990. The recommendation of the Public Improvement Transportation Committee was that phase I construction as delineated on the Sidewalk Placement Map presented by the Sidewalk Implementation Committee be completed in 1990 and funded as follows: Bruce Street and Lyon Street should be completed underneath the previous contract that was started in 1989. The remaining portions of Phase I construction should be funded 50% out of the 429 revolving fund and 50% through 429 assessments back to the individual property owners and that the area between College Drive and State Street bordering the Travelors Lodge and Happy Chef be funded 100% out of the 429 revolving fund.

Councilperson Lewis was opposed to recommendation of the Public Improvement Transportation Committee and suggested that the city pay for all sidewalks in Phase I of the Sidewalk Implementation Policy Committee recommendations for 1990. The Sidewalk Implementation Policy suggests 6 miles of sidewalks be placed within the City of Marshall. There are currently 34 miles of street in the City of Marshall. A concern was raised as to how the remaining 28 miles would be handled if a petition was received for sidewalks on these streets. Councilperson Lewis felt that the city should pay for all petition sidewalks. Councilmember Byrnes indicated it was the Public Improvement Transportation Committee recommendation that all new developments as of January 1, 1990 which are deemed necessary to have sidewalks, it would be the developers responsibility to construct these sidewalks. Mr. Byrnes also indicated that the Committee did have a difficult time addressing the assessment procedure and how they could equitable to all. Mr. Byrnes indicated it was the Committee's intent that the recommendation was consistent with the current sidewalk policy for the replacement. Councilperson Siudzinski relayed a feeling that property owners who have a sidewalk adjacent to their property do receive a benefit since it does allow a play area for a family with children.

Robert Hirmer who was in attendance at the meeting asked the council for their definition of 429 Public Improvement Projects. Rich Victor reviewed the 429 Public Improvement process with Mr. Hirmer and others in attendance at the meeting and indicated that this is a State Statute the City conforms to in doing its various improvements each year. Mr. Victor indicated that the 429 Public Improvement Revolving Fund is a fund that has been established from funds that have accumulated over the years after bonds and interest have been paid on various public improvement projects.

Mark Timmerman did indicate to the council that he thought sidewalks were not a play area, but a walkway for people and also indicated that he would be willing to give up a sidewalk simply because of the shoveling in the winter time.

Mary Enquist questioned why the idea of sidewalk districting was being ruled out.

Mr. Byrnes indicated that the Public Improvement Transportation Committee had wrestled with the sidewalk districting assessment procedure but did have some problems in determining how to assess fairly. The primary concern for the committee was to keep the assessments for sidewalk improvements consistent with other improvement projects that are done by the city.

## REGULAR MEETING - FEBRUARY 20, 1990

James Archbold for Speedway Moving and Storage was concerned about the sidewalks that are being proposed adjacent to his property along Southview Drive. Mr. Archbold was concerned with the thickness of the sidewalk which would be adjacent to his property since he does have very heavy vehicles that would traveling over the proposed sidewalk.

Lewis moved, Kirchner seconded, the City of Marshall pay 100% of the cost for the sidewalk construction included in Phase I of the Sidewalk Implementation Policy for 1990 out of the 429 revolving fund. Voting in favor of the motion were Mensing, Kirchner, Feda and Lewis. Voting no were Byrnes and Siudzinski.

Upon the recommendation of the Public Improvement Transportation Committee, Kirchner moved, Mensing seconded, the approval of a transfer of \$10,000 from the 429 public improvement revolving fund account number 495-965000-6720 to the general fund contingency 980000-6810 and credited to 101-392600-0000 to be utilized for the 1990 sidewalk replacement program for the 50% participation by the city and if there is not sufficient funds at that point that the remainder be taken out of the general fund contingency account to cover the city's 50% replacement cost of sidewalks as proposed for 1990. All voted in favor of the motion.

Upon the recommendation of the Public Improvement Transportation Committee, Byrnes moved, Lewis seconded, the approval of a change order on Project No. 1989-016 with Buchholtz Construction to complete the installation of sidewalks along Bruce Street and Lyon Street as was originally bid in 1989. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1205, SECOND SERIES and that the reading of the same be waived. Resolution Number 1205, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 404 Storm Sewer Construction on Fairview Street from Trunk Highway 59 to Burlington Northern Railroad. All voted in favor of the motion.

Siudzinski moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1206, SECOND SERIES and that the reading of the same be waived. Resolution Number 1206, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 406 Sanitary Sewer Replacement on North 7th Street from Marshall Street to West Lyon Street. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of a resolution ordering the improvement and preparation of plans for Job No. 407 Grading, Gravel Base, Curb & Gutter, Drainage and Sidewalk for "A" Street from Saratoga Street to Depot Street. Voting in favor of the motion were Lewis, Byrnes and Mensing. Voting no were Feda, Kirchner and Siudzinski, therefore the motion was defeated.

Byrnes moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1207, SECOND SERIES and that the reading of the same be waived. Resolution Number 1207, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 408 Sanitary Sewer Replacement, Job No. 409 Watermain Replacement, and Job No. 410 Grading, Gravel Base, Curb & Gutter, Sidewalk, Bituminous Surfacing and Turf Establishment on South 4th Street from West College Drive to Saratoga Street. Job No. 410 is to have an alternate included in the preparation of plans to allow for one lane of parking in lieu of 2 along South 4th Street from West College Drive to Saratoga Street with the understanding that this is to be done in connection with the recommendation of the State of Minnesota Department of Transportation. All voted in favor of the motion.

## REGULAR MEETING - FEBRUARY 20, 1990

Siudzinski moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1208, SECOND SERIES and that the reading of the same be waived. Resolution Number 1208, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 412 Watermain Installation Nielsen's 9th Addition, Job No. 413 Sanitary Sewer Installation Nielsen's 9th Addition and Job No. 414 Curb & Gutter and Bituminous Surfacing to South 4th Street from 130 feet South of Elaine Avenue a distance of 470 feet. All voted in favor of the motion.

Byrnes moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1209, SECOND SERIES and that the reading of the same be waived. Resolution Number 1209, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 415 Bituminous Surfacing Skyline Drive and Skyline Circle. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1210, SECOND SERIES and that the reading of the same be waived. Resolution Number 1210, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 416 Bituminous Surfacing to Southview Court from Southview Drive 780 feet South. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1211, SECOND SERIES and that the reading of the same be waived. Resolution Number 1211, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 417 Sidewalk Replacement in various locations throughout the City of Marshall with the city paying 50% of the cost and the other 50% of the cost being assessed to the property owners. All voted in favor of the motion.

Lewis moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1212, SECOND SERIES and that the reading of the same be waived. Resolution Number 1212, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 418 Sidewalk Construction at various locations throughout the City of Marshall and with the funding to be paid 100% out of the 429 public improvement revolving fund for Phase I of the Sidewalk Implementation Program. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1213, SECOND SERIES and that the reading of the same be waived. Resolution Number 1213, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 419 Watermain Replacement on Lynd Street from 4th Street to 5th Street. All voted in favor of the motion.

Upon the recommendation of the Marshall Cable Commission, Kirchner moved, Siudzinski seconded, the American Television and Communication Corporation be allowed 120 days from their 1989 year end to provide the City of Marshall with financial statements. The statements may be "unaudited" but must be signed by a financial representative of the company and that ATC be requested a public audit of the 1989 gross revenues due to the City of Marshall by July 1, 1990. All voted in favor of the motion.

Rich Voller, Manager of the Marshall Municipal Utilities, was in attendance at the meeting to request of the City Council authorization for a Cable TV Franchise prior to their expanding resources for surveys, legal opinions, financial feasibility studies and technology investigations. Mr. Voller indicated some of the intended uses of this Cable TV Franchise would be monitoring and controlling load, providing supervisory control and data acquisition, "SCADA" links, assisting energy conservation measures, creating meters automatically and remotely, providing medical alert services, interconnecting security systems, entertainment television and other services that could be economically provided through this medium.

## REGULAR MEETING - FEBRUARY 20, 1990

Brian Murphy, City Attorney, advised the council that the Charter Commission would have to meet and consider the request from Marshall Municipal Utilities for a Cable TV Franchise and they would have to make a recommendation to the city council in regard to granting a Cable TV Franchise to the Marshall Municipal Utilities.

Don Bottlebergh, Manager of the local American Television and Communication Corporation Office, was in attendance at the meeting and expressed his concern in regard to the Municipal Utilities considering a Cable TV Franchise. Mr. Bottlebergh did indicate the local office has put a lot of money into the upgrading of the system.

Jan George from the American Cable and Television Corporation from O'Clair Wisc., was in attendance at the meeting and did indicate a concern for the city investing in an additional Cable TV Franchise. Ms. George felt the City of Marshall could not afford 2 Cable Franchise systems. Ms. George did indicate that one objection that they have been receiving from customers is the increase in rates. The increase in rates is a consistent concern and the reason for the increase in rates is primarily due to the programming. Ms. George did state the cable franchise requires 27 basic channels.

Mensing moved, Siudzinski seconded, the consideration for the Cable TV Franchise for the Marshall Municipal Utilities be tabled to March 5, 1990 City Council meeting at 7:30 P.M. to further consider this request. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the approval of a 6% increase in the premium for Long Term Disability Insurance with Canada Life. This 6% increase is effective April 1, 1990 and increases from .768% to .816% of insured payroll. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the proper city personnel be authorized to execute an agreement which establishes a Joint Board between the City of Marshall and the Marshall Golf Club for the purpose of operating a Marshall Golf Driving Range as a joint effort project. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the proper city personnel be authorized to execute the lease agreement which would lease the City of Marshall owned land to the Marshall Golf Driving Range Board for the use of the Golf Driving Range at a fee of \$1.00 per year. All voted in favor of the motion.

Byrnes moved, Kirchner seconded, Ruth Huber be appointed to the Housing Commission for a term to expire on May 31, 1990; Thomas Haynes be appointed to the Housing Commission for a term to expire on May 31, 1994 and that Gary Rudolph be appointed to the Planning Commission for a term to expire on May 31, 1992. All voted in favor of the motion.

Siudzinski moved, Kirchner seconded, Mylo Hovland, Fred Roufs and Kathy Marshall be reappointed to the Parks, Recreation and Community Education Board each for a term to expire on February 28, 1993 and Colette Tubbs be appointed to the Parks, Recreation and Community Education Board for a term to expire on February 28, 1991 to replace Ron Shelita who resigned. All voted in favor of the motion.

Byrnes moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1214, SECOND SERIES and that the reading of the same be waived. Resolution Number 1214, Second Series is a resolution showing the City of Marshall's support for having Lyntel Marketing receive a loan from the Southwest Minnesota Initiative Fund. Lyntel Marketing is a business that will market area businesses through the telemarketing process. The development of this business would provide more employment and create a business opportunity. All voted in favor of the motion, except Kirchner who abstained.

## REGULAR MEETING - FEBRUARY 20, 1990

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Mensing seconded, the introduction of an ordinance repealing Ordinance Number 250, Second Series restricting construction of sidewalks in certain areas of the City of Marshall, Minnesota. The purpose of this ordinance is to repeal the Sidewalk Initiative Ordinance that was found to be unacceptable by the courts. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Byrnes seconded, the introduction of an ordinance regulating public dances within the City of Marshall, Minnesota. This ordinance would provide the City of Marshall certain controls on public dances primarily consisting of security, conduct and minors where intoxicating liquors are sold. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Byrnes moved, Siudzinski seconded, the introduction of an ordinance amending the regulation and use of bicycles and skateboards on public sidewalks. This ordinance would add skateboards and scooters to the existing bicycle ordinance and their use on public sidewalks. All voted in favor of the motion.

Upon the request of Thomas M. Meulebroeck, Finance Director/City Clerk, Feda moved, Lewis seconded, Mr. Meulebroeck be granted out of state travel to attend the International Institute of Municipal Clerks conference in Little Rock, Arkansas on May 20 - 24. All voted in favor of the motion.

The following building permits previously approved by the Building Official were confirmed:

Paul & Dixie Enerson  
208 DeSchepper Street  
Viking Addition  
Block 5, Lot 4  
Finish Family Room  
\$2,000

Doom & Cuypers Construction  
705 North 5th Street  
Fre-Mar Addition  
Block 2, Lot 3  
Remodel Duplex & Garage Addition  
\$35,000

Ronald Reiber  
1402 Ridgeway Road  
Westwood Acres Plat II  
Block 4, Lot 4  
Remodel Basement  
\$10,000

Thomas Hey  
811 Westmar Circle  
Westmar Lots  
Block 3, Lot 6  
Finish Basement  
\$2,000

SW Veterinary Services  
1604 East College Drive  
Section 2  
NW 1/4 of SW 1/4  
Interior Partitions  
\$700

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34561 through 34815.

Councilperson Kirchner requested that tobacco vending machines and the selling of tobacco be placed on the next Legislative and Ordinance Committee meeting agenda and that Marv Bahn, Director of Public Safety, be requested to attend this meeting.

Councilperson Lewis indicated the Marshall Municipal Utilities Commission has agreed to hire a personnel consultant to review their pay plan. Mr. Lewis suggested that the city and the utilities coordinate this consultant to help keeping the cost and that a better comparison could possibly be provided between the two groups.

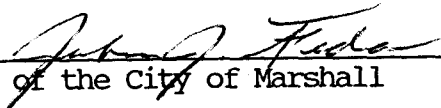
## REGULAR MEETING - FEBRUARY 20, 1990

Mr. Lewis also requested that there be a better coordination of projects with the utilities in regard to the various improvement projects that are being done between the two governmental agencies.


Councilperson Byrnes requested that a letter be sent to the Housing Commission Chairman indicating who the new people are being appointed to the Housing Commission and that Bob and John be taken off as voting members of this commission and that Bob remain as the liaison with the commission.

A special meeting of the City Council was scheduled for February 23, 1990 at 7:00 o'clock A.M. in the downstairs meeting room of the Marshall Municipal Building to consider the proposals for employee group health insurance for City of Marshall Employees.

Upon motion made by Kirchner, seconded by Mensing, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk



## SPECIAL MEETING - FEBRUARY 23, 1990

A special meeting of the Common Council of the City of Marshall was held on February 23, 1990. The meeting was called to order at 7:08 A.M. by Councilmember Siudzinski. In addition to Councilmember Siudzinski the following members were present: Mensing, Byrnes and Lewis. Absent: Hockert, Kirchner and Mayor Feda. Also in attendance at the meeting were Charles Jelinek, Insurance Consultant Corporate Risk Managers, and Dick Wallace from Blue Cross/Blue Shield.

Duane Aden, City Administrator, did indicate to those in attendance at the meeting that there was an employee group meeting on Thursday, February 22, 1990 at 4:00 o'clock P.M. and the different policies and premiums were reviewed with those in attendance at this meeting. It was the general consensus of the employees at this meeting that they would like the City of Marshall to enter into an agreement with Blue Cross/Blue Shield for a retro plan to provide health insurance coverage for the City of Marshall for the period March 1, 1990 through December 31, 1990.

Bidding proposals for health insurance coverage received on February 21, 1990 at 1:30 P.M. were as follows:

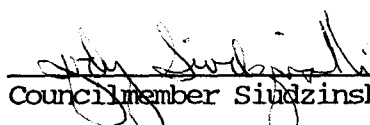
Insur Tec	Blue Cross/Blue Shield
Single \$126.78	Single \$130.52
Dependent \$213.86	Dependent \$232.46
Family \$340.64	Family \$362.98

Washington National  
Single \$124.20  
Dependent \$198.76  
Family \$322.96

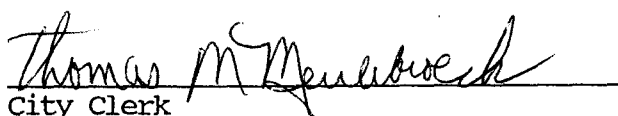
Chuck Jelinek, Insurance Consultant from Corporate Risk Managers, took this opportunity to review the proposals and the difference in the proposals that were submitted to those in attendance at the meeting. Mr. Jelinek indicated that with the proposal from Washington National life insurance is required to be taken with this company. Washington National had the lowest premium, but with the additional cost for the increase in the co-insurance, the savings in the premium would not cover the additional cost of the co-insurance. The additional cost for the life insurance would be approximately \$777.

Mr. Jelinek also reviewed with the council at this time the proposed retro plan which was not included as a part of the original proposal submitted by Blue Cross/Blue Shield. With the retro plan the city would be required to pay a lesser premium on a monthly basis and after the year has been completed and an audit has been completed on the claims versus the premiums additional premium could be assessed to the City of Marshall up to 105% of the statistical premium and passed onto the employees up to approximately May of 1992 for 1990. Since the employees were in favor of the retro plan and understood the circumstances Mr. Jelinek had no problem with the city council going with Blue Cross/Blue Shield retro plan, therefore Byrnes moved, Mensing seconded, the proper city personnel be authorized to enter into an agreement with Blue Cross/Blue Shield to provide the City of Marshall employees group health insurance with a retro program option effective March 1, 1990. The premiums for the retro program will be 85% of the original proposal submitted by Blue Cross/Blue Shield. The amount the employees will be required to pay on a monthly basis is determined from the original proposal as submitted from Blue Cross/Blue Shield. All voted in favor of the motion.

Upon motion made by Byrnes, seconded by Siudzinski, the meeting was adjourned. All voted aye.

  
Councilmember Siudzinski

ATTEST:

  
City Clerk

## REGULAR MEETING - MARCH 3, 1990

The regular meeting of the Common Council of the City of Marshall was held on March 5, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Hockert. Absent: none.

The Pledge of Allegiance was recited.

Lewis moved, Byrnes seconded, the approval of the minutes of the regular meeting held on February 20, 1990 as corrected and as filed with each member and also the approval of the minutes of the special meeting held on February 23, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received, opened and read on February 28, 1990 at 2:00 o'clock P.M. for a tractor-backhoe-loader for the Street Department. Bids received, opened and read were as follows:

Ziegler's Inc.	Long Lake Ford
Marshall, MN	Long Lake, MN
Base Bid \$67,879.00	Base Bid \$38,689.00
Less Trade In \$10,000.00	Less Trade In \$10,200.00
Net Bid \$57,879.00	Net Bid \$28,489.00
Duke Durfee	Poirer Equipment
Mankato, MN	Sioux Falls, SD
Base Bid \$61,600.00	Base Bid \$72,000.00
Less Trade In \$22,875.00	Less Trade In \$33,611.00
Net Bid \$38,725.00	Net Bid \$38,389.00

Upon the recommendation of the City Engineer, Rich Victor, Lewis moved, Kirchner seconded, the bid for a tractor-backhoe-loader for the Street Department be awarded to Long Lake Ford in the amount of \$28,489.00. Mr. Victor did indicate that there is local service available for this equipment as per bid by Long Lake Ford. All voted in favor of the motion.

On February 28, 1990 at 2:00 o'clock P.M. bids were received, opened and read for a four door sedan motor pool vehicle. Bids received, opened and read were as follows:

Anton Chevrolet Co., Inc.	Lockwood Motors Inc.
Marshall, MN	Marshall, MN
\$12,192.67	\$12,065.00
Marshall Ford Lincoln Mercury	Tholen Auto Sales
Marshall, MN	Marshall, MN
\$12,597.00	\$10,447.09

Upon the recommendation of Rich Victor, City Engineer, Byrnes moved, Hockert seconded, the bid for the motor pool vehicle be awarded to Tholen Auto Sales, Marshall, Minnesota in the amount of \$10,447.09. All voted in favor of the motion.

Bids were received, opened and read on February 28, 1990 at 2:00 o'clock P.M. for a pickup for the Street Department. Bids received, opened and read were as follows:

Anton Chevrolet Co., Inc.	Tholen Auto Sales
Marshall, MN	Marshall, MN
\$10,694.34	\$11,235.48
Marshall Ford Lincoln Mercury	Lockwood Motors Inc.
Marshall, MN	Marshall, MN
\$11,589.00	\$10,620.45

## REGULAR MEETING - MARCH 3, 1990

Rich Victor, City Engineer, indicated that the bid received from Lockwood Motors Inc., did not meet the specifications in regard to the Gross Vehicle Weight, therefore Lewis moved, Siudzinski seconded, the bid for a pickup for the Street Department be awarded to Anton Chevrolet Co., Inc., Marshall, Minnesota in the amount of \$10,694.34. The vehicle bid by Anton Chevrolet Co., Inc., did meet the specifications provided by the City of Marshall. All voted in favor of the motion.

Ron Jensen, Administrator Weiner Memorial Medical Center, was in attendance at the meeting to review with the city council the bids that were received for the carpeting of the first floor of the hospital. Upon the recommendation of the Weiner Memorial Medical Center Board, Byrnes moved, Hockert seconded, the bid for the carpeting of 641 square yards of the first floor of the Weiner Memorial Medical Center be awarded to Marshall Decorating Center in the amount of \$20,197.15. There was some question raised in regard to the necessity of the boarder as indicated in the bid. All voted in favor of the motion.

The discussion on the Municipal Utilities request for a Cable Franchise was tabled at the February 20, 1990 regular city council meeting to the March 5, 1990 city council meeting. City Attorney Brian Murphy indicated that the city has the right to operate the cable franchise but the City Charter does not provide for the Electric & Water Utilities to operate a Cable Franchise, therefore Hockert moved, Lewis seconded, the request for the Marshall Municipal Utilities for a Cable Franchise be referred to the Charter Commission to determine, to discuss and recommend to the City Council as to whether or not the Marshall Municipal Utilities should operate a Cable Franchise. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of ORDINANCE NUMBER, 255, SECOND SERIES and that the reading of the same be waived. Ordinance Number 255, Second Series is an ordinance repealing Ordinance Number 250, Second Series restricting construction of sidewalks in certain areas of Marshall, Minnesota. The purpose of this ordinance is to repeal the sidewalk initiative ordinance that was found to be unacceptable by the courts. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of an Ordinance regulating public dances within the City of Marshall, Minnesota. A question was raised in regard to Section 10.28, Subdivision 2C which states that positive steps shall be taken to prohibit persons under the age of 21 from entering said premises if intoxicating liquor is sold on said premises. The concern in regard to this action has to do with individuals under the age of 21 attending wedding dances. Kirchner moved, Lewis seconded, the adoption of this ordinance be tabled until such time Brian Murphy arrived at the City Council meeting. All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, the adoption of ORDINANCE NUMBER 256, SECOND SERIES and that the reading of the same be waived. Ordinance Number 256, Second Series is an ordinance amending the regulation of the use of bicycles and skateboards in the City of Marshall, Minnesota. This ordinance would add skateboards and scooters to the existing bicycle ordinance and their use on public sidewalks. All voted in favor of the motion.

A discussion was held at this time in regard to the recommendations provided by Councilmembers Siudzinski and Hockert in regard to the utilizing of the \$4,800 included in the Mayor and Council advertising budget for programming of information and distribution through Cable 6 and the proposed newsletter. The recommendations provide for the coverage of 24 city council meetings, 24 other meetings as designated and 120 tapes for a total cost of \$1,368. In addition the recommendation provides for 12 video newsletters and 4 special video newsletters for a total cost of \$2,720. Councilperson Siudzinski

## REGULAR MEETING - MARCH 3, 1990

indicated that information could be incorporated into the Park & Rec Brochure which is distributed 3 times per year at a cost of \$300 in each brochure. Ms. Siudzinski did also indicate that if the city was to consider the distribution of an annual newsletter that this would be a very costly venture. Siudzinski moved, Mensing seconded, the proper city personnel be directed to prepare the necessary arrangements for the televising of city council meetings and that one monthly video newsletter be done and that other public meetings of up to 2 per month be televised as deemed necessary. All voted in favor of the motion.

Councilperson Kirchner felt very strongly that one newsletter should be mailed to the general public per year, therefore Kirchner moved, Byrnes seconded, the city administrator investigate the cost of distributing one printed newsletter per year and that the information be provided back to the city council. All voted in favor of the motion.

Feda moved, Mensing seconded, the consideration of an ordinance regulating public dances within the City of Marshall be taken off the table and considered at this time. All voted in favor of the motion.

The concern in regard to Section 10.28, Subdivision 2C was discussed with the City Attorney Brian Murphy. Kirchner moved, Byrnes seconded, the introduction of an amended ordinance regulating public dances in the City of Marshall, Minnesota. The amended ordinance would provide a clarification to Section 10.28, Subdivision 2C in indicating that positive steps would be taken to prohibit unauthorized persons from entering said premise if intoxicating liquor is sold. Hockert moved, Lewis seconded, the introduction of an amended ordinance regulating public dances be tabled to the March 19, 1990 city council meeting so that the city council has the proper language of the ordinance to act on. All voted in favor of the motion.

Rich Victor, City Engineer, provided a report to the city council differentiating the requirements and costs alternatives between a 36 foot wide street and a 44 foot wide street that is proposed for South 4th Street Construction. Mr. Victor did indicate that with a 36 foot wide street there would be an approximate savings of \$27,000 which would be a result of the reduction in the cost for the aggregate base, common excavation and bituminous surfacing. Per the State Statutes regarding 429 Assessment Projects a minimum of 20% of the project costs must be assessed back to validate the 429 Assessment Procedure. Mr. Victor indicted with the 44 foot wide street as proposed, approximately \$5,500 more would be assessed than with the 36 foot street. Mr. Victor indicated that the Comprehensive Plan adopted in 1983 provided for this section of South 4th Street to be a collector street. Councilperson Mensing was concerned about the number of trees that would have to be removed with the widening of this street. Mr. Victor indicated that approximately 5 trees would have to be removed and that the state requires a minimum of a 2 foot set back from the curb for trees. It is the city responsibility to provide good planning and to design projects that resolve future needs of the city. Mr. Victor indicated that the minimum width for all new developed residential areas within the city is 40 feet and usually within a right-of-way of 60 feet, therefore based upon the future use of this area the safety enhancements of the roadway and minor economical costs to branch out between the 44 foot section and the 36 foot section, Mr. Victor is recommending that the improvements proceed based on the 44 foot wide design section.

Lewis moved, Hockert seconded, the proper city personnel be authorized to proceed with the preparation of the plans and specifications for South 4th Street from Saratoga Street to Highway 19 West providing for a 44 width street. All voted in favor of the motion.

Don Bottelberghe, American Cablevision, was in attendance at the council meeting to discuss with the council a request from American Cablevision for a change in the franchise ordinance language. Mr. Bottelberghe indicted that when the cable franchise was renewed in 1986 there was an interest on the part

## REGULAR MEETING - MARCH 3, 1990

of the city council to create a tiered cable service. At that time it was difficult and costly to create tiers and the technology was not subscriber friendly. However technology has improved and it is possible to offer a tiered service at this time. ATC is requesting a change in the franchise ordinance language to allow American Cable to offer a lower priced tier for subscribers who want a limited number of channels. Mr. Bottelberghe also indicated that according to the Federal Cable Policy Act the existing language in Section 6.01 of the Marshall Cable Ordinance is not compatible with the language of the Act, therefore they are requesting a change in the ordinance to allow for tiering as well as to bring the ordinance language in line with the intent of the act. The change in the language of the ordinance would allow American Cablevision to offer a tiered service. Kirchner moved, Siudzinski seconded, the request of American Cablevision for a change in the franchise ordinance language was referred to the Cable Commission for their review and recommendation. All voted in favor of the motion.

City Attorney Brian Murphy suggested that the city engage an attorney who is knowledgeable with the language of franchise ordinances to work with ATC and the city to work out the language in the revised ordinance.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1215, SECOND SERIES and that the reading of the same be waived. Resolution Number 1215, Second Series is a Resolution requesting the County to designate a City of Marshall site for yard waste composting and corresponding funding participation. The old dump ground area on North 7th Street is a possible yard waste composting site provided it meets the necessary approval from MPCA and corresponding standards. The state has designated the county as the responsible body for the development of the yard waste composting site. They have also given the county the power to have local units of government responsible for the operation of such facility. The state has also stipulated that in the transfer of the responsibility, there also has to be the corresponding allocation of funds for operation. All voted in favor of the motion.

Lewis moved, Hockert seconded, the proper city personnel be authorized to advertise for proposals for an early warning system. These proposals are to be received by March 14, 1990. All voted in favor of the motion.

Hockert moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1216, SECOND SERIES and that the reading of the same be waived. Resolution Number 1216, Second Series is a resolution approving the plans and specifications and authorizing the advertisement for bids for Project No. 1990-001, Job No. 406, Sanitary Sewer Replacement on North 7th Street from Lyon Street to Marshall Street. These bids will be received at 2:00 o'clock P.M. on March 26, 1990. All voted in favor of the motion.

Hockert moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1217, SECOND SERIES and that the reading of the same be waived. Resolution Number 1217, Second Series is a resolution approving the plans and specifications and authorizing the advertisement for bids for Project No. 1990-002, Job No. 419, Watermain Replacement on Lynd Street from 4th Street to 5th Street and Job No. 409, Watermain Replacement on South 4th Street from West College Drive to Saratoga Street. These bids will be received at 2:00 o'clock P.M. on March 26, 1990. All voted in favor of the motion.

Hockert moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1218, SECOND SERIES and that the reading of the same be waived. Resolution Number 1218, Second Series is a resolution approving the plans and specifications and authorizing the advertisement for bids for Project No. 1990-003, Job No. 408, Sanitary Sewer Replacement on South 4th Street from West College Drive to Saratoga Street. These bids will be received at 2:00 o'clock P.M. on March 26, 1990. All voted in favor of the motion.

## REGULAR MEETING - MARCH 3, 1990

Hockert moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1219, SECOND SERIES and that the reading of the same be waived. Resolution Number 1219, Second Series is a resolution approving the plans and specifications and authorizing the advertisement for bids for Project No. 1990-004, Job No. 412 and 413, Sanitary Sewer and Watermain Replacement for Nielsen's 9th Addition. These bids will be received at 2:00 o'clock P.M. on March 26, 1990. All voted in favor of the motion.

Hockert moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1220, SECOND SERIES and that the reading of the same be waived. Resolution Number 1220, Second Series is a resolution approving the plans and specifications and authorizing the advertisement for bids for Project No. 1990-005, Job No. 416, Bituminous Surfacing on Southview Court from Southview Drive 780' South and Job No. 415, Bituminous Surfacing on Skyline Drive and Skyline Circle. These bids will be received at 2:00 o'clock P.M. on March 26, 1990. All voted in favor of the motion.

Hockert moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1221, SECOND SERIES and that the reading of the same be waived. Resolution Number 1221, Second Series is a resolution approving the plans and specifications and authorizing the advertisement for bids for Project No. 1990-008, Job No. 410 which is the Grading, Gravel Base, Curb & Gutter, Bituminous Surfacing and Turf Establishment for South 4th Street from West College Drive to Saratoga Street. The date for the receiving of these bids will be established once the approval of the plans has been received by the State of Minnesota, Department of Transportation. All voted in favor of the motion.

The application for a temporary on-sale liquor license for the Redwood River Sportsman Club was withdrawn from the agenda.

Per previous discussions that have taken place in regard to the improvements at the Wastewater Treatment Facility Plant, Lewis moved, Mensing second, the approval of a transfer of \$200,000.00 from the Wastewater Operating Account, \$150,000.00 from the Funded Depreciation Account and \$200,000.00 from the Wastewater Capital Reserve Account to the Wastewater Construction Account. All voted in favor of the motion.

Lewis moved, Mensing seconded, the introduction of an ordinance and the calling for a hearing in regard to the vacating of a utility easement along the property lines of Lots 10 and 11 of Block 1, Belvedere Estates. This hearing is scheduled for March 19, 1990. The reason for this request is that Lots 9, 10 and 11, Block 1, Belvedere Estates is being subdivided to provide for four buildable single family lots. An existing utility easement, along the adjoining property line of Lots 10 and 11, will not fall within the center of proposed Parcel "C". An easement will be obtained from the owner along the property line bordering Parcel "C" and Parcel "D". All voted in favor of the motion.

The following building permits previously approved by the Building Official were confirmed:

Judith Regnier  
801 Brian Street  
Nuese Addition  
Block 2, Lot 1  
Basement Window  
\$200

True Value Home Center  
501 North Bruce Street  
VerMarv Addition  
Block 2, Part of Lot 1, 2, 9 & 10  
Remodel Bathroom  
\$2,000

Bladholm-Sussner Construction  
1500 East College Drive  
McFarland Addition  
Block 3, Lot 1  
Construct Mansards  
\$29,000

Fagen Inc.  
400 West Erie Road  
MN Corn Processors Industrial Park  
Block 1, Lot 2  
Evaporator Addition: Phase II  
Structural Frame  
\$250,000

## REGULAR MEETING - MARCH 3, 1990

MN Corn Processors Inc.  
400 West Erie Road  
MN Corn Processors Industrial Park  
Block 1, Lot 2  
Evaporator Addition: Phase I  
Footings & Foundations  
\$50,000

It was the general consensus of the city council that a report be made at the next regular city council meeting on March 19, 1990 in regard to the status of the various permits that are needed for MCP improvements in particular as they relate to the environment.

Kirchner moved, Siudzinski seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34818 through 35022.

The city council was advised that Loren Arvidson resigned from the Cable Commission and Dan Archbold has resigned from the Utility Commission.

A brief discussion was held at this time in regard to the editorials in relation to the transit system for the City of Marshall. It was the general consensus of the council that the drivers be advised of the city policy that there is to be no smoking in the transit vehicle and that the proper signs be posted in these vehicles advising the general public.

Councilperson Kirchner requested that more emphasis be placed on the printing on both sides of the information for the council agenda packets.

A brief discussion was held at this time in regard to the improvements of "A" Street from Depot Street to Saratoga Street and whether or not the city has the right-of-way for this property and the extent of the city's liability since the city has been maintaining this area.

Cal Barnett, City Assessor, briefly discussed with the council the impact of the proposed cut back of \$66,000,000 from the state and how it would affect the city. Per Mr. Barnett's calculation the city would lose approximately \$87,644.00 in local government aid and in their tax levy for 1990.

Upon motion made by Lewis, seconded by Hockert, the meeting was adjourned. All voted aye.

  
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Mayor of the City of Marshall

ATTEST:

  
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City Clerk

## REGULAR MEETING - MARCH 19, 1990

The regular meeting of the Common Council of the City of Marshall was held on March 19, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the mayor the following members were present: Mensing, Siudzinski, Kirchner, Byrnes and Hockert. Absent: Lewis.

The Pledge of Allegiance was recited.

Kirchner moved, Byrnes seconded, the approval of the minutes of the regular meeting held on March 5, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received, opened and read at 2:00 o'clock P.M. on March 5, 1990 to furnish and install infrared radiant heating system for the Street Department Garage. Bids received, opened and read were from:

Gary's Plumbing & Heating	Tri State Mechanical
Marshall, Minnesota	Marshall, Minnesota
\$18,980.00	\$21,762.00

Rich Victor, City Engineer, did indicate that both bids meet the specifications and both bids were for a Co Ray Vac Heating System. Upon the recommendation of the City Engineer, Siudzinski moved, Mensing seconded, the bid for the furnishing and installing of an infrared radiant heating system for the Street Department Garage be awarded to Gary's Plumbing & Heating, Marshall, Minnesota in the amount of \$18,980.00. All voted in favor of the motion.

Proposals were received on March 14, 1990 for an early warning siren to replace the siren on Country Club Drive. The proposals received were from:

Mid Central	Fesler's Inc.
Elk River, MN	North Liberty, IA
\$10,555.00	\$11,490.68

Upon the recommendation of the City Engineer, Rich Victor, Kirchner moved, Hockert seconded, the bid for the early warning siren to replace the siren on Country Club Drive be awarded to Mid Central, Elk River, Minnesota in the amount of \$10,555.00. Mr. Victor indicated that it will be approximately 10 to 12 weeks before delivery is made on the siren. All voted in favor of the motion.

Bids were received, opened and read at 2:00 o'clock P.M. on March 12, 1990 for one 1990 full size van with wheelchair lift and securement equipment for the Marshall Transit System. The bids received, opened and read were from:

Marshall Ford Lincoln Mercury	Tholen Auto Sales
Marshall, Minnesota	Marshall, Minnesota
\$23,319 for a Ford Econoline 150	\$23,535.32 for a GMC
Less Trade In of \$2,500	Less Trade In of \$4,077
Net Bid \$20,819	Net Bid \$19,458.32
Lockwood Motors	Lockwood Motors
Marshall, Minnesota	Marshall, Minnesota
\$23,816.00 for a Dodge B250	\$25,316 for a Dodge B250
with a dropped floor	with a raised roof
Less Trade In of \$4,986	Less Trade In of \$4,986
Net Bid \$18,830	Net Bid 20,330



## REGULAR MEETING - MARCH 19, 1990

Duane Aden, City Administrator, did indicate that State approval has been given for the low bid to Lockwood Motors in the amount of \$18,830, therefore Byrnes moved, Hockert seconded, the bid for a 1990 full size van with wheelchair lift and securement equipment for the Marshall Transit System be awarded to Lockwood Motors, Marshall, Minnesota in the amount of \$18,830.00. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of ORDINANCE NUMBER 257, SECOND SERIES, as amended, and that the reading of the same be waived. Ordinance Number 257, Second Series is an ordinance regulating public dances within the City of Marshall, Minnesota. All voted in favor of the motion.

City Attorney Brian Murphy, reviewed with the council a proposed ordinance amending the provisions of the City Charter providing for the Marshall Municipal Water, Light and Power Commission for the City of Marshall, Minnesota. This amended ordinance would allow for the Municipal Water, Light and Power Commission to own and operate a nonexclusive television cable transmission service if it is granted a franchise from the city. This proposed ordinance does not give the franchise to the Municipal Water, Light and Power Commission but allows them to apply for a franchise.

Upon the recommendation of City Attorney Brian Murphy, Kirchner moved, Mensing seconded, the proposed ordinance amending the provision of the City Charter providing for the Municipal Water, Light and Power Commission of the City of Marshall, Minnesota to operate a non-exclusive Television Cable Transmission Service be referred to the Charter Commission for further study and recommendation. All voted in favor of the motion.

This was the date and time set for a public hearing considering the vacating of an existing utility easement along Lots 10 and 11 of Block 1, Belvedere Estates. Rich Victor did indicate that a new easement has been granted for the area boarding Parcel "C" and Parcel "D". There were no comments received in regard to the vacating of this utility easement, therefore Kirchner moved, Hockert seconded, the adoption of ORDINANCE NUMBER 258, SECOND SERIES and that the reading of the same be waived. Ordinance Number 258, Second Series is an ordinance vacating a utility easement along Lots 10 and 11 of Block 1, Belvedere Estates. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Siudzinski seconded, the introduction of an ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for the rezoning of Lots 9 - 16 and the Easterly portion of Lot 17 of Block 1, Belvedere Estates Addition from R-2, One to Four Family Residence District, to R-1, One Family Residence District. Councilperson Kirchner restated a comment included in the Planning Commission minutes which states that it is the owners responsibility to protect the lots from Single Family Dwelling as City Code allows Two Family Dwellings in the R-1 District by Conditional Use Permits and that the action taken does not guarantee only Single Family Dwellings. All voted in favor of the motion.

Byrnes moved, Hockert seconded, the approval of a 4 month non-intoxicating beer license for the Marshall Baseball Association to be used at the Legion Field Park at a fee of \$60.00. This license is for the period May 5, 1990 through September 5, 1990. All voted in favor of the motion.

Siudzinski moved, Hockert seconded, the approval of a refuse haulers license for Ritter's Sanitary Service for the period April 1, 1990 through March 31, 1991 at a fee of \$50.00. All voted in favor of the motion.

## REGULAR MEETING - MARCH 19, 1990

Mensing moved, Hockert seconded, and it was unanimously approved that the following plumbers licenses be approved contingent upon the receipt of the proper application and a fee of \$20.00. These licenses are for the period April 1, 1990 through March 31, 1991.

Richard Winter  
Schwan's

John Bretzman  
Crosstown Plbg & Htg

Ed Duthoy  
Ed's Plbg & Htg

Kenneth Holm  
Balaton Plgb & Htg

Andrew Maertens

Joseph Mortier  
Bisbee Plbg & Htg

Mike Paulson  
Mike's Plbg & Htg

Rodney Bruflat  
Bruflat Plgb & Htg

Gary Hanson  
G H Plumbing & Heating

Norm Meyers  
Norm's Plbg & Htg

Glenn Larson Plbg

Vern Goslar  
Tri Plbg & Htg

Gary Smidt  
Gary's Plumbing

John Jenniges  
Jenniges Plbg & Htg

Patrick Daniels  
Tri State Mechanical

Everett Boerboom  
Boerboom Plbg

David Ward  
Progress Plbg & Htg

Jerome Jakobson  
Plbg & Htg of Willmar

Roger Arzt  
West Fargo Plbg & Htg

James Wambeke  
Wambeke Plbg & Htg

Kirchner moved, Byrnes seconded, the proper city personnel be authorized to advertise for bids for a bathroom and storage area at the softball complex. The estimated cost of this project is \$16,000 of which \$6,000 will be paid by the Marshall Softball Association. All voted in favor of the motion.

Kirchner moved, Hockert seconded, the adoption of RESOLUTION NUMBER 1222, SECOND SERIES and that the reading of the same be waived. Resolution Number 1222, Second Series is a resolution indicating the City of Marshall's support in designating April 22, 1990 as Minnesota Earth Day. All voted in favor of the motion.

Hockert moved, Byrnes seconded, the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for the Gambling License for the Knights of Columbus Council 1621 for operation at the Wooden Nickel and Sam's Place. All voted in favor of the motion.

Mayor Feda called for a 5 minute recess.

Siudzinski moved, Mensing seconded, Sandra Altman be appointed to the Cable Commission for a term to expire on May 31, 1991 and David Poplau be appointed to the Cable Commission for a term to expire on May 31, 1992. All voted in favor of the motion.

Hockert moved, Mensing seconded, Connie Mathiowetz be appointed to the Weiner Memorial Medical Center Hospital Board for a term to expire on May 31, 1992. Ms. Mathiowetz replaces Charles Claude. All voted in favor of the motion.

## REGULAR MEETING - MARCH 19, 1990

The following building permit previously approved by the Building Official was confirmed:

Roberta Joehnck  
308 Rainbow Drive  
Section 5  
Part of NW 1/4 of SE 1/4  
Reside Dwelling, Replace 4 Windows,  
& Construct Deck  
\$5,400

Kirchner moved, Hockert seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 35023 through 35241.

Upon the request of Councilperson Kirchner in response to information received from Senator Gary DeCramer, Mensing moved, Siudzinski seconded, that a letter be submitted to Senator Gary DeCramer from the City Council indicating the City of Marshall's support for Senate File 2454. Senate File 2454 relates to placing a moratorium on new permits on incinerators in Minnesota until a study has been completed and a determination is made on the effect to water, air and land. All voted in favor of the motion.

A brief discussion was held at this time in regard to the City of Marshall having some type of activity on Earth Day or something during the entire week such as a city wide clean up. Duane Aden, City Administrator, indicated that he has had some conversation with Vi Mayer from the Chamber Office and did indicate that he would continue working on this project.

Mayor Feda did briefly address some items that are taken are being considered by the Legislature which include a uniform election day which would be the second Tuesday in November, which would include school elections; placing a cap on tax increment financing; and the amount that local government aid may be reduced in 1990.

Upon motion made by Hockert, seconded by Siudzinski, the meeting was adjourned. All voted aye.

  
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Mayor of the City of Marshall

ATTEST:

  
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City Clerk

## REGULAR MEETING - APRIL 2, 1990

The regular meeting of the Common Council of the City of Marshall was held on April 2, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Hockert. Absent: none.

The Pledge of Allegiance was recited.

Kirchner moved, Mensing seconded, the approval of the minutes of the regular meeting held on March 19, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

A bid was received, opened and read at 2:00 o'clock P.M. on April 2, 1990 for the removal of Concrete Paving and Curb & Gutter Project 1990-009. This contract is for the removal of concrete pavement on South 4th Street between Saratoga Street and West College Drive. The bid received, opened and read was from D & G Excavating, Marshall, Minnesota in the amount of \$28,931.00. After the review of the bid and the recommendation of Rich Victor, City Engineer, Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1223, SECOND SERIES and that the reading of the same be waived. Resolution Number 1223, Second Series is a resolution awarding the contract for the removal of Concrete Pavement and Curb & Gutter Project 1990-009 to D & G Excavating, Marshall, Minnesota in the amount of \$28,931. All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, the adoption of ORDINANCE NUMBER 259, SECOND SERIES and that the reading of the same be waived. Ordinance Number 259, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for a change in zoning of Lots 9 through 16 and part of Lot 17, Block 1, Belvedere Estates Addition from R-2, One to Four Family Residential District, to an R-1, One Family Residence District. All voted in favor of the motion.

Councilperson Kirchner led the discussion in regard to a curb side recycling program. Ms. Kirchner indicated that she had been trying to get into place a curb side recycling program for the past 2 years and has attended various meetings in which suggestions were made on the structure and the payment of this program to try and make it work. Ms. Kirchner called upon Jim Moore a representative from the Recycle First to discuss in more detail a basic curb side recycling program. Mr. Moore's discussion centered around a variable bag rate program which is in place in LeCrescent, Minnesota. Mr. Moore did indicate that he along with Recycle First felt that this was the most effective and best way to address the program at the time. Mr. Moore did indicate that this program would be operated by people purchasing bags supplied possibly by the city and that the cost of these bags would cover the various costs in disposing of waste products. Mr. Moore indicated that the proposed rate for these bags would be \$2.00. A concern was expressed in regard to how the City Charter addresses a program such as this. City Attorney Brian Murphy did indicate that the City Charter provides for a refuse haulers license. A concern also was expressed in what is the incentive for this type of program. The council took no action on a Curb Side Recycling Program, since this program will be reviewed at a County Commissioners meeting to be held on April 3, 1990, therefore Mayor Feda requested that Curb Side Recycling Programs be placed on the City Council agenda for April 16, 1990.

Upon the recommendation of the Marshall Area Senior Citizens Commission, Mensing moved, Hockert seconded, the proper personnel be authorized to execute the agreement between the Marshall Area Senior Citizens, Incorporated, the Marshall Senior Citizens Commission and the City of Marshall. This agreement addresses the Senior Citizen Center and the Association's participation in the contribution to the operation of the Senior Citizens Center. The agreement provides for the Marshall Area Senior Citizens Corporation to pay to the City of Marshall \$500 per month. All voted in favor of the motion.

## REGULAR MEETING - APRIL 2, 1990

Bids were received, opened and read at 2:00 o'clock P.M. on March 26, 1990 in the Council Chambers of the Marshall Municipal Building for the following projects:

## Sanitary Sewer Replacement Project 1990-001, Job 406 (North 7th Street)

Don Bartz Excavating  
Marshall, Minnesota  
\$17,182.60

Winter Construction Co., Inc.  
Pipestone, Minnesota  
\$22,010.00

Severson Tiling Company  
Minneota, Minnesota  
\$14,060.00

Gaub Inc.  
Olivia, Minnesota  
\$15,720.00 (ties to 1990-004)

## Watermain Replacement Project 1990-002, Job 419 and 409 (Lynd Street and South 4th Street)

Don Bartz Excavating  
Marshall, Minnesota  
\$65,604.65

Winter Construction Co., Inc.  
Pipestone, Minnesota  
\$59,008.20

Gaub Inc.  
Olivia, Minnesota  
\$51,666.08 (tied to 1990-003)

## Sanitary Sewer Replacement Project 1990-003, Job 408 (South 4th Street)

Don Bartz Excavating  
Marshall, Minnesota  
\$54,092.78

Winter Construction Co., Inc.  
Pipestone, Minnesota  
\$52,469.00

Severson Tiling Company  
Minneota, Minnesota  
\$46,530.80

Gaub Inc.  
Olivia, Minnesota  
\$50,615.00 (tied to 1990-002)

## Sanitary Sewer and Watermain Project 1990-004, Job 413 and 412 (South 2nd Street - Nielsen's 9th Addition)

Don Bartz Excavating  
Marshall, Minnesota  
\$30,836.28

Winter Construction Co., Inc.  
Pipestone, Minnesota  
\$36,677.50

Severson Tiling Company  
Minneota, Minnesota  
\$26,070.00

Gaub Inc.  
Olivia, Minnesota  
\$30,535.00 (tied to 1990-001)

## Bituminous Surfacing Project 1990-005, Job 415 and 416 (Skyline Drive and Skyline Circle, Southview Court East)

McLaughlin & Schulz Inc.  
Marshall, Minnesota  
\$27,542.75

Lewis moved, Hockert seconded, the adoption of RESOLUTION NUMBER 1224, SECOND SERIES and that the reading of the same be waived. Resolution Number 1224, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Sanitary Sewer Replacement Project 1990-001, Job No. 406. The public hearing will be held on May 7, 1990 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

## REGULAR MEETING - APRIL 2, 1990

Mensing moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1225, SECOND SERIES and that the reading of the same be waived. Resolution Number 1225, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Watermain Replacement Project 1990-002, Job No. 409 and 419. The public hearing will be held on May 7, 1990 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Byrnes moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1226, SECOND SERIES and that the reading of the same be waived. Resolution Number 1226, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Sanitary Sewer Replacement Project 1990-003, Job No. 408. The public hearing will be held on May 7, 1990 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Feda moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1227, SECOND SERIES and that the reading of the same be waived. Resolution Number 1227, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Sanitary Sewer and Watermain Project 1990-004, Job No. 412 and 413. The public hearing will be held on May 7, 1990 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1228, SECOND SERIES and that the reading of the same be waived. Resolution Number 1228, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Bituminous Surfacing Project 1990-005, Job No. 415 and 416. The public hearing will be held on May 7, 1990 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

A discussion was held at this time in regard to the City of Marshall entering into an agreement with Reike, Carroll, Mueller to provide a feasibility study for dike restoration at the Wastewater Treatment Plant. The dikes of the existing aeration basins at the Wastewater Treatment Facility have deteriorated in the form of erosion of the banks. The purpose of the feasibility study would be to authorize test borings and have the consultants, Reike, Carroll, Mueller, provide the City with alternatives and costs for the restoring of the existing dikes. It is the intent to perform the necessary dike restoration and have it completed in 1990.

Kirchner moved, Hockert seconded, the proper personnel be authorized to execute an agreement with Reike, Carroll, Mueller, Associates, Inc., for them to perform a feasibility study for the dike restoration at the Wastewater Treatment Plant. All voted in favor of the motion.

Lewis moved, Hockert seconded, May 7, 1990 at 6:00 o'clock P.M. be the date and time set for the City Council to act as the Board of Review. This meeting will be held in the Council Chambers in the Marshall Municipal Building. All voted in favor of the motion.

A discussion was held at this time in regard to the reappointing of members to the Charter Commission. Mayor Feda requested that the 2 councilmembers from each ward in the City of Marshall present 1 name from their respective ward at the next regular city council meeting and then at that time the city council take the necessary action to adopt a resolution appointing the members to the Charter Commission.

Lewis moved, Byrnes seconded, William (Bill) Ritter be appointed to the Marshall Municipal Utilities Commission for a term to expire on May 31, 1993. This appointment fills the vacancy created by the resignation of Dan Archbold. All voted in favor of the motion.

## REGULAR MEETING - APRIL 2, 1990

Various city personnel have been working with the Soil and Water Conservation District representatives in trying to put together a project for the improvements of the banks of the Redwood River in the area of Legion Field, Liberty Part and downtown. It is anticipated that the city share of the cost of this project would involve primarily the use of city equipment and personnel in the amount of approximately \$62,000. If the grant for this project is approved the state share would be equal to the city's participation in this project.

Kirchner moved, Lewis seconded, the proper city personnel be authorized to execute the necessary documents to apply for a grant for the Redwood River Erosion Control Project with the understanding that there would be a formal agreement developed and brought back to the council for approval if this project is authorized. All voted in favor of the motion.

Lewis moved, Siudzinski seconded, the proper city personnel be authorized to execute a lease agreement with the Plum Creek Library system providing for the operation of the bookmobile vehicle. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 35242 through 35423.

The following building permits previously approved by the Building Official were confirmed:

Kevin R. Evans, D.C.  
310 West College Drive  
Auditor's Plat V  
Lots 5 7 6  
Remodel Office  
\$1,000

Mark Henkelman  
701 Elaine Avenue  
Eatros Place 7th Addition  
Block 2, Lot 1  
Remodel Basement  
\$10,000

Prairieview Inc.  
414 North 6th Street  
Stewart & Jenkins Addition  
Block 2, Lot 7  
Handicapped Ramp  
\$1,600

George Jacob Building & Remodeling  
208 West College Drive  
Blakes Addition  
Part of Block 5  
Remodel Ceiling  
\$3,000

Jullo Kor  
305 South 5th Street  
"A" Addition  
Block 4, Lot 6  
Deck, Patio Door, & Remodel Porch  
\$1,500

Julius Naber  
1202 Cheryl Avenue  
Eatros Place 7th Addition  
Block 2, Lot 2  
Replace 6 Windows/Brick on Front of  
Dwelling  
\$4,500

Bartz Excavating  
712 West College Drive  
Crow's Addition  
Tract "A", Lot 1  
Warehouse  
\$10,000

Loren Jacob  
105 "A" Street  
G.E. Carlin's Subd. of Lot 22, Block 12,  
Original Plat, Lot 7  
Remodel Roof  
\$4,500

Ronald & April McGlynn  
201 "H" Street  
Nuese Addition  
Block 5, Lot 5  
Deck  
\$800

True Value Home Center  
507 South 2nd Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Addition to Kitchen & Dining Room  
\$10,000

## REGULAR MEETING - APRIL 2, 1990

Heartland Food Company  
112 South Sixth Street  
Section 4  
Part of NW 1/4 of SW 1/4  
Phase 1-C Structure/Processing  
Plant North Addition  
\$530,000

Mr. Aden did indicate that a meeting has been held with Heartland Foods and representatives from Marshall Municipal Utilities and the County in regard to discussing the Utilities serving the Heartland Food Corporation and road access to the area. Mr. Aden indicated that everything is progressing well and that there are meetings planned in the future to continue the discussion in regard to the utilities and road access to this area.

Duane Aden, City Administrator, did indicate to the council that he is working with the Chamber of Commerce and the Youth Group of the Parks, Recreation and Community Education Department for some activities on Earth Day or during that week.

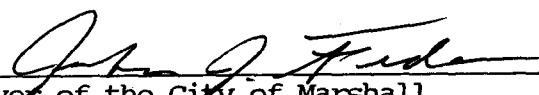
Mayor Feda did indicate that the report of the Economic Development Authority Task Force will be presented to the Economic Development Authority and also to the Marshall Industries Foundation with the plans of it being placed on the City Council agenda for the May 7, 1990 meeting.

A Personnel Committee meeting of the City Council was scheduled for April 16, 1990 at 4:30 P.M.

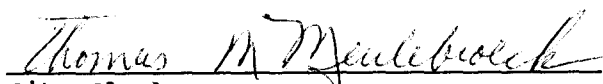
A Legislative and Ordinance Committee meeting of the City Council was scheduled for April 30, 1990 at 4:30 P.M.

A Ways and Means Committee meeting of the City Council was scheduled for April 26, 1990 at 12:00 o'clock noon at Toni's Restaurant.

Upon motion made by Hockert, seconded by Lewis, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk



## REGULAR MEETING - APRIL 16, 1990

The regular meeting of the Common Council of the City of Marshall was held on April 16, 1990. The meeting was called to order at 7:34 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis and Byrnes. Absent: Hockert.

The Pledge of Allegiance was recited.

Kirchner moved, Mensing seconded, the approval of the minutes of the regular meeting held on April 2, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Proposals were received on Thursday, April 12, 1990 for a 4-door sedan type vehicle for the Marshall Transit System. The proposals received were from:

Marshall Ford	Anton Chevrolet
Marshall, Minnesota	Marshall, Minnesota
Ford Taurus	Chevrolet Lumina
\$13,422.00	\$12,043.52
Lockwood Motors	Tholen Auto
Marshall, Minnesota	Marshall, Minnesota
Dodge Spirit	Pontiac 6000
\$10,452.00	\$11,800.00

Duane Aden, City Administrator, did review with the council the proposals that were received. A verbal confirmation was received from Donna Allen from the Minnesota Department of Transportation approving the award of the low bid to Lockwood Motors, Marshall, Minnesota for a Dodge Spirit in the amount of \$10,452.00. Ms. Allen did indicate that the city should be authorized to purchase this vehicle and depreciate it for a 3 year period of time, therefore Lewis moved, Byrnes seconded, the bid for a 4-door sedan type vehicle for the Marshall Transit System be awarded to Lockwood Motors, Marshall, Minnesota for a Dodge Spirit in the amount of \$10,452.00. All voted in favor of the motion.

City Engineer Rich Victor, reviewed with the city council bids and recommendation for award of bids for the Sanitary Sewer Replacement Project No. 1990-003 and Watermain Replacement Project No. 1990-002 for South 4th Street from West College Drive to Saratoga Street. Upon the recommendation of the City Engineer, Siudzinski moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1229, SECOND SERIES and that the reading of the same be waived. Resolution Number 1229, Second Series is a resolution awarding the contract to Severson Tiling Company, Minneota, Minnesota in the amount of \$46,530.80 for Sanitary Sewer Replacement Project No. 1990-003 for Job No. 408 on South 4th Street from West College Drive to Saratoga Street. All voted in favor of the motion.

A discussion was held at this time in regard to the bid received from Gaub Inc., Olivia, Minnesota for Project No. 1990-002, Job No. 419 and 409. When the bids were submitted, Gaub Inc., had tied the bid for this project with Project No. 1990-003. The specifications did not allow for the tying of one bid to another. A letter was received from Gaub Inc., indicating that they would release their tie between the two projects. Upon the recommendation of the City Attorney Brian Murphy, Lewis moved, Byrnes seconded, BE IT RESOLVED that the bid submitted by Gaub Inc., for Project No. 1990-003, Sanitary Sewer Replacement Project and Project No. 1990-002, Watermain Replacement Project be rejected since the specifications did not allow for the bids from one project to be tied to another. All voted in favor of the motion.

Siudzinski moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1230, SECOND SERIES and that the reading of the same be waived. Resolution Number 1230, Second Series is a resolution awarding the contract to Winter Construction Company Inc., Pipestone, Minnesota in the amount of \$59,008.20 for

## REGULAR MEETING - APRIL 16, 1990

Watermain Replacement Project No. 1990-002 for Job No. 419 and 409 which is Lynd Street and South 4th Street. All voted in favor of the motion.

Bids were received, opened and read at 2:00 o'clock P.M. on April 9, 1990 for a truck with a heavy duty platform for the Wastewater Treatment Facility Plant. Bids received, opened and read were from:

Anton Chevrolet Company Inc.  
Marshall, Minnesota  
Chev. 1 Ton  
Crysteel Platform  
\$19,010.65  
Less Trade In of \$4,832.20  
Net Bid of \$14,178.45

Lockwood Motors Ins.  
Marshall, Minnesota  
Dodge 350  
Midwest Platform  
\$18,961.00  
Less Trade In of \$6,266.00  
Net Bid of \$12,695.00

Marshall Ford Lincoln Mercury  
Marshall, Minnesota  
Ford F350  
Midwest Platform  
\$18,403.00  
Less Trade In of \$4,843.00  
Net Bid of \$13,560.00

Tholen Auto Sales  
Marshall, Minnesota  
GMC 1 Ton  
Midwest Platform  
\$18,966.00  
Less Trade In of \$3,754.00  
Net Bid of \$15,212.00

Upon the recommendation of the City Engineer, Lewis moved, Kirchner seconded, the bid for a truck with a heavy duty platform for the Wastewater Treatment Facility Plant be awarded to Lockwood Motors, Inc., Marshall, Minnesota in the amount of \$12,695.00 for a Dodge 350 with a Midwest Platform. All voted in favor of the motion.

A discussion on Curbside Recycling Program was continued at this time from the last regular city council meeting held on April 2, 1990. Duane Aden, City Administrator indicated to the council it is the recommendation of the Solid Waste Management Committee for the county to go with a complete curbside recycling program and that the county purchase drop boxes to be placed throughout the county. County Commissioner Dan Archbold was in attendance at the meeting and was asked what the County's position is on this program at this time. Mr. Archbold did indicate that curbside recycling program was on the County Commissioners meeting agenda for April 17, 1990. Mayor Feda took this opportunity to review with the council and others in attendance at the meeting information he had available from other cities which have implemented a curbside recycling program and cost effects associated with those. Kirchner moved, Siudzinski seconded, the city council request the Lyon County Commissioner to institute a variable bag rate program or some other financial incentive to encourage voluntary participation in curbside recycling program. Commissioner Archbold indicated that it is not the County Commissioners intent to set garbage rates. Councilperson Kirchner did indicate that it is not the intent of the City Council to request the County Commissioners to set garbage rates but to institute some type of financial incentive for curbside recycling. Voting in favor of the motion were: Feda, Kirchner and Siudzinski. Voting no were: Mensing, Lewis and Byrnes, therefore the motion was defeated.

A discussion was held at this time in regard to the City along with Lyon County participating in a conference to discuss curbside recycling and other programs. Lewis moved, Byrnes seconded, the City of Marshall cosponsor up to \$500.00 with the understanding the Lyon County Commissioners are to provide a match of the \$500.00 and that an additional \$500.00 be provided by other community contributions and/or private industry to be used towards the cost of Neil Seldman coming to the City of Marshall from Washington, D.C. to discuss the various solid waste programs with the proper personnel. If the County does not wish to cosponsor their \$500.00 it is the intent of the City to still cosponsor up to \$500.00 and the additional \$1,000 would have to be provided by the private sector. All voted in favor of the motion.

## REGULAR MEETING - APRIL 16, 1990

The recommendation for new appointments to the Charter Commission from Councilmembers of Ward I was Kenneth Nordin, Councilmembers of Ward II was Phyllis Brostrom, and from Councilmembers of Ward III was Marvin Davis. It was the intent that Kenneth Nordin would replace Randi Kirchner, Phyllis Brostrom would replace A. J. Henle and Marvin Davis would replace Robert Lage.

Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1231, SECOND SERIES and that the reading of the same be waived. Resolution Number 1231, Second Series is a resolution amending Resolution Number 872, Second Series which provides for the appointing and reappointing of members to the City of Marshall, Minnesota Charter Commission and establishing their terms of office. All voted in favor of the motion.

A discussion was held at this time in regard to the farm lease addendum to the lease between the City of Marshall and Francis Mortier. Byrnes moved, Lewis seconded, the lease be approved provided for the cash rent being established at \$65.00 per acre for all land and that a provision be included in the conservation practices that the tenant agrees to farm this land in agreement with a soil conservation plan approved by the Lyon County Soil and Water Conservation Department. Councilmembers did indicate they do not have a problem with current tenant farming practices, but did feel these changes should be incorporated in the farm lease. All voted in favor of the motion, except Kirchner who voted no.

Councilperson Kirchner indicated that she was uncomfortable with the procedure and the handling of this farm lease addendum. Ms. Kirchner suggested two councilmembers along with city attorney and city administrator meet with Mr. Mortier to work out the agreement of the farm lease.

Upon the recommendation of the Planning Commission, Kirchner moved, Lewis seconded, a conditional use permit be granted to Michael Boedigheimer at 432 Legion Field Road to classify an existing non-conforming warehouse use as a conforming use for an antique business with the condition that the building be brought up to building code for retail business and that the renovations and structural modification be completed within a one year period of time, that the building only be used as an antique shop, and that 8.25 square feet of free standing signage be allowed and 19.25 square feet of flat wall signage be permitted, provided that the signage presents no adverse effect on the neighborhood and adjacent property owners. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Mensing seconded, the introduction of an ordinance to rezone the property at 1307 East Main Street from A, Agricultural District, to I-1, Limited Industry District, as requested by Gary Quist. This ordinance allows for a strip of land approximately 20 feet wide by 350 feet deep along the North side of the existing land at 1307 East Main Street to be rezoned. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Lewis seconded, the introduction of an ordinance to rezone the property at 123 Depot Street and the adjacent property to the Southeast towards "A" Street from I-1, Limited Industry District, and R-3, Low to Medium Density Multiple Family Residence District, to B-3, General Business District, for the reason that the zoning requested is in conformance with the surrounding area. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the approval of a variance adjustment permit for 123 Depot Street for a front yard set back of 5 feet in lieu of 25 feet as is required by city code. This permit was granted with the understanding that the addition to the building would be kept on the existing set back line with the existing building. This variance was granted because of

## REGULAR MEETING - APRIL 16, 1990

the economic feasibility of adding on to the existing building, to maintain the existing set back line and to provide conformity of appearance with the neighborhood. All voted in favor of the motion.

Upon the recommendation, of the Planning Commission, Kirchner moved, Byrnes seconded, the approval of a conditional use permit for Project Turnabout for a residential halfway house serving more than six individuals in an R-4, Higher Density Multiple Family Residence District, at 1220 Birch Street. Phil Kelly, Administrator for Project Turnabout, was in attendance at the meeting to discuss the project with the city council. Mr. Kelly indicated that this facility would house approximately 16 residents and that there would be nine employees. Mr. Kelly also indicated that this facility would include a clinic and have out patient meetings approximately 3 nights a week which would generate approximately 15 cars at the facility. The city council was advised that the proposed facility will have approximately 20 parking stalls on 3 acres of land and the building will take up about 1/3 acre of land, so there is sufficient area for parking near this facility. A friendly amendment was made to the motion by Byrnes and seconded by Lewis, the conditional use permit be granted to provide the outpatient services as described. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed with the city council the agreement between the City of Marshall and Minnesota Corn Processors for the pre-treatment and discharges made by the Minnesota Corn Processors Plant to the City of Marshall's Wastewater Treatment Facility. This agreement has been approved by the Minnesota Corn Processors, therefore Lewis moved, Mensing seconded, the proper city personnel be authorized to execute the agreement between the City of Marshall and MCP for the pre-treatment and discharges by the Minnesota Corn Processors Plant to the City's Wastewater Treatment Facility. All voted in favor of the motion.

Mensing moved, Byrnes seconded, BE IT RESOLVED that the proper personnel be authorized to execute a right-of-way easement dedicating County State Aid Highway No. 33 Right-Of-Way to Lyon County at no cost for the extension of Highway No. 33 from Highway 59 North to Highway 68 West. All voted in favor of the motion.

Lewis moved, Kirchner seconded, special vehicle permit licenses be granted to Stephen Kane and Robert Egly for the operation of golf cart type vehicles on specific City of Marshall streets for the period January 1, 1990 through December 31, 1990 at a fee of \$25.00. All voted in favor of the motion.

Duane Aden, City Administrator, provided the city council with an updated report on the activities of the Senior Center Foundation. Mr. Aden indicated that this foundation consists of 6 members who are actively developing programs for the purpose of creating a foundation which will be used in the operation of the Senior Center. The funds that are donated will not necessarily be used for the operation of the facility but the interest earned from those funds will be used for operating costs. The foundation is planning to put together a brochure asking people to include in their wills and estate planning a donation to the Senior Center Foundation.

Byrnes moved, Siudzinski seconded, the proper city personnel be authorized to advertise for bids for Sidewalk Construction and Sidewalk Replacement at various locations throughout the City of Marshall for Project 1990-006 and 1990-007. These bids are to be received on May 16, 1990 at 2:00 o'clock P.M. All voted in favor of the motion.

Upon the recommendation of City Administrator Duane Aden, City Assessor Cal Barnett and City Attorney Brian Murphy, Kirchner moved, Mensing seconded, the approval of the payment of \$1,700 to Tom Regnier for the damages for Zone A, Aviation Easements, at the Marshall Municipal Airport. This easement is for a corner of agricultural property located on the Northwest approach of the

## REGULAR MEETING - APRIL 16, 1990

airport. The motion also approved the payment of \$50,000 to Arthur D. and Charlotte Rose for the fee acquisition of a portion of their property that is currently being used as a commercial garden area. These amounts have been approved by Mr. Regnier and the Rose's and also by the Minnesota Department of Transportation, Right-Of-Way Division, on behalf of the Aeronautics Division. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed the proposed agreement between Lyon County Coop and the City of Marshall for after hours taxi service. Mensing moved, Siudzinski seconded, the agreement between Lyon County Coop and the City of Marshall for after hours taxi service be approved with the understanding the city will provide the vehicles and all the operation and maintenance costs, provide the communications, telephone and/or radio equipment and/or services, at the Lyon County Coop location provide training, provide liability insurance and acknowledge the community contribution that is being made by the Lyon County Coop in providing such service. The Lyon County Coop will provide qualified drivers subject to Police Department driving records review, receive and respond to all calls received at the Lyon County Coop 24 hour operations place of business, perform services consistent with the general requirements and/or standards for public transit operation and record activities, collect fares and deposit with the city all funds received. All voted in favor of the motion.

Duane Aden reviewed with the city council a report on Earth Day Activities as it relates to the involvement with SSU Students, Marshall Youth Council and DASMY Members, Marshall Area Chamber of Commerce, the City of Marshall, Ritter's Sanitary Service, Lyon County and the Soil Conservation Service.

The following building permits previously approved by the Building Official were confirmed:

Fagen Inc.  
400 West Erie Road  
MN Corn Processors Industrial Park  
Block 1, Lot 2  
Evaporator Addition: Phase III  
Part of Floor System  
\$14,000

Robert L. Carr Company  
1404 East Lyon Street  
Section 10  
Part of NW 1/4 of NE 1/4  
Office  
\$75,000

Independent Lumber  
624 Donita Avenue  
Eatros Place First Addition  
Block 1, Lot 2  
Addition to Dwelling  
\$20,000

Independent Lumber  
1207 Prospect Road  
Prairieview Estates Third Addition  
Block 1, Lot 4  
Dwelling  
\$62,000

Roberta Joehnck  
308 Rainbow Drive  
Section 5  
Part of NW 1/4 of SE 1/4  
Install Steps & Remodel Entry  
\$2,100

Ralph Brand  
304 Sunrise Lane  
Sunrise Park Addition  
Block 2, Lot 7  
Finish Basement Bathroom  
\$1,100

Costello Property  
1116 Birch Street  
Section 3  
Part of SW 1/4 of NW 1/4  
Utility Shed  
\$900

Donald Wilmert  
704 Brian Street  
Nuese Addition  
Block 4, Lot 3  
Finish Basement  
\$2,000

## REGULAR MEETING - APRIL 16, 1990

R.W. Johnson  
701 Kennedy Street  
VanUden Third Addition  
Block 2, Lot 1  
Deck  
\$1,800

Edward & Julie Ann Clark  
619 West Redwood Street  
Stewart & Jenkins Addition  
Block 5, Lot 9  
Back Entry  
\$2,400

Geske Building & Supply Company  
401 South Whitney Street  
Morningside Heights First Addition  
Block 6, Lot 1  
Reside Dwelling  
\$4,410

George Jacob Building & Remodeling  
1420 East College Drive  
McFarland Addition  
Block 2, Lot 6  
Office Remodeling  
\$15,000

Independent Lumber  
610 Adobe Circle  
Prairieview Estates Third Addition  
Block 2, Lot 8  
Dwelling  
\$96,000

Edward R. Lesewski  
113 George Street  
Nielsen's Fourth Addition  
Block 2, Lot 3  
Install Bow Window  
\$2,000

Heartland Food Company  
112 South Sixth Street  
Section 4  
Part of NW 1/4 of SW 1/4  
Phase 1-D Roofing/Processing  
Plant North Addition  
\$60,000

Heartland Food Company  
112 South Sixth Street  
Section 4  
Part of NW 1/4 of SW 1/4  
Garage Addition  
\$38,000

Lewis moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment ACCOUNTS PAYABLE, Voucher No. 35424 through 35655.

Siudzinski moved, Mensing seconded, Teri McClausland and Sandy Altman from the Cable Commission be authorized out of state travel to Milwaukee, Wisconsin in May, 1990. All voted in favor of the motion.

Mayor Fedra advised the city council that a representative from HUD would be at the next Public Housing Commission meeting.

Other items of concern which were briefly discussed were: cable monopolies, alternative high school, the lottery office and the wage study at the Marshall Municipal Utilities.

City Attorney Brian Murphy was concerned with the City of Marshall's plan for private signage and road markings for properties in residential areas and in particular as it relates to the area of Heartland Foods.


A special meeting of the City Council was scheduled for May 24, 1990 at 6:30 P.M. to review applicants for the various Boards and Commissions.

Upon the request of City Attorney Brian Murphy, Kirchner moved, Byrnes seconded, the consideration of an ordinance for the transfer of property from the City of Marshall to the Housing and Redevelopment Authority be placed on the agenda. The transfer of property being considered is the parking lot that was constructed along West College Drive and adjacent to the Redwood River. All voted in favor of the motion.

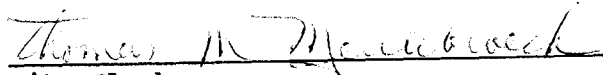
## REGULAR MEETING - APRIL 16, 1990

Kirchner moved, Siudzinski seconded, the introduction of an ordinance providing for the transfer of property from the City of Marshall to the Housing and Redevelopment Authority. This property is the parking lot along West College Drive and adjacent to the Redwood River, which is now owned and occupied by Schwan's Sales Enterprises. All voted in favor of the motion.

Upon motion made by Lewis, seconded by Siudzinski, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## REGULAR MEETING - MAY 7, 1990

The regular meeting of the Common Council of the City of Marshall was held on May 7, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis and Byrnes. Absent: Hockert

The Pledge of Allegiance was recited.

Siudzinski moved, Mensing seconded, the approval of the agenda with item number 9, which is consideration of a lease agreement with Affiliated Medical Center for area in the Ambulatory Care Center of the Hospital and item number 20, which is the consideration of a permit for Hy-Vee to conduct fire works display being deleted. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the approval of the minutes of the regular meeting held on April 16, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

A bid was received, opened and read at 2:00 o'clock P.M. on May 7, 1990 in the City Council Chambers for Municipal State Aid Street Construction Project 139-110-02 and City Project 1990-008 which includes grading, curb & gutter, bituminous surfacing, aggregate base, sidewalk and turf establishment on South 4th Street from West College Drive to 200 feet North of Saratoga Street. The bid received was from McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$172,998.38. Upon the recommendation of the City Engineer Rich Victor, Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1232, SECOND SERIES and that the reading of the same be waived. Resolution Number 1232, Second Series is a resolution awarding the bid to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$172,998.38 for Municipal State Aid Project No. 139-110-02 and City Project 1990-008 for South 4th Street from West College Drive to 200' North of Saratoga Street. All voted in favor of the motion.

Bids were received, opened and read on April 12, 1990 at 2:00 o'clock P.M. in the Council Chambers of the Marshall Municipal Building for a service building at the softball complex. The bids received, opened and read were from:

Dulas Construction  
Marshall, MN  
\$23,000.00

SWesta Builders, Inc.  
Marshall, MN  
\$21,991.00

Hess Construction  
Marshall, MN  
\$26,300.00

The City of Marshall has included \$10,000 in its budget for the construction of this facility and the Softball Association had previously agreed to pay \$6,000 towards the cost of this project. The Softball Association further agreed to provide the additional \$6,000 if they are allowed to spread the additional cost over a 2 year period, therefore Kirchner moved, Lewis seconded, the bid for the service building at the Softball Complex be awarded to SWesta Builders, Inc., Marshall, Minnesota in the amount of \$21,991.00 with a supplemental appropriation from the Mayor and Council Contingency to the Park Development and Maintenance Account 101-702712-5520 in the amount of \$12,000 with the understanding the Softball Association will reimburse the City of Marshall \$6,000 in 1990 and \$3,000 each in 1991 and 1992. All voted in favor of the motion.

This was the date and time set for a public hearing on the assessments for Project No. 1990-001 through 1990-005. There were no questions or concerns in regard to Project No. 1990-001, 1990-004, and 1990-005. Concerns were expressed in regard to Project No. 1990-002, Watermain Replacement, and 1990-003, Sanitary Sewer Replacement, on South 4th Street from West College



## REGULAR MEETING - MAY 7, 1990

Drive to Saratoga Street. Ed Conway, 401 South 4th Street, was concerned as to how the assessment was determined, how much the Marshall Municipal Utilities are paying on this project and when this watermain was last replaced? Mr. Victor, City Engineer, did indicate that the assessments are determined based on the benefit to be derived from the affected property. The assessment for the watermain replacement is \$800.00 per connection. The Municipal Utilities is paying \$19,618.89 or approximately 43% of the replacement of the watermain in this area. Mr. Victor did indicate that it is anticipated that the last time watermain was replaced in this area was in the 1940's and the useful life of a watermain depends upon a number of conditions, including the type of material used, the soil, and the number of years it has been in place and the number of problems they have had with the system.

A concern was expressed in regard to the condo's being assessed for this project. The condo's water line will tie into this system but will not be assessed for the watermain replacement.

Donna Flester, 311 South 4th Street, was aware that they would be assessed for watermain and sewermain replacements but was also concerned as to what additional assessments there would be for the widening of the street. Mr. Victor did advise her and others in attendance at the meeting that this assessment has not been determined at this time, but anticipate it will be less than what was originally projected due to the bid that was received and awarded at this meeting.

In regard to the sanitary sewer replacement on South 4th Street from West College Drive to Saratoga Street the assessments are established at \$800.00 per hook up and the Wastewater operation will pay \$28,114.50 towards this project which is equivalent of approximately 54%.

Dr. Wilke, 415 South 4th Street the condos, was concerned as to what the condo's would be assessed for this project. Mr. Victor advised them that the condo's would be assessed for one hook up or \$800.00.

There being no further questions brought before the council in regard to the assessments for Project No. 1990-001 through 1990-005 the assessment hearing was closed.

Lewis moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1233, SECOND SERIES and that the reading of the same be waived. Resolution Number 1233, Second Series is a resolution approving the assessment roll for Sanitary Sewer Replacement Project NO. 1990-001 for Job 406, setting the interest rate at 8 1/2% with an 8 year payment period, and with no interest being charged if the assessment is paid prior to September 1, 1990. All voted in favor of the motion.

Byrnes moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1234, SECOND SERIES and that the reading of the same be waived. Resolution Number 1234, Second Series is a resolution approving the assessment roll for Watermain Replacement Project NO. 1990-002 for Job 409 and 419, setting the interest rate at 8 1/2% with an 8 year payment period, and with no interest being charged if the assessment is paid prior to September 1, 1990. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1235, SECOND SERIES and that the reading of the same be waived. Resolution Number 1235, Second Series is a resolution approving the assessment roll for Sanitary Sewer Replacement Project NO. 1990-003 for Job 408, setting the interest rate at 8 1/2% with an 8 year payment period, and with no interest being charged if the assessment is paid prior to September 1, 1990. All voted in favor of the motion.

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Siudzinski moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1236, SECOND SERIES and that the reading of the same be waived. Resolution Number 1236, Second Series is a resolution approving the assessment roll for Sanitary Sewer and Watermain Project NO. 1990-004 for Job 412 and 413, setting the interest rate at 8 1/2% with an 8 year payment period, and with no interest being charged if the assessment is paid prior to September 1, 1990. All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1237, SECOND SERIES and that the reading of the same be waived. Resolution Number 1237, Second Series is a resolution approving the assessment roll for Bituminous Surfacing Project NO. 1990-005 for Job 415 and 416, setting the interest rate at 8 1/2% with an 8 year payment period, and with no interest being charged if the assessment is paid prior to September 1, 1990. All voted in favor of the motion.

Michael Zagar from Rieke Carroll Muller Associates Inc., Engineering Consultants for the City of Marshall Wastewater Treatment Facility Improvement, was in attendance at the meeting to discuss with the council change order no. 5 for the improvements at the Wastewater Treatment Facility. Following the review of the change order Mensing moved, Siudzinski seconded, the approval of change order no. 5 for improvements at the Wastewater Treatment Facility. Change order no. 5 is an increase in the contract of \$26,351 and does provide for a contract time extension of 14 calendar days for the revising of the electrical lighting fixtures, control system and wiring in the new structures being constructed to upgrade them to a Class I, Division II Environment. A Class I, Division II Environment is categorized as an environment that is highly corrosive or explosive. This change order was approved with the understanding the City of Marshall would be reimbursed by RCM Associates, Inc., in the amount of 10% of this change order. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of ORDINANCE NUMBER 260, SECOND SERIES and that the reading of the same be waived. Ordinance Number 260, Second Series is an ordinance amending Chapter 11 of the City Code as it relates to zoning. This ordinance provides for the rezoning of the property at 1307 East Main Street from A, Agricultural District to I-1, Limited Industry District, as requested by Gary Quist, Quist Moving and Storage. This ordinance allows for a strip of land approximately 20' wide by 350' deep along the North side of the existing land at 1307 East Main to be rezoned. All voted in favor of the motion.

Byrnes moved, Siudzinski seconded, the adoption of ORDINANCE NUMBER 261, SECOND SERIES and that the reading of the same be waived. Ordinance Number 261, Second Series is an ordinance amending Chapter 11 of the City Code as it relates to zoning. This ordinance provides for the rezoning of the property at 123 Depot Street and the adjacent property to the Southeast towards "A" Street from I-1, Limited Industry District, and R-3, Low to Medium Density Multiple Family Residence District, to B-3, General Business District, for the reason that the zoning request is in conformance with the surrounding area. All voted in favor of the motion.

Byrnes moved, Mensing seconded, the adoption of ORDINANCE NUMBER 262, SECOND SERIES and that the reading of the same be waived. Ordinance Number 262, Second Series is an ordinance providing for the conveyance of certain land from the City of Marshall to the Housing and Redevelopment Authority in and for the City of Marshall, Body Politic under the laws of the State of Minnesota. This property is a portion of the parking lot along West College Drive and adjacent to the Redwood River that is now owned and occupied by Schwan's Sales Enterprises. All voted in favor of the motion.

Brian Hoffman, a representative from the Economic Development Authority, was in attendance at the meeting to review with the council the Special Task Force report for Economic Development. The recommendations of this report have been reviewed with the Industrial Development Committee of the Chamber and the

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City's Economic Development Authority. Some concern was expressed in regard to the Marshall Industries Foundation as a private group roll in this program. The roll of this private group is to work with perspective businesses coming to the City of Marshall prior to them going to the Economic Development Authority. A number of opinions and views were discussed in regard to the recommendation of the Special Task Force on future Economic Development. Following these opinions and views, Byrnes moved, Lewis seconded, the recommendation of the Special Task Force on Economic Development presented by the Economic Development Authority be accepted with the implementation of the different areas being each considered individually. All voted in favor of the motion, except Kirchner and Siudzinski who voted no.

Lewis moved, Byrnes seconded, the proper city personnel be authorized to advertise for bids to be received on May 30, 1990 at 2:00 o'clock P.M. in the Council Chambers of the Marshall Municipal Building for a main lift station generator building, a part of the Wastewater Facility operation. All voted in favor of the motion.

Byrnes moved, Siudzinski seconded, the proper city personnel be authorized to execute the necessary documents for the acquisition of the right-of-way on South 4th Street from Debra Griebel. The purpose of this acquisition is for the widening and aligning of South 4th Street. The agreed upon purchase of this property is \$2,017.80. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1238, SECOND SERIES and that the reading of the same be waived. Resolution Number 1238, Second Series is a resolution authorizing the proper city personnel to execute an agreement with the State of Minnesota for paint striping on airport runways and taxi ways. The City of Marshall has had an agreement in the past with the Minnesota Department of Transportation whereby the Office of Aeronautics will order the necessary paint and have it shipped to the Marshall Municipal Airport and perform the necessary striping on the runways. This agreement will cover the period from November 16, 1989 to November 15, 1999. All voted in favor of the motion.

Rich Victor, City Engineer, reviewed with the city council his report in regard to a request from the Minnesota Department of Transportation for an additional access off from Highway 23 by-pass. Feda moved, Lewis seconded, the proper city personnel be authorized to send a letter to the Minnesota Department of Transportation approving their request for an additional access off from Trunk Highway 23 by-pass with the condition that the access opening coming on the Boyer property shall have a minimum width of 40' and provide for 3 lanes including egressing left turn movement, egressing right turn movement and a 3rd lane for ingress movement. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1239, SECOND SERIES and that the reading of the same be waived. Resolution Number 1239, Second Series is a resolution declaring a vacancy on the Common Council and providing for a special election. This resolution formally accepts the resignation of Dan Hockert as Councilperson in Ward 3 and establishes June 5, 1990 as the date for the special election to fill this vacancy. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1240, SECOND SERIES and that the reading of the same be waived. Resolution Number 1240, Second Series is a resolution appointing the City Council members to the Housing and Redevelopment Authority. The terms for these offices would be for 5 year periods of time expiring May 31, 1995. All voted in favor of the motion.

Mensing moved, Lewis seconded, the proper city personnel be authorized to enter into an agreement with Jacklyn L. Herberts to conduct a recreation survey amongst the residents of this community pertaining to their preferences in the area of recreational facilities and programs. A part of this survey will be a

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question on interest and support for a water slide facility. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Siudzinski seconded, the introduction of an ordinance amending Chapter 6 of the City Code relating to business regulations and licensing and in particular as it relates to the requirements of trash haulers licenses. This ordinance was introduced with an amendment to subdivision no. 1.d to indicate similar associated organic material. This ordinance modifies the request of the trash haulers license as it relates to the need of a packer type truck as opposed to a hauling unit that would be more adaptable to the recycling program and further provide for the final disposal could be either a landfill or a recycling handling facility. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Mensing seconded, the introduction of an ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for the mass burning incinerators or refuse derived fuel facility incinerators to be listed as a conditional use permit in an I-2 District. City Attorney Brian Murphy indicated that standards would have to be established in making a determination for a conditional use permit for incinerators. All voted in favor of the motion.

Kirchner moved, Mensing seconded, a 4 month non-intoxicating beer license be granted to the Marshall Softball Association to be used at the Softball Complex at a fee of \$60.00. This license is for the period May 14, 1990 to September 14, 1990. All voted in favor of the motion.

Rich Voller, Manager Marshall Municipal Utilities, was in attendance at the meeting to discuss with the council a resolution establishing the city's intent to have the Marshall Municipal Utilities provide electrical service to all areas within the City limits. This resolution is a result of boundaries which were established a number of years ago in regard to the service areas for electrical utility operations. Mr. Voller indicated it is the intent of the Municipal Electrical Utilities to service all commercial, industrial institutional businesses and residents of the City of Marshall. Mr. Voller did indicate there are some instances where a neighboring electrical utility has tried to serve areas within the city limit in which the city has been providing service for a number of years.

Lewis moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1241, SECOND SERIES and that the reading of the same be waived. Resolution Number 1241, Second Series is a resolution of the Common Council of the City of Marshall determining to extend the electrical service territory of the Marshall Municipal Utilities to all areas within the corporate boundaries. This resolution was adopted with the understanding Section A would be amended to state all commercial, industrial, institutional businesses and residents of the City of Marshall. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the proper city personnel be authorized to send a letter to those parties involved in the electric service territorial issue and expressing the city's intent to negotiate an applicable solution to the problem. All voted in favor of the motion.

Upon the request of the Marshall Municipal Utilities and their legal counsel, Lewis moved, Byrnes seconded, a letter be sent to the Lyon, Lincoln Electric Coops that are or potentially could provide electricity within the Marshall community. The intent of this letter is to indicate to them that the city intends to enforce its franchise requirement which specifically require the city to provide a utility service within the City of Marshall. All voted in favor of the motion.

Upon the request of the Marshall Municipal Utilities, Lewis moved, Siudzinski seconded, the Marshall Municipal Utilities be authorized to hire Byron Starns of Leonard, Street and Deinard to serve as legal counsel to defend

## REGULAR MEETING - MAY 7, 1990

the requirements of electrical utilities to have a franchise fee for service within Marshall City limits and also to protect the right of the Marshall Municipal Utilities to provide electric service throughout the entire City. All voted in favor of the motion.

Byrnes moved, Mensing seconded, the proper city personnel be authorized to execute the farm lease addendum between the City of Marshall and Francis Mortier for the 270 acres of agricultural land at the Marshall Municipal Airport for the period March 22, 1991 to March 22, 1992 at a rate of \$60.00 per acre. All voted in favor of the motion.

Lewis moved, Byrnes seconded, a special vehicle license be granted to Michael Lawrence Boedigheimer to operate 2 golf cart type vehicles on City streets within the City of Marshall and that the fee for these vehicles be waived since these vehicles will primarily be used to transport elderly residents with the City of Marshall. This license will expire on December 31, 1990. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for Gambling for the Marshall Fire Department Relief Association and that the 60 day review period be waived. All voted in favor of the motion.

The following building permits and application for permit to move building previously approved by the Building Official were confirmed:

Karen VanMeveren  
104 "C" Street  
Railroad Addition  
Part of Block 1  
Patio Door  
\$1,300

Jacalyn L. Thomas  
702 East Southview Drive  
Southview Third Subdivision  
Block 1, Lot 1  
Bathroom & Partition  
\$1,800

Paul Anderson  
501 Donita Avenue  
Eatros Place 2nd Addition  
Block 1, Lot 19  
Escape/Rescue Window  
\$400

Dennis Spielman  
206 East Saratoga Street  
Viking Addition - Outlot Glen  
Lot 9  
Basement Family Room Window  
\$400

Ralco Mix Products Inc.  
1604 Hahn Road  
Industrial Park I  
Block 7, Lot 3  
Warehouse  
\$15,000

Taylor's Inc.  
1306 Horizon Drive  
Sunrise Park Addition  
Block 6, Lot 4  
Garage Addition  
\$7,200

Doom & Cuyper Construction Inc.  
1202 Parkside Drive  
Parkside Addition  
Block 1, Lot 13  
Dwelling  
\$82,000

Ace Signs Inc.  
1001 Highway #23 By Pass North  
McFarland Third Addition  
Lots 5, 6 & Part of 4  
Four Flat Wall Signs  
\$12,300

Donald Jants  
1002 West Main Street  
Section 5  
Part of NE 1/4 of NE 1/4  
Warehouse Addition & Relocate Garage  
\$8,000

Joseph Andries  
905 Hackberry Drive  
Southview Subdivision  
Block 2, Lot 10  
Garage Addition  
\$4,800

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Robin & Robert Richards  
417 North 4th Street  
Riverside Addition  
Block 6, Lot 1  
Removing Inside Wall  
\$200

Centres Marshall Inc.  
1001 Highway #23 By Pass North  
McFarland 3rd Addition  
Lots 5, 6 & Part of 4  
Retail Store  
\$200,000

SWesta Builders Inc.  
200 East Marshall Street  
Liberty Park Addition  
Block 4, Lot 5  
Remodel Bathroom  
\$15,000

Kesteloot Construction  
432 Legion Field Road  
Legion Field Addition  
Part of Lot 14  
Remodel Antique Shop & Install  
Handicapped Ramp  
\$2,700

Dan Archbold  
123 Depot Street  
Original Plat  
Block 1, Lots 1 & 2  
Office  
\$4,000

Coudron Construction  
1200 Horizon Circle  
Belvedere Estates  
Block 2, Lots 19 & 20  
Dwelling  
\$150,000

David Eggers  
807 Woodfern Drive  
Southview Subdivision  
Block 5, Lot 4  
Deck  
\$600

Greig & Gregerson  
117 North Third Street  
Original Plat  
Block 9, Part of Lots 1 & 2  
Bathroom  
\$500

Ray Henrickson  
208 West Main Street  
Original Plat  
Block 10, Lots 17-19  
Remodel Interior  
\$700

SWesta Builders Inc.  
233 West Main Street  
Original Plat  
Block 3, Lot 13  
Remodel Retail Store  
\$40,000

APPLICATION FOR PERMIT TO MOVE BUILDING


Donald Brewers  
From 904 Colombine Drive  
To Temp. 703 North 7th Street  
Garage  
\$50

Lewis moved, Kirchner seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 35656 through 35910.

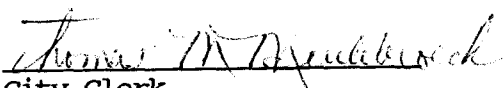
Those in attendance at the meeting were reminded of the Waste to Wealth, a conference on the Business of Community Recycling, presenter Neil Seldman, to be held at the Best Western/Marshall Inn on May 23, 1990.

Rich Victor, City Engineer, updated the City Council on the work that needs to be completed on Southview Drive from 1st Street to Saratoga Street.

Upon motion made by Lewis, seconded by Kirchner, the meeting was adjourned. All voted in favor of the motion.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - MAY 21, 1990

The regular meeting of the Common Council of the City of Marshall was held on May 21, 1990. The meeting was called to order at 7:30 P.M. by President, Pro-Tem Randi Kirchner. In addition to Kirchner the following members were present: Mensing, Siudzinski, Lewis and Byrnes. Absent: Mayor Feda.

The Pledge of Allegiance was recited.

There were no additions to or deletions from the agenda.

Mensing moved, Lewis seconded the approval of the minutes of the regular meeting held on May 7, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

The following people appeared, sent letters, and/or were represented by counsel at the 1990 Local Board of Review. The properties have been inspected where required and current sales have been considered in the review to develop the following recommendations:

Mr. Robert Kidder, 311 A Street (Parcel 27-301-004-0)

Mr. Robert Kidder questioned a \$2,700 increase in value and the level of assessment. Mr. Kidder purchased the subject property in June of 1986 for \$47,500. Since that time, Mr. Kidder has added central air conditioning, a new furnace, and eliminated the deferred maintenance to the interior of the property. The adjustments made for air conditioning and condition were warranted. The 1990 estimated market value is \$47,100, which indicates a probable selling price of \$50,600 more or less. The indicated selling price for this property is logical and no change is recommended.

Mr. Henry Polman, 623 South 4th Street (Parcel 27-568-001-0)

Mr. Polman was concerned that electrical lines across the frontage of his property might have decreased the property's value. There is no current sales information available locally to support a decrease in the subject property's value. The assessor's office will monitor sales that frontage on the east side of South 4th Street, adjacent to the power line, to determine if a value change has occurred, but for the present the recommendation is no change.

Mrs. Don Ashling 200 Robert Street (Parcel 27-303-006-0)

Mrs. Ashling questioned a \$3,600 increase in the property's total value. Mrs. Ashling was referring to a value increase on her 1990 property tax statement. The values on the property tax statement for 1989 and 1990 payable years are values established as of the 1988 and 1989 assessments respectively. In 1988, Mrs. Ashling took out a building permit to reside the subject residence. At that time, an inspection was made of the property with a value increase for the 1989 assessment reflecting the new siding, central air conditioning, and a concrete patio. Also, for the 1989 assessment, the neighborhood factor was increased from 2.10 to 2.20 which generates a higher market value. The property has remained the same in value from the 1989 assessment to the 1990 assessment. The assessor's office will reinspect the subject house in 1990 as a part of the regular 25% inspection process. The recommendation is no change.

Mr. M. J. McDougall, 525 Locust Drive (Parcel 27-995-229-0)

Mr. McDougall was concerned with the value of his property, the fact that the subject property had not changed in value in four years, and felt he had been singled out. The subject property did not change in value for three years due to the way the depreciation schedule was established. Carole Snyder has verified that a number of other mobile homes, which were subject to the same depreciation schedule, were valued the same for a three year period. Also, mobile home sale prices have tended to fluctuate for similar mobile homes within the same general market. In response to the fluctuating sale prices, the assessor's office has established depreciation schedules which are based upon the aggregate sales ratio, which should provide for reasonable equity. The recommendation is no change.

## REGULAR MEETING - MAY 21, 1990

Mr. Robert Swanson, 107 Lilac Drive (Parcel 27-995-162-0)

Mr. Swanson wanted to correct his mobile home assessment to reflect a homestead classification for the 1990 assessment year. Mr. Swanson is subject to homestead and the correction has been made. The recommendation is to classify the subject mobile home as homestead for 1990.

The following list of value and/or classification changes is based upon questions, clerical errors, etc., which were brought to the City Assessor's attention following the 1990 certification of values to Lyon County.

Mr. Harry Ahlfeldt, 1226 Winchester Avenue (Parcel 27-995-004-0)

Mr. Ahlfeldt wrote a letter questioning the value and classification of his mobile home. Mrs. Snyder has reviewed the assessment and property classification. The subject mobile home should be classified as homestead and the value reduced to \$4,500 based upon its current condition.

Ms. Nancy Meyer, 208 South 5th Street (Parcel 27-100-082-0)

Ms. Meyer wrote a letter questioning the value of her property. Mrs. Snyder made a comparison of the subject's value to current sales within the study period. The recommendation is no change.

Mr. Alvin Evers, 605 Arbor Court (Parcel 27-708-035-0)

Mr. Evers owns a home located within the 1989 25% inspection district. The property was recently inspected because it was not available for inspection when the neighborhood was completed. Mrs. Snyder's inspection indicates that Mr. Evers will have to remove some basement floor because of water problems. The problem had been somewhat considered in the preceding assessment, but an additional adjustment is warranted for the 1990 assessment until the problem is corrected. The current value of \$93,900 estimated market value should be reduced to \$92,200 estimated market value.

Mr. Steve Buysse, 611 Elaine Avenue (Parcel 27-211-029-0)

Mr. Buysse questioned the 1990 assessment of \$73,300 based upon his current purchase of the subject home for \$70,500. Mrs. Snyder compared this home, for probable selling price, to several other recent sales within the sales ratio period. The findings of her analysis indicate that the assessment is fair. Access to the property was not gained as of the writing of this report. Recommendation is no change.

Mr. Gary Pagel, 401 West College Drive (Parcel 27-156-021-0)

Mr. Pagel applied late for homestead credit for the 1990 assessment. The assessment should be changed to reflect a full homestead.

Mr. David Sitzmann, 410 South Bruce Street (Parcel 27-893-008-0)

Mr. Sitzmann informed the Assessor's office that he was not eligible for homestead for the 1990 assessment year. The assessment should be changed to reflect a nonhomestead status.

American Legion, 412 West Main Street (Parcel 27-677-081-0)

A late reinspection of this property was made for the 1990 assessment. The inspection indicates that the value for the 1990 assessment should be reduced from \$89,000 to \$79,000.

Mrs. Irene Tople, 118 Maple Street, (Parcel 27-604-014-0)

This assessment should be changed to reflect a homestead classification for the 1990 assessment.

VP & C Partnership, Fairview Street (Parcels 27-627-001-0 and 27-819-024-0)

The subject land consists of 39.9 acres and is used for agricultural purposes. The property should be classified as green acres for the 1990 assessment. The green acres value is \$15,100 and \$16,000 respectively.



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Mr. Dan Taft, 614 James Avenue (Parcel 27-206-026-0)

Mr. Taft, after receiving his valuation notice for the above property, requested that an inspection be made because he had purchased the property in March of 1989 for \$22,000. A review of the property was made and the value should be adjusted to \$25,100 for the 1990 assessment.

Mr. Douglas Palmer, 610 West Main (27-111-006-0)

This is a clerical change related to homestead. The property should reflect a 50% credit full year homestead.

Mr. Kevin Lindsay, 906 Pine Avenue (27-198-022-0)

This is a clerical change related to homestead. The property should be classified as nonhomestead for the 1990 assessment.

Mr. Steve Maertens, 809 N 5th Street (Parcel 27-256-024-0)

This is late application for homestead. The classification should be changed to homestead for the 1990 assessment.

Mr. Art Matthys, 1107 West Main (Parcel 27-600-081-0)

This is a clerical change adjusting the building value from \$258,600 down to \$187,500.

Ms. Doris Lamb, 305 N 3rd Street (Parcel 27-677-179-0)

This is a late application for homestead. The classification should be changed to homestead for the 1990 assessment.

Mr. Dan. Scholten, 203 E Main (Parcel 27-677-219-0)

This is a late application for homestead. The classification should be changed to homestead for the 1990 assessment.

Mr. Robert Williamson, 807 WestMar Circle (Parcel 27-966-021-0)

This is a clerical change whereby the value is being increased from the notice amount of \$54,800 to the correct amount of \$57,100. This amount is consistent with the 1989 assessment.

Mr. Mark Wild, 810 WestMar Circle (Parcel 27-966-025-0)

This is a clerical change whereby the value is being increased from the notice amount of \$57,300 to the correct amount of \$59,700. This amount is consistent with the 1989 assessment.

Mr. Thomas Hey, 811 WestMar Circle (Parcel 27-966-023-0)

This is a late application for homestead. The classification should be changed to homestead for the 1990 assessment.

Mr. Thomas Sebelian, 1306 Pinehurst Road (27-973-012-0)

Mr. Sebelian is not claiming homestead credit on the above captioned property for the 1990 assessment year. The assessment should be changed to nonhomestead.

Siudzinski moved, Lewis seconded the report prepared by Calvin Barnett, City Assessor, on the recommendations of these properties in question be approved as presented. It was also noted that if the City Assessor's recommendations and Board of Reviews' concurrence is not acceptable to the property owner, they do have the right to go to the Lyon County Board of Review. All voted in favor of the motion.

## REGULAR MEETING - MAY 21, 1990

Bids were received, opened and read at 2:00 P.M. on May 16, 1990 in the City Council Chambers for Sidewalk Replacement Project 1990-006 Job 417. The bids received, opened and read were from:

Buchholtz Construction  
803 North 6th Street  
Marshall, MN 56268  
\$36,935.20

Carstenson Contracting  
Box 754 - East Highway #30  
Pipestone, MN 56164  
\$44,702.05

Upon the recommendation of the City Engineer, Rich Victor, Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1242, SECOND SERIES and that the reading of the same be waived. Resolution number 1242, Second Series is a resolution awarding the bid to Buchholtz Construction of Marshall, Minnesota as low bidder in the amount of \$36,935.20 for Sidewalk Replacement Project 1990-006 Job 417. All voted in favor of the motion.

Bids were received, opened and read on May 16, 1990 at 2:00 P.M. in the Council Chambers for Sidewalk Construction Project 1990-007 Job 418. The bids received, opened and read were from:

Carr Construction  
1601 North Highway #59  
Marshall, MN 56258  
\$173,818.25

Buchholtz Construction  
803 North 6th Street  
Marshall, MN 56258  
\$140,383.42

Amundson Construction  
RR 2  
Benson, MN 56215  
\$148,761.65

Carstensen Contracting  
Box 754 - East Highway #30  
Pipestone, MN 56164  
\$188,550.05

Upon recommendation of the City Engineer, Rich Victor, Byrnes moved, Siudzinski seconded the adoption of RESOLUTION NUMBER 1243, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1243, Second Series is a resolution awarding the bid to Buchholtz Construction of Marshall, Minnesota as low bidder in the amount of \$140,383.42 for Sidewalk Construction Project 1990-007 Job 418. All voted in favor of the motion.

Lewis moved, Byrnes seconded the adoption of ORDINANCE NUMBER 263, SECOND SERIES and that the reading of the same be waived. Ordinance Number 263, Second Series is an ordinance amending Chapter 6 of the city code relating to business regulations and licensing as it relates to hauling and disposing of recyclable materials and compost operations. Duane Aden, City Administrator, updated the council on the city's composting sites and the level of their operation at the present time. All voted in favor of the motion.

Siudzinski moved, Lewis seconded the adoption of ORDINANCE NUMBER 264, SECOND SERIES and that the reading of the same be waived. Ordinance Number 264, Second Series is an ordinance amending Chapter 11 of the city code relating to zoning. The ordinance provides that mass burn incinerators and refuse fuel derived incinerators shall be a Conditional Use Permit in a general industry district. These permits would have to be applied for and approved by the council. All voted in favor of the motion.

Mike Johnson, a representative for Graphic House, Inc. was in attendance to request a Variance Adjustment Permit for a sign area of 381 square feet, which is 119 square feet in excess of the allowable for a shopping center district. Mr. Johnson was questioned by Mensing as to if the requirements had been looked into previous to construction. Johnson indicated that it had, but that the conditions of the leases are developed by the tenants and K-Mart. Johnson also stated that they frequently request variances from cities. Brian Murphy, City Attorney, clarified that the burden of proof is on the party requesting the variance to prove economic hardship. Johnson stated it is difficult to define hardship with a range of examples from the loss of one customer to the closing

## REGULAR MEETING - MAY 21, 1990

of a business. Byrnes questioned Johnson's position on referring the permit back to the Planning Commission since further information is now available. Johnson stated dissatisfaction with the request because of time restraints and his position with K-Mart. Byrnes moved, Mensing seconded to refer the Variance Adjustment Permit back to the Planning Commission. There was further discussion including Lewis' comment that he would rather approve the variance than refer it back to the Planning Commission. Ken Nordin, a member of the Planning Commission, was present and noted that it was not a sign congested area and he felt the council should act to either approve or deny the variance. Kirchner wanted it noted that each applicant for a variance needs to be considered independent of other or previous applicants. All voted in favor of the motion, except Lewis and Siudzinski who voted no.

In accordance with the Planning Commission recommendation, Lewis moved, Byrnes seconded the approval of a Variance Adjustment Permit for True Value. True Value was requesting a Variance Adjustment Permit to construct a building addition to the south of their existing sales building with a side yard of 3 feet, which is less than the required 10 feet in an I-2 General Industry District. Further discussion included comments by Ken Nordin that he opposed the action due to failure to prove an undo hardship and felt it should be referred back to the Planning Commission to be consistent. Siudzinski moved, Mensing seconded to refer the variance back to the Planning Commission. All voted in favor of the motion, except Lewis and Byrnes who voted no.

The approval of the preliminary plan for the utility location and roadway improvements between Heartland Foods and the Courthouse was moved by Byrnes and seconded by Lewis. The plan consists of a 36' wide roadway connecting Main Street and South 6th Street. Marshall Utilities would be constructing a temporary 13.8 KVA power line along the north edge of the proposed roadway with a permanent 115 KVA and 13.8 KVA being constructed in the same location by November of 1992. It is anticipated that legal descriptions will be ready for dedication of necessary right-of-way by Heartland and Lyon County in June. The roadway improvements are being partially funded by TIF. Since the roadway location and length have changed from the time of the TIF agreement, there is an estimated shortfall of \$80,000 for the construction of the road. Heartland and the County have agreed to split this additional cost three ways. Therefore, Byrnes moved, Lewis seconded, a friendly amendment to the motion authorizing funding of 1/3 of the additional roadway costs over the TIF funding. The city will utilize the public improvement revolving account for this expenditure. All voted in favor of the motion.

Burdell Wessels, from Corporate Risk Managers, was present to discuss the renewal of the City's contract with Corporate Risk Managers for the purpose of providing insurance consulting services to the City from June 1, 1990 to May 31, 1991. Kirchner questioned and Duane Aden, City Administrator, responded on the follow-through with our dissatisfaction with Insurtec. Aden reported that a letter was sent to Insurtec stating our grievances and will check to see if a copy was sent to the State. Mensing questioned the fact that the insurance for the driving range was so expensive and Wessels informed him that the primary responsibility to insure the driving range lies with the City, therefore justifying the cost of such insurance. Siudzinski questioned the problems of insurability on a water slide in Marshall. Wessel hadn't specifically looked into the issue but was aware of other cities with similar problems. He would get further information on insurance if this project is considered on a formal basis. Mensing moved, Siudzinski seconded the renewal of the contract with Corporate Risk Managers from June 1, 1990 to May 31, 1991. All voted in favor of the motion.

Lewis moved, Siudzinski seconded the authorization to sell surplus equipment and property at an annual auction. Siudzinski questioned a specific date and Duane Aden responded in about a month's time dependent on the availability of an autioneer. It was also stated that any revenues from the sale will be put into the general fund account. All voted in favor of the motion.

## REGULAR MEETING - MAY 21, 1990

Siudzinski moved, Mensing seconded that permits be approved for special events including Farm/City Days, McDonald's Dairy Days and Crazy Days. Farm/City Days is sponsored by the Ag Committee of the Chamber. Third Street between Main and Lyon will be closed and all activities will take place in that area. McDonald's Dairy Days will take place June 4-11, 1990. McDonald's would like to have farm animals (cows) on their vacant lot next to their restaurant and to have some special activities. Authorization was needed for the farm animals to be permitted in town. Crazy Days request to detour a portion of Main Street and provide some additional traffic control as in the past. It was noted that the Crazy Days Committee is responsible for obtaining a permit from the State since Main Street is a trunk highway. All voted in favor of the motion.

Lewis moved, Mensing seconded the budget transfer from Mayor/Council Contingency, 101-401401-6810, to Municipal Building, 101-412450-5520, in the amount of \$3,900. The purpose of the transfer is to modify the reception area of the City Clerk's Office. The roll gate that secured the area is no longer operational. It is recommended this system be replaced by a work station and counter area with appropriate security. The funds are to be used in the modification and restoration of the previous gate system and reception area. Byrnes questioned if there was any excess in the remodeling budget of the Assessor's and Park and Recreation's Offices. Duane Aden stated he would check into the matter. All voted in favor of the motion.

Byrnes moved, Lewis seconded the renewal of a license for the VFW Club for the consumption and display (setup) permit for the period July 1, 1990 through June 30, 1991 at a fee of \$200.00. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for Gambling for the American Legion Club. All voted in favor of the motion.

Mensing moved, Lewis seconded the approval of the application of the HyVee for fireworks display on July 4th, 1990. The display is to take place at Independence Park. All voted in favor of the motion.

Discussion was opened on the application for license for the hauling of recyclable materials. Fred Worden, Lyon County Commissioner, had recently received the garbage and refuse hauler contract and did not believe it dealt with commercial recyclables specifically. Lewis moved, Mensing seconded the approval of the application for a garbage and refuse hauler license by Tom Storebo with the stipulation he meet the requirements of the license. All voted in favor of the motion.

The following building permits and mobile home permits previously approved by the Building Official were confirmed:

MANUFACTURE HOME INSTALLATION

David Tyler  
129 Spruce Drive  
Village Park Mobile Home Park  
Install Mobile Home  
\$40

Robert L. Carr  
109 South 5th Street  
Original Plat  
Block 5, Part of Lot 19  
Office Addition  
\$25,000

James Taveirne  
1215 Horizon Drive  
Sunrise Park Addition  
Block 2, Lot 10  
Garage Addition, Window Replacement,  
Reside Dwelling  
\$5,200

David Meier  
1105 Skyline Circle  
Belvedere Estates Addition  
Block 1, Lot 3  
4 Unit Apartment  
\$165,000

Babcock Construction  
203 Lucille Street  
Nielsen Addition  
Block 2, Lot 5  
Reside Dwelling & Garage  
\$4,400

Independent Lumber  
309 Jean Avenue  
Section 4  
Part of SW 1/4 of SE 1/4  
Deck  
\$600

## REGULAR MEETING - MAY 21, 1990

Lawrence & Roseann Varpness  
603 North 6th Street  
Fre-Mar 2nd Addition  
Block 4, Lot 1  
Deck  
\$550

Independent Lumber  
307 North High Street  
Riverside Addition  
Block 8, Lot 4  
Demolish Existing Garage &  
Construct New Garage  
\$5,200

Jeff Olson  
1000 Country Club Drive  
Section 8  
Part of NE 1/4 of SW 1/4  
Remodel Basement  
\$10,000

Bernie Dulas  
602 Viking Drive  
Viking Addition Plat IV  
Block 1, Lot 2  
Dwelling  
\$80,000

John Marron Sr.  
312 South 6th Street  
Gillette & Simmons Addition  
Lot 4  
Reside Dwelling  
\$2,700

Taylor's Inc.  
502 Garden Circle  
Parkside Addition  
Block 1, Lot 8  
Dwelling  
\$78,400

Independent Lumber  
103 Donita Avenue  
Nielsens 7th Addition  
Block 6, Lot 7  
Family Room & Utility Room Addition  
\$25,000

Babcock Construction  
124 East Main Street  
Original Plat  
Block 1, Part of Lot 1  
Reside Dwelling & Replace Window  
\$2,850

Mensing moved, Siudzinski seconded and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher Number 35911 through 36152.

Mensing volunteered to be the acting liaison member of the Hospital Board until a permanent position can be filled. Lewis moved, Byrnes seconded the approval of Mensing as the acting liaison member of the Hospital Board. All voted in favor of the motion.

Duane Aden, City Administrator, informed the council there were two applications received for the open Council position in Ward 3. The applicants are Maureen Stores and Kathleen Nightskye.

Upon motion by Lewis, seconded by Byrnes, the meeting was adjourned. All voted in favor of the motion.

Randi Kuehnert  
President, Pro-Tem

ATTEST:

James Heile  
Deputy City Clerk

## REGULAR MEETING - JUNE 4, 1990

The regular meeting of the Common Council of the City of Marshall was held on June 4, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis and Byrnes. Absent: none.

The Pledge of Allegiance was recited.

The agenda was approved with item number 16 being added to the agenda which was a discussion on the removal of the barrels along East Lyon Street.

Lewis moved, Byrnes seconded, the approval of the minutes of the regular meeting held on May 21, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Upon the recommendation of the Weiner Memorial Medical Center Board of Directors, Mensing moved, Siudzinski seconded, the bid for the replacement of the Weiner Memorial Medical Center Nursing Home roof be awarded to Reigstad Brothers Roofing Company Inc., Willmar, Minnesota in the amount of \$78,521. Wes Kinstad, Controller Weiner Memorial Medical Center, was in attendance at the meeting and indicated it is the intent that this project would be paid out of the funded depreciation during the interim period. It is the intent of Weiner Memorial Medical Center to have a bond issue of approximately \$550,000 to \$600,000 in the near future to pay for some other projects and equipment needed at the hospital. Mr. Kinstad did indicate that local contractors were contacted for this project but did indicate that they do not have the time to do the project. All voted in favor of the motion.

Bids were received, opened and read at 2:00 o'clock P.M. on May 30, 1990 in the Council Chambers of the Marshall Municipal Building for the main lift station generator building at the Wastewater Treatment Facility Building. The bids received, opened and read were from:

Robert L. Carr, Co.  
Marshall, Minnesota  
\$73,900

Dulas Construction  
Marshall, Minnesota  
\$64,370

Upon the recommendation of the City Engineer Rich Victor, Byrnes moved, Lewis seconded, the bid for the main lift station generator building at the Wastewater Treatment Facility Building be awarded to Dulas Construction, Marshall, Minnesota in the amount of \$64,370. All voted in favor of the motion.

Siudzinski moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1244, SECOND SERIES and that the reading of the same be waived. Resolution Number 1244, Second Series is a resolution awarding the contract for the construction of Sanitary Sewer Replacement Project No. 1990-001 for Job No. 406 to Severson Tiling Company, Minneota, Minnesota in the amount of \$14,060. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1245, SECOND SERIES and that the reading of the same be waived. Resolution Number 1245, Second Series is a resolution awarding the contract for the construction of Water and Sewer Improvements Project No. 1990-004 for Job No. 412 and 413 to Severson Tiling Company, Minneota, Minnesota in the amount of \$26,070. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1246, SECOND SERIES and that the reading of the same be waived. Resolution Number 1246, Second Series is a resolution awarding the contract for Bituminous Surfacing Project No. 1990-005 for Job No. 415 and 416 to McLaughlin & Schulz Inc., Marshall, Minnesota in the amount of \$27,542.75. All voted in favor of the motion.

## REGULAR MEETING - JUNE 4, 1990

Upon the recommendation of the Planning Commission, Kirchner moved, Siudzinski seconded, a variance adjustment permit be granted to Graphic House Inc., Wausau, Wisconsin to install business signs of 131 square feet in excess of the basic signage allowance at 1001 Highway #23 Bypass North, that the developer has proven undue hardship in the ability to attract additional stores to this location without signage in excess of the allowable. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Mensing seconded, a variance adjustment permit be granted to True Value Home Center, Marshall, Minnesota at 500 Highway 59 North to construct a building addition with a side yard of 3' in lieu of 10' as is required by code at the Southerly most property line for the purposes of constructing a loading dock addition to the existing South wall of the building because it would be undue hardship due to the high cost of remodeling the building to accommodate high ceilings required for carpet racks. It would be aesthetically bad to add on to the West of the building because of the function of the property, the owner is not able to expand in any other direction. This property is located in an I-2, General Industry District. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Siudzinski seconded, the introduction of an ordinance amending Ordinance Number 247, Second Series, regulating pickup toppers, pickup campers, trailer houses, mobile homes, camper trailers, trailers, park and recreational vehicles parking on private property in the City of Marshall, Minnesota. Brian Murphy, City Attorney, did indicate to the council that this ordinance only addresses the residential area. Councilperson Lewis was concerned with subdivision 3.4 which addresses parking on the street between the hours of 10:00 P.M. and 6:00 A.M.. Mr. Lewis was advised that the Legislative and Ordinance Committee had addressed this item but felt that they did not want to change it primarily due to the safety issue. All voted in favor of the introduction of the ordinance, except Lewis who voted no.

Per the recommendation of the Special Task Force of the Economic Development Authority, Byrnes moved, Lewis seconded, the proper city personnel be authorized to extend the agreement for professional services between the City of Marshall and Business Development Services Inc., for the period July 1, 1990 through December 31, 1990 with the same terms as in the agreement for the period January 1, 1990 through June 30, 1990. All voted in favor of the motion, except Kirchner who voted no.

Rich Voller, Superintendent of the Marshall Municipal Utilities, was in attendance at the meeting to discuss with the council the authorization for the Marshall Municipal Utilities Commission to initiate condemnation action to establish a value for the service territory areas. Kirchner moved, Siudzinski seconded, the request of the Marshall Municipal Utilities Commission to initiate condemnation acts to establish a value for the service territory areas be tabled to the June 18, 1990 city council meeting. Mayor Feda along with other members of the council suggested that the negotiating process be pursued before the authorization for the condemnation be authorized. Councilperson Lewis felt that this authorization for the condemnation should be granted to the Municipal Utilities as an option to be available to them. Mr. Voller did indicate to the council he would be having a meeting on the 18th and would have a better feel for the city's position on the service territory and could respond to the City Council on the 18th. All voted in favor of the motion, except Mensing and Lewis who voted no.

Byrnes moved, Lewis seconded, the proper city personnel be authorized to advertise for bids to be received on August 6th, 1990 at 7:30 P.M. for the 1979 rescue van from the Marshall Volunteer Fire Department and also for the cascade system that is in the rescue van. It is the intent that this vehicle will not be released until such time the City of Marshall's new van is in service. All voted in favor of the motion.

## REGULAR MEETING - JUNE 4, 1990

Lewis moved, Siudzinski seconded, the proper city personnel be authorized to advertise for bids for a warehouse for the Wastewater Treatment Facility. These bids will be received on June 27, 1990. All voted in favor of the motion.

Byrnes moved, Lewis seconded, Walk Maeyaert and Dan Taft be reappointed to the Airport Commission each for 3 year terms to expire on May 31, 1993. All voted in favor of the motion.

Siudzinski moved, Mensing seconded, Kathryn Bruns be reappointed to the Cable Commission for a 3 year term to expire on May 31, 1993. All voted in favor of the motion.

Byrnes moved, Lewis seconded, Linda Erb be reappointed to the Economic Development Authority for a 6 year term to expire on May 31, 1996. All voted in favor of the motion.

Mensing moved, Lewis seconded, Steve Mulder be reappointed to the Hospital Board for a 5 year term to expire on May 31, 1995 and Donald Kinker and Sandra Lehman be appointed to the Hospital Board each for a 5 year term to expire on May 31, 1995. All voted in favor of the motion.

Byrnes moved, Lewis seconded, Robert Manke be appointed to the Housing Commission for a 5 year term to expire on May 31, 1995. All voted in favor of the motion.

Lewis moved, Kirchner seconded, Ernesto Sierra be appointed to the Human Rights Commission for a 3 year term to expire on May 31, 1993. All voted in favor of the motion.

Byrnes moved, Lewis seconded, Allan Anderson be reappointed to the Planning Commission for a 3 year term to expire on May 31, 1993 and James Carter and Douglas Boyce be appointed to the Planning Commission each for 3 year terms to expire on May 31, 1993. All voted in favor of the motion.

Lewis moved, Byrnes seconded, Jack Hickerson be reappointed to the Police Civil Service Commission for a 3 year term to expire on May 31, 1993. All voted in favor of the motion.

Lewis moved, Siudzinski seconded, Thomas Bjerke be appointed to the Marshall Municipal Utilities Commission for a 5 year term to expire on May 31, 1995. All voted in favor of the motion.

Lewis moved, Mensing seconded, a Special City Council meeting be held at 4:30 P.M. on June 6, 1990 in the Council Chambers of the Marshall Municipal Building to canvas the ballots from the Special Election held on June 5, 1990 for a Third Ward Councilperson. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the approval of the renewal of a Consumption and Display License for Marshall Lanes Inc., and Toni's Pizza Villa. These licenses are for the period July 1, 1990 through June 30, 1991 at a fee of \$200. All voted in favor of the motion.

Upon the recommendation of the Task Force of the Economic Development Authority, Mensing moved, Siudzinski seconded, the Executive Committee of the Marshall Industries Foundation be authorized to interview consultants for the purpose of a contract agreement for performing various industrial economic development activities during the year 1991. The current members of the Executive Committee are Bob Byrnes, Pat Leary, Tom Osterberg, Brian Hoffman and Duane Aden. All voted in favor of the motion.



## REGULAR MEETING - JUNE 4, 1990

A discussion was held at this time in regard to the removal of the barrels along East Lyon Street. Kirchner moved, Siudzinski seconded, when all the sod and general maintenance has been completed for the installation of the sidewalks along East Lyon Street that the City Engineer be authorized to remove the barrels on East Lyon Street. Councilperson Byrnes took this opportunity to commend the Engineer's Office of the City of Marshall for their work with the adjacent property owners in this area. All voted in favor of the motion.

Lewis moved, Kirchner seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher No. 35911 through 36329.

The following building permits previously approved by the Building Official were recognized.

Larry Robley  
700 West Marshall Street  
Section 4  
Part of NW 1/4 of NW 1/4  
Additional Interior Remodeling &  
Basement Replacement  
\$16,000

Paxton Signs, Inc.  
315 South Second Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Flat Wall Sign  
\$1,500

Home Improvement Center  
621 Thomas Avenue  
Eatros Place 4th Addition  
Block 2, Lot 2  
Reside & Replace 6 Windows  
\$10,000

Steve L. Otto  
410 Kossuth Street  
Faye F. Reeds Addition  
Block 1, Lots 29 & 30  
Garage  
\$1,000

Roger Boe  
412 Mason Street  
Faye F. Reeds Addition  
Block 2, Lots 29 & 30  
Dwelling & Demolish Existing Dwelling  
\$46,000

Dale Erickson  
1314 Parkside Drive  
Prairieview Estates Addition  
Block 4, Lot 11  
Deck  
\$800

James Calvin  
601 Dogwood Avenue  
Southview Subdivision  
Block 4, Lot 9  
Patio Door  
\$1,000

Councilperson Mensing did indicate to the council that the Driving Range at the Marshall Golf Course is now ready for operation.

Councilperson Siudzinski indicated that Cablevision has decided to go with the tiered system to allow customers more options.

Councilperson Kirchner did indicate to the City Council that the Neil Seldman Conference was a success and suggested the City Council consider requesting the county to provide an incentive to the people who are recycling.

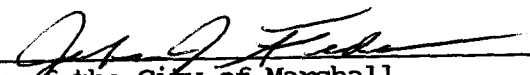
A concern was expressed in regard to United Parcel Service Trucks parking on sidewalks.

The City Council was advised there will be a Joint Park and Recreation School Board Tour on Wednesday, June 5, 1990 at 5:00 o'clock P.M..

## REGULAR MEETING - JUNE 4, 1990

Mayor Feda took this opportunity to review with the council and others in attendance at the meeting a report on various bills that were approved in the past Legislative Session.

Upon motion made by Lewis, seconded by Kirchner, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## SPECIAL MEETING - JUNE 6, 1990

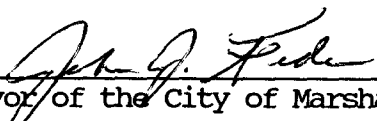
A Special meeting of the Common Council of the City of Marshall was held on June 6, 1990. The meeting was called to order at 4:39 P.M. by Mayor Feda in the Marshall Municipal Building Council Chambers. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner and Lewis. Absent: Byrnes.

The election returns as filed by the election judges for the Special City Election held on June 5, 1990 were presented by the Finance Director/City Clerk Thomas Meulebroeck. The summary of votes cast for the City Council Position for Ward Three were determined to be as follows for said election:

	Ward 3 Prec 1	Ward 3 Prec 2	Total
Maureen Johnson Stores	59	50	119
Kathleen Nightskye	7	19	26
Robert Hirmer		3	3
Delbert Cox		1	1
	<u>66</u>	<u>83</u>	<u>149</u>

Lewis moved, Kirchner seconded, Maureen Johnson Stores be declared duly elected as Councilperson for Ward 3 of the City of Marshall for a term to expire on December 1, 1992 which was vacated by the resignation of Dan Hockert. All voted in favor of the motion.

Upon the motion made by Lewis, seconded by Siudzinski, the meeting was adjourned. All voted aye.

  
 Mayor of the City of Marshall

ATTEST:

  
 City Clerk

## REGULAR MEETING - JUNE 18, 1990

The regular meeting of the Common Council of the City of Marshall was held on June 18, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Lewis and Byrnes. Absent: Kirchner.

The Pledge of Allegiance was recited.

It was the general consensus of the council that the agenda be approved as amended to include the consideration of the approval of minutes for the June 6th meeting under item number 1 and to consider a resolution calling for a public hearing for the project Reverence for Life and Concern for People, Inc., DBA Project Turnabout under Minnesota Statutes Chapter 469. This item was added as item number 6a.

Mensing moved, Lewis seconded, the approval of the minutes of the regular meeting held on June 4, 1990 and the special meeting of June 6, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Byrnes moved, Siudzinski seconded, the adoption of ORDINANCE NUMBER 265, Second Series and that the reading of the same be waived. Ordinance Number 265, Second Series is an ordinance amending Ordinance Number 247, Second Series regulating pickup toppers, pickup campers, trailer house, mobile homes, camping trailers, trailers, bus, and recreational vehicle parking on private property in the City of Marshall, Minnesota. Councilperson Lewis was concerned with Subdivision 3.2 in regard to flammable liquids and also in regard to Subdivision 3.4 which provided for street parking in which he suggested the hours be changed from 12:00 midnight to 5:00 A.M.. All voted in favor of the adoption of the ordinance, except Lewis who voted no.

Upon the recommendation of the Planning Commission, Siudzinski moved, Lewis seconded, a conditional use permit for a home occupation for a piano lesson business in an R-1, One Family Residence District, at 416 North 4th Street be approved for a 1 year period of time for Paula Harrelson. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Lewis moved, Mensing seconded, a conditional use permit to classify a recycling business as a use as the same general character as the permitted uses in an I-1, Limited Industry District, at 110 North 11th Street be granted to William Ritter. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the proper city personnel be authorized to enter into an agreement between the City of Marshall and the Southwest State University for the City of Marshall to provide police department services for traffic control and security at Southwest State University. This agreement is for the period July 1, 1990 through June 30, 1991 at a fee of \$69,804. The services that are to be provided are the equivalent of 1 1/2 positions of the police department. All voted in favor of the motion.

As recommended by the Special Task Force of the Economic Development Authority, Byrnes moved, Mensing seconded, Mayor Feda and the chairman of the Economic Development Authority be authorized to meet with the Lyon County Board of Commissioners to discuss with them the possibility Lyon County being involved jointly with the City of Marshall in a Facilitator Program. All voted in favor of the motion.

Mark Buss, First American Bank, and Phil Kelly from Project Turnabout, were in attendance at the meeting to discuss with the council the proposed resolution calling for a public hearing for a construction project for Reverence for Life and Concern for People, Inc., DBA Project Turnabout. Project Turnabout is a non-profit organization and has applied for a tax exempt

## REGULAR MEETING - JUNE 18, 1990

status. Project Turnabout is proposing to construct a half way house and out patient clinic at 1220 Birch Street. City Attorney Brian Murphy suggested that the documents that relate to this project be referred to the Law Firm Mackall, Crounse & Moore, legal counsel for the City of Marshall. Mr. Kelly did indicate that there has been a modification in the design for the construction of the facility from what was originally proposed but did indicate that there is no change in the off street parking. Mensing moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1247, SECOND SERIES and that the reading of the same be waived. Resolution Number 1247, Second Series is a resolution calling for a public hearing for the project Reverence for Life and Concern for People, Inc., DBA Project Turnabout under Minnesota Statutes Chapter 469. The public hearing on this project has been scheduled for July 16, 1989 at 7:30 P.M. All voted in favor of the motion.

Byrnes moved, Siudzinski seconded, the approval of the plumbers license for Dennis Chihanski DBA DCB & H and for James Robert Wambeke DBA Wambeke Plumbing & Heating. These license will expire on March 31, 1991. The fee for these licenses is \$20.00. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for gambling for the Church of the Holy Redeemer. All voted in favor of the motion.

Rich Voller, Superintendent of the Marshall Municipal Utilities, was in attendance at the meeting to discuss with the city council the acquisition of certain easements and right of way in conjunction with the proposed transmission system located between the Fire Station site and the Marshall Municipal Utilities Substation. On behalf of the Marshall Municipal Utilities, Mr. Voller was requesting that if the Utilities were to purchase Lots 5 and 9 that the City accept the dedication of the right of way for the extension of "A" Street and also accept the remaining parts of lots 5 and 6. Lewis moved, Mensing seconded, as requested by the Marshall Municipal Utilities, the city would accept the dedication, the proposed street right of way for the extension of Street "A" and that the city would accept all of the remaining parts of lot 5 and lot 9 without reservation as to the commitment by the Marshall Municipal Utilities to pay any future assessments for street, curb and gutter and other improvements and with the understanding that the Municipal Utilities will retain an easement across the property for a transmission line. All voted in favor of the motion.

At the regular city council meeting held on June 4, 1989, there was a discussion in regard to granting authority to the Marshall Municipal Utilities to initiate condemnation actions to acquire certain service territory areas. This item was tabled to the present time, therefore Lewis moved, Siudzinski seconded, the consideration to grant authorization to the Marshall Municipal Utilities to initiate condemnation actions to acquire certain service territory areas be taken off the table and considered at this time. All voted in favor of the motion.

The attorney's for the Marshall Municipal Utilities have recommended the proceeding with the condemnation process therefore Feda moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1248, SECOND SERIES and that the reading of the same be waived. Resolution Number 1248, Second Series is a resolution authorizing special legal counsel and that the Marshall Municipal Utilities to file eminent domain proceedings in district court as needed to obtain certain service territory areas within the City of Marshall. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the approval of Change Order #2 for Project No. 1989-016 which is a contract with Buchholtz Construction for the sidewalk improvement along Bruce Street and Lyon Street. This change order is for an

## REGULAR MEETING - JUNE 18, 1990

additional \$6,110.85 which was required to furnish and install rock, a retaining wall, relocate a sprinkler system and do excavation work. All voted in favor of the motion.

Lewis moved, Siudzinski seconded, the approval of a transient merchants license for Southwestern Company. The fee for this license is \$200. Southwestern Company will be marketing study guides through out the residential area in the City of Marshall. All voted in favor of the motion.,

Siudzinski moved, Lewis seconded, the approval of a special vehicle license permit for Steven Arneson and Jack Schroeder. These licenses allow golf cart type vehicles to be operated on specific streets within the City of Marshall. The license fee is \$25.00 and this license will expire on December 31, 1990. All voted in favor of the motion.

Lewis moved, Mensing seconded, and it was unanimously approved that the following bills be authorized for payment: 36330 through 36602.

Mayor Feda did indicate that at the League of Minnesota Cities Conference held in Duluth he attended a session that addressed general liability insurance and was informed at the meeting to expect no or little increase in general liability premium for next year.

The following building permits and mobile home permits previously approved by the Building Official were confirmed:

Robert L. Carr Company  
1404 East Lyon Street  
Section 10  
Part of NW 1/4 of NE 1/4  
Free Standing Sign  
\$200                      \$100

Sexual Abuse Resource Center  
430 West Main Street  
Original Plat  
Block 8, Lot 16 & Part 17  
Flat Wall Sign

Heartland Food Company  
110 South 6th Street  
Section 4  
Part of NW 1/4 of SW 1/4  
Demolish Grain Elevator Complex  
\$0

Alwyn Hart  
511 Thomas Avenue  
Eatros Place 4th Addition  
Block 3, Lot 1  
Porch  
\$6,000

Heartland Food Company  
Bladholm-Sussner Construction  
Section 4  
Part of NW 1/4 of SW 1/4  
Phase 1-E North Addition  
\$694,000

Graphic House Inc.  
1200 Highway #59 North  
Section 33  
Part of NW 1/4 of SW 1/4  
Free Standing Sign  
\$13,000

Arlan & Starla Plueger  
108 "E" Street  
Carlson Addition  
Lot 5  
Deck  
\$400

Geske Building & Supply Company  
203 Lucille Street  
Nielsens Addition-Jansens Subd.  
Outlot 6, Lot 7  
Remodel Garage  
\$1,400

Shirley Woitalewicz  
110 North Bruce Street  
Section 3  
Part of SW 1/4 of NW 1/4  
Flat Wall Sign  
\$30

Thomas Hey  
811 Westmar Circle  
Westmar Lots  
Block 3, Lot 6  
Attached Garage  
\$10,000

## REGULAR MEETING - JUNE 18, 1990

Joseph E. Brown  
700 Marquerite Avenue  
Eatros Place  
Block 3, Lot 10, 11 & Part of 9  
Breezeway Walls  
\$400

Deborah Christensen  
125 "E" Street  
Ritchie Addition  
Block 1, Lot 12  
Deck  
\$700

Elroy Rogers/Flash Electronics  
316 West Main Street  
Original Plat  
Block 9, Lot 17  
Flat Wall Sign  
\$200

Taylor's Inc.  
502 Carlson Street  
McFarland 2nd Addition  
Block 1, Lot 12  
Garage Addition  
\$3,800

True Value Home Center  
1106 Horizon Drive  
Belvedere Estates Addition  
Block 2, Lot 10  
Dwelling  
\$70,000

Marce Jerzak  
402 Williams Street  
Grimes Addition  
Part of Block 1  
Reside Dwelling  
\$4,500

Loren Johnson  
1006 Woodfern Drive  
Southview 2nd Subdivision  
Block 4, Lot 8  
Deck  
\$400

Greig & Gregerson  
212 West Main Street  
Original Plat  
Block 10, Lot 15 & 16  
Canopy  
\$500

Randy Peterson  
205 1/2 South 4th Street  
"A" Addition  
Block 2, Lot 3  
Garage  
\$10,000

George Jacob Construction  
120 East Main Street  
Original Plat  
Block 1, Lot 3  
Escape/Rescue Window  
\$500

McKee, Anderson & Associates  
239 West Main Street  
Original Plat  
Block 3, Lots 14, 15 & Part of 16  
Backstair Addition  
\$18,000

MANUFACTURED HOME INSTALLATION APPLICATION/PERMIT

Marathon Housing Company  
1274 Avalon Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home  
\$40 \$40

Marathon Housing Company  
1270 Avalon Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home  
\$40 \$40

Marathon Housing Company  
1253 Avalon Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home  
\$40 \$40

Marathon Housing Company  
902 Merlin Lane  
Camelot Square Mobile Home Park  
Install Mobile Home

Marathon Housing Company  
1255 Avalon Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home

Marathon Housing Company  
1251 Avalon Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home

Councilperson Siudzinski took this opportunity to review with the council a number of sessions she attended at the League of Minnesota Cities Conference

## REGULAR MEETING - JUNE 18, 1990

A concern was expressed in regard to the property at 502 East Southview as it relates to the mowing of the grass at this property.

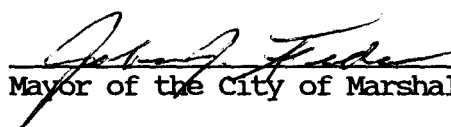
A brief discussion was held at this time in regard to the change in programing of the cable tv channels.

A resignation was received from Ann LaPorte from the Marshall Lyon County Library Board. It was the general consensus of the council that the would interview applicants for the vacancy on this board prior to the city council meeting on July 16, 1990.

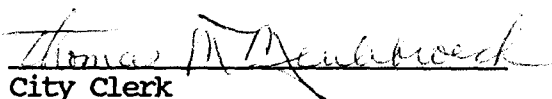
Maureen Johnson Stores recently elected councilperson was in attendance at the meeting and was asked by Mayor Feda to assume the positions that were held by Dan Hockert. Councilperson Mensing had offered to be the liasan to the Weiner Memorial Medical Center Hospital Board which was previously held by Dan Hockert.

A special city council meeting was scheduled for Wednesday, June 27, at 8:00 o'clock to consider the 1989 audit for the City of Marshall.

Upon motion made by Mensing, seconded by Byrnes, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk



## SPECIAL MEETING - JUNE 27, 1990

A special meeting of the Common Council of the City of Marshall was held on June 27, 1990. The meeting was called to order at 8:02 P.M. by Mayor Feda. In addition to the Mayor the following members were in attendance: Mensing, Siudzinski, Kirchner, Lewis and Byrnes. Also in attendance was recently elected councilperson Maureen Johnson Stores. Absent: none.

The Pledge of Allegiance was recited.

The purpose of this special meeting was to review the 1989 Audit as prepared by Minehart, McKee, Anderson and Associates.

The report was reviewed with the city council and others in attendance by George Minehart, Minehart, McKee, Anderson and Associates and Thomas M. Meulebroeck, Financial Director/City Clerk/Treasurer for the City of Marshall.

Following a review of the General Fund revenues and expenditures in comparison to the budget, Byrnes moved, Lewis seconded, BE IT RESOLVED a supplemental receipt be made to account number 101-363000-0000 in the amount of \$24,000 and also a supplemental expenditure be made to account number 101-702712-5530 in the amount of \$24,000. This supplemental receipt and expenditure recognizes monies received and the expenditure for a message center at Legion Field Ball Park. All voted in favor of the motion.

Byrnes moved, Lewis seconded, BE IT RESOLVED \$54,000 be transferred from the Mayor and Council contingency, 101-401401-6810, to account number 101-816819-1103, ECFE Personnel Services; \$21,000 to account number 101-702712-1101, Park Maintenance Personnel \$2,000; to account number 101-702712-2227, Park Maintenance Operating \$25,000; and to account number 101-702712-5530, Capital Outlay \$6,000. Voting in favor of the motion were Mensing, Feda, Byrnes and Lewis. Voting no were Kirchner and Siudzinski. It was later determined that there was not \$54,000 in the contingency, therefore this motion was reconsidered.

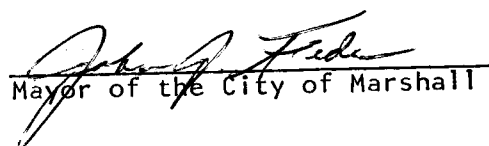
Byrnes moved, Lewis seconded, BE IT RESOLVED \$33,000 be supplemental appropriated from the unallocated contingency of General Fund to the Mayor and Council contingency account. Voting in favor of the motion were Mensing, Feda, Byrnes and Lewis. Voting no were Kirchner and Siudzinski, therefore the motion was defeated.

It was determined that there was not available funds in the Mayor and Council contingency to transfer \$54,000 as was indicated in a previous motion, therefore Feda moved, Byrnes seconded, the motion for the transfer of funds be reconsidered. All voted in favor of the motion, except Kirchner and Siudzinski who voted no.

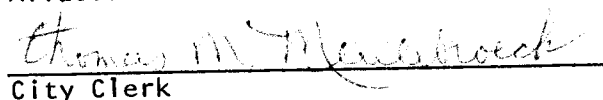
Byrnes moved, Lewis seconded, \$21,000 be transferred from the Mayor and Council contingency, 101-401401-6810, to the ECFE Personnel Services account number 101-816819-1103; and that \$22,000 be transferred from the City Administrators budget to Park Maintenance Operating account number 101-701712-2227 and \$11,000 be transferred from the Mayor and Council budget to Park Maintenance Personnel \$2,000 account number 101-702712-1101; to Park Maintenance Operating \$3,000 account number 101-702712-2227; and to Park Maintenance Capital Outlay account number 101-702712-5530 \$6,000. All voted in favor of the motion, except Kirchner and Siudzinski who voted no.

Mensing moved, Lewis seconded, the Audit Report as presented by Minehart, McKee, Anderson and Associates for fiscal year 1989 be approved. All voted in favor of the motion.

Upon motion made by Kirchner, seconded by Mensing, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - JULY 2, 1990

The regular meeting of the Common Council of the City of Marshall was held on July 2, 1990. The meeting was called to order at 7:33 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Kirchner, Lewis, Byrnes and Stores. Absent: Siudzinski.

The Pledge of Allegiance was recited.

Thomas M. Meulebroeck, Finance Director/City Clerk, administered the Oath of Office to Councilmember Maureen Johnson Stores.

There were no changes in the agenda as presented.

Byrnes moved, Lewis seconded, the approval of the minutes of the regular meeting held on June 18, 1990 and the minutes of the special meeting held on June 27, 1990 as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received, opened and read at 2:00 o'clock P.M. on Wednesday, June 27, 1990 for the construction of a warehouse facility for the Wastewater Treatment Plant to house collection system equipment and vehicles. The bids received, opened and read were from:

Bladholm-Sussner Construction  
Marshall, Minnesota  
\$182,900  
1) -\$7,800  
2) +\$1,845  
3) +\$1,240  
4) +\$8,250

Dulas Construction  
Marshall, Minnesota  
\$167,425  
1) -\$5,795  
2) +\$1,900  
3) +\$975  
4) +\$7,900

SWesta Builders  
Marshall, Minnesota  
\$188,048  
1) -\$8,075  
2) +\$1,700  
3) +\$1,304  
4) +\$8,653

Robert L. Carr Company  
Marshall, Minnesota  
\$166,000  
1) -\$5,900  
2) +\$1,700  
3) +\$1,200  
4) +\$7,700

Pulsifer Construction  
Willmar, Minnesota  
\$167,360  
1) -\$6,372  
2) +\$1,700  
3) +\$1,150  
4) +\$7,640

Upon the recommendation of Rich Victor, City Engineer, and David Frey, Wastewater Superintendent, Mensing moved, Kirchner seconded, the bids received for the construction of a warehouse facility at the Wastewater Treatment Plant be rejected and that the proper city personnel be authorized to revise the drawings, readvertise and receive bids on July 25, 1990 at 2:00 o'clock P.M. for the construction of the Warehouse facility at the Wastewater Treatment Plant to house the collection system equipment and vehicles. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1249, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1249, Second Series is a resolution authorizing the submission of a Minnesota Small Cities Economic Recovery Loan Application for the Reinhart Foods expansion project. Duane Aden, City Administrator, indicated the amount of the projected loan is \$230,000. The state would provide this money to the city and then the city would in turn loan this money to Reinhart Foods. Reinhart Foods would reimburse the city the loan plus interest of which a portion of it would remain with the City of Marshall and the balance would be repaid to the State of Minnesota. The money that is retained by the City of Marshall has to be stipulated for Economic Development purposes. All voted in favor of the motion.

## REGULAR MEETING - JULY 2, 1990

Lewis moved, Kirchner seconded, BE IT RESOLVED that the proper city personnel be authorized to execute a lease between the City of Marshall and the United States of America Federal Aviation Administration to allow the installation of an automatic weather observation station to be located at the Marshall Municipal Airport. This lease will begin on July 1, 1990 and end September 30, 1990 and may be renewed up to September 30, 2005. Rich Victor, City Engineer, indicated that there is no cost to the city for this project and that the city would be reimbursed 100% by the Federal Government. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the approval of a cigarette license for K-Mart located at 1001 Highway 23 By-Pass. This license will expire on December 31, 1990. All voted in favor of the motion, except Kirchner who voted no.

Upon the request of the VFW Club, Kirchner moved, Lewis seconded, the approval of an on-sale beer license at a fee of \$15.00 and an off-sale beer license at a fee of \$30.00 to be used at the Lyon County Fair Grounds during the Lyon County Fair between August 9 and August 12, 1990. All voted in favor of the motion.

Upon the request of the VFW Club, Lewis moved, Byrnes seconded, the approval of a tobacco license at a fee of \$10.00 to be used at the Lyon County Fair Grounds during the Lyon County Fair between August 9 and August 12, 1990. All voted in favor of the motion, except Kirchner who voted no.

Kirchner moved, Stores seconded, the approval of a transfer of \$4,700.69 from the Mayor and Council contingency, 101-401401-6810, to the Ambulance Department, 101-502530-2221, to cover the cost for the repairs to the 1990 Ford Ambulance as a result of an accident. All voted in favor of the motion.

Kirchner moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1250, SECOND SERIES and that the reading of the same be waived. Resolution Number 1250, Second Series is a resolution restricting left turns onto College Drive from Parking Lots A and P. P Lot is the parking lot behind the downtown business area and adjacent to the Redwood River and A Lot is the lot at the intersection of Lyon Street and East College Drive. All voted in favor of the motion.

Upon the recommendation of the Public Housing Commission, Byrnes moved, Kirchner seconded, BE IT RESOLVED that the City of Marshall does endorse the Section 8, Rental Assistance Program for the City of Marshall. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1251, SECOND SERIES and that the reading of the same be waived. Resolution Number 1251, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Road Construction Project 1989-018 for Southview Drive from Saratoga Street to South 1st Street. The public hearing will be held on August 6, 1990 at 7:30 P.M. in the Council Chambers. \$126,998.14 of this project will be paid by State Aid Funds. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1252, SECOND SERIES and that the reading of the same be waived. Resolution Number 1252, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Sidewalk Replacement Project 1990-006 for Job No. 417. The public hearing will be held on August 6, 1990 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Stores moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1253, SECOND SERIES and that the reading of the same be waived. Resolution Number 1253, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Roadway Construction Project 1990-008 for South 4th Street from Saratoga Street to West College Drive, Job No. 410. The public hearing will be held on August 6, 1990 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

## REGULAR MEETING - JULY 2, 1990

Byrnes moved, Lewis seconded, the proper city personnel be authorized to advertise for bids for the construction of South 7th Street from Main Street to South 6th Street, upon the completion of the plans and specifications. Plans are for the construction of this street to be paid by Tax Increment Financing Bonds and also funds from the City and Lyon County. A concern was expressed in regard to the moving of the houses in this area. The city council was advised that if these houses were to be moved to other locations in the city they would have to be brought up to city code. All voted in favor of the motion.

Upon the recommendation of George Minehart, Minehart, McKee, Anderson & Associates, Auditors for the City of Marshall, Kirchner moved, Mensing seconded, the Weiner Memorial Medical Center be requested to include in their annual financial report a break down of the fund balance to include the reserve for Debt Service, the amount designated for capital improvements and undesignated amount. Mr. Minehart did indicate that by establishing these reserves will indicate that the available funds will be dedicated. Councilperson Mensing did indicate he had addressed this concern with Wes Kinstad, Controller of the Weiner Memorial Medical Center, and was advised that Mr. Kinstad had no problem with the designation of the fund balance amount. All voted in favor of the motion.

A discussion was held at this time in regard to the Audited Financial Report for the City of Marshall for 1989 as prepared by Minehart, McKee, Anderson & Associates and their recommendations on this report. A concern was expressed in regard to the lateness in which the City Council received the report before it is to be submitted to the State Auditor's Office. The city council was advised that the proper city personnel and the auditors will do what ever is possible to get the information to the city council on a more timely basis in the future. In addressing the items of concern in the letter dated June 26, 1990 a question was raised in regard to the written recommendations to the Administrative Personnel of the City of Marshall. Mr. Minehart did indicate the items recommended to the Administrative Personnel consisted of the handling of bad checks at the Marshall Municipal Liquor Store and the writing off of those that have been held for some time; the Treasurer's Bond for the Economic Development Authority; compensation as it relates to contracts and regular city employees; designating of reserves within the various city funds; and the payment to employees for city use of personnel vehicles. It was the general consensus of the council that they would like George Minehart, Duane Aden, and Thomas Meulebroeck to work together to determine and recommend to the Ways and Means Committee reasonable reserves within the various city funds.

Feda moved, Mensing seconded, a letter be sent to those parties involved advising them of the unacceptable procedure of ordering and receiving items in one year and delaying payment until the following year. The parties involved are to be advised that this action will not be acceptable in the future. All voted in favor of the motion.

Kirchner moved, Stores seconded, the over spending of the Park Maintenance account for 1989 be referred to the Ways and Means Committee of the Council to determine why it happened and that they be directed to develop a policy of what will happen when a department spends in excess of its budget and how it will be handled. All voted in favor of the motion. 129-

A brief discussion was held at this time in regard to City of Marshall purchase order system and the implementation of this system in conjunction with the computer.

Upon the recommendation of the Auditors, Minehart, McKee Anderson & Associates, Kirchner moved, Stores seconded, a committee be formed to establish a time table, cost, personnel needs, training and etc., to have the computer operating to the capacity as expected by the city council and personnel staff. A report is to be made to the city council at the August 6, 1990 meeting. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the chairperson of the Ways and Means Committee, the Finance Director Thomas Meulebroeck, City Administrator Duane Aden, City Assessor/Purchasing Agent Cal Barnett, George Minehart of Minehart, McKee, Anderson and Associates, City Engineer Rich Victor, and Laurie Hebl be

## REGULAR MEETING - JULY 2, 1990

appointed to the committee to address the concerns of the city council as it relates to the computer operation. All voted in favor of the motion.

Byrnes moved, Mensing seconded, Bruce McVey be granted a fireworks display permit to display fireworks at the Nite Lite Golf Tournament to be held at the Marshall Golf Club on July 13, 1990. This license is approved contingent upon the city receiving the proper and necessary insurance certificate and the approval of the Marshall Volunteer Fire Department. All voted in favor of the motion.

Mensing moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 36603 through 36815.

The following building permits and mobile home permits previously approved by the Building Official were confirmed.

Ronald DeVries  
602 Charles Avenue  
Morningside Heights Addition  
Block 7, Lot 2 & 3  
Garage  
\$4,000

Daniel Wyffels  
108 "G" Street  
DeAustin Addition  
Block 2, Lot 7  
Basement Expansion  
\$5,500

Gregory Flock  
611 Adobe Circle  
Prairieview Estates 3rd Addition  
Block 2, Lot 10  
Finish Basement  
\$4,000

Independent School District #413  
500 South 4th Street  
Auditors Plat Country Club Addition  
Outlot 1  
Partition Remodeling  
\$1,500

William E. Haynes  
513 West Main Street  
Original Plat  
Block 6, Lots 11, 12 & Part of 10  
Remodel Porch  
\$700

Glenn Etrheim  
403 Donita Avenue  
Eatros Place 2nd Addition  
Block 1, Lot 23  
Utility Shed  
\$300

SWesta Builders Inc.  
Channel Parkway Softball Complex  
Section 5  
Part of SW 1/4  
Restroom Facility  
\$22,000

Steve Tutt Construction  
230 West Lyon Street  
Original Plat  
Block 14, Lots 6, 7 & Part of 8  
Private Garage  
\$8,000

Steve Tutt Construction  
512 West Marshall Street  
Stewart & Jenkins Addition  
Block 2, Part of Lots 1 & 2  
Reside Dwelling  
\$1,000

Dulas Construction Inc.  
Main Lift Station  
Section 33  
SW 1/4 of SE 1/4  
Generator Building  
\$64,000

Greig & Gregerson  
300 West Main Street  
Original Plat  
Block 9, Part of Lots 19, 20, & 21  
Remodel Office Building  
\$2,500

Timothy & Patricia Lutterman  
215 West Main Street  
Original Plat  
Block 3, Lot 7  
Demolish Interior Wall & Install Window  
\$250

True Value Home Center  
1201 Morningside Circle  
Belvedere Estates  
Block 1, Lot 31  
Dwelling  
\$96,000

George A. Mercie  
815 Boxelder Avenue (formerly 300)  
Janzen Second Addition  
Lot 6  
Reside Dwelling  
\$760

## REGULAR MEETING - JULY 2, 1990

MANUFACTURED HOME INSTALLATION APPLICATION/PERMIT

Marvin G. Bergman  
1242 Winchester Drive  
Camelot Square Mobile Home Park  
Install Mobile Home

Councilperson Mensing indicated to the council he had receive a call in regard to the establishment of a tiered system implemented by the Cable TV System. Mr. Mensing indicated he advised the contact made to him that the city council had no input and were not involved in the decision to establish a tiered system for the Cable TV.

Councilperson Kirchner was concerned about the City of Marshall dog kennel. Mr. Aden did advise the city council that the city is in the process of doing some work with towards developing a new facility.

In response to the traffic pattern at the intersection of College Drive and Bruce Street Mr. Victor did indicate to the council that the improvements at this intersection are planned for 1991.

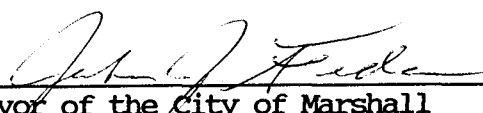
Councilperson Kirchner was also concerned with the traffic congestion at the intersection of "E" Street and Main Street.

The city council was advised that curb side recycling is planned to start in September of 1990.

A question was raised in regard to the installing of street lights along Southview Drive from Saratoga Street to 1st Street.

A suggestion was made that the compost collection point receive some publicity.

Upon motion made by Lewis, seconded by Byrnes, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## REGULAR MEETING - JULY 16, 1990

The regular meeting of the Common Council of the City of Marshall was held on July 16, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited.

There were no changes in the agenda as presented.

Byrnes moved, Lewis seconded, the approval of the minutes of the regular meeting held on July 2, 1990 as corrected and as filed with each member. All voted in favor of the motion.

This was the date and time set for a public hearing on the issuance and sale of a revenue note for health care facilities. Duane Aden, City Administrator, reviewed with the council and others in attendance at the meeting information pertaining to the issuance of a revenue note to finance the Reverence for Life and Concern for People Project (Turnabout Project).

Paul Stoneberg, Attorney for Project Turnabout, Phil Kelly, Administrator for Project Turnabout and Mark Buss, representative from First American Bank, were in attendance at the meeting to answer any questions or concerns.

Mayor Feda indicated that there have been 4 other issues that have been dealt with in the City of Marshall. Feda questioned whether the overall benefit for this project to proceed was the preferred interest rate.

Paul Stoneberg indicated that it is a benefit for a non-profit organization to obtain a lower interest rate. Paul indicated that instead of an interest rate of 11 1/2% they would receive an interest rate in the area of 7.9%.

Mayor Feda questioned whether these were the same type of bonds that were issued for PPG Industries.

Duane Aden, City Administrator, indicated that PPG Industries had Industrial Revenue Bonds. He also indicated that the requirements and some of the process has changed, and this time we are dealing with a non-profit organization.

Bob Hirmer asked if the City was going to issue these bonds or if they are revenue bonds? He was also concerned if the City backs these bonds?

Paul Stoneberg indicated that they are not bonds but notes and that First American Bank is advancing funds to purchase these notes and that there is no liability to the City.

Mayor Feda indicated that the resolution states that the city shall not be obligated in any way.

There were no other comments therefore, Lewis moved, Mensing seconded, the public hearing be closed. All voted in favor of the motion.

Lewis moved, Stores seconded, the adoption of RESOLUTION NUMBER 1254, SECOND SERIES and that the reading of the same be waived. Resolution Number 1254, Second Series is a resolution approving the issuance and sale of a \$425,000.00 Health Care Facilities Revenue Note (Reverence for Life and Concern for People Project) of the City of Marshall, Minnesota and authorizes the execution of documents relating thereto. All voted in favor of the motion.

Discussion was held at this time in regard to the introduction of an ordinance providing for a Municipal Utilities Cable Franchise.

Duane Aden, City Administrator, reviewed with the council the action taken by the Charter Commission and indicated that they voted to deny the introduction of this ordinance.

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Brian Murphy, City Attorney, indicated that in order for a change to be made to the City Charter the Charter Commission can recommend a change or there can be a vote of the public to recommend a change. He also indicated that since the Charter Commission recommended denial of this change that the council has two choices: 1) they could send it to a vote of the public which could pass with 51% voting in favor; or 2) they could do nothing and the proposed change would die at this time.

Ted Rowe, Chairman of the Utilities Commission, indicated that they had not discussed the option of this going to a vote of the people. He stated that he would like to discuss with the Utilities Commission before they make a recommendation.

Lewis moved, Mensing seconded, that this be tabled until such time that the Utilities Commission has time to make their recommendation.

John Siudzinski, Chairman of the Cable Commission, indicated that they have no recommendation at this time on the action taken by the Charter Commission.

Mayor Feda asked that the Cable Commission discuss this at their next meeting and make a recommendation to the Council.

Bob Hirmer, as a private citizen not as a member of the Utilities Commission, stated that of the 52 Municipal Cable Systems 35 are located in Municipal Power Communities such as ours. He believes that the Cable TV business as it exists today is an unregulated monopoly and he feels that competition makes a big difference in both pricing and customer service. He also indicated that he does not feel this should go to a vote of the people at this time.

Feda moved, Stores seconded, to amend the motion to include the Cable Commission as well as the Utilities Commission make a recommendation to the council on the request for a Municipal Utilities Cable franchise. All voted in favor the the amendment. All voted in favor of the motion as amended.

Upon the recommendation of the Planning Commission, Kirchner moved, Stores seconded, the approval of a 1 year home occupation conditional use permit for Darlene McMaster to operate a psychological counseling business at 403 North 6th Street which is in an R-1, One Family Residence District.

Lewis asked Ms. McMaster what her background was in this area?

Ms. McMaster indicated she has a Bachelor Degree in philosophy, a Master degree in counseling, she has previously done counseling at Sioux Valley Hospital and 2 years of teaching.

Mensing was concerned if the Planning Commission asked about her qualifications.

Kirchner indicated that they had. Kirchner also asked if any of the clients would be dangerous or high risk people?

Ms. McMaster indicated that she is going to be working basically with self esteem.

All voted in favor of the motion.

Discussion was held at this time on the request for Donald Henderson for a conditional use permit for a two family dwelling under single ownership in an R-1, One Family Residence District.

Rich Victor, City Engineer, indicated that in 1986 they applied for a conditional use permit which was approved by the Planning Commission but denied by the City Council.

Rich also indicated that there are a number of items on the inspection report that need to be completed and that the Planning Commission denied this request. Some items of concern were: the lot does not conform to the zoning



## REGULAR MEETING - JULY 16, 1990

ordinance for width; the duplex does not conform to the neighborhood, the continuing use as a duplex which has been in violation of the code; and because the apartment was built after 1964 when the zoning was in effect it is not subject to amortization.

Kirchner moved, Siudzinski seconded, the request for a conditional use permit for Donald Henderson, 417 North 7th Street, be denied for the reasons stated by the Planning Commission and that the lighting and ventilation are less than code.

Ms. Henderson wanted to know what would have to be done to make a sleeping room?

Rich Victor indicated that there could be no kitchen facilities, there needs to be adequate parking area, all life safety qualifications needed to be met, and there needed to be adequate lighting and ventilation.

Ms. Henderson asked what the bedroom had to conform to?

Rich indicated it would have to conform as to escape/rescue windows, lighting and ventilation.

Stores asked if it is denied at this time, can the Henderson reapply at another time?

Kirchner indicated that this is what happened before. They were given a list of items to complete and that Dale Howe, Building Official, made an inspection of this property.

Ms. Henderson stated that everything is taken care of except they have to get a plumber to do some work on the kitchen sink and in the bathroom, and the input to the boiler for the hot water heat needs to be fixed. They also need to add more lighting in the kitchen, dining and living area.

Kirchner asked if they received a building permit for the window?

Ms. Henderson indicated they did not, but would be willing to get one at this point.

Kirchner recommended that the Henderson's work with the City Engineer's Office in the future.

Siudzinski indicated that nothing could be done about the lot size but was concerned about using the neighbors property to get to their back yard.

Ms. Henderson indicated that they use the neighbors driveway, which is a vacant lot, to drive to the back of their property and that they do not have any problems with the owners of this property.

All voted in favor to deny this request.

Upon the recommendation of the Planning Commission, Kirchner moved, Mensing seconded, that a conditional use permit for a two family dwelling under single ownership at 410 South 1st Street be granted to Lawrence Haugen. Mr. Haugen was given 1 year to complete the 8 items on the inspection report of July 3, 1990. This permit will be issued at that time or upon completion of these 8 items if completed before the 1 year period. All voted in favor of the motion.

Siudzinski requested that the council receive a copy of the inspection reports with their agendas.

Upon the recommendation of the Planning Commission, Byrnes moved, Stores seconded, a variance adjustment permit be granted to Heartland Food Co. This variance allows Heartland to construct a freezer addition along the Railroad right-of-way property and the new extension of South 7th Street between Heartland Food and the Lyon County Courthouse with a 0' setback in lieu of the 25' for the front and rear as required by City Code.

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Rich Victor, City Engineer, indicated that the county property and the old MN/DOT building property are currently being resurveyed and that 18' will be taken from each side of County property and Heartland's property for the future road. He also indicated that the county property would be divided by the future roadway.

With this construction Heartland Food would be about 5' behind the curb and gutter and about 45' from the courthouse property. The existing dome coolers at the Railroad right-of-way line are at a 0' setback. All voted in favor of the motion.

Discussion was held at this time in regard to a report prepared by Rich Herigon, Street Department Superintendent, in regard to mosquito spraying. The direct cost for each application is approximately \$1,200.

Siudzinski was concerned about the number of times this needs to be done each year.

Duane Aden, City Administrator, indicated 5 to 6 times.

Kirchner indicated the problem is not as bad now as it was in June.

Byrnes indicated that this is due to the fact that there has not been as much rain.

It was indicated that spraying has not been done in the City for the last 4 to 5 years because of cost and labor.

Stores asked if there were any health hazards from the spray.

Duane Aden indicated that the form of spray used is quite safe.

Byrnes indicated that the type of spray used by the City is less toxic than other sprays and the least hazardous to bees. He also indicated that the spraying should be done in daylight hours, it should be limited to public areas and the city should consider having this done by a contractor.

Mensing was concerned with the wind blowing the spray and children playing in the areas if the spraying was done during the daytime.

Lewis moved, Stores seconded, the report be accepted and that no further action be taken at this time.

Kirchner requested these comments be attached to the report and this be considered at budget time.

All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1255, SECOND SERIES and that the reading of the same be waived. Resolution Number 1255, Second Series is a resolution redistributing the assessments for curb & gutter, storm sewer, water & sewer and bituminous surfacing for Belvedere Estates. This resolution provides that the remaining assessment balances for Lots 9, 10 and 11, Block 1 be divided between Lots A, B, C and D, Block 1, Belvedere Estates. All voted in favor of the motion.

Due to the resignation of Mary Hauschild from the Housing Commission, Lewis moved, Mensing seconded, that Bob Byrnes be appointed to the Housing Commission until such time that a replacement can be appointed. All voted in favor of the motion, except Byrnes who abstained.

Siudzinski moved, Stores seconded, that Barb Yorde be appointed to the Library Board for a term to expire on December 31, 1991. All voted in favor of the motion.

Discussion was held at this time in regard to a resolution authorizing the city to submit a grant application for 1991 transit services.

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Duane Aden, City Administrator, indicated that the funds the city spends on this system is from the revenue of the system, the city does not spend any additional funds. He also indicated that there has been discussion to extend the hours of the transit system.

Feda asked if this application requires the endorsement of the Regional Development Commission.

Duane Aden indicated that he thought this has been a direct and ongoing contract with MN/DOT for many years. He also indicated that this contract does not include any new equipment this year.

Stores moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1256, SECOND SERIES and that the reading of the same be waived. Resolution Number 1256, Second Series is a resolution authorizing the City of Marshall to submit a grant application to the State of Minnesota for a 1991 Transit Service. All voted in favor of the motion.

Feda indicated that the Jack Rabbit bus line asked for permission to operate an auxiliary charter service and it was opposed and that they are tying it to the fact that without that they do not think they can continue to operate.

Tom Meneely from KMHL Radio Station indicated that he spoke with the Administrative Law Judge who was asked to give a summary judgement and his decision was that the Transportation Regulatory Board should have a public hearing. He also indicated that Jack Rabbit has an additional \$10,000 into this project and they do not know how they are going to make up those funds. He indicated that if the decision goes against them they will not be in Marshall in 30 days, but if it doesn't go against them they will keep monitoring the system to see how the ridership goes. No date has been set for the hearing.

Stores was concerned about using the taxi for transporting students to different activities from the schools.

Duane Aden indicated that there are several contracts for this purpose. He also indicated that there has been 24 hour service for about 1 month and indicated that there is quite a bit of activity up until about 7 P.M. He also indicated that the Transportation Committee should review the ridership that is going on during the hours that Lyon County Coop is volunteering their drivers.

Kirchner moved, Lewis seconded, the displeasure of the proposed increase of the 25% on the Coalition dues for 1991. All voted in favor of the motion.

Siudzinski moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 36816 through 37105.

The following building permits approved by the Building Official were confirmed:

SWesta Builders Inc.  
1210 East College Drive  
Section 3  
Part of NE 1/4 of SW 1/4  
Remodel Office Building  
\$3,000

Lyon County  
607 West Main Street  
Stewart & Jenkins Addition  
Block 8, Lot 7-12  
Move Out Garage  
\$0

Nelson Construction Company  
1800 East College Drive  
Section 2  
Part of NE 1/4 of SW 1/4  
Maintenance Building  
\$2,775,000

Lyon County  
108 South 7th Street  
Stewart & Jenkins Addition  
SW 60' of Lot 6 & 7  
Move Out Garage  
\$0

## REGULAR MEETING - JULY 16, 1990

Albert Gesquiere  
203 North 7th Street  
Stewart & Jenkins Addition  
Block 6, Lot 2  
Reroof Garage  
\$1,000

Steve Tutt Construction  
604 Arbor Court  
Parkside Addition  
Block 3, Lot 16  
Dwelling 3 Season Porch  
\$105,000

Lloyd White  
302 South 4th Street  
"A" Addition  
Block 4, Lot 2  
Foundation Replacement  
\$5,00

Henry Blomme  
607 Kendall Street  
Howard's Addition  
Part of Lot 3  
Reside Garage  
\$300

Michael Pearson  
122 Lilac Drive  
Village Park Mobile Home Park  
Utility Shed  
\$1,400

Robert L. Carr Company  
208 East College Drive  
Original Plat  
Block 13, Lots 1-5  
Demolish Canopy  
\$0

Dallas Kluksdal  
408 South 4th Street  
Auditor's Plat VI  
Lot 4

\$10,000

Independent Lumber  
701 Viking Drive  
Viking Addition Plat V  
Block 3, Lot 1  
Dwelling  
\$62,000

James Calvin  
601 Dogwood Avenue  
Southview Subdivision  
Block 4, Lot 9  
Deck  
\$1,000

Royston Corporation  
300 East College Drive  
Original Plat  
Block 22, Lot 6  
Remove & Replace Exist. Fascia Boards  
\$3,000

Siudzinski indicated that the Cable Commission held a meeting and did not feel that the franchise ordinance should be changed as requested by ATC for a tier.

Kirchner was concerned as to whether the city follows up on duplexes that do not meet code.

She was also concerned if Viessman's are in compliance with the variance that was approved last year.

Rich Victor indicated that they requested an extension.

Kirchner was also concerned about the refund from Bob Carr, Hill Street Place for the overpayment.

Kirchner requested the possibility of a variable bag rate for the City be placed on the agenda for the next Legislative and Ordinance meeting.

A Legislative and Ordinance Committee meeting was set for Wednesday, July 18, 1990 at 12:00 noon at Toni's.

Byrnes was concerned if there were any set back requirements for compost sites. There was also some concern about educating the public on composite sites.

Lewis was concerned whether the city pays more than 50% on sidewalk replacement projects.

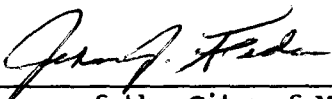
Feda was concerned if a statement is sent to the Housing Commission requesting payment from them in lieu of taxes.

A Ways and Means Committee meeting was scheduled for Monday, July 23, 1990 at 12:00 noon.

## REGULAR MEETING - JULY 16, 1990

A Joint meeting of the City Council and the Marshall Municipal Utilities Commission was scheduled for Friday, July 27, 1990 at 12:00 noon.

Upon motion by Lewis, seconded by Byrnes, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
Financial Director/City Clerk

REGULAR MEETING - AUGUST 6, 1990

The regular meeting of the Common Council of the City of Marshall was held on August 6, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Lewis and Stores. Absent: Kirchner and Byrnes.

The Pledge of Allegiance was recited.

Lewis moved, Stores seconded, the agenda be approved with the addition of the receiving of bids for the sale of a 1979 van and cascade system from the Fire Department. All voted in favor of the motion.

Lewis moved, Mensing seconded, the approval of the minutes of the regular meeting held on July 16, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received, opened and read on July 25, 1990 at 2:00 o'clock P.M. for a warehouse at the Wastewater Treatment Facility, Project No. 1990-012. The bids received, opened and read were from:

Bidder	Base Bid	Alternate 1	Alternate 2
Pulsifer Construction Inc. Willmar Minnesota	\$119,312.00	+\$1,644.00	+\$7,540.00
Robert L. Carr Company Marshall, Minnesota	\$119,777.00	+\$1,700.00	+\$7,700.00
Dulas Construction Marshall, Minnesota	\$108,357.00	+\$2,000.00	+\$6,600.00
Bladholm-Sussner Construction Marshall, Minnesota	\$127,440.00	+\$1,720.00	+\$7,890.00

Upon the recommendation of Rich Victor, City Engineer, and David Frey, Wastewater Treatment Superintendent, Stores, moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1257, SECOND SERIES and that the reading of the same be waived. Resolution Number 1257, Second Series is a resolution awarding the bid for the Warehouse at the Wastewater Treatment Facility, Project No. 1990-012 to Dulas Construction, Marshall, Minnesota in the amount of \$116,957. All voted in favor of the motion.

This was the date and time set to receive, open and read bids for the sale of a 1979 van and cascade system from the Marshall Volunteer Fire Department. Duane Aden, City Administrator, asked if there were any additional bids to be received. There were no additional bids received, therefore the receiving of bids was declared closed. The bids received, opened and read were as follows:

VAN:

City of Minneota, \$7,280.00

CASCADE SYSTEM:

City of Ghent, \$805.00

City of Sacred Heart, \$651.00

Danube Fire Department, \$351.00

Deer Creek Volunteer Fire Department, \$550.00

## REGULAR MEETING - AUGUST 6, 1990

These bids were referred to Dave Marks, Fire Chief, for his review and recommendation.

This was the date and time set for a public hearing on the special assessments for Projects No. 1989-018, 1990-006 and 1990-008. The first project considered was 1989-018 which is a road construction of Southview Drive from Saratoga Street to South First Street. Rich Victor, City Engineer, suggested the assessments be paid over 8 years at 8 1/2% interest and that those assessments on parcels no. 27-604140 and 27-604145 be deferred with an 8 1/2% interest each year. There were no other comments on Project No. 1989-018.

The second project considered was 1990-006 which is the sidewalk replacement in various locations throughout the City of Marshall. Rich Victor did indicate that there are some changes in this assessment roll as proposed. Rich Victor also indicated that with the sidewalk replacement project 1/2 of the cost is paid by the city and the other 1/2 is paid by the adjacent property owner. Dan Archbold was in attendance at the meeting and questioned the city council in regard to the sidewalk assessment being equal throughout the city? Mr. Archbold indicated that some property owners are paying nothing for sidewalks, some pay 1/2 of the cost and some properties are paying 100%. Mr. Archbold was advised that those sidewalks ordered to be put in place by the City Council to provide access to the various public facilities in the City of Marshall are being paid by the city from available funds in the 429 Revolving Fund, that those property owners who have sidewalks that are being replaced are being assessed 1/2 of the cost for the replacement and this will be the practice for the replacement of other sidewalks, and all new development areas will have sidewalks and those sidewalks will be at the cost of the developer or the property owners. These assessments are being suggested to be paid over 5 years at 8 1/2% interest.

The third project being considered was Project No. 1990-008 which is the road construction of South 4th Street from West College Drive to Saratoga Street. Mr. Victor indicated it is the intent that these assessments be paid over 8 years at 8 1/2%. Virgil LeBeau, 407 South 4th Street, was concerned with the dollar amount of assessments that were to be assessed to the property owners along South 4th Street. Mr. Victor did indicate that approximately 20% of the total cost of the improvement along South 4th Street are being assessed to the adjacent property owner.

Councilperson Stores suggested that the interest rate for this assessment be reduced to approximately 7 1/2%.

Lewis moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1258, SECOND SERIES and that the reading of the same be waived. Resolution Number 1258, Second Series is a resolution approving the assessment roll for Municipal State Aid Project No. 139-119-02 or City Project No. 1989-018 for the road construction on Southview Drive from Saratoga Street to South First Street, setting the interest rate at 8 1/2% with an 8 year payment period and with no interest being charged if the assessment is paid prior to September 15, 1990. All voted in favor of the motion.

Lewis made a motion to adopt a resolution for Project No. 1990-006 for the sidewalk replacement at various locations throughout the city. Lewis made the motion with the intent that it be adopted with the changes as recommended by City Engineer. This motion was withdrawn following a discussion in addressing the fact that the changes as recommended have not been provided to the affected property owners.

Lewis moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1259, SECOND SERIES and that the reading of the same be waived. Resolution Number 1259, Second Series is a resolution approving the assessment roll for Sidewalk Replacement Project No. 1990-006 Job No. 417, setting the interest rate at 8 1/2% with a 5 year payment period and with no interest being charged if the

REGULAR MEETING - AUGUST 6, 1990

assessment is paid prior to September 15, 1990. The assessments adopted totaled \$41,137.28. This resolution does not include the changes as suggested by City Engineer Rich Victor. All voted in favor of the motion.

Mensing moved, Stores seconded, the adoption of a resolution and that the reading of the same be waived. The proposed resolution was to approve the assessment roll for Municipal State Aid Project No. 139-110-02 Reconstruction Project 1990-008 for South 4th Street from West College Drive to Saratoga Street. This resolution was proposed at 7 1/2% interest rate with an 8 year payment period and with interest being charged if the assessment was paid prior to September 15, 1990. All voted in favor of the motion, except Lewis who voted no. In order to accept this resolution 5 out of 7 votes of the City Council were required. There were not 5 votes in favor of this motion, therefore this resolution was not approved.

Mensing moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1260, SECOND SERIES and that the reading of the same be waived. Resolution Number 1260, Second Series is a resolution approving the assessment roll for Municipal State Aid Project No. 139-110-02 Reconstruction Project No. 1989-008 for Job No. 410, setting the interest rate at 8 1/2% with a 10 year payment period and with no interest being charged if the assessment is paid prior to September 15, 1990. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed with the city council a report prepared on the status, recommendations and cost associated with the reaching of the ultimate goal of having the computer financial package access and reports available. Lewis moved, Stores seconded, the report on the financial computer program status be referred to the Ways and Means Committee to study and recommend. All voted in favor of the motion.

A Ways and Means Committee was set for 12:00 o'clock noon on Wednesday, August 15, 1990 at Toni's.

Upon the recommendation of the Legislative and Ordinance Committee of the City Council, Siudzinski moved, Mensing seconded, the introduction of an ordinance regulating the disposal of residential solid waste in the City of Marshall. The intent of this ordinance is to restrict the practice of dumping residential garbage in containers such as in the parks, downtown area and etc. A brief discussion was held in regard to the wording of Subdivision 2.b. All voted in favor of the motion.

Stores moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1261, SECOND SERIES and that the reading of the same be waived. Resolution Number 1261, Second Series is a resolution requesting the development of a financial incentive program for solid waste recycling program. This resolution adopted with the recommendation of the Legislative and Ordinance Committee whereby they had reviewed methods by which there can be a lesser cost service for persons that actively recycle and do in fact reduce their total quantity of garbage that is collected and hauled to the landfill. This resolution would formally request the development of a lowered cost service for minimal quantities. All voted in favor of the motion.

Lewis moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1262, SECOND SERIES and that the reading of the same be waived. Resolution Number 1262, Second Series is a resolution expressing the City of Marshall's appreciation and commendation to the Marshall Volunteer Fire Department 100 years of service to the community. All voted in favor of the motion.

Upon the recommendation of Fire Chief Dave Marks, Mensing moved, Stores seconded, the bid for the 1979 van from the Marshall Volunteer Fire Department be sold to the City of Minneota in the amount of \$7,280 and the cascade system be sold to the City of Ghent in the amount of \$805. All voted in favor of the motion.



## REGULAR MEETING - AUGUST 6, 1990

Lewis moved, Stores seconded, Calvin Barnett be authorized out of state travel to attend the International Conference of Assessors to be held in Montreal, Canada in October, 1990. All voted in favor of the motion.

Lewis moved, Mensing seconded, BE IT RESOLVED the proper city personnel be authorized to execute a lease between the City of Marshall and the Minnesota Department of Administration, Department of Public Safety, Driver and Vehicle Services, to utilize an area on the street located at the junction of Michigan Road and Halbur Road for motorcycle skills testing area. This lease is for a 2 year period of time from June 1, 1990 to May 31, 1992. All voted in favor of the motion.

Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1263, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1263, Second Series is a resolution establishing the voting locations, establishing the rate of pay for the election judges, authorize the Financial Director/City Clerk/Treasurer to appoint election judges and purchase the necessary supplies for the primary election of September 11, 1990 and the general election of November 6, 1990. All voted in favor of the motion.

Lewis moved, Stores seconded, the approval of a transient merchants license for Donald Braband to sell fruits and vegetables in the City of Marshall. This license will expire on December 31, 1990. The fee for this license is \$200. All voted in favor of the motion.

Lewis moved, Stores seconded, the approval of a transfer of \$2,500 from the Mayor and Council Contingency, 101-401401-6810, to the Mayor and Council Consulting Services, 101-401401-3302, to allow Hay & Associates to do some update in the training of the Personnel Evaluation Committee and review city pay plan. All voted in favor of the motion.

Lewis moved, Mensing seconded, the city administrator and one councilmember to be selected at a later date be authorized out of state travel to attend the National League of Cities Conference to be held in Huston, Texas in December, 1990. All voted in favor of the motion.

Stores moved, Siudzinski seconded, the proper city personnel be authorized to execute a Right of Entry Agreement with Twin City Testing Corporation to complete soil borings and possibly install ground water monitoring wells on the Fire Department property. Twin City Testing Corporation has been retained by Wally Brewers, Brewers Oil Company, to perform an assessment to provide information about the extent of hydro carbon contamination related to the bulk storage facility known as Brewer's Standard. This facility occupies the property which is within the block compassed by South 1st Street, Depot Street, South "A" Street and Saratoga Street. All voted in favor of the motion.

Lewis moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1264, SECOND SERIES and that the reading of the same be waived. Resolution Number 1264, Second Series is a resolution approving the appointment of Maureen Johnson Stores as a Commissioner to the Housing and Redevelopment Authority in and for the City of Marshall. This appointment is for a 5 year term to expire on August 6, 1995. All voted in favor of the motion.

Siudzinski moved, Mensing seconded, Judith Christianson be appointed to the Marshall Lyon County Library Board to fill a vacancy to expire on December 31, 1990. All voted in favor of the motion.

Mensing moved, Siudzinski seconded, Michael Yanda be appointed to the Housing Commission for a term to expire on May 31, 1991 contingent upon the resignation of Robert Byrnes. All voted in favor of the motion.

## REGULAR MEETING - AUGUST 6, 1990

Siudzinski moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 37107 through 37363.

The following building permits previously approved by the Building Official were confirmed:

Bladholm-Sussner Construction  
400 Erie Road  
MN Corn Processors Industrial Park  
Block 1, Lot 1 & 2  
Warehouse  
\$58,800

Henry Blomme  
503 Williams Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Temporary Construction Building  
\$0

Geske Building & Supply Company  
901 West Main Street  
Section 5  
Part of SE 1/4 of NE 1/4  
Bay Window  
\$2,200

George Falconer  
507 Pleasant Avenue  
Eastmans Addition  
Block 1, SE'ly 60' of Lot 5  
Deck  
\$100

Taylor's Inc.  
608 West Redwood Street  
Stewart & Jenkins Addition  
Block 4, Lot 5  
Remodel Stair  
\$300

George Korver  
209 Lucille Street  
Jansen's Subdv of Nielsens Addition  
Outlot 6, Block 2, Lot 2  
Dining Room Addition  
\$9,000

Taylor's Inc.  
1205 Prospect Road  
Prairieview Estates III Addition  
Block 1, Lot 3  
Dwelling  
\$58,500

Robert Runchey  
506 Country Club Drive  
Greenbriar Eight Second Addition  
Lot 3  
Addition to Deck  
\$300

Becker Iron & Metal Inc.  
703 West Fairview Street  
Section 4  
Part of NW 1/4 of NW 1/4  
Warehouse Addition & Remodeling  
\$220,000

Henry Blomme  
506 Williams Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Temporary Construction Building  
\$0

Church of Christ  
123 East Main Street  
G.E. Carlins Subdv. of Lot 22,  
Block 12, Original Plat, Lot 6  
Reside Church  
\$3,000

James M. King Jr.  
105 North 7th Street  
Stewart & Jenkins Addition  
Block 7, Part of Lots 6-8  
Bedroom Remodeling  
\$500

True Value Home Center  
607 Viking Drive  
Viking Addition Plat IV  
Block 2, Lot 3  
Dwelling  
\$77,000

William D. Wood  
400 South First Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Garage Addition & Remodeling  
\$3,500

Schad Tracy Signs Inc.  
300 West Main Street  
Original Plat  
Block 9, SW'ly 42' of Lots 19-21  
Two Signs  
\$2,100

Walter St. Aubin  
407 West Saratoga Street  
"A" Addition  
Block 5, Lot 3  
Utility Shed  
\$300

## REGULAR MEETING - AUGUST 6, 1990

Randall J. Hansen  
 510 Kendall Street  
 Section 5  
 NE 1/4 of SE 1/4  
 Patio Door & Interior Remodeling  
 \$2,000

Babcock Construction  
 701 South 4th Street  
 Nielsens Third Addition  
 Block 2, Lot 1  
 Reside Dwelling  
 \$3,050

It was the general consensus that a discussion on the recycling containers be placed on the agenda for the next regular city council meeting to be held on August 20, 1990.

Due to the recent activities taken place in the Middle East, Councilperson Mensing felt it was a very positive move on the city council's behalf to mandate the use ethanol in city vehicles.

A concern was expressed in regard to the new sidewalks to be installed in the City of Marshall. Rich Victor, City Engineer, indicated that Buchholtz Construction has recently completed the contract for the replacement of sidewalks and they will shortly be starting on the area where new sidewalks are to be constructed.

A concern was expressed in regard to the requirement for conditional use permit for day care facilities. In response to this concern it was indicated that if a home has more than 10 children in their day care that they would be required to have a conditional use permit.

Councilperson Stores suggested that the city council consider a retreat.

Representatives from Marshall Municipal Utilities and the City of Marshall have been working with representatives from Lyon/Lincoln Electric in regard to the disputed service territories. Councilperson Lewis indicated he had recently attended a court session in regard to the disputed service territory. A question was raised in regard to the franchise agreement that is up for renewal in 1996.

The city council briefly discussed a memo from Councilmember Byrnes in regard to the property on East College Drive near the intersection of Bruce Street and College Drive. The properties in concern were that of Donald and Mary Ann Kor and Steve and Mary Morgan.

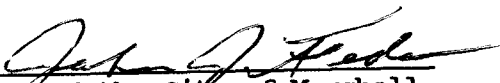
A meeting was held recently in Tracy to discuss an Economic Development Facilitator for Lyon County. The next meeting for this group has been scheduled to be held in Ghent.

Mayor Feda indicated the State Transportation Committees plans for 1993 are to construct signal lights at the intersection of County Road 7 and Highway 23. Mayor Feda suggested to the State Transportation Committee that a trade-off be considered by placing these lights at the intersection of Market Street and East College Drive in lieu of County Road 7 and Highway 23.

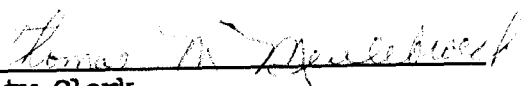
Siudzinski moved, Stores seconded, a special city council meeting be scheduled for 7:30 P.M. on August 13th and August 27th to consider the 1991 budget requests. All voted in favor of the motion.

## REGULAR MEETING - AUGUST 6, 1990

Upon motion made by Stores, seconded by Lewis, the meeting was adjourned.  
All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## REGULAR MEETING - AUGUST 20, 1990

The regular meeting of the Common Council of the City of Marshall was held on August 20, 1990. The meeting was called to order at 7:32 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited.

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

Stores moved, Lewis seconded, the approval of the minutes of the regular meeting held on August 6, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of ORDINANCE NUMBER 266, SECOND SERIES and that the reading of the same be waived. Ordinance Number 266, Second Series is an ordinance regulating the disposal of solid waste in the City of Marshall, Minnesota. The intent of this ordinance is to restrict the practice of dumping residential garbage in containers such as in the parks, the downtown area and etc. All voted in favor of the motion.

Feda moved, Mensing seconded, the proper city personnel be authorized to make a temporary loan from the "429" Public Improvement Revolving Fund to the 1990 Debt Service Fund to provide interim financing and that the Revolving Fund be reimbursed these monies at 8 1/2%. Generally the city sells bonds to finance the annual assessments for "429" Public Improvements. Since the assessments are of a small amount for 1990 a request for temporary financing from the "429" Revolving Fund Account is being requested and the temporary issue will be included with a future bond issue. The amount of the transfer is to be reviewed by the City Council after the appeal period for the assessments and the initial payments have been received. All voted in favor of the motion.

Upon the recommendation of the Ways and Means Committee, Stores moved, Byrnes seconded, \$27,000 be transferred from the Mayor and Council Contingency, 101-401401-6810, to 101-416000-5560 to allow for the purchase of additional hardware, software and for training functions to assist with getting the computer financial package to operate more functionally. The cost for the additional equipment necessary also allows for the transfer of \$800 from the Wastewater Treatment Fund and \$3,300 from the Liquor Fund. This additional appropriation does not allow for additional personnel which is included in the 1991 budget request at this time. This authorization for additional expenditures does not include the fire department being tied into the financial system at this time. The fire department is considering acquiring computer equipment and it is suggested that they consider equipment that is compatible with the city's computer system. Councilperson Kirchner was concerned with the report since it does not address who is ultimately responsible for the entire computer operation, accountability, and the issue of timeliness. All voted in favor of the motion, except Kirchner who voted no.

Lee Reich a representative from the Christmas Lighting Program of the Marshall Area Chamber of Commerce was in attendance at the meeting to discuss with the council a request for an appropriation of money for the Christmas Lighting Program. Ms. Reich did indicate that they have been working with a company by the name of Display Sales in Eden Prairie who has provided the decorations and lighting to the city. In 1989 and 1990 the Chamber was in receipt of donations from various businesses in regard to the installing of the new Christmas decorations and lighting. These lights were donated to the City along with additional \$1,026. Ms. Reich was requesting improvements of double draping the banners and extending them the full width of the roadway at the entrances to the city which would cost approximately \$2,300 and was also asking for an upgrade to the entrance decorations by the installation of scrolls and lanterns at an additional cost of \$4,300. Following a review of the long range plans for the decorations, Kirchner moved, Lewis seconded, a supplemental

## REGULAR MEETING - AUGUST 20, 1990

appropriation of \$7,790 be made from the Mayor and Council Contingency, 101-401401-6810 to 101-401401-5540 and that a supplemental receipt of \$1,700 be made to refunds and reimbursements and also the contingency, 101-401401-6810 in the amount of \$1,700 which includes the amount received previously from the Chamber plus an additional \$500 from the Chamber. The supplemental appropriations allows for two 20' extensions and two 30' extensions for double drapes; 8 pole unit swags, lanterns and bows; and the refurbishing of 19 old scrolls to change the lamp lights to red color and change the lanterns to red ones. The \$1,700 received was also authorized as a supplemental expenditure to 101-401401-5540. All voted in favor of the motion, except Byrnes who voted no.

Upon the recommendation of the Planning Commission, Kirchner moved, Siudzinski seconded, a variance adjustment permit be granted to Scott Hiller, Marshall Theatres Inc., to construct signage in excess of the allowable at 230 West Lyon Street. This variance allows for an additional 70 square feet above the basic sign allowance due to undue hardship to removed the existing theatre marquee and canopy due to its construction, historic significance and association with rental property in the building. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Byrnes seconded, the approval of the preliminary plat for St. Stephen's Addition to the City of Marshall. St. Stephen's Addition would be the site of the new St. Stephen's Church and consists of approximately 7 acres. City Attorney Brian Murphy, suggested the city council address the acquiring of the entire 4th Street area from Elaine Street to Highway 23 By-pass. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the proper city personnel be authorized to initiate the necessary proceedings for the extension of 4th Street from Elaine Street to Highway 23 by-pass. All voted in favor of the motion.

A discussion was held at this time in regard to a conditional use permit for Viessman's Auto Truck Salvage at 800 West Erie Road. Mr. Victor indicated to the City Council he has granted an extension to the completion of the conditions to the conditional use permit to August 15, 1990. The City Council was advised that the fence required as a condition in the conditional use permit is up and there was some expression that the fence was sufficient as a barrier from the business and the adjacent properties including Highway 59 North. All of the conditions of the conditional use permit have been completed except the living hedge as required in the conditional use permit. Considerable discussion took place as to what Mr. Viessman and the council members felt was an adequate living hedge and whether or not it was necessary. Kirchner moved, Lewis seconded, the conditional use permit for Viessman's Auto Truck Salvage at 800 West Erie Road be referred back to the Planning Commission to allow for the landscaping plan as was addressed at the time of the granting of the conditional use permit to be reconsidered by the Planning Commission and for Mr. Viessman to provide an updated plan as to what he considers adequate for the landscaping at this facility. All voted in favor of the motion, except Byrnes who voted no.

Upon the recommendation of the Planning Commission, Kirchner moved, Stores seconded, the approval of a conditional use permit for Project Turnabout for a residential halfway house serving more than 6 individuals with out patient clinic services in an R-4, Higher Density Multiple Family Residence District, at 1220 Birch Street with the condition that sufficient off street parking be provided. The purpose for this conditional use permit being reconsidered was to clarify the legal description of the property involved. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the recommendation of the Joint City Council Utilities Commission Committee be ratified as to the various annual items pertaining to the transfers, utility rates, commission members pay, and etc.

## REGULAR MEETING - AUGUST 20, 1990

The negotiated settlement provides for the Utilities to pay the City of Marshall \$336,000 per year at a rate of \$28,000 per month, the Utilities will pay the City of Marshall \$15,000 per year which would be used for economic development and which is part of a 12 year program running from 1988 through 1999. The Marshall Municipal Utilities will provide energy grants to the City based on individual merit on a case by case basis. The City will pay for street lighting, electric and water services based on the cost of service and the City will have the opportunity to discuss any of these rate changes prior to implementation. The City will pay to the Marshall Municipal Utilities \$72,000 per year at a rate of \$6,000 per month for fire protection charges and the pay for the Utility Commission Members will remain at \$200 per year for a minimum of attendance at 12 regular or special meetings. All voted in favor of the motion.

Lewis moved, Mensing seconded, the proper city personnel be authorized to execute an Airport Lighting and Maintenance Operation Agreement between the City of Marshall, the State of Minnesota and Federal Aviation Administration. This agreement spells out the operational procedures and maintenance regulations at the Marshall Municipal Airport. The agreement also qualifies the City of maintenance money from the State for the operation at the airport. All voted in favor of the motion.

Byrnes moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1265, SECOND SERIES and that the reading of the same be waived. Resolution Number 1265, Second Series is a resolution amending the assessment roll for Project No. 1990-006 Sidewalk Replacement. All voted in favor of the motion.

Kirchner moved, Stores seconded, the adoption of RESOLUTION NUMBER 1266, SECOND SERIES and that the reading of the same be waived. Resolution Number 1266, Second Series is a resolution amending the assessment roll for Project No. 1990-008 for the improvements to South 4th Street. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, Elsie Herring, 403 South 4th Street, be granted a Senior Citizen Deferral for a special assessment for Sanitary Sewer Replacement Project No. 1990-003 in the amount of \$800.00 and for a special assessment for Watermain Replacement Project No. 1990-002 in the amount of \$800.00. Interest will accumulate at 8 1/2% per annum effective September 1, 1990 on the Sanitary Sewer and Watermain Replacement assessments. A deferral was also granted on a special assessment for street construction consisting of sidewalk, roadway, and driveway in the amount of \$1,082.46 for Project No. 1990-008. Interest will continue to accumulate at 8 1/2% per annum effective September 15, 1990 on the street construction assessments. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the dues and general assessment from the Coalition of Greater Minnesota Cities be approved and that the voluntary assessment of 7 cents per capita to fund a study of annexation and land use be denied. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the request from the Marshall Golf Club to lease a portion of the property that was recently acquired from Bud Rose to be used for growing sod, nursery stock and a portion of it to be used for a fairway be referred to the Public Improvement Committee of the City Council to determine what the city's intended use of this property is and what a reasonable fee would be if this property was leased to the Marshall Golf Club. All voted in favor of the motion.

Duane Aden, City Administrator, advised the city council that the county has put a responsibility on the city to distribute recycling containers that they have purchased in conjunction with the recycling program, therefore it is the city's responsibility to make arrangements in providing a container to each

2  
REGULAR MEETING - AUGUST 20, 1990

residential facility. Byrnes moved, Mensing seconded, a deposit be set at \$4.00 for each recycling container provided to the residential households and that if it is agreeable with the Marshall Municipal Utilities that this \$4.00 deposit be collected with their monthly bill and that for each of those apartment units which are not billed separately by the Marshall Municipal Utilities that they be dealt with individually. It was further advised that if the Marshall Municipal Utilities assesses a fee for the collection of the deposit that this fee be negotiated out of the deposit fee from the residential households. Councilperson Kirchner suggested that the funding provided to the county from the state be used towards any cost of the distribution of the recycling containers. A concern was expressed as to what would be done with the deposit on the containers. In response the city council was advised that the deposits would be used for replacement of any future containers. The distribution of these containers was also discussed. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the city administrator be authorized to contact local service organizations to request assistance in distributing the recycling containers. If there is not available assistance from the local service organizations the city administrator is authorized to seek parttime help for the distribution of the recycling containers and that monies be provided for the payment of this parttime help be paid out of the Mayor and Council Contingency. All voted in favor of the motion, except Kirchner who voted no.

Lewis moved, Mensing seconded, the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for the VFW Post 742. All voted in favor of the motion.

Upon the recommendation of the Negotiation Team consisting of City Administrator Duane Aden, City Assessor Cal Barnett, and City Attorney Brian Murphy, Byrnes moved, Kirchner seconded, that the proper city personnel be authorized to execute the necessary documents to acquire the property by fee taking from William Reese for \$26,000 and from Thomas Regnier in the amount of \$1,700 for air easement rights for Zone A within the Marshall Municipal Airport. The appraisals have been approved by the Minnesota Department of Transportation Aeronautics Division. All voted in favor of the motion, except Lewis who voted no.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1267, SECOND SERIES and that the reading of the same be waived. Resolution Number 1267, Second Series is a resolution requesting traffic signals at East College Drive and Market Street; "C" Street and East Main Street and Southview Drive and East Main Street. The City Engineer was instructed to draft this resolution requesting traffic signals to be placed at these locations and that a narrative be sent with the resolution addressing the extenuating circumstances as it relates to the college, the schools, shopping centers and other businesses that affect traffic flows in these areas. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, a rear yard variance of 9' in lieu of 15' as required by City Code be granted to Mary Victor at 500 West Marshall Street to construct a storage shed. All voted in favor of the motion.

Lewis moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher no. 37364 through 37587.



## REGULAR MEETING - AUGUST 20, 1990

The following building permits and application to move a building previously approved by the Building Official were confirmed:

Randolph Johnson  
301 Hudson Street  
Janzen Addition  
Block 1, Lot 3  
Interior Remodeling  
\$7,000

Robert L. Carr Company  
208 East College Drive  
Original Plat  
Block 13, Lots 1-5  
Remodel Canopy  
\$10,000

Gregory Janssen  
406 West Marshall Street  
Stewart & Jenkins Addition  
Block 1, Lot 3  
Deck  
\$1,000

Brad Knutson  
103 West Southview Drive  
Nielsen's 7th Addition  
Block 4, Lot 7  
Bedroom Remodeling  
\$700

S & C Construction  
214 North Whitney Street  
Schutz Addition  
Block 2, Lot 18  
Reside Dwelling  
\$3,500

Taylor's Inc.  
1003 Woodfern Drive  
Southview Second Subdivision  
Block 5, Lot 2  
Dwelling  
\$44,500

Geske Building & Supply Company  
1107 Jefferson Avenue  
Capitol Hill Addition  
Block 1, Lot 19  
Reside Dwelling  
\$4,200

Rolland Dale  
508 Kossuth Street  
Northland Addition  
Lot 12  
Finish Basement Bathroom & Install  
Stairway Door  
\$800

Graphic House Inc.  
1001 Highway 23 By Pass North  
McFarland Third Addition  
Lots 5, 6 & Part of 4  
Free Standing Sign  
\$10,000

Brad Knutson  
1217 East College Drive  
Section 3  
Part of SE 1/4 of NW 1/4  
2 Flat Wall Signs & Free Standing Signs  
\$1,000

Marshall Lumber Company  
500 Highway #59 North  
Section 4  
Part of NW 1/4 of NW 1/4  
Retail Addition  
\$112,000

Thomas Redding  
404 Mason Street  
Reeds Addition  
Block 2, Lots 21 & 22  
Deck  
\$400

James Baune  
105 Walker Lane  
Section 4  
NW 1/4 of SE /4  
Double Garage  
\$4,000

Thomas Hoff  
1200 South 4th Street  
Eatros Place 5th Addition  
Block 4, Lot 11  
Reside Dwelling  
\$3,000

Fairmont Glass & Sign Products  
1001 Highway 23 By Pass North  
McFarland Third Addition  
Lots 5, 6 & Part of 4  
Flat Wall Sign  
\$8,000

Joseph Schmidt  
307 North Third Street  
Original Plat  
Block 20, NE 1/2 of Lots 1 & 2  
Demolish Existing Garage & Construct  
New Garage  
\$6,000

## REGULAR MEETING - AUGUST 20, 1990

Babcock Construction  
 507 Donita Avenue  
 Eatros Place 2nd Addition  
 Block 1, Lot 16  
 Install Window & Reside Dwelling  
 \$2,750

Tutt & Olson Construction  
 1408 Pinehurst Road  
 Westwood Acres II  
 Block 2, Lot 4  
 Dwelling  
 \$100,000

APPLICATION FOR PERMIT TO MOVE BUILDING

Randall Boonsgaarden  
 From: Florence, MN  
 To: West Channel Road  
 Dwelling  
 \$50.00

A concern was expressed in regard to the odors that seem to be generated from the Wastewater Treatment Plant and the status of the construction at the Wastewater Treatment Plant.

The City Council was advised that 2 digester covers have been removed and replaced at the Wastewater Treatment Plant and it is the intent that the digester cover project will be completed in December, 1990. A suggestion was made that the press be notified of activities taking place at the Wastewater Treatment Plant that may cause some odor in the community.

A concern was expressed in regard to a traffic assessment report addressing the priority needs and also a concern was expressed in regard to the installing of traffic lights at the intersection of County 7 and Highway 23.

The city council was advised the Cable Commission and Utility Commission have voted unanimously to not recommend the city considering an additional cable franchise for the Marshall Municipal Utilities.

The City Administrator was requested to send a letter to Mary Snobl commending her for her efforts in preparing the Graduation Ceremony of Mary Doon.

Councilperson Stores reported to the city council the activities of the Convention and Visitors Bureau.

A Public Improvement Transportation Committee meeting was set for Wednesday, August 29th at 12:00 o'clock noon at Toni's.

The 1983 ordinance addressing the development of a Housing Commission was asked to be considered at the next Legislative and Ordinance Committee meeting.


A city council retreat was set for September 8th at the Marshall Inn.

A discussion was held at this time in regard to a meeting with the Minnesota Corn Processors in regard to their current and future expansion and their effects on the utilities provided by the Marshall Municipal Utilities and the Wastewater Treatment Facility.

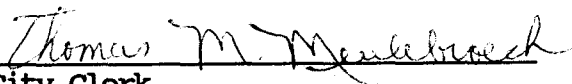
A question was also raised in regard to a payment in lieu of taxes by the Housing Commission as is indicated in their annual financial report. The city council was advised that this is being negotiated.

## REGULAR MEETING - AUGUST 20, 1990

Upon motion made by Lewis, seconded by Byrnes, the meeting was adjourned.  
All voted aye.

  
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Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## SPECIAL MEETING - AUGUST 27, 1990

A special meeting of the Common Council of the City of Marshall was held on August 27, 1990. This meeting was called to order at 7:35 P.M. by Mayor Fedak. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Byrnes and Stores. Absent: Lewis.

The purpose of this special meeting was to consider the 1991 budget requests; to adopt a resolution certifying the 1991 levy, establishing a proposed 1991 budget of the general fund and establishing the hearing date for the 1991 budget.

Dave Frey, Wastewater Treatment Superintendent, was in attendance at the meeting to discuss with the council the proposed Wastewater Treatment Facility Plant budget for 1991. Mr. Frey was suggesting a 10% increase in all Wastewater charges. Mr. Frey also indicated to the council that the operations at the treatment plant are reaching capacity and did address the effects it has on the operation.

Duane Aden, City Administrator, reviewed with the council the proposed modifications to the revenues and expenditures for the 1991 general fund budget.

Mayor Fedak questioned what the increase in tax total capacity would be from 1989 to 1990? City Assessor Cal Barnett indicated the information was not available but estimated the increase to be approximately 3 to 4%.

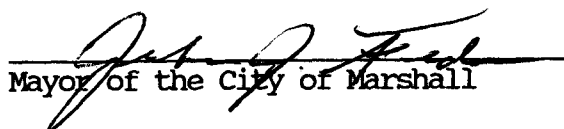
Byrnes moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1268, SECOND SERIES and that the reading of the same be waived. Resolution Number 1268, Second Series is a resolution adopting the levy for 1990 payable 1991. This levy consists of a general levy of \$1,349,154, special levy for the library of \$243,196, levy for public pension plan of \$17,433, and a special levy for Debt Service obligations of \$130,000 for a total levy of \$1,739,783. All voted in favor of the motion.

The general fund as recommended has \$120,945 more in expenditures than revenues. The city council suggested a more in depth review be made on the requested 1991 revenues. Alternatives were discussed for the proposed building for the ambulance. The proposed positions to be changed from part time to full time were also discussed.

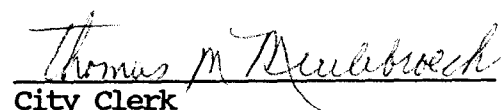
Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1269, SECOND SERIES and that the reading of the same be waived. Resolution Number 1269, Second Series is a resolution adopting the proposed General Fund budget for 1991. This budget provides for revenues of \$6,731,607 and expenditures of \$6,852,552. This proposed budget was adopted with the understanding that a balanced budget will be presented at the public hearing that is to be held in November, 1990. All voted in favor of the motion.

Siudzinski moved, Stores seconded, a public hearing to consider the 1991 budget be set for 7:30 P.M. on November 28, 1990 with the continuation date of December 3, 1990. All voted in favor of the motion.

Upon motion made by Kirchner, seconded by Byrnes, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - SEPTEMBER 4, 1990

The regular meeting of the common council of the City of Marshall was held on September 4, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores.

The Pledge of Allegiance was recited.

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

Kirchner moved, Byrnes seconded the approval of the minutes of the regular meeting held on August 20, 1990 as corrected and as filed with each member and the approval of the special meeting held on August 27, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

A bid was received on August 30, 1990 at 2:00 P.M. for Project 1990-013 which is the road construction of South 7th Street from East Main Street to South 6th Street. An alternate bid was also received for installing of a water line along this roadway which would provide added fire protection to Heartland Foods plant. The bid received, open and read was from McLaughlin and Schultz, Inc., Marshall, MN for the road construction \$100,712.25 and for the waterline construction \$16,861. Rich Victor, City Engineer, indicated that Heartland Foods had agreed to pay the total cost of the waterline installation. Rich Victor also indicated it is the intent for construction to begin the week of September 10 with construction completed in approximately 45 days. Byrnes moved, Lewis seconded BE IT RESOLVED the bid for the road construction of South 7th Street from East Main to South 6th Street be awarded to McLaughlin and Schultz, Inc., Marshall, MN in the amount of \$117,573.25 which is the road construction of \$100,712.25 and the waterline installation of \$16,861. All voted in favor of the motion.

Upon the recommendation of The Public Improvement and Transportation Committee, Stores moved, Byrnes seconded the proper city personnel be authorized to enter into a lease agreement with the Marshall Golf Club to lease a portion of the property that was recently acquired from Bud Rose to be used for growing sod, nursery stock and a portion to be used as a fairway. This lease was approved for \$1 per year plus the pass through real estate taxes on this parcel of property. This agreement is for a five year period of time and is automatically renewable at that time with the provision in the contract that the lease may be terminated with 90 days notice given at any time during the lease period. All voted in favor of the motion except Kirchner who abstained.

Lewis moved, Kirchner seconded the City Council accept the recommendation of the Marshall Cable Television Commission and the Marshall Municipal Utilities Commission to not place before the residents of the City of Marshall a referendum vote to change the City Charter which would permit the Marshall Municipal Utilities to apply for a cable franchise. All voted in favor of the motion except Mensing who voted no.

Kirchner moved, Siudzinski seconded the adoption of Resolution Number 1270, Second Series and that the reading of the same be waived. Resolution number 1270, Second Series is a resolution approving the final plat for St. Stephens Addition. Rich Victor indicated that approximately one-half of the 4th Street property adjacent to the St. Stephen Addition has been dedicated and the remaining portion of the South 4th Street would have to be obtained through other procedures. All voted in favor of the motion.

Kirchner moved, Stores seconded the request of Douglas Mosch of Doug's Auto Parts for the city to release an access, abandon a driveway they own located on the East side of Highway 59 North at the diversion channel and the transferring

## REGULAR MEETING - SEPTEMBER 4, 1990

of the rights of ownership of this access to Douglas Mosch for the purpose of providing access to a 10 acre parcel approximately 800 feet north, be abandoned be referred to the Planning Commission with adequate maps being supplied as well as historical perspective on granting a driveway access. Mr. Mosch indicated he has been working with the Minnesota Department of Transportation District Office in doing what is necessary to try and get this access to his property. Mr. Mosch did indicate in exchange for the transfer of rights that he agrees to provide an access across the south property of Doug's Auto Parts for the purpose of access to the diversion channel by the City of Marshall. Following the discussion on the motion, council person Kirchner called the question on the motion. All voted in favor of the motion except Byrnes and Lewis who voted no.

Lewis moved, Mensing seconded the proper city personnel be authorized to execute an agreement between the City of Marshall and DCA Healthcare Management Group for the purpose of establishing the terms and conditions under which the plan supervisor agrees to provide administrative services with respect to the City of Marshall employees dental benefit plan with consideration for payment by the employer of the administrative fee. This agreement provides for an amendment to Section 3.1 in which the employer agreed to pay the plan supervisor \$2.60 per month per enrolled employee for dental administration. The amendment to 3.1 is an increase of 25 cents per month per enrolled employee. The effective date of this increase is October 1, 1990. All voted in favor of the motion.

A lengthy discussion took place at this time in regard to a request of Alan and Juanita Bussman, 1203 Morningside Circle, to install a basketball pole, bankboard and hoop in the center of the cul de sac located in Morningside Circle, Belvedere Estates. The Bussmans were advised by the City Engineers office that according to City Code, Section 7.20 this type of installation was not permissible. Pat Watkins, 1205 Horizon, indicated his support of the structure being located at this location and felt there was no problem with its location. Mr. Bussman did indicate that when he purchased the property from Mr. Eugene Roggeman that he did question Mr. Roggeman about the ownership of the cul de sac and that Mr. Roggeman advised him that he owned a portion of it; therefore, he felt that he was within his rights installing the pole, bankboard and basketball hoop. Mrs. Bussman indicated that they got their installation of the pole, bankboard and hoop from other areas in town and felt that if it was not appropriate for them to have the pole, bankboard and hoop at this location that the others throughout the city should also be advised of their violation. Marlin Overman, an adjacent property owner, was in attendance at the meeting and expressed no comment in regard to the installation of the basketball pole, bankboard and hoop. City Attorney, Brian Murphy, advised the Bussman's and others in attendance at the meeting that the information provided to them by Mr. Roggeman in regard to the cul de sac was incorrect. Mr. Murphy did indicate that the cul de sac is City property and it is the City's responsibility to control this area. Mr. Murphy did also indicate that if the City was to permit this type of installation, that the City would be assuming liability if something were to happen. Mr. Bussman did offer to remove the basketball pole, bankboard and hoop at the time that his youngest child would graduate from high school which would be in four years. Mr. Bussman did also indicate that he would take down the structure during the winter months. A question was raised as to the right-of-way for the city in Belvedere Addition. It was indicated that the city's right-of-way in Belvedere Addition is approximately 10 feet beyond the curb. Byrnes moved, Lewis seconded, a permit be granted to Allan and Juanita Bussmann, 503 Morningside Circle, to construct a basketball pole, bankboard and hoop in the center of the cul de sac located in Morningside Circle, Belvedere Estates. Voting in favor of the motion were: Byrnes and Lewis. Voting no were: Mensing, Siudzinski, Kirchner, and Stores.

## REGULAR MEETING - SEPTEMBER 4, 1990

Orlin Bruss who was in attendance at the meeting suggested that the property owners be provided with information from the city when applying for a permit as to what is permissible and what is not in constructing and doing work on residential property.

Siudzinski moved, Stores seconded, the proper city personnel be authorized to survey the City of Marshall to determine violations of Section 7.2 of the City Code in regard to structures being constructed on city right-of-ways and that the report be submitted to the city council. Councilperson Byrnes felt that it was not necessary to go through this type of survey when we have a Public Safety Department and Public Works Department who could review and handle the violations. Voting in favor of the motion were: Siudzinski, Kirchner, Stores and Fedas. Voting no were: Byrnes, Lewis and Mensing.

Byrnes moved, Lewis seconded, a one day beer license be granted to the Marshall Amateur Hockey Association for September 22, 1990 at a fee of \$15.00. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Lewis seconded, the introduction of an ordinance amending Chapter 11 of the city code relating to zoning. This ordinance provides for the rezoning of the St. Stephens Addition from A, Agricultural, to R-1, One Family Residence District. All voted in favor of the motion.

Upon the request of McLaughlin & Schulz, Inc., Kirchner moved, Byrnes seconded, the approval of change order no. 1 for Project No. 1990-008 which is the road construction of South 4th Street from West College Drive to Saratoga Street. This change order provides for an increase in contract time from 45 calendar days to 58 calendar days due to weather conditions and providing for a final completion of September 7, 1990. The primary reason for the change order was to request an additional 13 calendar days due to the rain and time needed to dry the area out during construction. Mr. Victor did indicate to the council that the contract provided for a \$300 per day liquidated damage for each day past the completion date. All voted in favor of the motion.

Mensing moved, Kirchner seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 37588 through 37810.

The following building permits previously approved by the Building Official were confirmed:

Taylor's Inc.  
1109 West Main Street  
Section 5  
Part of NW 1/4 of NE 1/4  
Window Replacement & Reside Dwelling  
\$5,800

Lyon County  
701 West Main Street  
Stewart & Jenkins Addition  
Block 8, Part of Lot 8  
Move Out Dwelling  
\$0

Thane French  
429 West Main Street  
Original Plat  
Block 5, Lot 17 & 18  
Replace 2 Windows  
\$1,100

Bladholm-Sussner Construction  
621 West Main Street  
Stewart & Jenkins Addition  
Block 8, Part of Lots 4 & 5  
Move Out Dwelling  
\$0

Jeffery & Barbara Schueller  
409 North High Street  
Riverside Addition  
Block 1, Lot 3  
Front Landing & Steps  
\$200

N.S. Gibbs Inc.  
230 West Lyon Street  
Original Plat  
Block 14, Lots 6, 7 & Part of 8  
Projecting Sign  
\$1,000

## REGULAR MEETING - SEPTEMBER 4, 1990

Geske Building & Supply Company  
218 North High Street  
Schutz Addition  
Block 1, Lot 4 & Part of 3 & 5  
Bow Window  
\$2,100

Councilperson Siudzinski requested authorization from the city council to change the Cable Television Commission meeting date from the first Tuesday to the second Tuesday of each month. This request was asked to be placed on the agenda for the next regular city council meeting.

The Human Rights Commission was requested to be the coordinating unit of government in providing services to personnel that would be employed due to Heartland expansion.

Various comments were expressed in regard to a report prepared by Springsted's Inc., in regard to the credit comparison statistics.

A concern was expressed in regard to a turn lane off of Highway 23 on Lyon Street. Rich Victor, City Engineer, advised that the council that the Minnesota Department of Transportation is to work with the city staff on this project.

Mayor Feda requested suggestions for the city council retreat to be held on September 8, 1990 from 8:00 o'clock A.M. to 12:00 o'clock noon at Toni's.

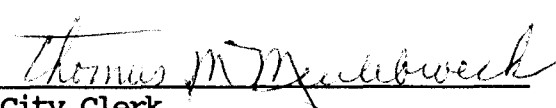
A Personnel Committee meeting of the city council was scheduled for 3:30 P.M. on September 21, 1990.

A Ways and Means Committee meeting of the city council was scheduled for 4:00 o'clock P.M. on September 17, 1990.

Upon motion made by Mensing, seconded by Byrnes, the meeting was adjourned. All voted aye.

  
Mayor

ATTEST:

  
City Clerk



## REGULAR MEETING - SEPTEMBER 17, 1990

The regular meeting of the Common Council of the City of Marshall was held on September 17, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited.

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

Lewis moved, Byrnes seconded, the approval of the minutes of the regular meeting held on September 4, 1990 as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Byrnes moved, Kirchner seconded, the adoption of ORDINANCE NUMBER 267, SECOND SERIES and that the reading of the same be waived. Ordinance Number 267, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for the rezoning of St. Stephens Addition from A, Agricultural to R-1, Single Family Residential District. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Lewis seconded, the relocation of a site access at the Diversion Channel on North Highway #59 to a point 800 feet North for the purpose of access to property owned by Doug Mosch at 900 North Highway #59 be approved. This relocation was approved contingent upon the City of Marshall receiving a legally recorded easement allowing access to the Diversion Channel. Rich Victor, City Engineer, did indicate to the city council that he had received approval from the State Department of Transportation for this relocation. All voted in favor of the motion.

A brief review was held with the city council in regard to the 1990 financial status as of August 30, 1990. The report provided to the city council indicated the 1990 budget amounts, 1990 year to date expenditures through August, 1990 and the remaining balances of the personnel service category, operating expenditures, capital outlay and other financing sources. This information was provided for each department of the General Fund, Liquor Fund and Wastewater Fund.

Upon the recommendation of the Planning Commission, Mensing moved, Stores seconded, Rennae Petersen, 112 Ranch Avenue, be granted a 5 year renewal of a conditional use permit for a home occupation to teach piano lessons in an R-1, One Family Residence District. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Byrnes moved, Lewis seconded, Marissa Kunde, 506 Elaine Avenue, be granted a 2 year renewal of a conditional use permit for a home occupation for a process mortgage loan business in an R-1, One Family Residence District. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Mensing moved, Stores seconded, Larry Robley, 700 West Marshall Street, be granted a conditional use permit to classify existing non-conforming two family dwelling use as a conforming use in an R-1, One Family Residence District. Rich Victor, City Engineer, indicated that this residence was constructed prior to 1964 as a duplex and utilized as a two family dwelling at to that time. A question was raised of Mr. Victor in regard to an inspection report being prepared on this residence. Mr. Victor indicated that Mr. Robley is in the process of reconstructing this home and as it is being constructed continuous inspections are being made by the City Engineer's Office to make sure it meets City Code. All voted in favor of the motion.

## REGULAR MEETING - SEPTEMBER 17, 1990

A question was raised at this time in regard to more detail information being provided on the actions of the Planning Commission.

Upon the request of the Cable Commission, Siudzinski moved, Mensing seconded, the meeting for the Cable Commission be changed to the second Tuesday of each month in lieu of the current first Tuesday of each month. All voted in favor of the motion.

Upon the request of Bill Tuergon from Southwest State University, Relations and Alumni Affairs, Stores moved, Siudzinski seconded, a parade permit be granted to Southwest State University for a parade on Saturday, October 6, 1990 at 10:00 o'clock A.M. All voted in favor of the motion.

Representatives from Village Park and Camelot Square Mobile Home Parks in the City of Marshall were in attendance at the meeting to discuss with the council their concerns as they relate to the operation and conditions of the mobile home parks. Alice Tesch, a representative from the mobile home parks, indicated that there are approximately 10 to 15 new trailers in the mobile home parks that have been there for some time and have not been skirted. Ms. Tesch was also concerned as to the ownership of some of the trailers in the court and in particular the addressing of the city ordinance which prohibits any person or business entity from owning more than 30% of the total number of homes that can be placed in a mobile home park. A questions was raised in regard to the identifying the owners involved with Marathon Housing Inc. In response to the question in regard to the procedure for moving in a trailer to the trailer court Mr. Victor indicated that a permit is issued from the City Engineer's Office and that as time is available representatives from their office verify that a trailer has been skirted and has adequate tie downs.

A representative from the trailer court was requesting that the city pay more attention to the trailer courts as it relates to the condition of the roads, the number of people living in a trailer and basically the overall condition of the park.

John Burns, Attorney for the representatives of the trailer court, briefly discussed the law suits between the tenants of the trailer court and the landlord, addressed his concerns as to who are the owners of Marothon Housing Inc., and the city's procedure for completing permits for the moving of a trailer into the trailer parks and suggested that the city possibly obtain more information from the applicant.

The primary concerns to the representatives to the trailer parks were that the owners of Marshall Plan Inc., could possible be the same owners of Marothon Housing Inc., and that each of these corporations could own up to 30% of the mobile homes in each park and that each of these corporations could consider them the same owners.

Brian Murphy, City Attorney, indicated that the corporation has no obligation to review who actually owns the company. Mr. Murphy also indicted that the parks are privately owned and the city has no responsibility to maintain or fix the roads.

Kirchner moved, Stores seconded, City Attorney Brian Murphy be requested to make an attempt to determine who is the owner or owners of the trailers in the two mobile home parks as it relates to Marothon Housing Inc., and Marshall Plan Inc., and that Mr. Murphy address these companies with the city ordinance as it relates to the ownership of mobile homes in the trailer parks. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the ordinance which addresses ownership of mobile homes in the mobile home parks be referred to the Legislative and Ordinance Committee of the Council and that City Attorney Brian Murphy be requested to address the issue of ownership at that meeting and that

## REGULAR MEETING - SEPTEMBER 17, 1990

representatives from the mobile home parks committee be invited to the meeting along with the manager of the mobile home parks. All voted in favor of the motion.

Siudzinski moved, Stores seconded, the approval of the transfer of \$3,000 from the Mayor and Council Contingency, 101-401401-6810, to the Cable Commission accounts as follows: 101-406406-1131 health insurance \$2,125; 101-406406-1132 dental insurance \$250; 101-406406-1133 life and long term disability insurance \$25; and 101-406406-1135 insurance benefit allotment \$600. All voted in favor of the motion.

Stores moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1271, SECOND SERIES and that the reading of the same be waived. Resolution Number 1271, Second Series is a resolution expressing the City of Marshall's appreciation to the Boy Scouts, Lake Marshall 4-H Club, Recycle First, Lions, Club, DASMY and the Marshall Jaycees for their assistance in the distribution of the recycling containers within the City of Marshall. All voted in favor of the motion.

Kirchner moved, Mensing seconded, the introduction of an ordinance amending the regulations of the rates for the dog pound within the City of Marshall, Minnesota section 10.17, subdivision 8. Once this ordinance has been adopted a resolution will be adopted establishing the rates for the dog pound. All voted in favor of the motion.

Upon the recommendation of the Ways and Means Committee, Lewis moved, Stores seconded, the proper city personnel be authorized to transfer the balance from the savings account for the Industrial Cost Recovery in the amount of \$10,779.62 to the Wastewater Construction Account for the new generator at the Wastewater Treatment Facility. The budget is to be adjusted for the amount of this transfer. All voted in favor of the motion.

Upon the recommendation of the Ways and Means Committee, Lewis moved, Mensing seconded, the transfer of \$130,000.00 from the Wastewater Treatment Operating Fund to the Wastewater Debt Service Fund for the 1990 Bond Issue. The Wastewater Operating Transfer Account budget is to be adjusted by this amount. This transfer provides for the equivalent of one years Debt Service on the 1990 General Obligation Revenue Bond Issue. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the approval of a supplemental receipt to account number 101-364000-0000, refunds and reimbursements, in the amount of \$1,890 and the approval of a supplemental expenditure in the amount of \$1,890 to account number 101-503550-2211. This supplemental receipt and expenditure is to compensate for the reimbursement from the insurance company for the use of foam in conjunction with the recent ethanol spill East of Marshall and to authorize the purchase of the replacement for this foam. All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, the approval of a transfer of \$1,795 from account number 101-503550-3381, fire department electric utility, to account number 101-503550-5540, fire department machinery and equipment \$975, and to account number 101-503550-5520, fire department building structures ~~\$8,000.00~~. This transfer allows for the replacement of a heat pump and the payment of hose ordered in 1989 and not received and paid for until 1990. All voted in favor of the motion.

Mensing moved, Stores seconded, the adoption of RESOLUTION NUMBER 1272, SECOND SERIES and that the reading of the same be waived. Resolution Number 1272, Second Series is a resolution authorizing the issuance of a replacement certificate for the City of Marshall, Minnesota General Obligation Revenue Medical Facility Bond dated April 1, 1976 number 899 with a 12-1-89 FBA in the amount of \$5,000. This action is necessary since the original bond has been lost. All voted in favor of the motion.

## REGULAR MEETING - SEPTEMBER 17, 1990

Byrnes moved, Siudzinski seconded, BE IT RESOLVED that Jeffrey Wenker be duly appointed, qualified and acting parttime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police & Fire Fund. All voted in favor of the motion.

Some concern was expressed at this time in regard to the City of Marshall's Affirmative Action Plan and in particular as it relates to the hiring of minorities.

Reports by the council members on the various committees, commissions and boards were presented to the council as follows:

Mensing: Senior Center Commission

Byrnes: Park, Recreation and Community Education in which Mr. Byrnes indicated he had contacted Pollution Control Agency and received their permission for the Parks, Recreation and Community Education Department to burn weeds on the East side of the hill in Independence Park.

The Housing Commission in which a letter of resignation was received from Curt Ireland and that \$30,000 had been paid to the county in lieu of taxes and the remaining balance will be paid by the year end.

Siudzinski: Cable Commission and Library Board.

Stores: Convention and Visitors Bureau

Kirchner: Planning Commission and Library Board

Lewis: Utility Commission

Feda: Southwest Regional Development Commission and the Economic Development Authority. Mayor Feda indicated that the Economic Development Authority is searching for a replacement for their consultant but not have been successful at this time and did indicate that the EDA is considering utilizing interest from investments for a county wide facilitation.

Kirchner moved, Byrnes seconded, the approval of change order no. 1 for Project No. 1990-013 which is the contract with McLaughlin & Schulz Inc., Marshall, Minnesota for a roadway and waterline construction of South 7th Street from East Main to South 6th Street. This change order provides for deletion of the alternate in the contract which is a waterline installation in the amount of \$16,861. All voted in favor of the motion.

Byrnes moved, Kirchner seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 37814 through 38005.

## REGULAR MEETING - SEPTEMBER 17, 1990

The following building permits and permit to move a building previously approved by the Building Official were confirmed:

Gary Rudolf  
310 Carrow Street  
Sunrise Park Addition  
Block 1, Lot 15  
Screen Porch  
\$1,000

Grieg-Gregerson  
244 West Main Street  
Original Plat  
Block 10, Part of Lots 7 & 8  
Remodel Second Floor  
\$7,000

Donald & Evelyn Henderson  
417 North 7th Street  
Section 4  
N 1/2 of NW 1/4  
Escape/Rescue Window  
\$300

Independent Lumber  
805 Hackberry Drive  
Southview Subdivision  
Block 2, Lot 14  
Sunroom Addition  
\$8,000

Geihl Construction  
101 Church Street  
Section 4  
Part of NW 1/4 of SE 1/4  
Attached Double Garage  
\$6,650

N.S. Gibbs Inc.  
211 West Main Street  
Original Plat  
Block 3, Lot 6  
Projecting Sign  
\$1,100

Rick Ramert  
502 North Bruce Street  
Section 3  
Part of SW 1/4 of NW 1/4  
Basement Bedroom  
\$300

Kenneth Nielsen  
110 South Fifth Street  
Original Plat  
Block 7, Lot 8  
Move-out Garage  
\$0

Geske Building & Supply Company  
306 Legion Field Road  
Hillside View Addition  
Lot 4  
Bay Window  
\$1,800

Independent Lumber  
905 East Main Street  
Section 10  
Part of SW 1/4 of NW 1/4  
Utility Shed  
\$2,800

Fagen Inc.  
400 West Erie Road  
MN Corn Processors Industrial Park  
Block 1, Lot 2  
Addition to the Ethanol Plant  
\$50,000

Stanley Finnestad  
1203 Parkside Drive  
Parkside Addition  
Block 2, Lot 12  
Dwelling  
\$92,500

Roger Wartner  
1205 East College Drive  
Section 3  
Part of SW 1/4 of NW 1/4  
Storage Room/Double Entrance  
\$2,600

Steve Swanson  
906 Boxelder Avenue  
Eastside Addition  
Block 1, Lot 7  
Replace Window  
\$1,500

Paxton Signs  
304 West Lyon Street  
Original Plat  
Block 15, SE 65' of Lot 8  
Free Standing Sign  
\$1,500

Taco Johns of Marshall Inc.  
1300 East College Drive  
Section 3  
Part of NE 1/4 of SE 1/4  
Free Standing & Flat Wall Signs  
\$8,500

Geske Building & Supply Company  
109 Southview Drive  
Nielsens Seventh Addition  
Block 4, Lot 4  
Siding & Bay Window  
\$6,400

Joseph Laleman  
206 West Gray Place  
Nielsens Fifth Addition  
Block 1, Lot 4  
Reside Dwelling  
\$3,000

REGULAR MEETING - SEPTEMBER 17, 1990

Michael & Lynn Christianson  
111 "F" Street

Independent Lumber  
300 South Bruce Street

Kerkhove Addition  
Block 1, Lot 6  
Dining Room Addition, Windows &  
Reside Dwelling  
\$12,000

Weiner Memorial Addition  
Block 1, Lot 2  
Garage  
\$6,000

Merl Lange      APPLICATION FOR PERMIT TO MOVE BUILDING  
804 Columbine Drive  
Southview Subdivision  
Block 2, Lot 3  
Reside Dwelling  
\$4,800

Kenneth Nielsen  
From 110 South 5th Street  
To RR 2, Marshall, MN  
Move Garage  
\$50

A suggestion was made at this time that the fee for the consultant to assist the city and the Economic Development Authority in prospecting for industrial development be paid from the interest earnings within the Economic Development Authority fund and also that any interest in excess of \$500,000 within the fund be returned to those entities that provided funding to this authority.

The council was advised that city personnel are working with Molly Persons in regard to the development of a new dog pound.

A discussion was held at this time in regard to the amount of content that should be incorporated into the minutes of the city council meetings and also the various commissions and boards.

Duane Aden, City Administrator, was requested to provide the city council personnel committee with a list of the personnel hired in the past year by department, position, the number of applicants for those positions and the reason used for not hiring specific individuals.

A request was also made that the city council be provided with a copy of city council minutes that are corrected and that it be hi-lited.

City Administrator Duane Aden indicated to the council that he is working with apartment owners throughout the City of Marshall in regard to the recycling issue.

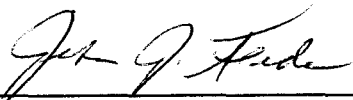
A concern was expressed in regard to the involvement of the schools with the city in the recycling program.

A question was raised in regard to the procedure for a street light being installed in a specific area. Rich Victor City Engineer responded by indicating that the request is made through City Engineer's Office and they review the request and if found necessary make a recommendation to the Marshall Municipal Utilities to install a street light.


A brief discussion was held at this time in regard to the water ban put in place by the Marshall Municipal Utilities. Concern was expressed in regard to new lawns being seeded at this time, new trees and their need to be watered.

## REGULAR MEETING - SEPTEMBER 17, 1990

Upon motion made by Kirchner, seconded by Stores, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## REGULAR MEETING - OCTOBER 1, 1990

The regular meeting of the Common Council of the City of Marshall was held on October 1, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: Mensing.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the city council that the agenda be approved as presented with the addition of item number 19, which was a discussion of delinquent real estate taxes for the Marshall Square Mall.

Lewis moved, Byrnes seconded, the approval of the minutes of the regular meeting held on September 17, 1990 as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

A bid was received on September 28, 1990 at 2:00 o'clock P.M. for Bituminous Overlay Project 1990-014 which is the bituminous overlay on various streets in the City of Marshall. The bid received, opened and read was from McLaughlin & Schulz, Marshall, Minnesota in the amount of \$111,349.25. The work under this project will be done in the fall of 1990. Upon the recommendation of the City Engineer Rich Victor, Lewis moved, Siudzinski seconded, the bid for the Bituminous Overlay Project 1990-014 be awarded to McLaughlin & Schulz, Marshall, Minnesota in the amount of \$111,349.25. All voted in favor of the motion.

Ron Jensen, Administrator Weiner Memorial Medical Center, was in attendance at the meeting to discuss with the council the bids received for radiology equipment at the hospital. Mr. Jensen indicated that 3 bids had been received and that two of the bids did not meet the specs and these bidders were advised that their bids did not meet the specs. Upon the recommendation of the Weiner Memorial Medical Center Board, Feda moved, Siudzinski seconded, the bid for the radiology equipment at the Weiner Memorial Medical Center be awarded to General Electric in the amount of \$252,683. Mr. Jensen did indicate that financing options had been considered and reviewed but no decision has been made at this time. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of ORDINANCE NUMBER 268, SECOND SERIES and that the reading of the same be waived. Ordinance Number 268, Second Series is an ordinance amending the regulations on rates for the dog pound in the City of Marshall, Minnesota. All voted in favor of the motion.

Lewis moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1273, SECOND SERIES and that the reading of the same be waived. Resolution Number 1273, Second Series is a resolution establishing the rates for the dog pound in the City of Marshall, Minnesota. All voted in favor of the motion.

Ron Jensen, Administrator Weiner Memorial Medical Center, was in attendance at the meeting to discuss with the city council the 1990-1991 hospital operating budget that was recently approved by the Weiner Memorial Medical Center Board. Mr. Jensen indicated that the budgeted revenues are \$10,559,000 with a net income from operations of \$175,700 or 1.6% of patient revenues. Mr. Jensen indicated that to meet these cost increases and have a 1.6% operating margin it is necessary for the hospital to raise its rates 9.7%. A question was raised in regard to the discount and allowances incorporated in the budget. Wes Kinstad, Controller for the Weiner Memorial Medical Center, indicated that it is typical for the discounts and allowances to be between 10% and 15% of the budget. A discussion was held in regard to the remodeling of the garage at the Weiner Memorial Medical Center and the possibility of storing the city ambulance at the Weiner Memorial Medical Center.



## REGULAR MEETING - OCTOBER 1, 1990

A request for the Economic Development Authority to become a member of the Venutre Capital Network and the recommendations for 1991 Economic Development Consulting Services were discussed jointly at this time. Upon the recommendation of the Economic Development Authority, Byrnes moved, Lewis seconded, the proper city personnel be authorized to enter into a formal agreement with Business Development Services for 1991 and that the present contract be amended to include the Community Venutre Capital Network procedure as opposed to the existing "cold call" prospecting methods. The Venutre Capital Network provides an opportunity for 6 industrial prospects that are in the expansion or start up mode to make presentations to 12 cities in Minnesota for relocation therein. These presentations are held 6 times throughout the year. This contract is in the amount of \$4,750 for an annual fee and does replace the existing contract with BDS and the method of prospecting under that contract. Duane Aden, City Administrator, did indicate that there may be some costs to the city for travel expenses when prospecting under the amended contract. All voted in favor of the motion.

Craig Morseth, Corporate Risk Managers, insurance consultants for the City of Marshall, was in attendance at the meeting to review with the council the renewal of the October 1, 1990 to October 1, 1991 property and casualty insurance policies. Kirchner moved the insurance coverage under the umbrella liability be accepted with a waiver. This motion died due to the lack of a second. Following the review of the various coverages provided under the property and casualty insurance, Lewis moved, Byrnes seconded, to accept the quotations for property and casualty insurance for the period October 1, 1990 to October 1, 1991 with the restrictive companies submitting the quotations for a total premium of \$262,008 which does include a umbrella liability without a waiver. Voting in favor of the motion were: Byrnes, Lewis, Feda and Stores. Voting no were: Kirchner and Siudzinski.

Kirchner moved, Siudzinski seconded, the approval of a supplemental transfer from Mayor and Council Contingency, 101-401401-6810, in the amount of \$4,958 of which \$4,500 is to account number 101-602645-2227, Street Department maintenance other; and \$458 is to account number 101-603683-2227, Airport maintenance other. These transfers are for those expenses incurred by the City of Marshall which are not covered under the insurance. The \$4,500 is a claim for a personnel injury resulting from the fall on the sidewalk in the downtown area. The \$458 is for damage received to an airplane from blacktop maintenance operations. All voted in favor of the motion.

Byrnes moved, Kirchner seconded, the approval of a 1 day temporary on sale liquor license for Schwan's Sales Enterprises Inc., for the National Guard Armory on December 15, 1990. The fee for this license is \$15.00. All voted in favor of the motion.

Upon the recommendation of the Personnel Committee, Lewis moved, Stores seconded, the approval of the employment contracts with Gregory (Jess) Nelson for the ECFE Coordinator for the City of Marshall for the period August 15, 1990 through June 11, 1991 which is the equivalent of 43 weeks. Mr. Nelson's contract provides for him to be paid \$14.89 per hour for 40 hours/week for these 43 weeks. This agreement provides that Mr. Nelson is to receive a licensure variance from the Minnesota Department of Education, that he must pursue and successfully complete ECFE licensure within the amount of time specified by the Minnesota Department of Education and that his compensation includes 75% of sick leave and insurance benefits. The contract for Wanda Ochocki, ABE/GED Coordinator, is for the period August 15, 1990 to June 11, 1991 which is equivalent to 43 weeks. Ms. Ochocki's contract provides for her to be paid \$14.98 per hour for 40 contract hours per week for the 43 weeks from August 15, 1990 to June 11, 1991. Ms. Ochocki's contract is for administrative only and the compensation includes 75% of sick leave and insurance benefits. Both Mr. Nelson and Ms. Ochocki's contract provide for them to be paid in 26 equal payments of \$985.03 gross every 2 weeks. All voted in favor of the motion.

## REGULAR MEETING - OCTOBER 1, 1990

Kirchner moved, Stores seconded, a public hearing be scheduled for October 15, 1990 at 7:30 P.M. to consider the liquor license for Becky Brownlee DBA The Foxfire at 1407 East College Drive. All voted in favor of the motion.

Reports by the councilmembers of the various committees, commissions and boards were presented to the council as follows:

Siudzinski - no report

Kirchner - no report

Stores - Personnel Committee with Sue Shea

Byrnes - Housing Commission

Lewis - no report

Feda - Coalition of Greater Outstate Cities - and did indicate that they are trying to put together an Economic Development Authority and were requesting \$1,000 from each EDA in the State of Minnesota. Mr. Feda indicated that the local Economic Development Authority have set a cap of \$500,000 on the Reinvestment Account and that \$6,000 of the amount above the \$500,000 be used for prospecting for a tenant for the vacated PPG building and that \$20,000 above the \$500,000 cap be utilized for a county facilitator. This will be placed on the agenda for the October 15, 1990 city council meeting.

Kirchner moved, Stores seconded, the adoption of RESOLUTION NUMBER 1274, SECOND SERIES and that the reading of the same be waived. Resolution Number 1274, Second Series is a resolution indicating the City of Marshall's support for the "Up with People" activities for the weekend of October 6th and 7th, 1990. All voted in favor of the motion.

A list of the physical obstructions on the City right-of-way that conflict with the City ordinance was prepared by the City Engineer and presented to the City Council. Rich Victor, City Engineer, indicated that those obstructions consisting of a basketball pole base and basketball pole were notified by letter to remove the obstruction and given a time table to complete this by. Following a discussion on those obstructions consisting of a shed, shed and sign, and fences, Lewis moved, Byrnes seconded, a letter be sent to those property owners who have an obstruction on the City right-of-way consisting of a shed, a utility shed and sign, be advised to remove them and those properties which have a fence as an obstruction on the City right-of-way be reviewed by the City Chief of Police and that he determine if they are a safety hazard and if so that they be recommended for removal. Voting in favor of the motion were: Lewis and Byrnes. Voting no were: Stores, Feda Kirchner and Siudzinski.

Kirchner moved, Stores seconded, a letter be sent to all property owners who are in violation of the City ordinance which have an obstruction on the City right-of-way and that these property owners be asked to comply with the City Code by June 1, 1991 and that the City Council be updated on this obstructions and it be reevaluated by the City Council at that time. Voting in favor of the motion were: Siudzinski, Kirchner, Stores and Byrnes. Voting no were: Feda and Lewis.

Byrnes moved, Lewis seconded, the introduction of an Ordinance vacating an easement within the City of Marshall. This ordinance would vacate the north 8 feet of Lot 1 and the south 8 feet of the east 145 feet of Lot 2, Block 3, Marshall Industrial Park. This easement is no longer needed by the City and the owner of the property has dedicated a new 16 foot utility easement along the north 16 feet of the south half of Lot 2, Block 3, Marshall Industrial Park Addition for the existing overhead transmission lines that exist. All voted in favor of the motion.

Siudzinski moved, Lewis seconded, the approval of change order no. 6 and change order no. 7 for the contract with Robert L. Carr for the construction of the project at the Wastewater Treatment Facility. Change order no. 6 is an

## REGULAR MEETING - OCTOBER 1, 1990

additional \$1,709 to the contract. Change order no. 6 involves the adding of Underwriters Laboratory UL ratings to the control panel in the sludge thickening building. This change order provides for the changes in the interpretations of the Minnesota Electrical Code. Change order no. 7 is an additional \$4,028. Change order no. 7 provides for the changing in the piping arrangement in the sludge thickening building to allow the sludge to be pumped directly from the primary digesters to the sludge loadout building. There is no change in the contract for the number of working days due to these contract changes. These changes have been approved by Reike, Carrolle, Mueller, Engineering Consultants for this project. All voted in favor of the motion.

A brief discussion was held at this time in regard to the delinquent real estate taxes at the Marshall Square Mall. A suggestion was made since the Minnesota State Lottery has an office in this facility that the rents from this facility be placed in an escrow account to pay the real estate taxes. The council was also advised that any interest and penalty on this delinquent tax goes back to Lyon County and the School District. The City gets no share of the interest and penalty. The primary purpose of this item being added to the agenda was to indicate the City's concern for these delinquent taxes.

Byrnes moved, Kirchner seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38011 through 38179.

The following building permits and mobile home permit previously approved by the Building Official were confirmed:

Robert Nichols  
600 Jewett Street  
McFarland 2nd Addition  
Block 1, Lot 1  
Construct Garage, Deck and  
Finish Basement  
\$4,000

Perry Bly  
100 "E" Street  
Carlson Addition  
Lot 1  
Entrance Deck  
\$900

Donald Henderson  
417 North 7th Street  
Section 4  
N 1/2 of NW 1/4  
Dining Room & Kitchen Window and  
Replace Steps  
\$600

True Value Home Center  
1115 Sunset Circle  
Belvedere Estates Addition  
Block 1, Lot 23  
Dwelling  
\$110,000

Randall Hanson  
510 Kendall Street  
Section 5  
NE 1/4 of SE 1/4  
Window Replacement/Additional Work  
\$500

Veda L. Williams  
105 West Greeley Street  
Blakes Addition  
Block 8, Part of Lots 3 & 7  
Reside Dwelling  
\$5,000

Rick Slagel  
613 Thomas Avenue  
Eatros Place 4th Addition  
Block 2, Lot 6  
Addition to Garage  
\$3,000

Robert L. Carr Company  
113 South 4th Street  
"A" Addition  
Block 1, Lots 1 - 6  
Addition to Switch Gear Building  
\$95,200

Henry Blomme  
508 Williams Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Dwelling  
\$60,000

Dulas Construction  
600 West Erie Road  
Section 33  
Part of NE 1/4 of NW 1/4  
Warehouse for Wastewater Treatment  
Facility  
\$100,000

## REGULAR MEETING - OCTOBER 1, 1990

Taylor's Inc.  
602 Adobe Road  
Prairieview Estates 3rd Addition  
Block 2, Lot 4  
Dwelling  
\$84,000

Jackie Thomas  
702 East Southview Drive  
Southview 3rd Subdivision  
Block 1, Lot 1  
Install Exterior Door  
\$300

Babcock Construction  
106 "E" Street  
Carlson Addition  
Lot 4  
Reside Dwelling  
\$2,100

Pacesetter Products  
303 West Southview Drive  
Nielsen's 7th Addition  
Block 3, Lot 2  
Fiberglass Patio Cover  
\$2,000

Keigh Hubel  
200 "A" Street  
Original Plat  
Block 24, Part of Lots 6 & 7  
Enclose Patio  
\$1,000

Babcock Construction  
202 West Gray Place  
Nielsen's 5th Addition  
Block 1, Lot 6  
Reside Dwelling & Replace Windows  
\$6,400

MANUFACTURED HOME INSTALLATION APPLICATION/PERMIT

Kenneth Fischer  
1252 Cornwall Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home

Kenneth Fischer  
1240 Cornwall Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home


A concern was expressed in regard to the City of Marshall having a tree planting program as was addressed in the League of Cities Bulletin.

A Legislative and Ordinance Committee meeting was scheduled for Wednesday, October 24, 1990 at 4:00 o'clock P.M. in the Municipal Building.

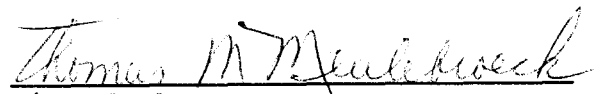
The proper city personnel from the city were directed to discuss with the Weiner Memorial Medical Center the available space at this facility and the possibility of the ambulance being housed at this facility.

The City Administrator was requested to provide the city council with a copy of the Affirmative Action Compliance Report every 6 months.

Upon motion made by Lewis, seconded by Stores, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - OCTOBER 15, 1990

The regular meeting of the Common Council of the City of Marshall was held on October 15, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Kirchner, Lewis, Byrnes and Stores. Absent: Siudzinski.

The Pledge of Allegiance was recited at this time.

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

Kirchner moved, Lewis seconded, the approval of the minutes of the regular meeting held on October 1, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

This was the date and time set for a public hearing on an application for a liquor license for Becky Brownlee DBA The Foxfire at 1407 East College Drive. Duane Aden, City Administrator, indicated that the purpose of this public hearing was to hear any comments in favor or opposed to granting of this liquor license. Ms. Brownlee indicated that it is her intent that there operation would cater to the older crowd rather than the college cliental. Being there were no further comments Mayor Feda closed the public hearing. Byrnes moved, Lewis seconded, the liquor license for Becky Brownlee DBA The Foxfire at 1407 East College Drive be approved with the fee being pro-rated for 2 1/2 months from October 15, 1990 through December 31, 1990. All voted in favor of the motion.

A public hearing was held at this time in regard to the vacating of a utility easement along the North 8 feet of Lot 1 and South 8 feet of the East 145 feet of Lot 2, Block 3, Marshall Industrial Park Addition. There were no comments received at this public hearing, therefore Mayor Feda closed the public hearing. Lewis moved, Byrnes seconded, the adoption of ORDINANCE NUMBER 269, SECOND SERIES and that the reading of the same be waived. Ordinance Number 269, Second Series is an ordinance vacating a utility easement in the City of Marshall, Minnesota. This ordinance would vacate the North 8 feet of Lot 1 and the South 8 feet of the East 145 feet of Lot 2, Block 3, Marshall Industrial Park Addition. This easement is no longer needed by the city and the owner of the property has dedicated a new 16 foot utility easement along the North 16 feet of the South 1/2 of Lot 2, Block 3, Marshall Industrial Park Addition for the existing over head transmission lines that exist. All voted in favor of the motion.

A public hearing was held at this time on the Preliminary Plat for Wal-Mart Addition which is located on the East corner of the intersection of Highway 23 by-pass and East Main Street. The proposed addition will consist of 3 lots which are currently zoned B-3, General Business District. The preliminary plat was presented by George Temes, Dunway and Associates West Inc., out of Tempa, Arizona on behalf of the developer Wal-Mart Stores Inc., out of Bentonville, Arkansas. Rich Victor, City Engineer, did review with the city council the Engineer's report on the preliminary plat. Mr. Victor did indicate the preliminary plat for Wal-Mart Addition does not include property entirely within the city limits. Mr. Victor did indicate that the preliminary plat has been revised to include the frontage road to the Independent Lumber. If the street is dedicated to the City of Marshall it would be included in the number of street miles in the City of Marshall. Mr. Victor indicated the purpose of this public hearing is to approve the basic concept for the preliminary plat. Rich Victor did indicate that the requirements for the preliminary plat have been met. A discussion was held at this time in regard to the proposed holding ponds for storm sewer. Mr. Victor indicated the size of the holding pond had not been determined and that this area is outside of the city limits. The city council was advised that the property where Independent Lumber and Greenwood Nursery are, are not within the city limits. These business may or may not be annexed to the city with this project. Mr. Victor indicated that the

## REGULAR MEETING - OCTOBER 15, 1990

annexation would take about 3 months to complete. There were no further comments brought before the public hearing therefore the public hearing was closed. Upon the recommendation of the Planning Commission, Lewis moved, Kirchner seconded, the Preliminary Plat for Wal-Mart Addition which is located at the East corner of the intersection of Highway 23 by-pass and East Main Street be approved contingent upon the holding ponds being adequately designed for the area, the orderly annexation process continue, and that the sidewalk policy be implemented in the plan for this area. All voted in favor of the motion.

A discussion was held at this time in regard to the actions of the Economic Development Authority to use proceeds from the investment of the Community Reinvestment Fund in the amount of \$20,000 towards a county wide facilitator program and \$6,000 towards the promotion of the sale of the PPG building. There was no action required of the city council unless they chose to over rule the actions of the Economic Development Authority. Councilperson Kirchner expressed her reservations of the methods of spending of the funds that the EDA has control of whether it is the \$500,000 or the \$500,000 plus interest. Ms. Kirchner indicated that the original proposal for the program there was no indication of hiring personnel with the funds of this authority. Ms. Kirchner expressed a feeling of misrepresentation when the funds was established and in particular since there was no mention of how the interest was to be used at that time.

Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1275, SECOND SERIES and that the reading of the same be waived. Resolution Number 1275, Second Series is a resolution approving the final plat for Heartland-Courthouse Addition. This plat re-subdivides the area between West Main Street down to the Southerly limits of the MN/DOT property and from South 6th Street over to the railroad right-of-way. Within this plat is the dedication of easements and road right-of-way for South 7th Street extension. All voted in favor of the motion.

A discussion was held at this time in regard to the denying by the Planning Commission of a request from Luell Miller for a conditional use permit for an existing two family dwelling under single ownership in an R-1 One Family Residence District at 508 West Marshall Street. James Anderson, Attorney for Luell Miller, was in attendance at the meeting to discuss the actions of the Planning Commission. Mr. Anderson indicated that the property being requested for a conditional use permit is not incompatible with the neighborhood. Mr. Anderson sited a number of similar properties in the area where conditional use permits have been granted. Mr. Anderson could see no reason why the conditional use permit being requested was denied. Lewis moved, Byrnes seconded, a request for a conditional use permit for an existing two family dwelling under single ownership in an R-1 One Family Residence District at 508 West Marshall Street be referred back to the Planning Commission. The minutes of the Planning Commission are to reflect the size and use of the lot area, how this request differs from previous requests for conditional use permits in the area, if the recommendation is to deny that the minutes reflect why the request is being denied, and that the Planning Commission be provided with drawings of the lot and how much is being taken by the parking lot, how much remains and etc. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Mensing moved, Byrnes seconded, Donald and Evelyn Henderson be granted a conditional use permit for a two family dwelling under single ownership in an R-1 One Family Residence District at 417 North 7th Street contingent upon items no. 2 and 3 on the inspection report as revised on September 6, 1990 be completed before the permit is issued. All voted in favor of the motion, except Kirchner who voted no. Councilperson Kirchner expressed a concern in regard to item number 2 of the inspection report which addresses the living, dining, kitchen area natural light and ventlation which was inadequate per the report. Per the Planning Commission minutes it did indicate that the Hendersons had added ventlation

## REGULAR MEETING - OCTOBER 15, 1990

area that is close to required square footage but is about one square foot short. Mr. Victor indicated that the Building Official Dale Howe has inspected the property and all other items within the inspection report are completed within the requirements of the city code.

Upon the recommendation of the Planning Commission, Kirchner moved, Mensing seconded, Martin Marthaler, 103 G Street, be granted a Variance Adjustment Permit for an attached garage with a rear yard of 6 feet in lieu of 12 feet as required by City Code in an R-1, One Family Residence District. Mr. Marthaler confirmed there were no easements on record per his search at the Lyon County Courthouse and Rich Voller, Manager of the Marshall Municipal Utilities. Mr. Marthaler indicated that if he were to construct the garage addition with the wall in a straight line with the front of the house it would require revising the driveway and custom made rafters instead of stock rafters, therefore this variance adjustment permit allowed for Mr. Marthaler to construct the garage as proposed and would allow him to use stock rafters in lieu of custom made rafters and would not lose any parking stalls by the design or the construction. All voted in favor of the motion.

Upon the request of Mary Snobl, Senior Citizens Director, Feda moved, Mensing seconded, the approval of a \$1,000 transfer from Senior Center building maintenance account 101-420480-2223 to Senior Center parttime personnel account 101-420480-1103. The primary reason for the transfer is the additional time that the custodian has had to spend at the center resulting from increased activities of group meetings. There is adequate funds in building maintenance account to allow for this transfer. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed with the city council the financial status of the various departments and funds within the City of Marshall as it relates to the 1990 budget, year to date expenditures, and remaining balances as of September 30, 1990. The city council was advised that the year to date expenditures on this report reflect a cash basis account and does not cover those expenditures in September that are paid in the following month.

A discussion was held at this time in regard to the authorization of the proper city personnel making application for a petroleum products refund for products purchased by the City of Marshall between August 19, 1973 and January 27, 1981. This request came from Petroleum Funds, Inc., out of Paris, Tennessee. Kirchner moved, Mensing seconded, City Administrator Duane Aden, pursue the application for the petroleum products refund by following up with the League of Minnesota Cities to verify the legality of this application and that if it is legal, Mr. Aden be authorized to proceed with the processing of this application. All voted in favor of the motion, except Lewis who voted no.

Upon the request of the Minnesota Corn Processors, Byrnes moved, Mensing seconded, Minnesota Corn Processors be allowed joint usage of the East 7 feet of an existing 30 foot easement for the installation of a spur track. This easement is adjacent to the Minnesota Corn Processing Plant and East of the Wastewater Treatment Plant. MCP was requesting this usage to allow them to construct 2 railroad tracks adjacent to their existing freight yard system in order to accommodate the additional freight cars that they have acquired. The placement of this track has been reviewed and determined by the city that it would not interfere with the wastewater's outfall line. All voted in favor of the motion.

Upon the recommendation of the Airport Commission, Lewis moved, Byrnes seconded, the rates effective January 1, 1991 for the T-hangar rentals be \$50.00 per month for single hangars, \$70.00 per month for twin engine hangars, storage areas \$12.00 per month, electricity would be \$5.00 per month, and a \$10.00 per month winch rental. All voted in favor of the motion.

## REGULAR MEETING - OCTOBER 15, 1990

Reports by the council members of the various committees, commissions and boards were presented to the council as follows:

- Stores: Convention and Visitor's Bureau, they have received a \$6,300 grant
- Byrnes: Housing Commission, they have hired a new Executive Director; Parks, Recreation and Community Education, referendum is a key issue
- Lewis: Municipal Utilities, change the rate structure for water usage
- Kirchner: Planning Commission, requested in service for new members and requested more input information on what is and is not allowed under construction and re-construction projects
- Mensing: Senior Center: ad-hoc committee meeting consisting of City Staff and Hospital Staff to addressing housing of the ambulance
- Feda: Southwest Regional Development Commission, indicated that ECSU is applying for a grant for a drug program  
Coalition of Outstate Cities, on the conducting on a study for local government aids

Mayor Feda shared with the city council a letter he had received from the Southwest State University commending city staff and in particular Marv Bahn, Police Chief, Dave Marks, Fire Chief, and the ambulance personnel for their response in regard to a call in the Science Department at the University.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38184 through 38378.

The following building permits, mobile home permit and application for permits to move buildings previously approved by the Building Official were confirmed:

Dean S. Grams  
606 Kendall Street  
J.D. Eastman's Addition  
Lot 7  
Reside & Replace Windows  
\$4,200

VIP Financial Company  
1420 East College Drive  
McFarland Addition  
Block 2, Lot 6  
Remodel Store 901  
\$30,000

Heartland Food Company  
112 South 6th Street  
Heartland-Courthouse Addition  
Block 2, Lot 1  
Freezer Addition/Phase I  
Footings & Foundations  
\$150,000

Scenic Sign Corporation  
1420 East College Drive  
McFarland Addition  
Block 2, Lot 6  
Flat Wall Sign  
\$2,400

Paxton Signs, Inc.  
1420 East College Drive  
McFarland Addition  
Block 2, Lot 6  
Flat Wall Sign  
\$2,000

Henry Blomme  
508 Williams Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Demolish Dwelling  
\$0

Doom & Cuyper  
100 West College Drive  
Original Plat  
Block 3, Part of 1, 2, & 3  
Remodel Beauty Shop  
\$3,000

James John  
607 James Avenue  
Eatros Place  
Block 1, Lot 4 & Part of Lot 3  
Garage  
\$4,800



## REGULAR MEETING - OCTOBER 15, 1990

Mike Buysse  
1101 South 4th Street  
Section 9  
Part of NW 1/4 of SW 1/4  
Garage  
\$10,000

Independent Lumber  
1123 Sunset Circle  
Belvedere Estates Addition  
Block 1, Lot 27  
Dwelling  
\$98,000

Mike Phillippe  
402 North 5th Street  
Stewart & Jenkins Addition  
Block 1, Part of Lot 1  
Deck  
\$300

Taco Johns  
1300 East College Drive  
Section 3  
Part of NE 1/4 of SW 1/4  
Exterior Remodeling & Replace 7 Windows  
\$32,000

Woodlan Construction  
702 North 6th Street  
Fre-Mar Addition  
Block 2, Lot 23  
Room Addition & Deck  
\$5,000

Marlin Besse  
1113 Skyline Drive  
Belvedere Estates Addition  
Block 1, Lot 7  
3 Unit Apartment  
\$108,000

MANUFACTURED HOME INSTALLATION APPLICATION/PERMIT

Jerry Slominski  
1223 Round Table Road  
Camelot Square Mobile Home Park  
Install Mobile Home

APPLICATION FOR PERMIT TO MOVE BUILDING

Heartland Food Company  
From 701 West Main Street  
to Lynd, MN  
Dwelling

Heartland Food Company  
From 621 West Main Street  
To Lynd, MN  
Dwelling

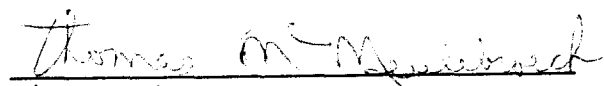
A concern was expressed by the City Council in regard to the replacement of the brick on the downtown sidewalks and suggested that immediate attention be given to some areas which are in badly need of repair to avoid any future law suits of insurance claims.

City Engineer, Rich Victor, was requested to have available for the Legislative and Ordinance Committee meeting to be held on October 24, 1990 an update on the skirting and tie downs of the trailers in the mobile home parks.

Upon motion by Mensing, seconded by Stores, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## REGULAR MEETING - NOVEMBER 5, 1990

The regular meeting of the Common Council of the City of Marshall was held on November 5, 1990. The meeting was called to order at 7:35 P.M. by Mayor Feda. In addition to the mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the addition of item no. 7a which is the consideration of an appointment to the Marshall Lyon County Library Board.

Kirchner moved, Byrnes seconded, the approval of the minutes from the regular meeting held on October 15, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

On behalf of the Marshall Volunteer Fire Department Relief Association, Art Matthys, reviewed with the City Council the changes in the by-laws for the Relief Association some of which are to conform to state statutes. Mr. Matthys did indicate that the funding for the Fire Relief Association is provided from State Aid Funds and approximately 1/3 mill provided each year from the City of Marshall. Mr. Matthys did review with the City Council the application process for someone to become a member of the Marshall Volunteer Fire Department as well as the Marshall Volunteer Fire Department Relief Association. The revision in the by-laws did provide for an increase to \$2,750 per year of service for the retirement benefit. There was some concern expressed in regard to the language of the by-laws allowing for both the male and female genders being addressed in the by-laws of the association. Lewis moved, Kirchner seconded, the by-laws for the Marshall Volunteer Fire Department Relief Association be approved as presented providing for a \$2,750 per year retirement benefit. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Byrnes moved, Siudzinski seconded, the introduction of an ordinance to amend Chapter 13 of the City Code which is the flood plain management ordinance. This ordinance would provide for the City of Marshall's Flood Plain Management to coincide with federal and state requirements regarding Flood Plain Management. All voted in favor of the motion.

Kirchner moved, Stores seconded, the approval of change order no. 1 for Project No. 1990-012 which is the construction of a warehouse facility at the Wastewater Treatment Plant. This change order is an increase to the contract in the amount of \$3,050 to provide for extra excavation and backfill material for the footing foundation. The site of this warehouse is in the area that has received miscellaneous fill material over the years consisting of concrete, bituminous, and unsuitable soils. This change order reflects extra excavation which was required and suitable landfill materials to provide acceptable foundation to place the footings upon. The contractor for this project is Construction Services Division out of Memphis, Tennessee with the local contractor Dulas Construction. All voted in favor of the motion.

Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1276, SECOND SERIES and that the reading of the same be waived. Resolution Number 1276, Second Series is a resolution amending the assessment roll for Project No. 1990-006 which is the Sidewalk Replacement Project at various locations within the City of Marshall. This resolution provides for the deleting of the assessment for Parcel No. 27-677159-0, Elizabeth Duncan at 506 West Lyon Street in the amount of \$161.12. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed with the City Council the projected revenues and expenditures for the 1991 budget for the City of Marshall. Some items of discussion in regard to the budget were the status of the Cable Coordinator Position; the proposed facility for the ambulance and the related maintenance and cost of this building; the \$10,000 incorporated in the

## REGULAR MEETING - NOVEMBER 5, 1990

budget for an insurance consultant; a suggestion was made that local agents be unified as an ad-hoc committee to review the insurance; utilizing of monies from the 429 Revolving Fund for Debt Service; the placing on the agenda for the next regular City Council meeting of November 19th the changing of the contract employees to regular city employees; the impact of paying off the remaining balance of all Tax Increment Financing Issues; and the providing of a list of Tax Increment Financing Districts to the City Council with the effects they have on the tax roll. Stores moved, Byrnes seconded, the projected budget for 1991 providing for \$6,710,707 in revenues and expenditures for the General Fund be accepted and presented at a public hearing to be held on November 28, 1990. All voted in favor of the motion.

Reports by the Councilmembers of various committees, commissions and boards were presented to the council as follows:

Mensing	Hospital Board, a Kidney Dialysis will be starting soon at the hospital with approximately 10 patients
Siudzinski	Cable Marshall Lyon County Library Board, indicated a problem with turn over in staff in particular with being open on Sunday's
Kirchner	Legislative and Ordinance Committee
Lewis	Ways and Means Committee
Byrnes	No reports
Stores	No reports
Feda	Southwest Regional Development Commission did indicate that the project for East College Drive to provide for turning lanes has been delayed to 1993. Economic Development Authority is requesting each city in the county to provide \$1,000 towards the Lyon County Facilitator. They are requesting funds from the Minnesota Initiative Fund for this position and the City of Marshall match each cities contribution of \$1,000. A concern was expressed in regard to a contribution from Lyon County. A concern was expressed in regard to the negotiations with Circuit Science as to whether or not there would be any environmental impact from this business. The indication given was that there would be no environmental impact.

Siudzinski moved, Mensing seconded, Randi Markusen be appointed to the Marshall Lyon County Library Board for a term to expire December 31, 1990. Ms. Markusen would be replacing Frances Parrett who resigned. All voted in favor of the motion.

Mensing moved, Stores seconded, the approval of a transfer of \$7,300 from the Mayor and Council Contingency, 101-401401-6810, to Senior Center unemployment compensation; 101-420480-1142, \$1,200; Senior Center operating supplies; 101-420480-2211, \$3,500; and to the Street Department maintenance other; 101-602645-2227, \$2,600. All voted in favor of the motion.

Byrnes moved, Feda seconded, a special City Council meeting be scheduled for 4:30 P.M. on Wednesday, November 7, 1990 to canvas the ballots of the election and held on November 6, 1990. All voted in favor of the motion, except Lewis who voted no.

## REGULAR MEETING - NOVEMBER 5, 1990

Kirchner moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38386 through 38567.

The following building permits, mobile home permits and permits to move buildings previously approved by the Building Official were confirmed:

Bladholm-Sussner Construction  
619 West Main Street  
Heartland Courthouse Addition  
Block 1 Lot 1  
Move-out Dwelling  
\$0

Bladholm-Sussner Construction  
615 West Main Street  
Heartland Courthouse Addition  
Block 1 Lot 1  
Move-out Dwelling  
\$0

Bladholm-Sussner Construction  
108 South Seventh Street  
Heartland Courthouse Addition  
Block 1 Lot 1  
Move-out Dwelling  
\$0

George J. Hoffman  
104 "G" Street  
DeAustin Addition  
Block 2 Lot 5  
Reside Dwelling  
\$2,400

Donald Voit  
1206 East College Drive  
Section 3  
Part of NW 1/4 of SW 1/4  
Restroom Construction  
\$3,500

Kenneth Farr  
418 South Second Street  
Nielsens Addition  
Block 1 Lot 8  
Reside Dwelling & Replace 4 Windows  
\$5,850

Martin Marthaler  
103 "G" Street  
DeAustin Addition  
Block 1 SW 1/2 of Lot 1  
Garage Addition  
\$4,900

Kenneth Boraas  
317 North High Street  
DePover Ogle Addition  
Block 1 Lot 5  
Storage Shed  
\$800

Bladholm-Sussner Construction  
617 West Main Street  
Heartland Courthouse Addition  
Block 1 Lot 1  
Move-out Dwelling  
\$0

Bladholm-Sussner Construction  
106 South Seventh Street  
Heartland Courthouse Addition  
Block 1 Lot 1  
Move-out Dwelling  
\$0

Varman Companies  
1301 South Fourth Street  
St. Stephen Addition  
Block 1 Lot 1  
Church  
\$650,000

Paxton Signs Inc.  
314 West Main Street  
Original Plat  
Block 9 Lot 18  
Projecting Sign  
\$500

Hiskin Construction  
401 West Main Street  
Original Plat  
Block 5 Lots 1 & 2  
Exterior Remodeling  
\$7,250

Albert & Ellen Wischer  
500 South Second Street  
Marshall Nielsen Addition  
Block 1 Lot 9  
Reside Dwelling, Replace 2 Windows  
and 1 Garage Door  
\$6,000

Jeff Varpness  
402 Maple Lane  
Village Park Mobile Home Park  
Enclose Carport  
\$150

Dennis Miller  
602 Soucy Drive  
Eastmans Addition  
Block 3 Part of Lot 1  
Floor Slab & Move-in Garage  
\$700

## REGULAR MEETING - NOVEMBER 5, 1990

Babcock Construction  
203 Robert Street  
Viking Addition  
Block 5 Lot 5  
Reside Dwelling, Replace 1 Window,  
Brick Trim, Enclose 1 Window  
\$3,390

Geske Building & Supply Company  
1309 Horizon Drive  
Sunrise Park Addition  
Block 5 Lot 10  
Escape/Rescue Window  
\$650

Willam Merritt  
903 Hackberry Drive  
Southview Subdivision  
Block 2 Lot 11  
Replace Window  
\$500

Taylor's Inc.  
1004 Silvervine Drive  
Southview II Subdivision  
Block 3 Lot 13  
Addition to Dwelling  
\$12,200

MANUFACTURED HOME INSTALLATION PERMIT

Marathon Housing Company  
1244 Avalon Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home

Marathon Housing Company  
140 Lilac Drive  
Village Park Mobile Home Park  
Install Mobile Home

Patrick Thielges  
517 Locust Drive  
Village Park Mobile Home Park  
Install Mobile Home

Terry Haas  
122 Spruce Lane  
Village Park Mobile Home Park  
Install Mobile Home

APPLICATION FOR PERMIT TO MOVE BUILDING

Heartland Food Company  
106 South Seventh Street  
Heartland Courthouse Addition  
Block 1 Lot 1  
Move-out Dwelling  
\$50

Heartland Food Company  
108 South Seventh Street  
Heartland Courthouse Addition  
Block 1 Lot 1  
Move-out Dwelling  
\$50

Councilperson Kirchner indicated the Southwest Regional Development Commission is utilizing recycled paper for the printing and that they should be commended for this and that other governmental agencies should be encouraged to utilize recycled paper.

Brian Murphy indicated to the council that the one can rate for garbage would be effective January 1, 1991.

The proper city personnel were requested to provide the City Council with a list of city vehicles and the needed storage space for the police, ambulance and fire department.

The cleanliness of the downtown walkways and entrances to the City of Marshall were a concern and a suggestion was made for the possibility of adopting a block type program similar to adopting a highway program be implemented in the City of Marshall.

A request was made that the City Engineer's Office and the contractors for the South 7th Street Project be commended for their expedience on this project.

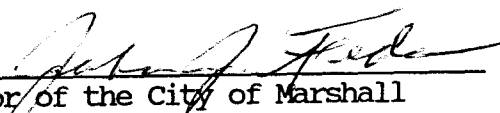
In response to the property owners receiving a notice of obstructions and in particular fences on City of Marshall right-of-ways in the residential area, Mr. Victor indicated that approximately 75% of those who called indicated that they would conform to the city ordinance.

## REGULAR MEETING - NOVEMBER 5, 1990


The City Council was advised that the Minnesota Court of Appeals has denied the appeal of JVB Enterprise for the claim against the City of Marshall.

The City Council was also advised the distribution of interest and penalty on delinquent taxes is spread 50% to the County and 50% to the school district.

Upon motion made by Kirchner, seconded by Lewis, the meeting was adjourned. All voted in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

SPECIAL MEETING - NOVEMBER 7, 1990

A special meeting of the Common Council of the City of Marshall was held on November 7, 1990. The meeting was called to order at 4:35 P.M. by Mayor Feda. In addition to the mayor the following members were present: Mensing, Siudzinski, Kirchner, Byrnes and Stores. Absent: Lewis.

Election returns as filed by the Election Judges for the City Election held on November 6, 1990 in conjunction with the General Election were presented by the Financial Director/City Clerk Thomas M. Meulebroeck. The summary of the votes cast for the various candidates and offices were determined to be as follows for said election:

	College 1-1	Holy Redeemer 1-2	Fire Hall 2-1	Armory 2-2	West Side School 3-1	East Side School 3-2	Total
<u>Mayor</u>							
John Feda	427	1149	615	869	777	682	4519
Defective	2	16	1	1			20
Write In	5	14	6	13	4	14	56
Blank	<u>30</u>	<u>64</u>	<u>28</u>	<u>49</u>	<u>46</u>	<u>27</u>	<u>244</u>
Total	464	1243	650	932	827	723	4839

Councilperson

Ward I	Precinct I	Precinct II	Total
Jeff Lewis	397	926	1323
Defective	1	5	6
Write In	3	13	16
Blank	<u>63</u>	<u>299</u>	<u>362</u>
Total	464	1243	1707

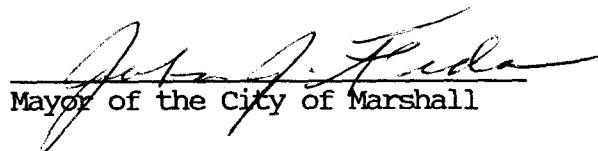
Ward II	Precinct I	Precinct II	Total
Robert Byrnes	477	667	1144
Fred Dreier	112	166	278
Defective		1	1
Write In		2	2
Blank	<u>61</u>	<u>96</u>	<u>157</u>

Total	650	932	1582
Ward III	Precinct I	Precinct II	Total
Andy Mensing	625	594	1219
Write In		5	5
Blank	<u>202</u>	<u>124</u>	<u>326</u>
Total	827	723	1550

Kirchner moved, Stores seconded, and it was unanimously approved that the following be declared duly elected for terms to commence on December 3, 1990: for Mayor, John Feda for a 2 year term; for First Ward Councilor, Jeff Lewis for a 4 year term; for Second Ward Councilor, Robert Byrnes for a 4 year term; for Third Ward Councilor, Andy Mensing for a 4 year term.

## SPECIAL MEETING - NOVEMBER 7, 1990

Upon motion by Byrnes, seconded by Mensing, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk



## REGULAR MEETING - NOVEMBER 19, 1990

The regular meeting of the Common Council of the City of Marshall was held on November 19, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Lewis, Byrnes and Stores. Absent: Kirchner.

The Pledge of Allegiance was recited at this time.

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

Mensing moved, Byrnes seconded, the approval of the minutes of the regular meeting held on November 5, 1990 and the minutes of the special meeting held on November 7, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Sally Tobey a representative from the Marshall Lyon County Library Board was in attendance at the meeting to discuss with the council the report prepared by the Marshall Lyon County Library Board on pay equity. Ms. Tobey indicated that if the Marshall Lyon County Library were to incorporate its employees with the pay plan adopted by the City of Marshall that it was their assumption they would have to raise the average Libraries employee salary by 24% to bring them to the city levels plus what ever increases the city employees were to get in 1991. There was some concern expressed as to whether or not the Library is considered a separate entity for pay equity purposes or are a part of the City of Marshall or Lyon County. Ms. Tobey did indicate that according to the information she had received that the library should be considered a part of the City of Marshall. Ms. Tobey did indicate the Library Board is concerned as to where to go from here. A question was raised in regard to who sets the wages for those employees under the Plum Creek Library System. Ms. Tobey indicated wages for the Lyon County Library are set by the Library Board. In response to the concern of a pay equity for the Marshall Municipal Utilities and Weiner Memorial Medical Center it was indicated that both of these government entities have established their own pay equity plan and administer them accordingly. A discussion was held in regard to the Library at one time being a part of the City of Marshall pay plan and then separating from the City back in 1980 as to who's decision it was and why they did it. This item is to be placed on the next council meeting agenda for discussion.

Upon the recommendation of the Planning Commission, Mensing moved, Stores seconded, a conditional use permit for Luell Miller for a two family dwelling under single ownership in an R-1, One Family Residence District, at 508 West Marshall Street be approved with the condition that all items except 16 and 17 on the inspection report be granted and that the extended maintenance provision be included; the construction of off street parking be in conformance with the code; and that all requirements of the conditional use permit be completed within 9 months. James Anderson, attorney for Luell Miller, was in attendance at the meeting and did speak on behalf of Mr. Miller in regard to the parking issue. It was Mr. Anderson's understanding that the permit was approved with 3 parking stalls to the rear of the property and one in the driveway which did meet the requirements of the conditional use permit. A concern was raised in regard whether or not the city ordinance addresses allowable area of impervious surfaces. All voted in favor of the motion, except Lewis who voted no.

Upon the recommendation of the Planning Commission, Byrnes moved, Lewis seconded, the approval of a 5 year renewal of a conditional use permit for a home occupation consisting of a ceramic shop in an R-1, One Family Residence District, for Ruth Gunlogson at 706 Brian Street. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Siudzinski moved, Stores seconded, Cheryl Derynck, 1110 Bruce Circle, be granted a one year conditional use permit for a home occupation for a beauty shop in an R-1, One Family Residence District. All voted in favor of the motion.

4926

REGULAR MEETING - NOVEMBER 19, 1990

Upon the recommendation of the Planning Commission, Mensing moved, Byrnes seconded, a variance adjustment permit be approved for Lyon County Coop at 1100 East Main Street to construct a sign with a 100' setback with a height of 45' in lieu of 40' as required by city code. This variance was recommended for approval since it does not go against items 1 through 4 on the standards for a hearing for a variance adjustment permit. All voted in favor of the motion.

A concern was expressed at this time in regard to the city addressing the city code in regard to allowable signage for various businesses.

Upon the recommendation of the Planning Commission, Lewis moved, Stores seconded, the request for a variance adjustment permit for a garage addition with a side yard of less than permitted by city code in an R-1, One Family Residence District, for William Merritt, 903 Hackberry Drive, be denied and that Mr. Merritt be granted one year to comply with the city code. Mr. Merritt did indicate that his original garage was in conformance with city code but he had constructed an addition to his garage which he did not receive a building permit for and was not in conformance with city code. Mr. Merritt was concerned as to what he has to do to conform and how much time he would have to complete the necessary work for conformance. The addition that Mr. Merritt did construct onto his garage was encroaching on the adjacent property. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Stores moved, Siudzinski seconded, the request of Southwest Ventures for a conditional use permit to classify an existing nonconforming two family dwelling at 403 West College Drive as a conforming use at the time of the establishment of the district in an R-1, One Family Residence District, be denied since the use is not suitable to the public welfare in general; the welfare of the adjacent property and persons residing or working in the area adjacent to the area; off street parking facilities; and whether the proposed use has a positive community need as defined in the comprehensive plan; and because of the problems stated by the neighbors with an on going use. All voted in favor of the motion.

Siudzinski moved, Byrnes seconded, Paul Gylling be appointed to the Marshall Housing Commission for a term to expire on May 31, 1992 which was vacated by the resignation of Curt Ireland. All voted in favor of the motion.

Stores moved, Byrnes seconded, effective January 1, 1991 the Cable Coordinator Position be changed from a contract parttime to a regular parttime city employee. All voted in favor of the motion.

Lewis moved, Mensing seconded, effective January 1, 1991 the Senior Citizen Center Director Position be changed from a contract position to a regular full time city employee. All voted in favor of the motion.

Byrnes moved, Lewis seconded, effective January 1, 1991 the Accounting Clerk position in the City Clerk's Office be changed from a parttime position to a regular full time city employee. All voted in favor of the motion.

Siudzinski moved, Mensing seconded, effective January 1, 1991 the Appraiser Position within the City Assessor's Office be changed from regular parttime to a regular full time position. All voted in favor of the motion, except Feda who voted no.

Lewis moved, Byrnes seconded, the Wastewater Treatment Facility Plant be authorized an additional full time position effective January 1, 1991. All voted in favor of the motion.

## REGULAR MEETING - NOVEMBER 19, 1990

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed with the city council the financial status of the various departments and funds within the City of Marshall as it relates to the 1990 budget year, year to date expenditures and remaining balances as of October 31, 1990.

Byrnes moved, Lewis seconded, the proper city personnel be authorized to advertise for bids for the annual garbage collection and disposal services for the period January 1, 1991 to December 31, 1991 for the City of Marshall facilities. These bids will be received at the regular city council meeting to be held on December 3, 1990. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed with the city council the status of the various tax increment financing projects within the City of Marshall as it relates to the outstanding bond obligations, potential dates for satisfaction of outstanding bonds and annual increments involved. It was the general consensus of the council that this information should be shared with Senator Gary DeCramer and Representative Jim Girard. Per the information provided to the city council it was their general understanding that the tax increment financing has worked in the City of Marshall.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1277, SECOND SERIES and that the reading of the same be waived. Resolution Number 1277, Second Series is a resolution amending the Joint Resolution for Orderly Annexation between the Township of Lake Marshall and the City of Marshall, Minnesota pursuant to Minnesota Statutes 414.0324 Subdivision 1. The proposed annexation involves approximately 8.6 acres and is within the Northwest Quarter of Section 10. This annexation is on behalf of Wal-Mart Stores. The city has received letters from the property owners Mark Nuese and Ms. Clarice Boyer in support of the proposed annexation. All voted in favor of the motion.

Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 1278, SECOND SERIES and that the reading of the same be waived. Resolution Number 1278, Second Series is a resolution restricting parking on various streets within the City of Marshall. The parking restrictions are for the West side of Village drive from Birch Street to Fairview Street; South 7th Street from South 6th Street to Main Street; and the Northwesterly side of "E" Street from the Northeasterly property line of Main Street a distance of 30' Northeast. All voted in favor of the motion.

Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 1279, SECOND SERIES and that the reading of the same be waived. Resolution Number 1279, Second Series is a resolution providing for stop signs at various locations within the City of Marshall. Per this resolution stop signs will be placed on South 7th Street at the intersection of South 6th Street and Main Street; on East Marshall Street at the intersection of Whitney Street; and on State Street which runs parallel with Trunk Highway 23 at the intersection of the entrance of Trunk Highway 23, the stop sign on the entrance off of Trunk Highway 23 controlling traffic at State Street shall be removed. Other areas within the City of Marshall that a 4 way stop were expressed as a concern: O'Connell Street and Sherman Road intersection, the intersection near the Happy Chef of the service road and Market Street, and the intersection of Sunrise and Horizon Street. All voted in favor of the motion.

Reports by the council members of various committees, commissions and boards were presented to the council as follows:

Mensing: Hospital Board: The Board of Directors had recently held a 2 day retreat. There will be 2 new doctors coming to Marshall in August, 1991, and the hospital is looking at a new Management Information System.

Senior Citizen Commission: recently addressed the meal site agreement and the rent the center is paying to the city.

## REGULAR MEETING - NOVEMBER 19, 1990

Siudzinski: Library Board: pay equity and personnel policy are items of concern. A private individual with help from Studio 8 is putting together a video about things found in the library.

Cable Commission: voted yes to allow ATC Company to submit an unaudited financial report instead of an audited financial report. All but one 1990 goal has been met. The last goal of creating a "How to use Studio 8 Equipment" video is in the planning stages.

Convention and Visitors Bureau: no report

Stores: Convention and Visitors Bureau: clarify administration

Park & Rec Board: the main item of concern was the referendum vote.

Planning Commission: commended City Attorney Brian Murphy for the presentation he made to the commission and those items of concern for the commission.

Byrnes: Park & Rec Board: the fort at Freedom Park has been removed

Housing Commission: an architect has been hired and retirement plans have been addressed.

Lewis: Utilities Commission: the hearing on the water rates

Feda: Coalition for Greater Outstate Minnesota: concerning Economic Development Authority, discussion local government aids which are on the chopping block, and getting the benefits of tax increment financing reinstated.

Feda: Southwest Regional Development Commission: indirect rates for grants is 46% for administration.

Byrnes moved, Mensing seconded, the approval of the renewal of the Club License for the Marshall Golf Club for the calendar year 1991 at a fee of \$200. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the approval of the renewal of the Wine License for Boulevard Developers DBA The Chalet and Marshall Management Services DBA Best Western Marshall Inn for the calendar year 1991 at a fee of \$300 each. All voted in favor of the motion.

Byrnes moved, Siudzinski seconded, the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for the Knights of Columbus Council 1621 for operation at the Fox Fire, 1407 East College Drive and that the 60 day disapproval period be waived. All voted in favor of the motion.

Lewis moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE: Voucher No. 38571 through 38865.

A concern was expressed in regard to the contract the city has with Buchholtz Construction for the sidewalk contract. The City Council was advised that the contract is approximately 65% complete and that the remainder will be carried over to construction in 1991.

## REGULAR MEETING - NOVEMBER 19, 1990

The following building permits, mobile home permits and permits to move buildings previously approved by the Building Official were confirmed:

Menning & Associates  
305-311 East College Drive  
Original Plat  
Block 21, Lot 1  
Two Flat Wall Signs  
\$100

Southwest Ventures Inc.  
403 West College Drive  
Country Club Addition  
Part of Outlot 2  
Remodel Interior  
\$15,000

Taylor's Inc.  
1127 Horizon Drive  
Belvedere Estates Addition  
Block 1, Lot 29  
Dwelling  
\$75,000

Schwan's Sales Enterprises Inc.  
115 West College Drive  
Blakes Addition  
Block 2  
Office Penthouse Addition  
\$32,000

Paxton Signs  
112 South 6th Street  
Heartland Courthouse Addition  
Block 2, Lot 1  
Flat Wall Sign  
\$1,500

Joseph Buysse  
304 Lawrence Street  
DeSchepper First Addition  
Block 1, Lot 16  
Replace 7 Windows  
\$500

Babcock Construction  
911 West Main Street  
Section 5  
Part of SE 1/4 of NE 1/4  
Reside Dwelling & Garage  
\$4,400

Taylor's Inc.  
602 Dogwood Avenue  
Southview 2nd Subdivision  
Block 4, Lot 11  
Dwelling  
\$75,000

Geske Building & Supply Company  
506 Donita Avenue  
Eatros Place First Addition  
Block 1, Lot 16  
Bow Window  
\$2,400

N.S. Gibbs Inc.  
1108 East College Drive  
Section 3  
Part of NW 1/4 of SW 1/4  
Free Standing Sign  
\$1,600

Babcock Construction  
913 West Main Street  
Section 5  
Part of SE 1/4 of NE 1/4  
Reside Dwelling, Garage &  
Delete Doorway  
\$3,900

MANUFACTURED HOME INSTALLATION  
Brian Dahms  
1270 Cornwall Avenue  
Camelot Square Mobile Home Park  
Install Mobile Home

APPLICATION FOR PERMIT TO MOVE BUILDING

Valley House Movers Inc.  
From 619 West Main Street  
To Lynd, MN  
Move Out Dwelling  
\$50

Valley House Movers Inc.  
From 615 West Main Street  
To Lynd, MN  
Move Out Dwelling  
\$50

Valley House Movers Inc.  
From 617 West Main Street  
To Lynd, MN  
Move Out Dwelling  
\$50

Councilperson Lewis expressed a concern that the city should contact the Minnesota Department of Transportation and request that they reconsider the project for turning lanes on East College Drive being done earlier than 1993.

A concern was expressed in regard to the status of the computer operations in the city. The council was advised that progress is being made and it is the intent that by January 1, 1991 the purchase orders will be in operation.

## REGULAR MEETING - NOVEMBER 19, 1990

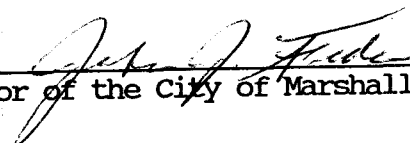
It was the general consensus of the council that they supported the employee of the month recognition program.

Duane Aden, City Administrator, reviewed with the city council the financial health profile information provided to the city by the State of Minnesota State Auditor's Office.

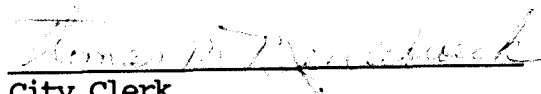
The City Administrator was requested to publicize the Tax Increment Financing information that was provided to the city council.

A brief discussion was held at this time on the 1991 budget hearing scheduled for 7:30 P.M. on November 28, 1990.

Upon motion made by Byrnes, seconded by Mensing, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## SPECIAL MEETING - NOVEMBER 28, 1990

A special meeting of the Common Council of the City of Marshall was held on November 28, 1990. The meeting was called to order at 7:35 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Lewis, Byrnes and Stores. Absent: Kirchner. There were also 11 members of the City Staff in attendance at the meeting, 2 members from the press, and 10 representatives from the general public for a total of 29 people in attendance at the meeting.

The Pledge of Allegiance was recited.

The purpose of this special meeting was to conduct a public hearing in regard to the proposed 1991 Budget for the City of Marshall.

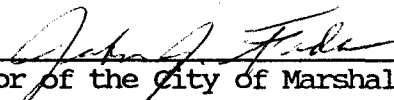
Duane Aden, City Administrator, reviewed various graphs with the city council and others in attendance at the meeting. The graphs that were reviewed and discussed included: General Fund Revenue comparison by source for 1987 through 1991; the General Fund Revenues by source for 1991; the taxes and general levies for 1987 through 1991; the General Fund Balance carried forward for reserves for 1987 through 1991; the General Fund Expenditures by function for 1987 through 1991; and the General Fund Comparative expenditures and revenues for 1987 through 1991. Mr. Aden indicated that the city is proposing a 7.4% tax increase which is equivalent to approximately 1.63% of the total tax increase for all governing jurisdictions.

A question was raised in regard to the reference of a \$1,350,000 reserve in the General Fund. Mr. Aden indicated that this type of reserve is needed to cover expenditures between the timing of receiving tax settlements and various aids. There are times of the year when the reserve in the General Fund is nearly zero.

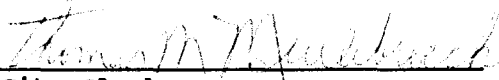
In the packet of information provided to all in attendance at the meeting was information for the 1991 budget tax levy formula and/or limitations. Mr. Aden reviewed this formula with those in attendance at the meeting. The packet also contained a complete summary of all individual department budgets.

The City was in receipt of one letter expressing their concerns in regard to the proposed tax increase. This letter was received from John and Geraldine Lindsay, 305 West Saratoga.

There were no further questions or concerns brought forward at this public hearing, therefore Stores moved, Mensing seconded, the public hearing be adjourned. All voted in favor of the motion.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - DECEMBER 3, 1990

The regular meeting of the Common Council of the City of Marshall was held on December 3, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the mayor the following members were present: Mensing, Siudzinski, Lewis, Byrnes and Stores. Absent: Kirchner.

The Pledge of Allegiance was recited at this time.

Thomas M. Meulebroeck, Finance Director/City Clerk, administered the Oath of Office to the re-elected Mayor John Feda and the re-elected Councilmembers Robert Byrnes, Jeffrey Lewis and Andy Mensing.

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

Lewis moved, Byrnes seconded, the approval of the minutes of the regular meeting held on November 19, 1990 and the minutes of the public hearing held on November 28, 1990 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

This was the date and time set to receive, open and read bids for the annual garbage collection and disposal for various locations around the City of Marshall for the period January 1, 1991 through December 31, 1991. A bid was received, opened and read from Ritter's Sanitary Service for the period January 1, 1991 through December 31, 1991 which was as follows:

UNIT BID  
SCHEDULE OF UNIT PRICES PER LOCATION

<u>Location</u>	<u>Job Description</u>	<u>Bidder to Fill in Prices Yearly Fee</u>
1. Wastewater Treatment Plant	Once every week, one (1) and one-half yard container	\$ <u>317.25/yr</u>
2. Main Sanitary Sewer Lift Station	Six days per week, one (1) one yard container, or equivalent	\$ <u>238.17/yr</u>
3. Fire Station	"On Call" service & payment, one, (1) one yard container, estimated 24 times per year	\$ <u>317.25/yr</u>
4. Municipal Airport	Once a week, two (2) one yard containers	\$ <u>908.40/yr</u>
5. Street Department Shops	Once per week, one (1) one yard container	\$ <u>664.80/yr</u>
6. Main Street between College Drive and 5th St., & 3rd St. between Main St. & Lyon St.	Ten (10) sidewalk containers, once (1) per week	\$ <u>910.50/yr</u>
7. Municipal Liquor Store	Two (2) times per week, one (1) one and one-half yard container and a large number of empty corrugated cardboard boxes (three times a week)	\$ <u>1,611.98/yr</u>
8. Legion Field Park	Three (3) times per week from April 1 to Oct. 31, one (1) three yard container	\$ <u>848.18/yr</u>



## REGULAR MEETING - DECEMBER 3, 1990

9. Justice Park "On Call" service and payment \$1,423.13/yr  
from April 1 to Oct. 1, one  
(1) three yard container,  
estimated 50 times/year
10. Softball Complex "On Call" service and payment \$ 474.38/yr  
from May 1 to Sept. 1, one  
(1) one and one-half yard  
container, estimated 25 times/yr
11. Swimming Pool "On Call" service and payment \$ 379.50/yr  
from June 1 to Sept. 1, one  
(1) one and one-half yard  
container, estimated 20 times/yr
12. Park Maintenance Shop "On Call" service and payment \$ 569.25/yr  
from Oct. 1 to April 1, one  
(1) three-yard container,  
estimated 20 times/yr
13. Leaves All leaves that are removed  
by the Street Department from  
streets, alleys, parking lots;  
to be received at prearranged  
locations
- a. Price per load \$ \_\_\_\_\_  
b. 20 estimated truck loads  
\$ \_\_\_\_\_ x 20 = \$ 814.60/yr
14. Municipal Building Six days per week three  
(3) 30 gallon containers \$ 469.05/yr
15. Senior Citizen Center Building Three (3) times per week,  
one (1) one yard container \$1,675.29/yr
16. Independence Park "On Call" one (1) one and  
one-half yard container \$ 385.00/yr  
estimated 20 times per year
17. Additional Per Unit Bid Per unit bids are requested  
for the following items in  
the event that additional  
units or services are required  
during the term of the  
contract at any of the  
above locations (based upon  
once a week pickup)
- Each 30 gallon container \$ \_\_\_\_\_  
Each one-yard container \$ 12.78  
Each one and one-half  
yard container \$ 18.97  
Each three-yard container \$ 28.46

Lewis moved, Stores seconded, the bid received for the annual garbage collection and disposal services for various locations in the City of Marshall for the period January 1, 1991 through December 31, 1991 be referred to the Ways and Means Committee for their review and recommendation at the next regular city council meeting to be held on December 17, 1990. Ritter's Sanitary Service were to be advised of the meeting and asked to be in attendance. All voted in favor of the motion.

## REGULAR MEETING - DECEMBER 3, 1990

This was the date and time set for the continuation of a public hearing for the 1991 budget and tax levy. A public hearing was held on November 28, 1990 at 7:30 P.M. in the Council Chambers. Mayor Feda asked if there were any additional comments, questions or concerns in regard to the 1991 budget or tax levy. There were no additional comments, concerns or questions received, therefore, Byrnes moved, Mensing seconded, the public hearing for the 1991 budget and tax levy be adjourned and that the levy and budget be recommended for approval. All voted in favor of the motion.

Lewis moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1280, SECOND SERIES and that the reading of the same be waived. Resolution Number 1280, Second Series is a resolution adopting the budget for the calendar year 1991, showing estimated revenues and expenditures for the General Fund of \$6,710,707 which includes a tax levy of \$1,349,154. This resolution also included the estimated revenues and expenditures for the special budgets including Wastewater Treatment Fund, Liquor Fund, Municipal State Aid, Capital Equipment Fund, Parking System Fund, Debt Service Fund, Economic Development Authority, 429 Improvement Fund and Municipal State Aid Streets Revolving Fund. All voted in favor of the motion.

Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1281, SECOND SERIES and that the reading of the same be waived. Resolution Number 1281, Second Series is a resolution adopting the tax levy payable with the 1990 taxes payable in 1991 including a special levy of \$390,629 and a general levy of \$1,349,154 for a total levy of \$1,739,783. All voted in favor of the motion.

Stores moved, Lewis seconded, the information provided to the city council in regard to the comparisons and analytical analysis pertaining to the status of a pay plan and pay equity for the Library employees be referred to the City Personnel Committee for further review. Byrnes moved, Mensing seconded, the motion be amended to refer the information on the comparison and analytical analysis of the pay plan and pay equity for the Library employees to the Joint City Council/Lyon County Board of Commissioners with the Personnel Committee of the City Council and City Administrator to review. All voted in favor of the motion. All voted in favor of the motion as amended.

Mensing moved, Byrnes seconded, the adoption of ORDINANCE NUMBER 270, SECOND SERIES and that the reading of the same be waived. Ordinance Number 270, Second Series is an ordinance amending Chapter 13 of the City Code which is the Flood Plain Management Ordinance. This ordinance would provide for the City of Marshall's Flood Plain Management to coincide with Federal and State requirements regarding Flood Plain Management. All voted in favor of the motion, except Lewis who abstained.

Ron Jensen, Administrator of Weiner Memorial Medical Center, and Steve Fenlon, Financial Consultant Midwest Health Care Capital, were in attendance at the meeting to discuss with the council the issuance of a hospital revenue note in the amount of \$539,338 for certain equipment for hospital operations at the Weiner Memorial Medical Center. This note included radiology equipment, a cell counter and a management information system, computer system. The Weiner Memorial Medical Center Board had recommended the award of the bid to Valley Bank at a rate of 7.15%. In the documentation that was provided to the city council schedule A-1, Description of Equipment & Fixtures and A-2, Legal Description of Project Premises, did not include any information on these 2 documents. The city council was reluctant to approve any documents when the discussion seemed to revolve around generalities. Mr. Fenlon indicated that the bid that was received from Minnesota Valley Bank is only good to December 15, 1990. The city council was advised that the note could be paid off at any time within 30 days notice of the due date. It was the intent that this note would be paid at the rate of \$10,654.27 per month for the next 5 years. The Weiner Memorial Medical Center has approximately \$1.6 million in its funded depreciation account invested at a rate of 8.25%. This city council was

## REGULAR MEETING - DECEMBER 3, 1990

concerned since a definite amount was not know for the cost of the management information-computer system and that none of the local lending institutions were not given an opportunity to bid for this note. One ramification if the city does not accept the offer of Minnesota Valley Bank they may receive a higher interest rate if this project is considered further. Lewis moved, Siudzinski seconded, the request to issue a hospital revenue note in the amount of \$539,338 for the Weiner Memorial Medical Center equipment be tabled until such time the local institutions have been given an opportunity to submit a bid and a firm bid has been received for the management information-computer system. A recommendation is to be made to the city council at the December 17, 1990 meeting. A concern was expressed that the hospital has not proven adequate need for the size of computer system being requested. All voted in favor of the motion.

Byrnes moved, Lewis seconded, a public hearing be scheduled for December 17, 1990 at 7:30 P.M. to consider Wastewater rates adjustments. Dave Frey, Wastewater Treatment Superintendent, was in attendance at the meeting to discuss the proposed rate adjustments for the Wastewater service. Mr. Frey did indicate pre-treatment is a concern that is being addressed with the major users. Mr. Frey indicated that the surcharge will be reviewed annually to determine if the costs are being covered by revenues. Mr. Frey was requested to provide the city council with rates of comparable communities. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the proper city personnel be authorized to advertise for bids for 2 police squad cars. These vehicles are included in the 1991 budget. The bids are to be received at the regular city council meeting to be held on December 17, 1990. All voted in favor of the motion.

Byrnes moved, Lewis seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the renewal of the application for the Knights of Columbus Council 1621 for operation at the Chalet on East College Drive and Sam's Place at 236 West Main Street. All voted in favor of the motion.

Lewis moved, Mensing seconded, the approval of the renewal of the On-Sale Intoxicating Liquor Licenses for 1991 for The American Legion Post 113, Corner Bar & Lounge, The Chalet Club, Best Western/Marshall Inn, The Wooden Nickel, The Gambler, Sam's Place and The Fox Fire. These were all approved with the provision that the American Legion provide adequate information on the insurance coverage. All voted in favor of the motion.

Lewis moved, Mensing seconded, the Law Firm of Quarnstrom, Doering, Leary, Pederson and Murphy be appointed as the city attorney for 2 years. Lewis moved, Mensing seconded, the motion be amended to appoint Brian Murphy of the law firm Quarnstrom, Doering, Leary, Pederson and Murphy as the city attorney for the period of 2 years. All voted in favor of the amendment. All voted in favor of the motion as amended.

Byrnes moved, Stores seconded, Randi Kirchner be appointed as President Pro-Tem. All voted in favor of the motion.

Stores moved, Lewis seconded, to approve the appointments to various city council committees and the appointment of liaisons to the various boards and commissions as follows:

ICE FACILITY BOARD

Jeff Lewis  
Andy Mensing  
Robert Byrnes

LEGISLATION AND ORDINANCE

Robert Byrnes  
Randi Kirchner  
Judy Siudzinski

## REGULAR MEETING - DECEMBER 3, 1990

ECONOMIC DEVELOPMENT AUTHORITY

Robert Byrnes  
John Feda

LIAISONS

Hospital - Andy Mensing  
Housing - Robert Byrnes  
Cable - Judy Siudzinski  
Library - Maureen Stores  
PRCE - Maureen Stores  
Planning - Randi Kirchner  
Utilities - Jeff Lewis  
SRDC - John Feda  
County Board - John Feda  
Convention & Visitors  
Bureau - Judy Siudzinski  
IMC Coalition of Greater  
Minnesota Cities - John Feda  
Airport Commission - Jeff Lewis  
City-County Library - Maureen Stores  
Judy Siudzinski

SENIOR CITIZENS COMMISSION

Randi Kirchner  
Andy Mensing  
PERSONNEL

Randi Kirchner  
Jeff Lewis  
Maureen Stores

PUBLIC IMPR/TRANSPORTATION

Robert Byrnes  
Andy Mensing  
Judy Siudzinski

WAYS AND MEANS

Robert Byrnes  
Jeff Lewis  
Maureen Stores

All voted in favor of the motion.

Reports by the council members of various committees, commissions and boards were presented to the council as follows:

Mensing: Golf Driving Rang Board - this board will be dissolved and it is the intent that the Marshall Golf Club will contract with the City of Marshall for services each year.

Siudzinski: No report

Lewis: No report

Byrnes: No report

Stores: Convention and Visitors Bureau - request the minutes be included with the council agenda.

Feda: No report

A Ways and Means Committee meeting was scheduled for December 11, 1990 at 4:00 o'clock P.M. to review the bids for the annual garbage collection and disposal services for 1991 and to also review the information pertaining to the issuance of the Hospital Revenue Bonds for various hospital equipment. Ritter's Sanitary Service and the Hospital are to be notified of this meeting and request that a representative from each of these organizations be asked to attend the meeting.

Lewis moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38869 through 39028.

The following building permits previously approved by the Building Official were confirmed:

MN Valley Communications Inc.  
800 East Main Street  
Section 9  
Part of SE 1/4 of NE 1/4  
Free Standing Sign  
\$500

True Value Home Center  
800 East Main Street  
Section 9  
Part of SE 1/4 of NE 1/4  
Partition & Door Remodeling  
\$1,000

## REGULAR MEETING - DECEMBER 3, 1990

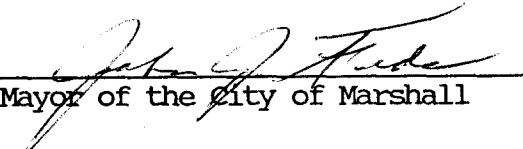
Taylor's Inc. True Value Home Center  
108 South Hill Street  
Morningside Heights  
Block 2, Lot 6  
Second Floor Bedroom & Bathroom  
Dormer  
\$9,500

421 North Seventh Street  
Section 4  
Part of NW 1/4 of NW 1/4  
Bathroom Addition & Egress Window  
\$2,000

In response to the concern of skate boards in the downtown area the city council was advised that the city does have an ordinance that does address skate boards in the downtown area as well as bicycles.

A concern was expressed in regard to the removal of snow on sidewalks.

Upon motion made by Lewis, seconded by Mensing, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - DECEMBER 17, 1990

Siudzinski moved, Kirchner seconded, Maureen Stores be appointed to the Marshall Lyon County Library Board for a term to expire on December 31, 1993. All voted in favor of the motion.

Upon the recommendation of Marvin Bahn, Director of Public Safety, Lewis moved, Kirchner seconded, the bid for two (2) 4-door sedan police type automobiles be awarded to Anton Chevrolet Company Inc., Marshall, Minnesota in the amount of \$21,078 which includes a trade in of two (2) 1989 Ford Crown Victorias. All voted in favor of the motion.

Mensing moved, Kirchner seconded, the Club License be approved for the Marshall Fraternal Order of Eagles AERIES 3405 be approved for 1991. All voted in favor of the motion.

Mensing moved, Lewis seconded, the following Cigarette Licenses be approved for 1991:

Freedom Valu Center	K Mart
Stan's Place	Marshall Lanes
Brad's One Stop	HyVee
Sam's Place	Traveler's Lodge
Bookstore Corral	A to Z Healthmart
American Legion	Chalet Club
Corner Bar	County Market
Fina East	Fox Fire
GMC Baits	Gambler
Johnson's Dairy Store	Len's Southside
Lyon County Coop	Lyon County Coop
1100 East Main	201 East College Drive
Lyon County Sheriff	Lyon County Tire Center
Marshall Golf Club	Marshall Holiday Express
Marshall Inn	Shopko
Stop Lite Cafe	Super America
Texaco	Thrifty Snyder Drug
VFW Post 742	Woolworth's

All voted in favor of the motion, except Kirchner and Siudzinski who voted no.

Lewis moved, Mensing seconded, the following on-sale non-intoxicating beer licenses be approved for 1991:

Marshall Lanes	Toni's Pizza Villa	Fraternal Order of
Godfather's Pizza	Marshall Golf Club	Eagles AERIE 3405
Pizza Hut	VFW Club 742	

All voted in favor of the motion.

Mensing moved, Lewis seconded, the following off-sale non-intoxicating beer licenses be approved for 1991:

Freedom Valu Center	Marshall Lanes
HyVee	Johnson Dairy Store
Lyon County Tire Center	Marshall Golf Club
Marshall Holiday Express	Texaco
VFW Post 742	

All voted in favor of the motion.

Kirchner moved, Mensing seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the renewal of the application for the

## REGULAR MEETING - DECEMBER 17, 1990

Marshall Amateur Hockey Association for operation at the Corner Bar & Lounge, the Wooden Nickel and Marshall Lanes. All voted in favor of the motion.

Siudzinski moved, Kirchner seconded, a special vehicle license be granted to Jack Schroeder to operate a golf cart type vehicle on specified city streets for 1991. All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, the approval of the transient merchants license for Pacesetter Corporation, Lou Ba's Lunchwagon and Life Touch. All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, a towing and storage license be granted to Brad's One Stop Plus for 1991 at a fee of \$150.00. All voted in favor of the motion.

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed with the city council the financial status of the various departments and funds within the City of Marshall as it relates to the 1990 budget year, year to date expenditures and remaining balances as of November 30, 1990.

Upon the recommendation of the Planning Commission, Kirchner moved, Siudzinski seconded, a one year home occupation conditional use permit be granted to Darlene McMaster, 503 Hudson Street, for a psychological consulting business in an R-1, One Family Residence District. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Stores moved, Siudzinski seconded, a variance adjustment permit be granted to Greg Taylor at 1005 Emerald Court with a rear yard of less than permitted by city code in an R-3, Low to Medium Density Multiple Family Residence District, in the area of Lot 3, Breczinski Addition. This permit was granted since it would cause an undue hardship because of the irregular shape of the lot. Mr. Taylor is planning to construct a 3 unit apartment on this lot. All voted in favor of the motion, except Kirchner and Lewis who voted no.

Mensing moved, Stores seconded, the adoption of RESOLUTION NUMBER 1285, SECOND SERIES and that the reading of the same be waived. Resolution Number 1285, Second Series is a resolution designating the Marshall Independent as the official newspaper for the City of Marshall, Minnesota. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the proper city personnel be authorized to advertise for bids for the seasonal gravel, bituminous material and concrete to be utilized for the city in 1991. These bids are to be received at the regular city council meeting to be held on January 7, 1991. All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, the proper city personnel be authorized to enter into a cost share assistance contract with the Southwest Soil Conservation Department for work on the Redwood River, Legion Field Park, the downtown area and Liberty Park. This city has received a 50% cost shared grant for this project. The scope of the work involves erosion control with all work being completed by September 30, 1992. All voted in favor of the motion.

Upon the request of Thomas M. Meulebroeck, Finance Director/City Clerk of the City of Marshall, Kirchner moved, Lewis seconded, the 1978 Improvement Debt Service Fund Number (358) and the 1981 Improvement Debt Service Fund Number (361). be closed and transferred to the Public Capital Project Revolving Improvement Fund (495). All available cash and receivables are to be transferred. All voted in favor of the motion.

## REGULAR MEETING - DECEMBER 17, 1990

Reports by the Council Members of various committees, commissions and boards were presented to the council as follows:

Stores: Park, Recreation and Community Education Board, indicated that the computer system is working well for their needs, mentioned an upcoming tour of the Parks, Recreation and Community Education facilities, and there was an update provided on the waterslide survey.

Library Board, pay equity.

Lewis: No report.

Kirchner: Complemented Rich Victor for the preparation of the brochure on important information for home owners and renters.

Siudzinski: Marshall Lyon County Library Board, indicated that Studio 8 is preparing a slide presentation on the library and mentioned the possibility of the Lyon County pulling out of the joint agreement with the City of Marshall for the joint city county library.

Cable, they are improving the taping of meetings so that people are more likely to hear what is being said and indicated that the cable is in the process of formulating their goals.

Convention and Visitors Bureau, indicated that there is a concern with who has the control of the funds and that the task force is formulating a document addressing this issue.

Mensing: Hospital Board, indicated that Wes Kinstad has resigned

Feda: County Commissioners meeting, indicated that there was a discussion in regard to the Lyon County withdrawing from the joint city county library board arrangement.

Southwest Regional Development Commission, adopted a 125 Plan and has adopted a 40% indirect cost formula for various applications

Economic Development Authority, the principals involved with the loan request have backed out

Lewis moved, Siudzinski seconded, the approval of change order number 1 for the contract with Dulas Construction Inc., Marshall, Minnesota for the Generator Building Project No. 1990-010 at the Wastewater Treatment Plant. This change order provides for a change in the completion date by adding an additional 11 days to the contract and extending the completion of the contract to October 3, 1990. All voted in favor of the motion.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39032 through 39256.

The following building permits previously approved by the Building Official were confirmed:

Dulas Construction Inc.  
1501 East College Drive  
McLaughlin Second Subdivision  
Lots 23, 24, & 25  
Remodel Interior  
\$9,000

Schwan's Sales Enterprises Inc.  
1602 Superior Road  
Industrial Park I  
Block 6, Lot 9  
Blast Freezer & Compressor Room Addition  
\$65,000



## REGULAR MEETING - DECEMBER 17, 1990

Paxton Signs Inc.  
114 North Third Street  
Original Plat  
Block 10, SW 44' of Lots 4 & 5  
Flat Wall Sign  
\$300

Project Turnabout  
1220 Birch Street  
Section 3  
Part of SW 1/4 of NW 1/4  
Treatment Facility  
\$440,000

Lyon County Coop Oil Company  
1100 East Main Street  
Section 10  
Part of NW 1/4 of SW 1/4  
Free Standing Sign  
\$36,000

Randy Schultz  
446 West Main Street  
Original Plat  
Block 8, Lot 12  
Projecting Sign  
\$1,500

Dale Peterson  
305-311 East College Drive  
Original Plat  
Block 21, Lot 1  
Flat Wall Sign  
\$50

True Value Home Center  
607 South Bruce Street  
Capitol Hill Addition  
Block 2, Lot 4  
Finish Basement  
\$6,500

Willis Lutzwick  
701 Genesis Avenue  
Ted Olsen's First Addition  
Block 1, Lot 12  
Finish Basement  
\$8,000

Hector & Ema VanAcker  
114 "G" Street  
DeAustin Addition  
Block 2, Lot 10  
Replace Two Bedroom Windows  
\$700

Heartland Food Company  
112 South Sixth Street  
Heartland Courthouse Addition  
Block 2, Lot 1  
Freezer Addition/Phase II  
General Construction  
\$475,000

B & K Partnership  
300 West College Drive  
Auditors Plat V  
Part of Lot 1  
Demolish Dwelling  
\$0

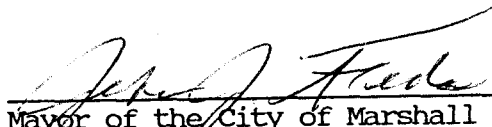
True Value Home Center  
208 North Whitney Street  
Schutz Addition  
Block 2, Lot 15  
Finish Basement Bedroom & Bathroom  
\$4,000

Haugen Rental Properties  
410 South First Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Interior Remodeling and Reside  
\$5,900

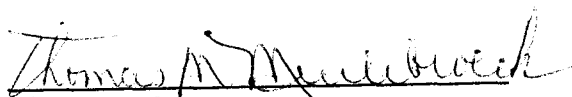
A request was made that consideration of a letter of support be sent to the City of Granite Falls acknowledging their efforts in regard to the environmental issues be placed on the agenda for the next regular city council meeting to be held on January 7, 1991.

A concern was expressed in regard to allocating recycling containers for all public properties within the City of Marshall.

Upon motion made by Mensing, seconded by Lewis, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - DECEMBER 17, 1990

The regular meeting of the Common Council of the City of Marshall was held on December 17, 1990. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis and Stores. Absent: Byrnes.

The Pledge of Allegiance was recited at this time.

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

Mensing moved, Lewis seconded, the approval of the minutes of the regular meeting held on December 3, 1990 as corrected and filed with each member and that the reading of the same be waived. All voted in favor of the motion.

This was the date and time set to receive, open and read bids for two (2) 4-door sedan police type automobiles. Rich Victor, City Engineer, asked if there were any additional bids to be received. There were no additional bids received, therefore the receiving of bids was declared closed. One bid was received, opened and read from Anton Chevrolet Company Inc., 1608 East College Drive, Marshall, Minnesota. This bid was for two (2) Chevrolet Caprice 4-doors with a lump sum bid of \$40,016 with a trade-in of two (2) 1989 Ford Crown Victorias of \$18,938 and a net bid of \$21,078. This bid was referred to Marvin Bahn, Director of Public Safety, to review.

A bid was received, opened and read at the December 3, 1990 regular city council meeting for the annual garbage collection and disposal for various locations around the City of Marshall for the period January 1, 1991 through December 31, 1991. This bid was referred to the Ways and Means Committee of the City Council. Upon the recommendation of the Ways and Means Committee, Lewis moved, Stores seconded, the bid received on December 3, 1990 for the annual garbage collection and disposal for various locations around the City of Marshall for the period January 1, 1991 through December 31, 1991 be rejected and that the proper city personnel be authorized to advertise for bids to be received at the regular city council meeting to be held on January 7, 1991. A concern was expressed in regard to the number of containers for the Senior Center and also the possibility of placing recycling deposit containers at the city parks and how this may affect the bids. All voted in favor of the motion.

Ron Jensen, Administrator Weiner Memorial Medical Center, and Paul Peterson, Sandy Lehman and Pam Burros, representatives from the hospital were in attendance at the meeting to discuss with the council the bids that were received for Hematology Analyzer and a Management Information Computer System. The two bids that were received for the Hematology Analyzer were reviewed and it was determined that the Coulter Hematology Analyzer did not meet the specifications, therefore Mensing moved, Stores seconded, the recommendation of the Weiner Memorial Medical Center Board be approved and the bid be awarded for the Sysmex Hematology Analyzer in the amount of \$28,000.00. All voted in favor of the motion.

Paul Peterson did review the proposal that was received for a Management Information Computer System. Mr. Peterson did indicate there were other proposals evaluated, other than the proposal that was submitted to the council. The proposal that was submitted to the council was the only proposal that provided both the software and hardware as needed for the hospital. Mr. Peterson did indicate that what was being presented to the council was Phase I of the new Management Information Computer System. Mr. Peterson did indicate that the hardware in the proposal completes the needs for the hospital for approximately 3 years as well as the software for that period of time, therefore Kirchner moved, Stores seconded, the proposal for the Management Information Computer System for the hospital be accepted from the NCR/MEDNET System in the amount of \$263,420.00 with the understanding that this is the complete amount for Phase I which includes all the hardware and software for the application as presented in the proposal for 3 years. All voted in favor of the motion.

## REGULAR MEETING - DECEMBER 17, 1990

This was the date and time set for a public hearing on the proposed Wastewater rate adjustments. David Frey, Wastewater Treatment Superintendent, and Rich Victor, City Engineer, reviewed with the council and others in attendance the proposed rate adjustments for the flow cost, BOD and TSS. Various overheads were presented illustrating the proposed rate adjustment for various industries and the usage by each of these industries. Other illustrations discussed were comparisons with other cities for 10 thousand gallons of use with no surcharge, BOD and TSS surcharges, and a minimum billing of 500 cubic feet of water. Mr. Frey indicated that the proposed rate adjustment was needed to meet the 1991 budgeted revenues. Representatives from the city have met with some of the major industries in the City of Marshall and addressed with them the facts in regard to the proposed rate adjustments. Representatives from some of the major industries in attendance were: John Juel, Heartland Inc.; Doug Abels, Marshall Labs; Dean Koopman, Schwan's Sales Enterprises Inc. Mr. Koopman from Schwan's Sales Enterprises did indicate that he had reviewed the rates for BOD for the City of Marshall with those of plants that they had in other communities in other states and felt that the rate for the City of Marshall was high in comparison. Mr. Frey did indicate that the rates vary from one city to another and also from one state to another. A great deal of the rates depends upon the size of river or stream the discharge from the Wastewater Treatment Facility is to. Greg Taylor was addressing the wastewater rate adjustments as a citizen and was concerned with the clean water guidelines that are imposed upon the city, but did indicate that he was not in favor of the city having a substantial amount of monies built up within the Wastewater Treatment Plant and on the other hand does not want to see the city jeopardizing industry expansion and available jobs. With no further questions or concerns brought before this public hearing, Kirchner moved, Siudzinski seconded, the public hearing be closed. All voted in favor of the motion.

Siudzinski moved, Stores seconded, the adoption of RESOLUTION NUMBER 1282, SECOND SERIES and that the reading of the same be waived. Resolution Number 1282, Second Series is a resolution revising the user rates for wastewater service. These rates will be effective January 1, 1991. All voted in favor of the motion.

Ron Jensen, Administrator Weiner Memorial Medical Center and Steve Fenlon, Financial Consultant Midwest Health Care Capital, were in attendance at the meeting to discuss with the City Council the issuance of a Hospital Revenue Note in the amount of \$539,338.00 for equipment for hospital operations at the Weiner Memorial Medical Center. There was some concern expressed by the council members in regard to the procedure Mr. Fenlon used in working with the local financial institutions to determine which institution they would be doing the financing with. Kirchner moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1283, SECOND SERIES and that the reading of the same be waived. Resolution Number 1283, Second Series is a resolution authorizing the issuance of a Hospital Revenue Note, pledging Hospital revenues to the payment thereof, and granting a security interest. This resolution authorizes the issuance of \$539,338.00 of revenue notes to finance a hematology analyzer (cell counter) for the laboratory, a computer system and x-ray equipment. The financing of this note will be through the Community First National Bank of Marshall, Minnesota. The interest rate on these notes is 7%. All voted in favor of the motion, except Feda who voted no.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1284, SECOND SERIES and that the reading of the same be waived. Resolution Number 1284, Second Series is a resolution providing for stop signs at various locations in the City of Marshall. All voted in favor of the motion.

Siudzinski moved, Stores seconded, Judith Christianson be reappointed to the Marshall Lyon County Library Board for a term to expire December 31, 1993. All voted in favor of the motion.

## REGULAR MEETING - JANUARY 7, 1991

The regular meeting of the Common Council of the City of Marshall was held on January 7, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus that the agenda be approved with the addition of item number 15 which is a council member commission and/or board liaisons reports.

Kirchner moved, Lewis seconded, the approval of the minutes of the regular meeting held on December 17, 1990 as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

At the regular city council meeting held on December 17, 1990 the bids received, opened and read on December 3, 1990 for the annual garbage collection and disposal for various locations around the City of Marshall for the period January 1, 1991 through December 31, 1991 were rejected and this was the date and time set to receive new bids for the annual garbage collection and disposal for various locations around the City of Marshall for the period January 1, 1991 through December 31, 1991. A bid was received, opened and read from Ritter's Sanitary Service for the period January 1, 1991 through December 31, 1991 which was as follows:

UNIT BID  
SCHEDULE OF UNIT PRICES PER LOCATION

<u>Location</u>	<u>Job Description</u>	<u>Yearly Fee</u>
1. Wastewater Treatment Plant	Once every week, one (1) and one-half yard container	\$ <u>986.44</u> /yr
2. Main Sanitary Sewer Lift Station	Six days per week, one (1) one yard container, or equivalent	\$ <u>2,858.03</u> /yr
3. Fire Station	"On Call" service & payment, one, (1) one yard container, estimated 24 times per year	\$ <u>455.28</u> /yr
4. Municipal Airport	Once a week, two (2) one yard containers	\$ <u>908.40</u> /yr
5. Street Department Shops	Once per week, one (1) one yard container	\$ <u>986.44</u> /yr
6. Main Street between College Drive and 5th St., & 3rd St. between Main St. & Lyon St.	Ten (10) sidewalk containers, once (1) per week	\$ <u>910.50</u> /yr
7. Municipal Liquor Store	Two (2) times per week, one (1) one and one-half yard container and a large number of empty corrugated cardboard boxes (three times a week)	\$ <u>1,611.98</u> /yr

## REGULAR MEETING - JANUARY 7, 1991

8. Legion Field Park	Three (3) times per week from \$ <u>825.34</u> /yr April 1 to Oct. 31, one (1) three yard container
9. Justice Park	"On Call" service and payment \$ <u>1,423.13</u> /yr from April 1 to Oct. 1, one (1) three yard container, estimated 50 times/year
10. Softball Complex	"On Call" service and payment \$ <u>474.38</u> /yr from May 1 to Sept. 1, one (1) one and one-half yard container, estimated 25 times/yr
11. Swimming Pool	"On Call" service and payment \$ <u>379.40</u> /yr from June 1 to Sept. 1, one (1) one and one-half yard container, estimated 20 times/yr
12. Park Maintenance Shop	"On Call" service and payment \$ <u>569.25</u> /yr from Oct. 1 to April 1, one (1) three-yard container, estimated 20 times/yr
13. Leaves	All leaves that are removed by the Street Department from streets, alleys, parking lots; to be received at prearranged locations  a. Price per load \$ <u>0.00</u> b. 20 estimated truck loads \$ <u>0.00</u> x 20 = \$ <u>0.00</u> /yr
14. Municipal Building	Five (5) days per week three (3) 30 gallon containers \$ <u>389.49</u> /yr
15. Senior Citizen Center Building	Two (2) times per week, one (1) one yard container \$ <u>1,116.81</u> /yr
16. Independence Park	"On Call" one (1) one and one-half yard container \$ <u>379.40</u> /yr estimated 20 times per year
Sub Total	\$14,274.27
Sales Tax	<u>856.46</u>
Total Bid	<u>\$15,130.73</u>
17. Additional Per Unit Bid	Per unit bids are requested for the following items in the event that additional units or services are required during the term of the contract at any of the above locations (based upon once a week pickup)  Each 30 gallon container \$ <u>3.00</u> /yr Each one-yard container \$ <u>18.97</u> /yr Each one and one-half yard container \$ <u>18.97</u> /yr Each three-yard container \$ <u>28.46</u> /yr

## REGULAR MEETING - JANUARY 7, 1991

Lewis moved, Byrnes seconded, the bid for the annual garbage collection and disposal for various locations in the City of Marshall for the period January 1, 1991 through December 31, 1991 be awarded to Ritter's Sanitary Service in the amount of \$15,130.73 which includes sales tax. These rates are to be effective January 7, 1991. All voted in favor of the motion.

Bids were received, opened and read at 2:30 P.M. on January 7, 1991 in the City Council Chambers for the City of Marshall's 1991 Seasonal request for gravel, concrete and bituminous material. The bids received, opened and read were as follows:

D & G Excavating  
Marshall, Minnesota  
Class 1 Gravel: \$2.45/ton  
Class 5 Gravel: \$3.75/ton

McLaughlin & Schulz Inc.  
Marshall, Minnesota  
Class 1 Gravel: \$5.25/ton  
Class 5 Gravel: \$4.75/ton  
Bituminous Mixture with BA 2 Aggregate and 6% +/- A.C. 120-150: \$31.50/ton  
Bituminous Mixture with BA 2 Aggregate (Modified to 1/2" Max. Aggregate) and 7% +/- A.C. 120-150: \$34.00/ton  
Bituminous Mixture with BA 2 Aggregate and M.C. 250: \$31.50/ton  
Bituminous Material C.C.S.-1H.: \$250.00/ton

Bornhoft Concrete of Marshall Marshall, Minnesota Concrete: Less Than 3 yard batch	Bornhoft Concrete of Marshall Marshall, Minnesota Concrete: Greater Than 3 yard batch
3 Y 43-A 48.25/YD	3 Y 43-A 48.25/YD
3 Y 43-C 46.25/YD	3 Y 43-C 46.25/YD
3 A 32-A 46.50/YD	3 A 32-A 46.50/YD
3 A 32-C 44.50/YD	3 A 32-C 44.50/YD
3 A 22-A 45.75/YD	3 A 22-A 45.75/YD
3 A 22-C 43.75/YD	3 A 22-C 43.75/YD
Calcium Chloride addition per yard \$1.25 per 1% (Nov 15 - April add \$4.00 per yd for winter service).	

These bids were reviewed with the City Council. Byrnes moved, Lewis seconded, the bid for Class 1 Gravel be awarded to D & G Excavating, Marshall, Minnesota at a rate of \$2.45/ton. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the bid for the Class 5 Gravel be awarded to D & G Excavating, Marshall, Minnesota at a rate of \$3.75/ton. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the bid for the bituminous material be awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota with the following rates:

Bituminous Mixture with BA 2 Aggregate and 6% +/- A.C. 120-150: \$31.50/ton  
Bituminous Mixture with BA 2 Aggregate (Modified to 1/2" Max. Aggregate) and 7% +/- A.C. 120-150: \$34.00/ton  
Bituminous Mixture with BA 2 Aggregate and M.C. 250: \$31.50/ton  
Bituminous Material C.C.S.-1H.: \$250.00/ton  
All voted in favor of the motion.

Byrnes moved, Lewis seconded, the bid for the concrete material for 1991 be awarded to Bornhoft Concrete of Marshall, Marshall, Minnesota at the following rates:

Concrete: Less Than 3 yard batch	Concrete: Greater Than 3 yard batch
3 Y 43-A 48.25/YD	3 Y 43-A 48.25/YD
3 Y 43-C 46.25/YD	3 Y 43-C 46.25/YD
3 A 32-A 46.50/YD	3 A 32-A 46.50/YD

## REGULAR MEETING - JANUARY 7, 1991

3 A 32-C 44.50/YD  
 3 A 22-A 45.75/YD  
 3 A 22-C 43.75/YD

3 A 32-C 44.50/YD  
 3 A 22-A 45.75/YD  
 3 A 22-C 43.75/YD

Calcium Chloride addition per yard \$1.25 per 1% (Nov 15 - April add \$4.00 per yd for winter service).

All voted in favor of the motion.

Kirchner moved, Mensing seconded, the contract with Canada Life to provide Long Term Disability Insurance with the City of Marshall be renewed effective March 1, 1991 at the rate of .816% of insured payroll. All voted in favor of the motion.

Kirchner moved, Stores seconded, the contract with Minnesota Mutual to provide Life Insurance and Accidental Death and Dismemberment Insurance for the period January 1, 1991 to January 1, 1992 be renewed at \$.28 per month per thousand dollar of life insurance which includes \$.04 per thousand for accidental death and dismemberment benefits and that the dependent rate per family unit of \$.79 be approved. All voted in favor of the motion.

Upon the recommendation of Corporate Risk Managers, insurance consultants for the City of Marshall, Kirchner moved, Lewis seconded, the worker's compensation insurance coverage for 1991 be renewed with Employee Benefit Administration in the amount of \$115,573 annual premium. All voted in favor of the motion.

Per the request of Thomas M. Meulebroeck, Financial Director/City Clerk, Kirchner moved, Siudzinski seconded, and it was unanimously approved that the following supplemental expenditures, supplemental revenues and transfers be approved for the 1990 budget:

		Supplemental Expenditures	Supplemental Revenues
1) Public Safety - Investigation	101-501501-3434	1,155	
Public Safety - Narcotic Control	101-331210		1,155
2) Transit - Salaries OT	101-419419-1102	300	
Transit - Salaries Parttime	101-419419-1103	2,000	
Transit - Workers Comp Ins	101-419419-1151	700	
Transit - Health Ins	101-419419-1131	300	
Transit - FICA Contributions	101-419419-1122	200	
Transit - Motor Fuels & Lubs	101-419419-2212	2,500	
Transit - Gen Liab Ins	101-419419-3361	500	
Transit - Auto Ins	101-419419-3363	3,400	
Transit - Vehicles	101-419419-5550	1,100	
Passenger Revenues	101-341810		11,000
3) Parent Resource - Salaries	101-815815-1103	3,750	
Parent Resource - Medicare	101-815815-1125	70	
Parent Resource - Accessories	101-815815-2201	100	
Parent Resource - Inst. Fees	101-815815-3308	520	
Parent Resource - Telephone	101-815815-3321	600	
Parent Resource - Postage	101-815815-3322	20	
Parent Resource - Travel Conf Sch	101-815815-3331	40	
Parent Resource - Public Notices	101-815815-3352	50	
Parent Resource - Supplies	101-815815-2211	2,350	
Parent Resource Center	101-380815-0815		7,500

## REGULAR MEETING - JANUARY 7, 1991

4)	Contingency	101-980000-6810	7,320	
	Parent Resource Center	101-380815-0815		7,320
	Carry over 1989 to 1990			

5)	Recreation Programs	101-809055-3308	20,000	
	Recreation Revenue	101-380809-0000		20,000

			To	Transfers From
1)	Mayor & Council Insurance	101-401401-3361	8,600	
	Housing Insurance	101-402000-3361		2,800
	Public Safety Ins	101-501501-3361		2,000
	Fire Dept Ins	101-503550-3361		2,000
	Swim Pool Ins	101-701701-3361		1,800
	Due to insurance allocations requesting a transfer from dept's which have amounts budgeted in excess of expense to cover Mayor & Council allocations			
2)	Assessor - Health Ins	101-409430-1131	1,500	
	Assessor - Aud & Acctg Serv	101-409430-3301		1,500
3)	Fire Dept - Parttime Employees	101-503550-1103	200	
	Fire Dept - Electric Utilities	101-503550-3381		200
4)	Cable - Parttime Salaries	101-406406-1103	1,500	
	Motor Pool - Gen Supplies	101-418000-2211	1,000	
	Motor Pool - Maint Equip	101-418000-2221	400	
	Motor Pool - Auto Ins	101-418000-3363	450	
	Mun Bond - Fees	101-703000-3308	100	
	Contingency	101-980000-6810		919
	Mayor & Council Contingency	101-401401-6810		2,531
5)	Wastewater - Elect Utilities	602-905910-3381	15,000	
	Wastewater - Salaries	602-905910-1101		15,000
6)	Cap. Equip - Fire Dept	104-510562-5550	202,000	
	Allocated Reserve			202,000
7)	Youth Development - PT Salaries	101-802381-1103	250	
	Youth Development - WC Ins	101-802381-1151	400	
	Youth Development - Furn & Fixt	101-802381-5560	100	
	Youth Development - Gen Supplies	101-802381-2211		750
8)	Parking System - Transfer	202-965000-6720	800	
	Parking System - Contingency			800
9)	ECFE - Salaries	101-815801-1103	7,000	
	ECFE - General Supplies	101-815801-2211		3,000
	ECFE - Consultant Fees	101-815801-3302		500
	ECFE - Telephone & Tellegraph	101-815801-3321		500
	ECFE - General Notices & Public	101-815801-3352		750
	ECFE - Advertising	101-815801-3340		750
	ECFE - Travel, Conf & Schools	101-815801-3331		1,000
	ECFE - Postage	101-815801-3322		500

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1286, SECOND SERIES and that the reading of the same be waived. Resolution Number 1286, Second Series is a resolution appointing official depositories for the City of Marshall funds for 1991. All voted in favor of the motion.



## REGULAR MEETING - JANUARY 7, 1991

Kirchner moved, Byrnes seconded, the introduction of an ordinance amending the regulating of parking for the physically handicapped in the City of Marshall, Minnesota. This ordinance provides for handicapped parking restrictions be consistent with Minnesota Statutes. All voted in favor of the motion.

Kirchner moved, Siudzinski seconded, the approval of Change Order no. 1 for the contract with McLaughlin & Schulz, Marshall, Minnesota for project no. 1990-013 which is construction of South 7th Street. This change order provides for an increase in the contract of \$1,620 which is the cost of seeding at a rate of .90 per square yard. A bid item for the seeding was inadvertently left out of the bid proposal. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the approval of a Plumbers License for Jerome Thomas Jakobson DBA Plumbing & Heating of Willmar, Inc., at a fee of \$20.00. This license will expire on March 31, 1991. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the approval of the cigarette licenses for 1991 for the Wooden Nickel and Coastal Mart. All voted in favor of the motion, except Kirchner who voted no.

Mensing moved, Lewis seconded, the approval of an off-sale non-intoxicating beer license for Coastal Mart at a fee of \$30.00 for 1991. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the approval of a transient merchants license for Olan Mills Inc., to take photography portrait at the Best Western and Super 8 Motel in Marshall, Minnesota. This license is for 1991 at a fee of \$200.00. All voted in favor of the motion.

Due to legal holidays conflicting with the regular city council meetings for January 21, 1991, Martin Luther King Jr., Day; February 18, 1991, Presidents Day; and September 2, 1991, Labor Day; the Tuesday evenings following each of these dates will be the dates scheduled for the regular city council meetings. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1287, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1287, Second Series is a resolution expressing the City of Marshall's support to the City of Granite Falls in their efforts in protecting their environment by adopting certain land restrictions as a part of the zoning ordinance. The case that precipitated this resolution involved the ruling against the City of Granite Falls in which the Northern States Power Company was attempting to burn PCB's at the power plant in Granite Falls. All voted in favor of the motion.

Reports by the Council Members of various committees, commissions and boards were presented to the council as follows:

Stores: Park, Recreation and Community Education Board, indicated that there will be a joint gathering of the City Council, School Board, Park & Rec Board, Youth Council on February 6, 1990 at which time they will tour the hockey bubble at the Lyon County Fairgrounds and the sliding hill at Independence Park. The Park & Rec Board had discussed the results of a survey for a water slide and were requesting direction of the City Council, therefore Stores moved, Mensing seconded, the results of this survey on a water slide be submitted to the City Council Ways and Means Committee for consideration. All voted in favor of the motion, except Lewis who voted no.

## REGULAR MEETING - JANUARY 7, 1991

- Byrnes: Housing Commission: they had made their final payment in lieu of taxes. This final payment is for those payments that have not been made in the past few years. The Housing Commission is in the process of setting up a retirement fund for the employees at the Housing Commission which would be similar to PERA offered to other city employees. The architect hired by the Housing Commission to review the family units and senior citizen units is in the process of doing his survey.
- Lewis: Utilities Commission: the Utilities Commission is addressing the water needs and the development of any future supplies which is becoming a critical concern of the Utilities as well as major industries of the City of Marshall.
- Mensing: Senior Citizen Commission: Indicated that the rent charged to the Association of \$500 was a concern and that the Commission is recommending increasing the rate to \$550 per month.
- Kirchner: Senior Citizen Commission: Questioned the appointment of members to this commission since all their terms are scheduled to expire at the same time.
- Siudzinski: Convention and Visitors Bureau, The agreement prepared by the task force is waiting for a decision from the Chamber Board.
- Feda: Southwest Regional Development Commission, Indicated that at a recent Legislative Committee held in Slayton on January 5, 1991 that Local Government Aids seems to be a targeted for cuts to Municipalities.
- Economic Development Authority: The Lyon County Facilitator program is progressing well.
- Joint Utility-Lyon-Lincoln Negotiating Committee: An agreement has been sent to Lyon-Lincoln Rural Electric and is waiting for a response from them.

Lewis moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39257 through 39523.

The following building permits and mobile home permits previously approved by the Building Official were confirmed:

Taylor's Inc.  
1005 Emerald Court  
Breczinski Addition  
Lot 3  
3 Unit Apartment  
\$96,500

Robert Brewers  
107 South "A" Street  
Auditors Plat No. 4  
Part of Lot 9  
Demolish Dwelling  
\$0

Carr Properties  
426 North 7th Street  
Section 4  
Part of NW 1/4 of NW 1/4  
Demolish Dwelling  
\$0

Tutt & Olson Construction  
1220 East College Drive  
McFarland Addition  
Block 2, Lot 6  
Remodel Interior - Store No. 302  
\$2,500

Vincent Buysse  
604 Michigan Road  
Industrial Park I  
Block 6, Lot 10  
Remodel Office  
\$5,000

MANUFACTURED HOME INSTALLATION  
Robert Lamm  
220 Ash Drive  
Village Park Mobile Home Park  
Install Mobile Home

## REGULAR MEETING - JANUARY 7, 1991

Mensing moved, Siudzinski seconded, the consideration by the City Council to nominate Mayor John Feda to the League of Minnesota Cities Board of Directors be placed on the agenda. All voted in favor of the motion.

Mensing moved, Siudzinski seconded, the City Council supports the nomination of Mayor John Feda for the League of Minnesota Cities Board of Directors. All voted in favor of the motion.

Councilperson Kirchner requested that the letter of recognition and appreciation be sent to the employees in regard to compliance with safety rules and regulations which resulted in the work comp premium being reduced for 1991.

A concern was expressed as to when would the Lyon County Solid Waste Board be extending the recycling program to the business district in the City of Marshall and also if a follow up could be provided to the City Council on the recycling programs for apartment complexes.


Byrnes advised the council that the 1990 Food and Agricultural Act has provisions which provide funding for an Infra Structure Program.

Congratulations were extended to the Marshall Police Department for their safety record and recognition for no pedestrian accidents.

Complaints have been received by the mayor, city council members and city staff in regard to the Transit System taking their telephone off the receiver and not answering all calls. It was the general consensus of the city council that the Transit System is to leave the telephone on the hook in the transit vehicles and they are to answer and respond courteously to all calls.

A question was raised as to when the Joint City Council-Lyon County Commissioners general meeting would be held.

Upon motion made by Mensing, seconded by Siudzinski, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## REGULAR MEETING - JANUARY 22, 1991

The regular meeting of the Common Council of the City of Marshall was held on January 22, 1991. The meeting was called to order at 7:30 P.M. by President Pro-Tem Kirchner. In addition to President Pro-Tem Kirchner the following members were present: Mensing, Siudzinski, Lewis, Byrnes and Stores. Absent: Mayor Feda.

The Pledge of Allegiance was recited at this time.

Stores moved, Lewis seconded, the agenda be approved as presented. All voted in favor of the motion.

Lewis moved, Stores seconded, the approval of the minutes of the regular meeting held on January 7, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Stores moved, Siudzinski seconded, the adoption of ORDINANCE NUMBER 271, SECOND SERIES and that the reading of the same be waived. Ordinance Number 271, Second Series is an ordinance amending the regulations of parking for physically handicapped in the City of Marshall, Minnesota. This ordinance provides for handicapped parking restrictions to be consistent with the Minnesota Statutes. All voted in favor of the motion.

Stores moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1288, SECOND SERIES and that the reading of the same be waived. Resolution Number 1288, Second Series is a resolution dissolving the Marshall Golf Range Board. All voted in favor of the motion.

City Attorney Brian Murphy, did review in detail with the City Council the agreement between the City of Marshall and the Marshall Golf Club Inc., for the operation of the Golf Driving Range Facility. This agreement provides for the Golf Board to have the responsibility of operating the Driving Range Facility as a public facility and at the convenience of the public and at reasonable service charges. Under this agreement the Golf Club would be required to maintain the facilities at a reasonable rate and profits from the operations would be distributed back to the Golf Club and the City respectively for the purpose of recovering their original investment in this facility. Lewis moved, Stores seconded, the agreement between the City of Marshall and the Marshall Golf Club Inc., be approved and that the proper city personnel be authorized to execute this agreement for the operation of the Golf Driving Range Facility subject to the approval of the Marshall Golf Club Inc. All voted in favor of the motion.

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed with the City Council the financial status of the various departments and funds within the City of Marshall as it relates to the 1990 budget year, year to date expenditures, and remaining balances as of December 31, 1990. The City Council was advised that this report does include the supplemental receipts, supplemental expenditures and transfers that were approved at the regular city council meeting on January 7, 1991. The numbers presented in this report are preliminary numbers and does not include any expenditures that are paid in 1991 for 1990 and that in some of the areas where there is an indication of an overexpenditure there would be some audit adjustments to adjust those numbers.

Reports by the Councilmembers of various committees, commissions and boards were presented to the council as follows:

Stores            Marshall Lyon County Library Board will be hosting a gathering on February 21st. The directors position was evaluated.

Park, Recreation and Community Education Board will be having a gathering on February 6, 1991. Duane Aden, City Administrator to send out additional information to the City Council in regard to this gathering.

## REGULAR MEETING - JANUARY 22, 1991

Byrnes Ice Facility - no report

Housing Commission - the board has received a management review which was a good report and did indicate there were number of deficiencies noted in the housing units due to age and other situations. A retirement fund equivalent to PERA, Public Employees Retirement Association, has been approved for the employees of the Housing Commission.

Economic Development Authority - the expenditures in the monthly report of \$26,000.00 were questioned and the size of the fund in regard to dollar amounts was also questioned.

Lewis Hockey Board - indicated that the shuttle bus service is in operation from the school to the bubble on Friday's after school

Airport Commission meeting - Mr. Lewis just reviewed the items that were addressed at the meeting held on January 14, 1991 as was included in the agenda packet.

Utilities Commission - discussions continue in regard to the service territories and work is continuing in regard to the construction of well fields.

Siudzinski Cable Commission - they have set the 1991 goals and do have a new series developed which includes Library I Scavenger Hunt; County Extension; and Sexual Awareness Resource Center "Let's Talk About It". A sports channel MSC was also discussed.

Convention and Visitors Bureau - billboards are being placed at the entrance of the City of Marshall at 8 different locations. The Chamber of Commerce has approved the resolution as presented by the Task Force.

Mensing Hospital Board - the hospital is considering a self-insurance pool for worker's compensation. The annual audit for the period ending September 30, 1990 was reviewed and it was suggested by the auditors to try and achieve a 5% profit margin.

Kirchner no reports.

Byrnes moved, Lewis seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for exemption from Lawful Gambling License for the Marshall Music Boosters operation at the Best Western Marshall Inn and the 30 day waiting period be waived. All voted in favor of the motion.

Byrnes moved, Mensing seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE: Voucher No. 39526 through 39739.

The following building permit and mobile home permits previously approved by the Building Official were confirmed:

Hess Construction  
111-D South 10th Street  
Section 5  
Part of SE 1/4 of NE 1/4  
Warehouse Addition  
\$4,000

MANUFACTURED HOME INSTALLATION  
Marathon Housing Company  
358 Timberlane Drive  
Village Park Mobile Home Park  
Install Mobile Home

## REGULAR MEETING - JANUARY 22, 1991

Marathon Housing Company  
121 Lilac Drive  
Village Park Mobile Home Park  
Install Mobile Home

The following committee meetings were set:

Ways and Means Committee Meeting - Tuesday, February 12th at 4:30 P.M.

Transportation Public Improvement Committee Meeting - Tuesday, February 5th at 4:30 P.M.

Legislative and Ordinance Committee Meeting - 7:00 o'clock P.M. on February 19th

In response to the annual report prepared by Marvin Bahn, Director of Public Safety, a request was made that a follow be made to the council in regard to the DARE Program as addressed in Bahn's letter.

Upon motion made by Lewis, seconded by Mensing, the meeting was adjourned. All voted aye.

Sandi Kirchner  
President Pro-Tem

Attest:

Thomas M. Meulebroeck  
City Clerk

## REGULAR MEETING - FEBRUARY 4, 1991

The regular meeting of the Common Council of the City of Marshall was held on February 4, 1991. The meeting was called to order at 7:33 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council the agenda be approved with the addition of item no. 3a which was a discussion with representatives from the Marshall Radio Control Club in regard to the possible relocation of the composite site on North 7th Street which interferes with the run ways of the Marshall Radio Control Club.

Byrnes moved, Lewis seconded, the approval of the minutes of the regular meeting held on January 22, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Mark Wild, Director of the Marshall Ambulance Service, was in attendance at the meeting to discuss with the council the contract for the Marshall Ambulance Service Medical Director. The proposed contract would amend the previously executed contract of April 18, 1983. The proposed contract includes external pre-hospital defibrillation and identifies Dr. William Kremer as the physician. This position is an advisory position with the insurance coverage by the city covering acts in the Director's capacity only. Byrnes moved, Mensing seconded, the proper city personnel be authorized to execute the contract for the Ambulance Service Medical Director as reviewed with the council and identifying Dr. William Kremer as the physician. All voted in favor of the motion.

Ms. Jan Voller was in attendance at the meeting to discuss with the council a request to tie bows and/or ribbons around trees and utility poles along Highway 59 or Main Street from Aunt Nellies to the railroad tracks on the Northwest side of town; along College Drive from Anton Chevrolet to Shopko and also on 3rd and 4th Street in the downtown area. These bows and/or ribbons are a symbol of support and hope for the people in the Middle East and their families at home. It is the intent that these ribbons and/or bows would be placed on the trees and/or utility poles about 10 feet from the ground and that it is the intent of the committee once the crisis in the Middle East is over that they will remove the bows and/or ribbons. Kirchner moved, Stores seconded, the request from the group of Marshall residents to place yellow bows and/or ribbons along Main Street from Aunt Nellies to the railroad tracks; on East College Drive from Anton Chevrolet to Shopko and along along 3rd Street and 4th Street in the downtown area be approved as a sign of the City of Marshall's support and hope for those people in the Middle East and for their families at home. All voted in favor of the motion.

Steve Pruitt, President of the Marshall Radio Control Club, along with other members of this club were in attendance at the meeting to discuss with the council the possibility of relocating the composite site along North 7th Street. This composite site is continuing to grow and grow and is interfering with the run ways for the Radio Control Club. Kirchner moved, Mensing seconded, the request of the Marshall Radio Control Club to relocate the composite site be referred to the City Engineer to draw plans and designs and consider alternate sites and that this proposal then be brought back to the City Council. All voted in favor of the motion.

Mensing moved, Byrnes seconded, the proper city personnel be authorized to advertise for a tractor and loader for the Park Maintenance Department. These bids are to be received at 2:00 o'clock P.M. on February 19, 1991. This bid will include the trade in of a 1981 Allis Chalmers Model 5040 tractor with loader. All voted in favor of the motion.

## REGULAR MEETING - FEBRUARY 4, 1991

Byrnes moved, Lewis seconded, David Frey, Wastewater Treatment Plant Superintendent, be granted authorization for out of state travel to evaluate different vendors of aeration equipment for a future Wastewater Treatment Plant improvement. Mr. Frey will be accompanied by the Engineering Consultants Reike, Carroll, Muller and Associates. This equipment will be viewed in the area of Dallas, Texas on February 7-8, 1991. Expenses incurred in this outstate travel are a portion of the engineering design costs associated with the upcoming projects. Of concern to the council was how the equipment would be adapted for weather conditions as it relates from Texas to Minnesota. Rich Victor, City Engineer, did indicate that that would have to be addressed by the engineering consultants Reike, Carroll, Muller and Associates to make a recommendation. All voted in favor of the motion.

Mensing moved, Byrnes seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for gambling for the Fraternal Order of Eagles AERIES 3405 for operation at 423 West Main Street and that the 30 day waiting period be waived. All voted in favor of the motion.

Byrnes moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1289, SECOND SERIES and that the reading of the same be waived. Resolution Number 1289, Second Series is a resolution calling for a public hearing on the submission of a Small Cities Development Program Application to assist industrial expansion. This resolution is in response to a request from Reinhart Foods to make the application to the Minnesota Department of Trade and Economic Development to secure financing assistance for a proposed expansion project. The public hearing will be held on February 19, 1991 at 7:30 P.M. All voted in favor of the motion.

Reports by the council members of various commissions and boards were presented to the council as follows:

Stores            Reminded the city council of the Park & Rec tour at 5:00 o'clock P.M. on Wednesday, February 6, 1991 which would meet at Toni's Pizza Villa.

A reminder was given also on the February 21st gathering at the Marshall Lyon County Library of which the Library would be sending out additional information on this.

The city was in receipt of a brick from Southwest State University indicating the city's contribution of \$100,000 which is included in the 1991 public improvements project for the City of Marshall

Byrnes            No report

Lewis            No report

Mensing        No report

Siudzinski      Did indicate that she had attended a cable convention and did receive some valuable information in regard to municipal ownership of cable franchise.

Kirchner        No report

Feda            No report

Thomas M. Meulebroeck, Finance Director/City Clerk, discussed with the council the investing of available city funds. Following a discussion with the council, Lewis moved, Siudzinski seconded, Thomas M. Meulebroeck, Finance Director/City Clerk be authorized to invest the City of Marshall's available



## REGULAR MEETING - FEBRUARY 4, 1991

funds in the local financial institutions and the 4M Fund, Minnesota Municipal Money Market Fund, approved by the League of Minnesota Cities, and previously approved as depositories for the City of Marshall and that the city try and maintain the policy of not investing more than 30% of the available funds in any one financial institution. City Attorney Brian Murphy, encouraged the philosophy of dealing with local lending institutions and maintaining the philosophy of not investing 30% of the available funds in any one of the financial institutions. All voted in favor of the motion.

A discussion was held at this time in regard to the impact of the City of Marshall due to the proposed State cuts in Local Government Aid. It is anticipated that the City of Marshall will receive a reduction in Local Government Aids of approximately \$59,000 from what was originally budgeted for 1991. Byrnes moved, Stores seconded, the City Administrator along with the city staff be directed to prepare a contingency plan providing for a \$60,000 reduction in expenditures in general fund to off set the proposed cut back in Local Government Aid. This plan is to be submitted to the city council as soon as possible. All voted in favor of the motion.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: 39743 through 39915.

The following building permits previously approved by the Building Official were confirmed:

Keith & Cheryl Derynck  
1110 Bruce Circle  
Capitol Hill Addition  
Block 1, Lot 10  
New Stairway & Remodel Beauty Shop  
\$1,000

Mark & Mary Prevost  
415 North 6th Street  
Stewart & Jenkins Addition  
Block 3, Part of Lot 11  
Remodel Porch  
\$300

John & Sharon Martinson  
410 North 6th Street  
Stewart & Jenkins Addition  
Block 2, Lot 5  
Remodel Bathrooms  
\$2,000

Bladholm-Sussner Construction  
300 South Bruce Street  
Weiner Memorial Addition  
Block 1, Lot 2  
Clinic/Radiography Room  
\$26,300

In 1990 the City of Marshall was in receipt of a request to assist the City of Marshall with receiving a refund on some previous oil charges to the City of Marshall. Administration did make application at that time, but to date, has not received any refund apparently due to available funds. In a recent publication from the League of Minnesota Cities information was available in their in regard to assistance in receiving a refund of this type, therefore it was the general consensus of the council that the proper city administration review the options available in this publication.

The appropriate city staff was requested to prepare a list of the apartment complexes in the City of Marshall and determine what they are doing with the recycling program and if the apartment complexes are doing nothing with the recycling program a letter be sent to these apartment complexes asking for information as to why they are not participating and that this information be returned to the city council.

Feda moved, Lewis seconded, the proper city personnel request the Lyon County Solid Waste Committee to address recycling containers that would be suitable for apartment complexes within the City of Marshall and that an examination be made of what the city has been doing with the contacts to the various complexes. All voted in favor of the motion.

The activity report of the City Engineer's Office for 1990 was received by the City Council.


## REGULAR MEETING - FEBRUARY 4, 1991

A concern was expressed in regard to the possibility of placing microphones in the Council Chambers for the City Council members.

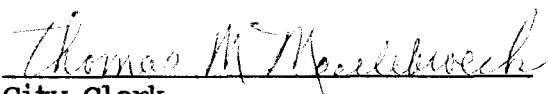
A concern was expressed in regard to the Chamber of Commerce Industrial Development Committees status on the Star City recognition for the City of Marshall. The city was advised that the signs at the entrance to the City of Marshall designating Star City would be removed. Some concern was expressed in regard to the follow up of the recertification process. The city staff will follow up as to what has been happening with the Star City recertification and what action to take.

Cal Barnett, City Assessor, advised the council that he had received a call from the League of Minnesota Cities requesting the City of Marshall to make arrangements for a meeting with Representative Girard and to invite the cities in this district to discuss the Local Government Aid cuts and their effects upon the city.

Upon motion made by Kirchner, seconded by Lewis, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - FEBRUARY 19, 1991

The regular meeting of the Common Council of the City of Marshall was held on February 19, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council the agenda be approved with the deletion of item number 16 which was a report on the financial status of the 1991 budget.

Kirchner moved, Byrnes seconded, the approval of the minutes of the regular meeting held on February 4, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received, opened and read on February 19, 1991 at 2:00 o'clock P.M. in the Council Chambers of the Marshall Municipal Building for a tractor and loader for the Park Maintenance Department. The bids received, opened and read were as follows:

Boerboom International  
Marshall, Minnesota  
\$19,875.00

D & M Implement Inc.  
Marshall, Minnesota  
\$21,380.00

Bill's Sales & Service  
Marshall, Minnesota  
\$22,645.74

These bids were reviewed by Rich Victor, City Engineer, and upon his recommendation Siudzinski moved, Stores seconded, the bid for the tractor and loader for the Park Maintenance Department be awarded to Boerboom International in the amount of \$19,875.00. All voted in favor of the motion.

This was the date and time set for a public hearing to consider an application for funding from the State of Minnesota Department of Trade and Economic Development in the amount of \$180,000 for a Small Cities Economic Development Grant for Reinhart Foods. The loan for this project is from a federal funding source. All proceeds received from the loan including principal and interest would be returned to the city for future economic development purposes. Pat Pelstring, Business Development Services, consultant for the City of Marshall, was in attendance at the meeting to present this application with the city and others in attendance at the meeting. Mr. Pelstring did indicate that the timing is of the essence in applying for this loan and he did review with the city council the housing and community need certification and the residential and antidisplacement and relocation assistance plan for the City of Marshall. Following Mr. Pelstring's review of these documents a public hearing was held for any comments in regard to the application. With no comments received the public hearing was adjourned.

Byrnes moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1290, SECOND SERIES and that the reading of the same be waived. Resolution Number 1290, Second Series is a resolution adopting the residential antidisplacement and relocation assistance plan for the City of Marshall, Minnesota. All voted in favor of the motion.

Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1291, SECOND SERIES and that the reading of the same be waived. Resolution Number 1291, Second Series is a resolution authorizing the submission of a Minnesota Small Cities Economic Development Grant Application for Reinhart Foods expansion project. In response to a concern of the money being returned to the City of Marshall and its use it was indicted that these monies must be used for Economic Development purposes but do not need to be turned over to the Economic

## REGULAR MEETING - FEBRUARY 19, 1991

Development Authority. The council was advised that as a security for this loan approximately \$300,000 in equipment is pledged, plus there are personal guarantees. All voted in favor of the motion.

A discussion was held at this time in regard to a request from the Marshall Cable Commission to change the franchise with American Cablevision, Section 3.35, Subdivision 1, Paragraph A to read: Grantee shall provide the following service and basic service as a minimum: one PBS channel each from ABC, CBS and NBC affiliate in addition to a PPS channel and local access channels as stated elsewhere in the agreement. This paragraph currently names 27 specific call letters of channels which must be available to the consumer. It is the intent of the Cable Commission to remove the channel specific language from the franchise to insure that an NBC affiliate would be added to the basic service. Currently there is no NBC affiliate on basic service. It is the understanding of the Cable Commission that a basic tier was added last year because of pending legislation which would have granted rate regulation for basic service. The basic service has not garnered any significant market share. The Commission assumes that an NBC Affiliated would provide a valuable alternative to those on limited funds.

Lewis moved, Stores seconded, the request for the change in the franchise with American Cablevision Section 3.35, Subdivision 1, Paragraph A be referred to the City Attorney Brian Murphy for him to work with the Cable Commission to draft an ordinance to address the revision in the franchise with American Cablevision. All voted in favor of the motion.

Duane Aden, City Administrator, indicated to the City Council that the City of Marshall Wastewater Treatment Facility is reaching its designed capacity which was determined in the early 1970's based on the projections they had at that time. There are some renovations and upgrading taking place at the facility at this time which will provide for some additional capacity. With the limited reserve capacity it is the city's feeling that the facility will not be adequate for general community growth for any period of time in the near future. Upon the recommendation of City Staff, Stores moved, Byrnes seconded, the proper city personnel be authorized to secure proposals from consulting engineers for the development of a master plan for the Wastewater Treatment Facilities. The consulting engineering firm would evaluate the present facility as it pertains to the various parameters of operation and make recommendations for future expansion and/or renovations that would increase the capacity of the Wastewater Treatment Facility. The consulting engineering firm would also be required to do a considerable amount of work to determine future anticipated growth and corresponding contributions to the facility. The proposals are to include a provision for the consulting engineering firm to address the alleged odor problems from the Wastewater Treatment Facility. All voted in favor of the motion.

Kirchner moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1292, SECOND SERIES and that the reading of the same be waived. Resolution Number 1292, Second Series is a resolution authorizing the City of Marshall to join the Environmental Cities Group. This resolution was approved with the understanding that the city is not bound financially or to any commitments of this environmental group. During the discussion in regard to the adoption of this resolution there was some concern expressed about duplication of efforts by joining this group and what is happening with other agencies. On the other hand there was a concern expressed that this group is more committed to environmental issues. A concern was expressed as to who would be obligated to attend the meetings, whether it would be staff personnel or a member of the city council. All voted in favor of the motion.

Dave Marks, Fire Chief, was in attendance at the meeting to discuss with the council a request for the Fire Department to proceed with the development of specifications and bid documents for the replacement of a fire truck. Mr.

## REGULAR MEETING - FEBRUARY 19, 1991

Marks indicated the truck being requested to be replaced is a unit that is in good condition but is very inadequate as it pertains to travel speed capabilities and load carrying capabilities in conjunction with the Fire Department's intended use. Mr. Marks indicated that this truck was purchased approximately 8 years ago and that they could get a trade-in of approximately \$65,000 at this time and that a new truck would cost \$120,000. If the city were to proceed at this time the truck could be received as early as late 1991 or early 1992. Kirchner moved, Stores seconded, the request for the Marshall Fire Department to proceed with the development of specifications and bid documents for the replacement of a fire truck and also the request of the Street Department to advertise for bids for the replacement of a tractor be tabled until such time more information is available from the Governor's proposal on cuts in aids to cities. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1293, SECOND SERIES and that the reading of the same be waived. Resolution Number 1293, Second Series is a resolution authorizing the City of Marshall to acquire the Minnesota Department of Transportation property on South 6th Street. It is the intent that the City of Marshall would acquire this property from the State and then in turn make it available to Heartland Foods for their expansion. This is consistent with the original intent of both the Minnesota Department of Transportation Project and the Heartland Food Expansion Project. All voted in favor of the motion.

Upon the recommendation of the Public Improvement/Transportation Committee, Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1293-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 1293-A, Second Series is a resolution approving the Municipal State Aid Street Construction 5 Year Program. Included in this 5 year plan is the extension of Lyon Street from East Main Street to Bruce Street which is included in the 1991 Projects. A concern was expressed in regard to the installing of signal lights at the intersection of Lyon Street and Main Street. Rich Victor, City Engineer, did indicate that if it is warranted there would be participation by the State in placing signals at this intersection. All voted in favor of the motion.

Rich Victor, City Engineer, reviewed with the City Council the Engineer's Feasibility Report for the 1991 Proposed Public Improvement Projects. Included in the Feasibility Report were 11 individual jobs consisting of watermain and sewermain replacement and/or construction, roadway construction, sidewalks and storm sewer. Mr. Victor did indicate that according to recent traffic counts there are approximately 5,000 vehicles traveling "E" Street per day and approximately 1900 vehicles per day traveling Lyon Street East of Bruce Street. Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1294, SECOND SERIES and that the reading of the same be waived. Resolution Number 1294, Second Series is a resolution receiving the Engineer's Feasibility Report and calling for a hearing on the proposed 1991 Public Improvement Projects. The public hearing will be held on March 4, 1991 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Mensing moved, Byrnes seconded, the approval of a tobacco license for the Super 8 Motel for the calendar year 1991 at a fee of \$24.00. All voted in favor of the motion, except Kirchner who voted no.

Kirchner moved, Lewis seconded, the approval of a special vehicle license for Robert E. Swisher to operate a golf cart type vehicle on designated streets within the City of Marshall. This license is for the calendar year 1991 at a fee of \$25.00. All voted in favor of the motion.

## REGULAR MEETING - FEBRUARY 19, 1991

Reports by the Council Members on various committees, commission and boards were presented to the council as follows:

- Mensing Hospital Board, a Spirit of Excellence was given to Agnes Klein; a gift was received from David and Mobel Weiner in the amount of \$5,000; and plans are being made for the expansion of the physical therapy room.
- Siudzinski Cable Commission, 1991 goals were reviewed; the Studio 8 is utilizing an internship free of cost to the city and is a student from Southwest State University; videoing is being done on various commissions and boards of which videos will be available to applicants to view who are interested in any of the various commissions or boards. A resignation was received from Chairman John Siudzinski.
- Convention & Visitor's Bureau, cups are available as a promotional items for various events taking place within the city; the CVB is working on the ads that will be placed on the bill boards located within a 50 mile radius of the City of Marshall.
- Kirchner Planning Commission, no meeting but did suggest a review be made of the City's Comprehensive Plan.
- Stores Library Board, was concerned with the cuts being proposed by the state and their effects on the county and city and in turn the effect these may have on the library as it relates to what they receive from the city and county.
- Byrnes Housing Commission, indicated that there were some vacancies in some of the housing units and that they are bidding out services for washing and drying.
- Lewis Ways and Means Committee, addressed the water slide.
- Utilities Commission, the concern on the January electrical bills being high which covers the period December 20, 1990 to January 20, 1991 and was the highest ever monthly billing by the Marshall Municipal Utilities; the service territory issue continues to be negotiated.
- Feda County Board Meeting, indicated that the department heads at the county were requested to make recommendations as far as the \$113,000 in reduction in expenses due to the cut back in aids from the state and that the county did approve a \$16,000 expenditure for an architect to determine the needs of the courthouse
- County Facilitator, they are hoping to have a person on board by May.

Applicants had been interviewed by the Joint City, School Board for the Parks Recreation and Community Education Board. Stores moved, Mensing seconded, Jeanne Johnson, Michael Buridick and Collette Tubbs be reappointed for 3 year terms to expire on February 28, 1994; that Darwin Leek be appointed as a new member to this board for a 3 year term to expire on February 28, 1994; Rich Jueneman be appointed for a 2 year term and Wayne Erbs for a 2 year term, both to expire on February 28, 1993. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the proper city personnel be authorized to execute an agreement for the Minnesota Corn Processors for the construction of improvements to the Wastewater Pre-Treatment Facility. This agreement allows for the construction of an additional clarifier at the Wastewater Pre-Treatment Facility. This clarifier would have the capability of being able to increase

## REGULAR MEETING - FEBRUARY 19, 1991

the flow capacity of the Pre-Treatment Facilities. This agreement was approved with the understanding that MCP would be given an opportunity to review and recommend on the bids before they are awarded, since they will be paying the entire cost of this improvement. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1295, SECOND SERIES and that the reading of the same be waived. Resolution Number 1295, Second Series is a resolution of intent to issue a limited franchise for Rural Water within the City of Marshall, Minnesota. The intent of this resolution is to provide the opportunity for the Lincoln/Pipestone Rural Water Association to provide Minnesota Corn Processors with all or a part of the water necessary to meet their industrial needs. All voted in favor of the motion.

Following a lengthily discussion in regard to the Lyon County Comprehensive Solid Waste Management Plan, Kirchner moved, Stores seconded, that since the Minnesota Office of Waste Management is giving staff approval to the Lyon County Solid Waste Plan, which targets incineration and includes the permitting of Lyon County Landfill as a hazardous waste site, and in light of the fact that the proposed site of the incinerator would directly affect Marshall, and considering that the plans specifically addresses intergovernmental units, which would hopefully include Marshall City Council, and considering that to this day, there has been no time spent by the city council on the details of the plan, that a special city council meeting be held on March 5, 1991 at 7:30 P.M. in the Council Chambers to allow the City Administrator Duane Aden, who is the only city representative on the Lyon County Solid Waste Board to review the Lyon County Comprehensive Solid Waste Management Plan with the City Council and other interested citizens. It is the intent that this meeting would be informational only and would give the city an opportunity to respond to the state in regard to this issue. All voted in favor of the motion, except Byrnes who voted no.

Lewis moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39916 through 40149.

The following building permits and mobile home permits previously approved by the Building Official were confirmed:

Lyon County 607 West Main Street Heartland Courthouse Addition Block 1, Lot 1 Remodel Office \$500	Schwan's Sales Enterprises Inc. 1602 Superior Road Industrial Park I Block 6, Lot 9 Office & Maintenance Addition \$150,000
Schwan's Sales Enterprises Inc. 114 West College Drive Blakes Addition Part of Block 3 Remodel Interior \$49,000	Albert Eggermont Sr. 1219 East College Drive Section 3 Part of SE 1/4 of NW 1/4 Remodel Corridor \$500
Randy & Julie Bahn 606 Arbor Court Parkside Addition Block 3, Lot 17 Finish Basement \$6,000	Independent Lumber 201 Robert Street Gray's Third Addition Block 1, Lot 4 Reside Dwelling \$4,500

## REGULAR MEETING - FEBRUARY 19, 1991

George Jacob Construction  
1200 Alan Street  
Eatros Place Fifth Addition  
Block 3, Lot 12  
Construct Bathroom  
\$1,000

MANUFACTURED HOME INSTALLATION  
Marathon Housing Company  
201 Ash Drive  
Village Park Mobile Home Park  
Install Mobile Home

Marathon Housing Company  
345 Timberlane Drive  
Village Park Mobile Home Park  
Install Mobile Home

Councilmember Byrnes advised the council the Star City signs are still up and will remain up for approximately 2 months until such time the status of the Marshall's Star City designation is clarified.

A concern was expressed as to the possibility of Jewett Street being included in the 1991 Public Improvement Projects. Mr. Victor did indicate that the street is being reviewed and did indicated that a patch job had been considered, but would not hold and they are considering other alternatives.

The City Council was advised that the Hy-Vee grocery store is providing transportation to residents of the City of Marshall to purchase groceries at their store irregardless of the interested parties age or income.

The City Council was advised the City Staff is following up on the status of the apartment complexes involvement in the recycling program.

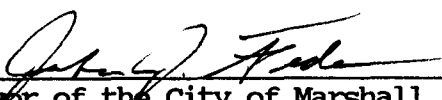
A concern of the Radio Control Model Airplane Flying Club utilizing the property near the Marshall Municipal Airport was discussed at the Airport Commission meeting and was indicated that the Commission had no problem with them being involved in the airport.

A Ways and Means Committee meeting was scheduled for February 28, 1991 at 4:30 P.M.

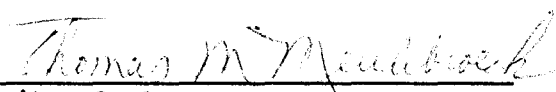
A Personnel Committee meeting of the City Council was scheduled for March 4, 1991 at 6:30 P.M.

Brian Murphy, City Attorney, did indicate that he attended a conference for Attorney's recently and that in particular interest at this conference was the discussion involving employment practices.

Upon motion made by Lewis, seconded by Stores, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk



## REGULAR MEETING - MARCH 4, 1991

The regular meeting of the Common Council of the City of Marshall was held on March 4, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

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

Kirchner moved, Byrnes seconded, the approval of the minutes of the regular meeting held on February 19, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

This was the date and time set for a public hearing on the proposed 1991 Public Improvement Projects. Rich Victor, City Engineer, reviewed individually the 11 projects proposed under the 429 Public Improvement process. The first project reviewed was Project No. 404 which is the Storm Sewer and minor Grading for Fairview Street from TH # 59 to Burlington Northern Railroad right-of-way. Mr. Victor indicated that approximately \$50,000 of this project will be financed through tax increment financing and the remaining of approximately \$38,000 will be assessed to the affected property owners at an estimated rate of \$.0153 per square foot. There were no further comments or concerns in regard to this project.

The second project reviewed was Project No. 407 which is Grading, Gravel Base, Curb & Gutter, Drainage and Sidewalk on "A" Street from Saratoga Street to Depot Street. Mr. Victor did indicate that it is the intent to place sidewalks along one side of the street versus two sides as was originally proposed. Lee Sheets was concerned as to whether or not the project would be done this year or not. Mr. Victor did indicate that this will be determined from the public hearing. Steve Klein an adjacent property owner of Klein Honey Farm did indicate that he was opposed to the project as he has been in the past two years. Mr. Klein was opposed to the project for two reasons. The first reason was safety. This improvement would create more traffic in this area which would be an additional hazard to the area and second that the assessment to him for this project would not benefit him in relationship as to what the cost of the improvement would be. Mr. Klein suggested that the project be cancelled indefinite or that the road be closed. Mr. Klein did present a letter from Willard Engels of Lyon County Coop expressing their opposition to the improvement on "A" Street. Mr. Klein did also indicate Wally Brewers who is an adjacent property owner was opposed to the project. He also indicated that the fire department has not used this road as an exit to attend any fires but they do use the road as a re-entry. Mayor Feda questioned the oil tanks adjacent to this proposed road as to their removal. Mr. Victor indicated that they will be moved but he did not know as to when. Duane Aden, City Administrator, did indicate that when the fire department facility was constructed it was the long range plan to eventually put a road through in this area. Councilperson Kirchner suggested that maybe the road should be closed. Lee Sheets an adjacent property owner did request that if they do close the road that it be done prior to the summer due to the safety factor and the dust that is created by the traffic through this area. Dave Marks, Fire Chief, indicated that the fire department does not use this road for fire trucks but there are personnel on the fire department who do use this road to respond to the fire department in the case of a fire. Mr. Marks also suggested that if they do not fix this road to close it and that the fire department does not appreciate the people using their parking area as a drive through. Councilperson Lewis suggested that they block the area completely or fix it. There were no further questions or comments on this project at this time.

## REGULAR MEETING - MARCH 4, 1991

The next project reviewed was Watermain Construction on East Lyon from the intersection of Lyon & "C" Street to the intersection of East Lyon and Kennedy Street. Mr. Victor did indicate this proposed project would have delayed assessments but the project would be interim financed through the Marshall Municipal Utilities. Rich Voller, Superintendent of the Marshall Municipal Utilities, suggested that the sanitary sewer be placed in at the same time the watermain construction is taking place. Mr. Victor did indicate that the Water Superintendent did request this project be considered. Mr. Victor indicated they were not sure when the sewer would be installed in this area. There were no further questions or comments on this project at this time.

Mr. Victor suggested that Project No. 503 which is the Sanitary Replacement on Gray Street from South 2nd Street to South 4th Street and Project No. 504 which is Sanitary Sewer Replacement on Southview Drive from South Bend Avenue to a point approximately 500 feet to the West be postponed and other alternatives be considered for these two sanitary sewer replacements. In response to a question that was raised as to who would pay for alternatives used to improve these two sanitary sewer systems Mr. Victor indicated that these suggested alternative ways of improving the sanitary sewers would be paid through the Wastewater Treatment Fund. Joe Ialeman, a resident on Gray Street, felt that there was not a problem with the sewer line. Mr. Victor did indicate the city staff has not been able to televise nor clean this sewer with the jetter due to obstructions within the line. These obstructions maybe a result of the material and how this line was originally constructed. Paul VanOverbeke, a resident on Gray Street, did indicate that this sewer was put in 24 years ago and that a year later there were some problems with this system. Mr. VanOverbeke was concerned that since the city did not take care of the problem at that time and they assumed the responsibility for the system that if there is any work or replacement to be done to the sewer in this area that they be responsible for the cost since a normal sewer should last approximately 50 years.

Project No. 505 which is Watermain Replacement on West Lyon Street from 5th Street to 6th Street. One resident spoke in regard to this project. This individual owns two properties in this area and was concerned with the assessment for watermain replacement and as well a sidewalk and questioned whether or not a more reasonable approach could be taken so that the cost would be less. There were no further questions or comments in regard to this project.

Job No. 506 and 507 were discussed at the same time. Job No. 506 is the Watermain Replacement on Jefferson Avenue from South Bruce Street to VanBuren Street and Job No. 507 is Watermain Replacement on Jefferson Circle from Jefferson Avenue to 400 feet South. Mr. Victor did indicate that there is hot soil in this area that is eating the pipe. The pipe has not been in the ground that long but due to the hot soil in the area it has caused the pipe to have to be dug up a number of different times.

The next job discussed was Job No. 508 which is the Watermain Replacement on East Lyon Street from "E" Street to Redwood Street. This project was originally proposed to extent to "C" Street. There will 8 lots affected by this improvement. There were no questions or concerns in regard to this project.

Job No. 509 which is Sidewalk Replacement in various locations throughout the city was briefly discussed. It is anticipated that the assessed cost will be \$.95 per square foot. There were no questions or comments raised in regard to this project.

A lengthy discussion took place at this time in regard to the new construction consisting of Grading, Curb & Gutter, Gravel Base, Bituminous Surfacing, Storm Sewer, Sidewalk and Turf Establishment for "C" Street and East Lyon from East Main Street to South Bruce Street. Mr. Victor did indicate that

## REGULAR MEETING - MARCH 4, 1991

it is the intent to widen the street to 44 feet from Kennedy to South Bruce Street. Mr. Victor did indicate that it has not been determined as to how to assess the sidewalk improvement in this area or how much if any should be assessed. Sharon Kirsch, a resident along East Lyon Street, was opposed to the project. Mrs. Kirsch indicated that 6 years ago when they purchased their property they were told that a street would not go through. They are opposed also due to the cost of the assessment and the safety, the deleting of a walkway and bike path in this area. Mrs. Kirsch felt that this area would be a race track. Mr. Victor did indicate that this road is proposed to be a 9 ton road and that the majority of the monies used to improve this road would be from State Gas Tax. Mr. Victor did indicate the reasons this project is being perused is that it is included in the City of Marshall's Comprehensive Plan, that it would help with the flow of traffic in this area of town, and that they would have a better chance of getting signal lights at this intersection ("C" Street & Main Street) than they would for other intersections in this traffic congested area of town. Mr. Victor did indicate the costs are not firm at this time for the area which would be re-constructed which is the widening of Lyon Street from Kennedy Street to Bruce Street. Rich Voller who lives on East Lyon Street did indicate that 3 out of the 4 property owners along this area of Kennedy to Bruce are opposed to the widening of the street and would rather see no parking on the South side of East Lyon from Kennedy Street to Bruce Street in this area. Mr. Victor did indicate it is the intent that the sidewalk would be adjacent to the street in this area. Rich Voller felt that the widening of the street in this area would devalue the property. Laurie French who lives on Kennedy Street questioned the placing of the sidewalks on both sides of East Lyon Street from Bruce to Main Street since there is only sidewalk on one of the street along East Lyon Street going to the new school. Warren Quarnstrom a resident along East Lyon Street did indicate that this area is a good, quite residential area with a good street and since he is an attorney did indicate that if there is to be a benefit to the property for an assessment that the assessment is based on the increase in value before the improvement versus the value of the property after the improvement. Mr. Victor did indicate that property valuation is not affected by the size or width of an adjacent roadway. Mr. Quarnstrom did indicate that he is not in favor of widening East Lyon Street from Kennedy Street to Bruce Street. Sharon Kirsch stated to the council that she had been advised by realtors that her property will decrease in value if the proposed improvements are done and if they are done and affect the property as proposed. Norm Timm who lives at the corner of East Lyon and Bruce Street did voice his opposition to this project.

An unidentified individual was concerned with the additional traffic there would be in this area if Lyon Street is extended from Bruce Street to East Main Street and that maybe not extending East Lyon Street and leaving it as a dead end street would help with the traffic flow in the area. Marlin Winkelman a resident in this area indicated that he was not opposed to sidewalks but did suggest that they put them on one side. Don Popowski on behalf of Viking Coca Cola did indicate that they were concerned as an adjacent property owner with the limited access and that if they expand their facility how would there trucks get up to the street. Mayor Feda did indicate that the city had received information on the traffic count on "E" Street and that if East Lyon were put through some of the traffic on that street would be diverted from "E" Street to East Lyon Street. Mayor Feda also presented to the council a letter received from Don and Julie Hein who reside on East Lyon Street who were opposed to the project since this is a residential area and that the improvement would cause a devaluation of their property.

With no further questions or concerns before the council Mensing moved, Byrnes seconded, the hearing on the proposed Public Improvement Projects for 1991 be closed. All voted in favor of the motion.

## REGULAR MEETING - MARCH 4, 1991

A question was raised in regard to the project consisting of widening East College Drive from Bruce Street to Highway 23. The council was advised a decision on this has not been made at this time.

Byrnes moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1296, SECOND SERIES and that the reading of the same be waived. Resolution Number 1296, Second Series is a resolution to order the improvement and preparation of plans for Job No. 404 which is the Storm Sewer and Minor Grading of Fairview Street from Trunk Highway #59 to Burlington Northern Railroad right-of-way. All voted in favor of the motion.

Lewis moved, Mensing seconded, the adoption of a resolution ordering the improvement and preparation of plans for Job No. 407 which is the Grading, Gravel Base, Curb & Gutter, Drainage and Sidewalk on "A" Street from Saratoga Street to Depot Street. Voting in favor of the motion were Mensing, Siudzinski, Lewis, Byrnes and Stores. Voting no were Kirchner and Feda. In order for a resolution to be adopted there needs to be 6 favorable votes of the council. Motion failed.

Kirchner moved, Lewis seconded, the city engineer be requested to prepare plans on options for the closing of "A" Street from Saratoga Street to Depot Street. All voted in favor of the motion.

Siudzinski moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1297, SECOND SERIES and that the reading of the same be waived. Resolution Number 1297, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 502 which is the Watermain Construction of East Lyon Street from the intersection of East Lyon Street and "C" Street to the intersection of East Lyon Street and Kennedy Street. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1298, SECOND SERIES and that the reading of the same be waived. Resolution Number 1298, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 505 which is the Watermain Replacement of West Lyon Street from 5th Street to 6th Street. All voted in favor of the motion.

Kirchner moved, Stores seconded, the adoption of RESOLUTION NUMBER 1299, SECOND SERIES and that the reading of the same be waived. Resolution Number 1299, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 506 which is the Watermain Replacement for Jefferson Avenue from South Bruce Street to VanBuren Street. All voted in favor of the motion.

Mensing moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1300, SECOND SERIES and that the reading of the same be waived. Resolution Number 1300, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 507 which is the Watermain Replacement on Jefferson Circle from Jefferson Avenue to approximately 400 feet South. All voted in favor of the motion.

Siudzinski moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1301, SECOND SERIES and that the reading of the same be waived. Resolution Number 1301, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 508 which is the Watermain Replacement for East Lyon Street from "E" Street to Redwood Street. All voted in favor of the motion.

Byrnes moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1302, SECOND SERIES and that the reading of the same be waived. Resolution Number 1302, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 509 which is the Sidewalk Replacement at various locations throughout the City of Marshall. All voted in favor of the motion.

## REGULAR MEETING - MARCH 4, 1991

Lewis moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1303, SECOND SERIES and that the reading of the same be waived. Resolution Number 1303, Second Series is a resolution ordering the improvement and preparation of plans for Job No. 511 which is the new construction consisting of Grading, Curb & Gutter, Gravel Base, Bituminous Surfacing, Storm Sewer, Sidewalk and Turf Establishment for "C" Street and East Lyon Street from East Main Street to South Bruce Street. This project was authorized to proceed with the modification to the plans which consist of no widening of East Lyon Street from Kennedy Street to Bruce Street, there will be no parking on the South side of East Lyon Street from Kennedy Street to Bruce Street, there will be sidewalk only on the South side from Kennedy to Bruce Street and sidewalks on both sides in the undeveloped area and that there be a boulevard between the sidewalk and the street on the reconstructed area. A concern was expressed as to the ramifications of not widening this street. Mr. Victor did suggest that they maybe able to get a variance from the state in which the council would have to adopt a resolution requesting a variance for 40 feet and that they may still be able to get state monies for the project. All voted in favor of the motion.

Upon the recommendation of the Ways and Means Committee, Mensing moved, Lewis seconded, the proper city personnel be authorized to prepare the fire contracts between the City of Marshall and the surrounding townships for the two year period. The rates for the first period of May 1, 1991 to April 30, 1992 was set at \$90.00 per section and the rate for the period May 1, 1992 to April 30, 1993 was set at \$95.00 per section. The sections that are assessed are those that are covered by the City of Marshall Fire Department. Of the amount assessed to Lynd Township 60% is to be paid to the City of Marshall and 40% to the City of Lynd. These contracts are to be presented to the Township Boards at their annual meetings in March. All voted in favor of the motion.

Upon the recommendation of the Ways and Means Committee, Lewis moved, Stores seconded, the proper city personnel be authorized to prepare the ambulance contracts between the City of Marshall and the surrounding townships for a two year period. These contracts provide for an increase in the fee from \$150 to \$200 for the transportation to Weiner Memorial Medical Center provided the transportation originates within the Marshall Ambulance District. An additional \$20.00 is assessed for non residents. This contract also provides for an increase in the loading fee from \$100 to \$200 plus the mileage rate being increased from \$3.25 to \$3.50 a loaded mile for transportation to any hospital or destination outside the Marshall Ambulance District. Other items approved as add on to the billing for the service included: EKG - \$20.00; EKG supplies - \$10.00; Defib - \$15.00; C-Collar - \$15.00; Night/weekend/holiday - \$10.00 extra; EOA - \$20.00; Oxygen - \$20.00 plus \$20.00 extended; BP Monitor - \$10.00. The contract for the period May 1, 1991 to April 30, 1992 was set at \$4.25 per capita based on the 1990 census figures and for the contract period May 1, 1992 to April 30, 1993 the rate was set at \$4.75 per capita based on the 1990 census figures. These contracts are to be presented to the Township Board meetings in March for their approval. All voted in favor of the motion.

Feda moved, Lewis seconded, the approval of the recommended possible budget cuts that may be made in reaction to the proposed \$60,000 that will be lost in conjunction with the Local Government Aid payments in July of 1991. All voted in favor of the motion. A concern was expressed in regard to the reducing of the unallocated reserve by \$2,000.

Upon the recommendation of the Personnel Committee, Lewis moved, Stores seconded, the approval of the 1991 Compensation Plan which provides for a change in the number of 6 month evaluations a new employee receives. Currently an employee receives four 6 month reviews. The change in the Personnel Policy provides for six 6 month reviews to be done at the 6 month, 12 month, 18 month, 24 month, 30 month and 36 month and the maximum adjustments will be between 2% and 4%. All voted in favor of the motion.

## REGULAR MEETING - MARCH 4, 1991

Byrnes moved, Mensing seconded, the Annual Board of Review be set for 6:00 o'clock P.M. on May 6, 1991 in the City of Marshall Council Chambers. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the proper city personnel be authorized to execute a reciprocal Fire Service Agreement with the City of Echo. All voted in favor of the motion.

Reports by the councilmembers of various committees, commissions and boards were presented to the council as follows:

Mensing No report.

Siudzinski No report.

Kirchner No report.

Lewis No report.

Byrnes No report.

Stores Marshall Lyon County Library Board open house was nice but did have a small attendance.

Feda EDA has approved a \$50,000 loan to Reinhart Foods for 5 years at 8%  
Facilitator meeting - the by-laws have been approved and a president has been elected who is from Garvin area. The Lyon County will act as agent for this program.

A financial report for the month of January was presented to the city council by Thomas M. Meulebroeck, Financial Director/City Clerk. This report addressed the expenditures and revenues through the month of January, 1991 in relationship to the 1991 budget.

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Byrnes seconded, the introduction of an ordinance repealing the city ordinance regulating parking meters within the City of Marshall, Minnesota. All voted in favor of the motion.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE: Voucher No. 40152 through 40410.

The following building permits previously approved by the Building Official were confirmed:

Mike Paulson  
605-607 Glen Street  
Luknic Addition  
Block 2, Lot 2  
Remodel Roof & Interior Partition  
\$6,000

Gordon Edwards  
502 Jewett Street  
McFarland 2nd Addition  
Block 2, Lot 13  
Finish Room in Basement  
\$700

Delbert & Debra Grote  
404 West Marshall Street  
Stewart & Jenkins Addition  
Block 1, Lot 4  
Remodel Bathroom Partition  
\$200

Vern Goslar  
1007 Woodfern Drive  
Southview 2nd Subdivision  
Block 5, Lot 4  
Addition to Garage  
\$7,500

A question was raised in regard to a proposed Job No. 501 for the 1991 Public Improvements. Job No. 501 is the construction of the Sanitary Sewermain on East Lyon Street from the intersection of "C" Street and proposed Lyon

## REGULAR MEETING - MARCH 4, 1991


Street to the intersection of Kennedy and Lyon Street. This project was requested to be placed on the agenda for the March 18, 1991 city council meeting for consideration.

A concern was expressed in regard to the City of Marshall removing snow from the sidewalk on Bruce Street and "E" Street. Rich Herigon, Street Superintendent, was in attendance at the meeting and did indicate that this snow in this area was placed upon the sidewalk by the Street Department personnel and therefore they took the responsibility of removing it.


There was some concern expressed in regard to the most recent snow storm and the snow removal not being done as expediantly as with some of the storms in the past.

A concern was expressed in regard to the traffic congestion to the school entrances or exits on Saratoga Street. Rich Victor, City Engineer, did indicate that he would get information on traffic accidents for this area from the Police Department.

Upon motion made by Kirchner, seconded by Lewis, the meeting was adjourned. All voted in favor of the motion.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## SPECIAL MEETING - MARCH 5, 1991

A special meeting of the Common Council of the City of Marshall was held on March 5, 1991. The meeting was called to order at 7:35 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Kirchner, Byrnes, Stores and Siudzinski. Absent: Lewis.

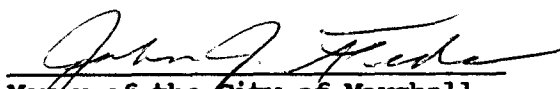
The Pledge of Allegiance was recited at this time.

Mayor Feda introduced City Administrator Duane Aden to present the Lyon County Solid Waste Management Plan. The presentation was followed by a question and answer session.

Kirchner moved, Siudzinski seconded, the council request a public informational hearing with the State of Minnesota, Office of Waste Management, before they approve the County Plan.

A discussion followed. Mayor Feda moved to amend the motion, Byrnes seconded, that the council form a committee to prepare a written statement to support the request to the State of Minnesota for a public informational hearing. This statement is to be approved at the next regular city council meeting on March 18, 1991. All voted in favor of the amendment. All voted in favor of the motion as amended, except Byrnes who voted no.

Upon motion made by Byrnes, seconded by Mensing, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
Deputy City Clerk



## REGULAR MEETING - MARCH 18, 1991

The regular meeting of the Common Council of the City of Marshall was held on March 18, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis and Stores. Absent: Byrnes.

The Pledge of Allegiance was recited.

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

Mensing moved, Stores, the approval of the minutes of the regular meeting held on March 4, 1991 and the minutes of the special meeting held on March 5, 1991 as filed with each member and that the reading of the same be waived. Councilperson Kirchner was concerned with the wording and the intent of the motion and its amendment of the special meeting held on March 5, 1991. All voted in favor of the motion.

Lewis moved, Stores seconded, the adoption of ORDINANCE NUMBER 272, SECOND SERIES and that the reading of the same be waived. Ordinance Number 272, Second Series is an ordinance repealing the City Ordinance regulating parking meters within the City of Marshall, Minnesota. All voted in favor of the motion.

At a special city council meeting held on March 5, 1991 a committee consisting of councilpersons Kirchner and Siudzinski were appointed to develop reasons to support the City Council's request to the State of Minnesota Office of Waste Management to conduct a public informational meeting on the Lyon County's Solid Waste Plan. Councilperson Siudzinski reviewed with the council and others in attendance at the meeting the document that was prepared by the committee which addresses the reasons for requesting a public informational meeting on the Lyon County's Solid Waste Plan. Ms. Siudzinski indicated that the City of Marshall has a direct interest in the Lyon County Plan because the most likely site for a waste energy facility is on the outskirts of the Marshall Industrial Park near the Minnesota Corn Processors Plant. The document indicated that the city council would like the Office of Waste Management to disapprove the plan as written and then change it so that the number 1 proposed system of Waste Management is a system which does not include a waste to energy facility. The document requested serious consideration and more emphasis be towards recycling and municipal solid waste composting. If a public information meeting is allowed it would give the residents of Lyon County an opportunity to voice their opinions and the County Board an opportunity to explain why the waste to energy facility is the number one option in the plan. Stores moved, Siudzinski seconded, a public informational meeting be held on the Lyon County Solid Waste Plan based on the following reasons for questioning the counties designation for incineration as the number one option: No. 1, the Lyon County Solid Waste Advisory Committee did not review nor vote on the final plan prior to submittal to the state office; No. 2, the county did not hold a public hearing prior to submittal to allow concerned residents to comment on the plan or to allow the County Board to explain their choice for incineration as the number one option; No. 3, at the first meeting the consultant hired by the county did state that the best method for handling solid waste to extend the life of the Lyon County Landfill, was municipal solid waste composting and recycling with only two counties, Lyon County and Lincoln County instead of 6 counties; No. 4, incineration will lead to the creation of hazardous ash and the plan will allow the ash to be buried in the landfill. In addition to the reasons for questioning the counties designation of incineration as the number one option the other issues the committee would like addressed is: No. 1, the number one proposed system is system number two which includes a waste to energy facility. This facility is based on the premise that five surrounding counties will have their garbage burnt in it. There are no supporting documents that show that any other neighboring county will haul their garbage to Lyon County to be burned in such

## REGULAR MEETING - MARCH 18, 1991

a facility. No. 2, the planned waste to energy feasibility study is based on the conclusion as the region is committed to recycling only 25% of the generated waste and the remaining generated waste is needed to fuel a burn facility. No. 3, the plan does not address a Lyon-Lincoln Municipal Solid Waste Composte Facility and No. 4, the key issue is that the feasibility of the incineration is based on assumptions which may not be accurate. Voting in favor of the motion to approve the reasons to hold a public hearing and that a formal request be submitted to the State of Minnesota Office of Waste Management were: Mensing, Siudzinski, Kirchner and Stores. Voting no were: Feda and Lewis. By submitting a request does not necessarily guarantee a public informational meeting but it does place the City of Marshall on record as being concerned with the plan as drafted.

Upon the recommendation of Duane Aden, City Administrator, Mensing moved, Lewis seconded, the approval of a transfer of \$1,340 from the Mayor and Council contingency, 101-401401-6810, to the Municipal Building account, 101-412450-5520, for the improvements to the Council Chambers sound system. The proposal provided for individual microphones for each member and that a microphone would be shared by two staff members on each end of the council table. The proposal also provided for an improved microphone at the podium. The microphones would all be connected to a common mixer type of equipment which output would then go to a speaker system in the Council Chamber ceiling into several output jacks around the perimeter of the Council Chambers that would be hooked into by the television crew that is videoing the council meetings and/or possibly the press for recording sections. All voted in favor of the motion.

Lewis moved, Siudzinski seconded, the proper city personnel be authorized to execute two farm leases with Leonard DeVos. The terms of these leases are for 3 years beginning March 1, 1991. The first lease is for 140 acres more or less of the former Wastewater Lagoons and other incidental wastewater facility properties at the rate of \$1,005 per year. The second lease is for the property consisting of 68 acres more or less adjacent to the Industrial Park No. 2 at a rate of \$2,400 per year. All voted in favor of the motion.

Lewis moved, Stores seconded, the adoption of RESOLUTION NUMBER 1304, SECOND SERIES and that the reading of the same be waived. Resolution Number 1304, Second Series is a resolution approving the plans and specifications and authorizing advertisement for bids for Project No. 1991-001, Job No. 404, Storm Sewer and minor grading for Fairview Street from Trunk Highway No. 59 to the Burlington Northern Railroad right-of-way. These bids will be received at 2:00 o'clock P.M. on April 4, 1991. All voted in favor of the motion.

Stores moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1305, SECOND SERIES and that the reading of the same be waived. Resolution Number 1305, Second Series is a resolution approving the plans and specifications and authorizing advertisement for bids for Project No. 1991-002, Job No. 505, 506, 507 and 508 which is Watermain Replacement in various locations throughout the City of Marshall. These bids will be received at 2:00 o'clock P.M. on April 4, 1991. All voted in favor of the motion.

Siudzinski moved, Stores seconded, the adoption of RESOLUTION NUMBER 1306, SECOND SERIES and that the reading of the same be waived. Resolution Number 1306, Second Series is a resolution approving the plans and specifications and authorizing advertisement for bids for Project No. 1991-003, Job No. 502, Watermain construction on East Lyon Street from the intersection of East Lyon Street and "C" Street to the intersection of East Lyon Street and Kennedy Street. These bids will be received at 2:00 o'clock P.M. on April 4, 1991. All voted in favor of the motion.

Lewis moved, Stores seconded, the adoption of RESOLUTION NUMBER 1307, SECOND SERIES and that the reading of the same be waived. Resolution Number 1307, Second Series is a resolution approving the plans and specifications and

## REGULAR MEETING - MARCH 18, 1991

authorizing advertisement for bids for Project No. 1991-004, Job No. 509, Sidewalk Replacement in various locations throughout the City of Marshall. These bids will be received at 2:00 o'clock P.M. on April 4, 1991. All voted in favor of the motion.

Stores moved, Siudzinski seconded, the adoption of RESOLUTION NUMBER 1308, SECOND SERIES and that the reading of the same be waived. Resolution Number 1308, Second Series is a resolution approving the plans and specifications and authorizing advertisement for bids for Project No. 1991-005, Job No. 513 which is for Phase II of the Sidewalk Construction in various locations throughout the City of Marshall. These bids will be received at 2:00 o'clock P.M. on April 4, 1991. All voted in favor of the motion.

Lewis moved, Stores seconded, the adoption of RESOLUTION NUMBER 1309, SECOND SERIES and that the reading of the same be waived. Resolution Number 1309, Second Series is a resolution relating to parking restrictions on State Aid Project 139-123-04 from 150' West of Kennedy Street to the intersection of "E" Street and North Bruce Street in the City of Marshall. This resolution restricts parking at any time along the South side of East Lyon Street beginning at the Westerly property line of Lot 1, Cuypers Addition to the intersection of "E" Street and East Lyon Street. This resolution will be forwarded to the State of Minnesota Department of Transportation requesting permission for the city to construct this section of roadway to a width of 40' in lieu of the required 44'. All voted in favor of the motion.

Mensing moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1310, SECOND SERIES and that the reading of the same be waived. Resolution Number 1310, Second Series is a resolution providing for the road closure barricades on "A" Street. All voted in favor of the motion.

Lewis moved, Mensing seconded, the approval of a Refuse Haulers License for Ritter's Sanitary Service for the period April 1, 1991 through March 31, 1992 at a fee of \$50.00. All voted in favor of the motion.

Stores moved, Lewis seconded, and it was unanimously approved that the following plumbers licenses be approved contingent upon the receipt of the proper application and fee of \$20.00. These licenses are for the period April 1, 1991 through March 31, 1992.

Jerome Jakobson DBA Plumbing & Heating of Willmar, Inc.  
Michael Paulson DBA Mike's Plumbing  
Richard Winter  
Gary Smidt DBA Gary's Plumbing & Heating.

The financial report for the year to date revenues and expenditures through the month of February were presented to the City Council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report addressed the revenues and expenditures in relationship to the 1991 budget.

Reports by the Councilmembers of various committees, commissions and boards were presented to the council as follows:

Mensing	Senior Citizen Commission - have been working with the determination of the stagger terms for the members of this commission.
Siudzinski	No reports
Kirchner	Requested the consideration of the City Council subscribing to the City of Cottonwood newspaper be placed on the next regular City Council meeting agenda.

## REGULAR MEETING - MARCH 18, 1991

- Lewis Utilities Commission - did indicate that the Utilities Commission reviewed the reduction in payment from the city as proposed for hydrant rentals and electricity for 1991 and will make a decision at their next meeting. The Utilities Commission did approve the proposed Watermain Projects for 1991.
- Stores Did advise the City Council that they are invited to a Cultural Diversity Workshop entitled a "World of Difference" to be held at the Marshall Public Schools on Monday, April 8, 1991.
- Feda Did indicate that he had attended a Southwest Regional Development Commission and did indicate that Solid Waste Plans for the 9 counties in the region had been discussed.

Lewis moved, Mensing seconded, the approval of a special vehicle license for Robert Egly to operate a golf cart type vehicle on designated streets in the City of Marshall. This license is for the calendar year 1991 at a fee of \$25.00. All voted in favor of the motion.

Siudzinski moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 40413 through 40700.

The following building permits and permit to move building previously approved by the Building Official were confirmed:

Dennis Lozinski  
705 East Main Street  
DeAustin Addition  
Block 1, NW'ly 1/2 of Lot 1  
Reside & Replace 5 Windows  
\$2,000

Geske Building & Supply Company  
605 South Bruce Street  
Capitol Hill Addition  
Block 2, Lot 3  
Remodel Family Room  
\$600


APPLICATION FOR PERMIT TO MOVE BUILDING

Pat Clark  
From: 100 South Bruce Street  
To: RR #2, Section 10, Lynd Township  
Dwelling/Garage  
\$50

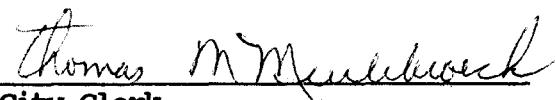
A word of appreciation was extended to City Engineer Rich Victor for the information provided to the City Council in regard to accidents at the intersection of Saratoga Street and the Marshall High School parking lot.

Duane Aden, City Administrator, advised the council of a legislative conference to be held on April 10th. Mayor Feda and Councilperson Stores indicated an interest in attending this meeting.

Upon motion made by Lewis, seconded by Stores, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - APRIL 1, 1991

The regular meeting of the Common Council of the City of Marshall was held on April 1, 1991. The meeting was called to order at 7:33 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Siudzinski, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited.

It was the general consensus of the council the agenda be approved with the addition of item no. 12 which is the consideration of a resolution declaring a vacancy on the City Council due to the resignation of Councilperson Siudzinski.

Mensing moved, Lewis seconded, the approval of the minutes of the regular meeting held on March 18, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

A discussion was held at this time in regard to the City of Marshall subscribing to the Official County Newspaper. The City Council was advised that each year the county designates a different County newspaper as the Official Newspaper. Once the designation has been made the Official Newspaper is to disseminate any legal notices to the other newspapers within the county. Kirchner moved, Stores seconded, the City of Marshall subscribe to the Official Newspaper for the County and that this authorized expenditure be paid out of the Mayor and Council dues and subscription account. All voted in favor of the motion, except Byrnes who voted no.

Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1311, SECOND SERIES and that the reading of the same be waived. Resolution Number 1311, Second Series is a resolution indicating the City of Marshall's support of a Housing Commission application for a Comprehensive Improvement Assistance Program. The intent of this program is to over a 5 year period of time make major improvements to Housing Commission properties with concentration on the family units. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1312, SECOND SERIES and that the reading of the same be waived. Resolution Number 1312, Second Series is a resolution authorizing the advertisement for bids for Project No. 1991-007 which is the construction of a sanitary sewer on the proposed Lyon Street extension. These bids will be received at 2:00 o'clock P.M. on April 30, 1991. All voted in favor of the motion.

Marvin Bahn, Director of Public Safety, and Mike Leese, Sergeant Marshall Police Department, were attendance at the meeting to discuss with the city council authorization for out-of-state travel for a special training program designed for the development of driver instructor training program. All expenses associated with this project would be reimbursed by the State. The City of Marshall's contribution would be the payment of the police officers regular time. The individual who would attend this training program would be used in special driving instruction programs for the City of Marshall employees and potentially other agencies in Southwest Minnesota. The training would be held in Albuquerque, New Mexico. Mr. Leese did indicate that the officer attending this training would be a lifetime certified instructor, that when this instructor does training for other agencies in Southwest Minnesota all expenses and wages would be reimbursed to the city and that the instructing for these other agencies would be done at the convenience of the Marshall Police Department and on the officers time with the Marshall Police Department. Lewis moved, Siudzinski seconded, out-of-state travel be granted to one officer from the Marshall Police Department to attend a special training program designed for the development of a driver instructor training program. All voted in favor of the motion.

## REGULAR MEETING - APRIL 1, 1991

Upon the request of one of a Marshall Public School principal, Fedra moved, Lewis seconded, the proper city personnel be authorized to dispose of two bicycles, that have been recovered by the Marshall Police Department to the Marshall Public School at a fair price. These bicycles are to be made available to a family with special needs. All voted in favor of the motion.

Byrnes moved, Lewis seconded, and it was unanimously approved that the following Plumbers Licenses be approved contingent upon the receipt of the proper application and fee of \$20.00. These licenses are for the period April 1, 1991 through March 31, 1992:

Gary Hansen DBA G H Plumbing & Heating  
Joseph Mortier DBA Bisbee Plumbing & Heating  
Vernon Goslar DBA Trio Plumbing & Heating  
Glenn Larson DBA Glenn Larson Plumbing & Repair  
Andrew Maertens Plumbing  
Edward Duthoy DBA Ed's Plumbing & Heating  
Rodney Bruflat DBA Bruflat Plumbing & Heating  
John Jenniges DBA Jenniges Plumbing & Heating  
James Wambeke DBA Wambeke's Plumbing & Heating

Mensing moved, Lewis seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have endorsed the application for a one day off-site lawful gambling for the American Legion Post 113 for operation at the Marshall Country Club on June 7, 1991 and that the 60 day waiting period be waived. All voted in favor of the motion.

Kirchner moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1313, SECOND SERIES and that the reading of the same be waived. Resolution Number 1313, Second Series is a resolution establishing the terms of the Senior Citizen Center Commission. The terms established were for Dale Parks to expire May 1, 1992; Lee Doering and George Marcotte for terms to expire May 1, 1993; Randi Kirchner for a term to expire December 1, 1992 and Andy Mensing a term to expire December 1, 1994. All voted in favor of the motion.

Mayor Fedra reviewed with the City Council the activities of a Library Task Force he had been appointed to by the State to review the statutes and make a recommendation to which entity or entities should govern libraries. Mayor Fedra indicated that it was the recommendation of this task force that the statutes provide for the libraries to be governed by that agency which provides its primary funding. Stores moved, Siudzinski seconded, that City Attorney Brian Murphy and County Attorney Chuck MacLean work together to formulate a request of the Attorney General for an opinion on pay equity as it relates to the Marshall Lyon County Library employees. All voted in favor of the motion.

Reports by the Councilmembers of various commissions and boards were presented to the council as follows:

Stores	Park, Recreation and Community Education Board has set April 23, 1991 as Discovery Night at which time this board will meet with the various city organizations to do a needs assessment.
Byrnes	Public Housing Commission - indicated that the commission has entered into a contract for washing and laundry machines to be handled by one contractor.
Lewis	No report.
Kirchner	No report.

## REGULAR MEETING - APRIL 1, 1991

Siudzinski Convention and Visitor's Bureau is going ahead with the advertising campaign on the billboards. They will be doing some advertising for the Jackpot Junction Brochures indicating that there are various hotel/motel accommodations within the City of Marshall. The Convention and Visitor's Bureau has donated some money to the Chamber for a parade float.

Cable Commission - they have hired an intern Jeff Stanton and that there is a new program called County Talk in which Bill Cole will be providing information twice a month. The commission has requested an additional access channel and questioned the Cable Franchise change in which a request was made for an NBC affiliate to be included in the basic service.

Mensing No report.

Feda Southwest Regional Development Commission - at their quarterly meeting it was indicated that there are currently 161 agencies loaning money for economic development. The SRDC will be putting together a catalog with the loaning agencies. Indicated that the commission is in support of GMC (Greater Minnesota Coalition) and that there are some communities within the region doing housing studies.

Lyon County Board - is having a open house at the Courthouse on April 10, 1991 and April 11, 1991.

Some concern was expressed at this time in regard to the Weiner Memorial Medical Center hospital accreditation. A concern was expressed by the councilmembers in regard to the hospital dropping the status and will like more information from Ron Jensen, Administrator of Weiner Memorial Medical Center on this issue.

Councilperson Siudzinski took this opportunity to extend to the council her resignation as a councilperson effective immediately.

Kirchner moved, Stores seconded, the resignation of Judy Siudzinski as councilperson be accepted with sincere regrets and the city council extend its appreciation to Judy for the many years of service she has provided as councilperson to the City of Marshall. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1314, SECOND SERIES and that the reading of the same be waived. Resolution Number 1314, Second Series is a resolution declaring a vacancy on the council and providing for a special election. This resolution provides for a special election to be held on May 14, 1991 in the Second Ward of the City of Marshall for a councilperson to replace Judy Siudzinski who has resigned. All voted in favor of the motion.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher No. 40702 through 40879.

The following building permits previously approved by the Building Official were confirmed:

David Eggers  
807 Woodfern Drive  
Southview Subdivision  
Block 5, Lot 4  
Finish Basement  
\$2,000

Pat Clark  
100 South Bruce Street  
Morningside Heights Addition  
Block 4, Lot 10  
Move Out Dwelling/Garage  
\$0

## REGULAR MEETING - APRIL 1, 1991

Marshall Cemetery Association  
700 North Bruce Street  
Section 3  
Part of NW 1/4  
Remodel for Office  
\$500

Mike's Cafe  
203 East College Drive  
Original Plat  
Block 14, Lot 9 & 10 and Part of 8  
Remodel Rear Entrance  
\$2,000

Harold & Sharon Knolls  
501 North Bruce Street  
VerMarv Addition  
Block 2, Part of 1, 2, 9 & 10  
Remodel Basement  
\$14,000

Robert L. Carr Company  
908 East Main Street  
Section 9  
Part of SE 1/4 of NE 1/4  
Addition to Restaurant  
\$20,000

Becky Brownlee  
1407 East College Drive  
Frank J. McLaughlin Subdivision  
Lots 3-7  
Addition to Restaurant  
\$5,000

Brian Gritman  
510 West Marshall Street  
Stewart & Jenkins Addition  
Block 2, Part of Lot 2  
Install Handicapped Bathroom & Ramps  
\$6,000

Lisa Haney  
1005B Travis Road  
Westmar Lots  
Block 2, South 1/2 of Lot 5  
Bedroom  
\$1,500

Geske Building & Supply Company  
704 Sara Circle  
Westmar Lots  
Block 4, Lot 5  
Reside Dwelling  
\$3,600

A discussion was held at this time in regard to a budget concern, in particular and as it relates to the cut backs in L.G.A.'s by the state and the city filling vacancies for personnel that have terminated their employment with the City of Marshall. A suggestion was made that there be a hiring freeze and that some positions maybe not filled due to a resignation. The discussion continued in regard to the promoting of an employee within a department and of hiring minorities - females and etc., as it relates to the affirmative action of the City of Marshall. Much of this discussion generated around a vacancy that has taken place within the Police Department due to the resignation of Paul Soppeland, a detective. It was the general consensus of the council that this issue be referred to the Personnel Committee.

Due to the resignation of Councilperson Siudzinski, Councilperson Kirchner has agreed to serve as an interm liaison to the Cable Commission, Lewis as liaison to the Convention and Visitor's Bureau, Stores as liaison to the Transportation Public Improvement Committee, and Mensing as liaison to the Joint City County Library Board.

Councilperson Kirchner advised the council that she does have the contact phone number for Ted Winter for those who are interested in contacting him in regard to the Solid Waste Bill. Contacts should be made prior to April 3, 1991. The House File on this Solid Waste Bill is number 890.

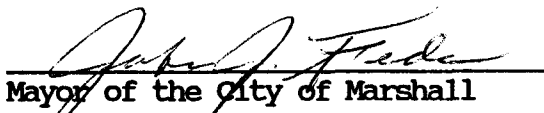


## REGULAR MEETING - APRIL 1, 1991

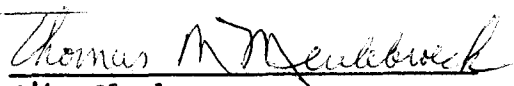
City Administrator Duane Aden informed the council that he was advised that an informational meeting will be held either April 30, 1991 or May 2, 1991 in regard to the Lyon County Solid Waste Management Plan. This informational meeting will be conducted by the State of Minnesota Office of Waste Management.

A Personnel Committee meeting was scheduled for April 16, 1991 at 4:00 o'clock P.M.

Upon motion by Lewis, seconded by Byrnes, the meeting was adjourned. All voted aye.

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk

## REGULAR MEETING - APRIL 15, 1991

The regular meeting of the Common Council of the City of Marshall was held on April 15, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited.

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

Byrnes moved, Lewis seconded, the approval of the minutes of the regular meeting held on April 1, 1991 as filed with member and that the reading of the same be waived. All voted in favor of the motion.

Stores moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1315, SECOND SERIES and that the reading of the same be waived. Resolution Number 1315, Second Series is a resolution amending the General Fund budget amounts for fiscal year ending December 31, 1991. Most departments budgets were amended (reduced) due to the loss of approximately \$60,000 in Local Government Aid payments from the State. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Stores seconded, a conditional use permit for a home occupation in an R-1, One Family Residence District, for sound system installation business and a seamstress business at 205 North High Street be approved for one year for Mike and Danette Stoks. All voted in favor of the motion.

Mike Zagar and Robert Roskepf, Rieke, Carroll, Muller Associates, Inc., were in attendance at the meeting to discuss with the council a proposal for engineering services to develop a master plan for future improvements at the Wastewater Treatment Plant. The engineers will develop growth, flow and load projections; evaluate the capacity on the present facilities; evaluate odor problems at the treatment facility; evaluate desirability of a common pretreatment facility; evaluate the existing rate structure; and evaluate the residual solids reuse options. In the proposal presented by Rieke, Carroll, Muller and Associates an indication was made that it would have been desirable if records had been kept by the city of past complaints, corresponding weather conditions, time of year and etc. They would have been a value to the engineers for reviewing odor problems. Byrnes moved, Mensing seconded, the proper city personnel be authorized to enter into an agreement with Rieke, Carroll, Muller and Associates for engineering services for the development of the Wastewater Treatment Facility master plan for future improvements. All voted in favor of the motion.

Dean McDaniel and Dave Marks, representatives from the Marshall Volunteer Fire Department, were in attendance at the meeting to discuss with the council the revisions to the Marshall Volunteer Fire Department Constitution and By-Laws. Upon the request of the Marshall Volunteer Fire Department, Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1316, SECOND SERIES and that the reading of the same be waived. Resolution Number 1316, Second Series is a resolution amending the By-Laws of the Marshall Volunteer Fire Department. All voted in favor of the motion.

Upon the request of Dave Weber of Sears Authorized Sales Center at 401 West Main Street, Kirchner moved, Lewis seconded, Sears be granted the use of 4 parking stalls behind the Sears Store on April 19th and 20th for a parking lot sale consisting of lawn and garden equipment. All voted in favor of the motion.

Rich Voller, Manager of Marshall Municipal Utilities, was in attendance at the meeting to discuss the agreement between the Marshall Municipal Utilities and Lyon-Lincoln Electric Cooperative in regard to the service territory

## REGULAR MEETING - APRIL 15, 1991

boundaries. The agreement allows for the Marshall Municipal Utilities to serve all customers within the corporate limits of the City of Marshall, customers outside the corporate limits but within the service territory boundary established pursuant to the 1974 territorial law; and several exception customers. Some trading of territory and exceptions would be granted to the Lyon-Lincoln Cooperative. The agreement also provides for the Marshall Municipal Utilities to pay the Coop \$.0075 per KWH, for a 10 year period, for existing customers acquired and the same amount for future customers, for a period of ten years, in the acquired territory. The Marshall Municipal Utilities will pay Lyon-Lincoln Cooperative for the remaining value of lines, transformers and services that provide service to customers that Marshall Municipal Utilities is acquiring. Future acquisitions, after five years, allow for renegotiation of the KWH rate at five year increments. Lewis moved, Mensing seconded, the proper city personnel be authorized to execute this agreement as presented. All voted in favor of the motion.

Rich Voller, Manager Marshall Municipal Utilities, discussed with the city council the contract with Heartland Power Company for the sale of capacity from the Marshall Municipal Utilities generator. Upon the recommendation of the Marshall Municipal Utilities, Lewis moved, Byrnes seconded, the proper city personnel be authorized to execute a contract with Heartland Power Company for the sale of capacity from the Marshall Municipal Utilities generator. This contract would allow for Heartland to purchase capacity from the Marshall Municipal Utilities through the year 2016. All voted in favor of the motion.

Upon the recommendation of the Marshall Housing Commission, Kirchner moved, Byrnes seconded, the proper city personnel be authorized to execute a request for mortgage funds under the Minnesota Housing Finance Agency. Under this program qualified buyers would be able to obtain affordable mortgages under favorable interest rates and terms. The mortgages would be purchased by the Minnesota Housing Finance Agency and funded through their bonding program. The request would be for \$500,000 available under this program for approximately 10 home buyers. All voted in favor of the motion.

Bids were received, opened and read on April 4, 1991 at 2:00 o'clock P.M. for Project No. 1991-001, 1991-002, 1991-003, 1991-004 and 1991-005. Bids received, opened and read were as follows:

Storm Sewer Improvements, Project No. 1991-001, Job 404:

Don Bartz Excavating  
Marshall, Minnesota  
\$60,411.00  
R & G Construction  
Marshall, Minnesota  
\$67,670.05

Mid State Utilities  
Slayton, Minnesota  
\$74,645.80  
Severson Tiling  
Marshall, Minnesota  
\$68,912.30

Quam Construction  
Willmar, Minnesota  
\$71,134.02

Gaub Inc.  
Olivia, Minnesota  
\$98,761.00

Watermain Replacement, Project No. 1991-002, Jobs 505, 506, 507 & 508:

Don Bartz Excavating  
Marshall, Minnesota  
\$72,525.28

R & G Construction  
Marshall, Minnesota  
\$109,562.00

Quam Construction Company  
Willmar, Minnesota  
\$136,709.35

Gaub Inc.  
Olivia, Minnesota  
\$101,162.00

## REGULAR MEETING - APRIL 15, 1991

## Watermain Construction, Project No. 1991-003, Job 502:

Don Bartz Excavating  
Marshall, Minnesota  
\$12,615.42

R & G Construction  
Marshall, Minnesota  
\$17,598.95

Quam Construction Company  
Willmar, Minnesota  
\$25,410.80

Gaub, Inc.  
Olivia, Minnesota  
\$16,362.00

## Sidewalk Replacement, Project No. 1991-004, Job 509:

Buchholtz Construction  
Marshall, Minnesota  
\$28,402.60

## Sidewalk Construction, Project No. 1991-005, Job 513

Buchholtz Construction  
Marshall, Minnesota  
\$120,506.00

Byrnes moved, Lewis seconded the adoption of RESOLUTION NUMBER 1317, SECOND SERIES and that the reading of the same be waived. Resolution Number 1317, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Storm Sewer Project No. 1991-001, Job No. 404. The public hearing will be held on May 6, 1991 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Kirchner moved, Lewis seconded the adoption of RESOLUTION NUMBER 1318, SECOND SERIES and that the reading of the same be waived. Resolution Number 1318, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Watermain Replacement, Project No. 1991-002, Job Nos. 505, 506, 507 and 508. The public hearing will be held on May 6, 1991 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Lewis moved, Mensing seconded the adoption of RESOLUTION NUMBER 1319, SECOND SERIES and that the reading of the same be waived. Resolution Number 1319, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Watermain Construction, Project No. 1991-003, Job No. 502. The public hearing will be held on May 6, 1991 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Lewis moved, Byrnes seconded the adoption of RESOLUTION NUMBER 1320, SECOND SERIES and that the reading of the same be waived. Resolution Number 1320, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Sidewalk Replacement, Project No. 1991-004, Job No. 509. The public hearing will be held on May 6, 1991 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

A financial report for the year to date revenues and expenditures through the month of March, 1991 was presented to the city council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report addresses revenues and expenditures in relationship to the 1991 budget.

Lewis moved, Byrnes seconded, a 4 month non-intoxicating beer license be granted to the Marshall Softball Association to be used at the Softball Complex at a fee of \$60.00. This license is for the period May 13, 1991 to September 13, 1991. All voted in favor of the motion.

## REGULAR MEETING - APRIL 15, 1991

Lewis moved, Kirchner seconded, a special vehicle permit be granted to Robert Egly for the operation of a golf cart type vehicle on specific City of Marshall streets for the period January 1, 1991 through December 31, 1991 at a fee of \$25.00. All voted in favor of the motion.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following plumbers licenses be approved contingent upon the receipt of the proper application and fee of \$20.00. These licenses are for the period April 1, 1991 through March 31, 1992.

Ken Holm DBA Heartland Mechanical  
Joe Voss DBA Voss Plumbing & Heating of Paynesville

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1321, SECOND SERIES and that the reading of the same be waived. Resolution Number 1321, Second Series is a resolution declaring the adequacy of a petition, ordering the improvement and authorizing the preparation of plans and specifications for the necessary grading, curb and gutter, gravel base and bituminous surfacing for a frontage road and for 11th Street and Fairview Street in McLaughlin Industrial Park Addition. A petition had been filed with the Finance Director/City Clerk's office with 100% signatures of the property owners abutting this property. This property was platted in 1988 which was prior to the ordinance adopted by the City of Marshall addressing sidewalks, therefore sidewalks is not applicable in this area but this resolution was adopted with the understanding that if sidewalks are warranted in the future that they will be considered under the normal procedures. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the consideration of a resolution declaring the adequacy of petitions ordering the improvement and authorizing the preparation of plans and specifications for an alleyway between North 3rd Street and North 4th Street, Block 20, Original Plat of the City of Marshall be placed on the agenda. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1322, SECOND SERIES which is a resolution declaring the adequacy of a petition, and calling for a feasibility report for the regarding, gravel base and bituminous surfacing of an alleyway between North 3rd Street and North 4th Street, Block 20, Original Plat of the City of Marshall. A petition had been received with more than 35% of the affected property owners signing the petition. All voted in favor of the motion.

Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1323, SECOND SERIES and that the reading of the same be waived. Resolution Number 1323, Second Series is a resolution approving the final plat for Wal-Mart Addition to the City of Marshall. Robert Rohlin from Meyer and Rohlin Engineers - Land Surveyors was in attendance at the meeting to answer any questions in regard to the final plat for Wal-Mart Addition. The plat provides for the construction of a frontage road from the existing township road to the entrance onto Trunk Highway 23 by Independent Lumber. The plat also subdivides this area into 3 individual lots. The plat does meet all the requirements of the subdivision ordinance. In response to a questions raised in regard to sidewalks in this area it was indicated that at such time that development does progress in the area the sidewalks would be implemented per the city ordinances. All voted in favor of the motion.

Reports by the Councilmembers of various commissions and boards were presented to the council as follows:

Mensing      Public Transportation - a Public Improvement Transportation Committee meeting had been held with representatives from the Minnesota Department of Transportation who are putting together a report referred to as the Marshall Plan which addresses the City of Marshall's needs for a transit system.

## REGULAR MEETING - APRIL 15, 1991

Hospital Board - accreditation was discussed in particular as it relates to the JACHO Program. Of concern was quality assurance vs the Department of Health program.

Kirchner Cable Commission - indicated that there meetings do start at 7:00 o'clock P.M. and that there were discussions in regard to another public access channel and there would be additional cost of adding this channel. Kirchner requested the Park & Rec Director, Harry Weilage, to investigate this request. The Cable company is moving ahead to provide 54 channels which would have a corresponding rate increase. The Minnesota sports station has been discussed and has been found to be extremely expensive and must have 80% of cable subscribers subscribing to this channel. The taping of City Council meetings is on hold until the speaker system is installed and the lighting is fixed. The Cable Commission Coordinator is having some difficulties working with the High School.

Lewis Convention and Visitors Bureau - is pursuing advertising in the gaming brochures for Jackpot Junction as to the hotels and motels available in the City of Marshall, Minnesota.

Byrnes Housing Commission - did indicate that there a number of vacancies in the family units. The Housing Commission has had the employee job descriptions and pay plans approved.

Stores Parks, Recreation and Community Education - Discovery Night is April 23, 1991 and the registration for the Summer recreation programs is May 6, 1991 at the High School, and Justin Ingalls has resigned from the Parks, Recreation and Community Education Department.

Library Board - pay equity and automation were items that were of concern at the last board meeting. April 26, 1991 is the date established for the Joint County Commissioner City Council meeting in regard to the Library operation.

Feda County Board - the open house went well on April 10th and 11th. They had a good attendance. April 30th has been the date set for the informational meeting on the Solid Waste Management Plan for Lyon County.

Southwest Regional Development Commission - Mayor Feda mentioned pay adjustments had been made for their staff.

Lyon County Facilitator - April 30th is the deadline for applications and it is the intent to have an employee hired by June 1, 1991.

League of Minnesota Cities Legislative Conference did discuss increases in taxes but were questioning which taxes to increase and there does not seem to be support for the Governor's proposal for cuts in local government aid.

There were a number of concerns that were discussed including the setting of time limits for parking in the downtown area particular the streets adjacent to the businesses; the setting of a date and place for having a dinner for a farwell party for ex-councilperson Judy Siudzinski, and blocking off "A" Street as originally approved by the City Council.

Lewis moved, Kirchner seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher No. 40882 through 41119.

## REGULAR MEETING - APRIL 15, 1991

The following Building Permits previously approved by the Building Official were confirmed:

Randolph Johnson  
301 Hudson Avenue  
Janzen Addition  
Block 1, Lot 3  
Interior Remodelling - additional work  
\$7,000

True Value Home Center  
402 North Bruce Street  
Section 3  
Part of SW 1/4 of NW 1/4  
Dwelling  
\$65,000

True Value Home Center  
1120 Horizon Drive  
Belvedere Estates Addition  
Block 1, Lot 17  
Dwelling  
\$90,000

Ralph Hall  
411 North 7th Street  
Stewart & Jenkins Addition  
Block 3, Part of Lot 11  
Reside, replace 4 windows,  
bathroom addition and reroof  
\$10,000

Schwan's Sales Enterprises Inc.  
115 West College Drive  
Section 4  
Part of SW 1/4 of SW 1/4  
Demolish Storage Building  
\$0

Gary & Rita Smidt  
113 Ranch Avenue  
FreMar Addition  
Block 1, Lot 7  
Replace windows, siding  
\$7,500

Dan Schaeffer  
107 Church Avenue  
Section 4  
Part of NW 1/4 of SE 1/4  
Replace 1 window  
\$1,300

Rieber Moe  
802 Cheryl Avenue  
Eatros Place Sixth Addition  
Block 1, Lot 2  
Deck  
\$1,100

Arlo Gilfillan  
117 Ranch Avenue  
FreMar Addition  
Block 1, Lot 9  
Deck  
\$900

REM SW Services Inc.  
403 Thomas Avenue  
Eatros Place 4th Addition  
Block 3, Lot 10  
Egress Windows, bathroom, ramp and  
Interior basement partitions  
\$15,000

Joseph L. Cool  
117 South High Street  
Liberty Park Addition  
Block 3, Lots 22-25  
Remodel bathroom & new kitchen  
\$18,000

Schwan's Sales Enterprises Inc.  
305 West College Drive  
Section 4  
Part of SW 1/4 of SW 1/4  
Demolish receiving deck  
\$0

Al Bussmann  
1203 Morningside Circle  
Belvedere Estates Addition  
Block 1, Lot 31  
Utility Shed  
\$3,800

Gil Sook  
411 West Saratoga Street  
"A" Addition  
Block 5, Lot 6  
Replace 8 windows & reside  
\$5,000

John & Esther Andries  
703 Viking Drive  
Viking Plat V  
Block 3, Lot 2  
Dwelling  
\$70,000

Gary Zent  
1117 Sunset Circle  
Belvedere Estates Addition  
Block 1, Lot 24  
Dwelling  
\$117,000

## REGULAR MEETING - APRIL 15, 1991

Geske Building & Supply Co.  
609 West Marshall Street  
Stewart & Jenkins Addition  
Block 4, Lot 13  
Reside dwelling  
\$5,800

Jack Lanners  
411 North 4th Street  
Riverside Addition  
Block 6, Part of Lot 5  
Reside dwelling  
\$12,800

Gary D. Becker  
923 West Main Street  
Sunset View Addition  
Block 1, Lots 1 & 2  
Demolish Canopy  
\$0

Henry Blomme  
607 Kendall Street  
Howard's Addition  
Part of Lot 3  
Handicapped ramp & replace  
3 windows  
\$500


Councilperson Kirchner requested a Legislative and Ordinance Committee meeting to discuss implementing a smoke free ordinance for city buildings and vehicles. Ms. Kirchner also requested that a procedure be established to keep track of citizens complaints.

City Administrator, Duane Aden, indicated that the sound system equipment for the Council Chambers has been received and is hoped to be in place by the May 6, 1991 meeting.

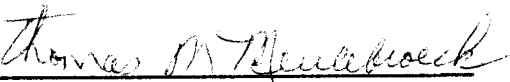
Mr. Aden also indicated that the additional public access channel requested would not be for city use or require any city money. This channel would be dedicated to SSU and Marshall High School.

April 23rd at 4:00 o'clock P.M. was the date and time set for a Legislative and Ordinance Committee meeting.

Upon motion made by Lewis, seconded by Mensing, the meeting was adjourned. All voted aye.

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk



## REGULAR MEETING - MAY 6, 1991

### BOARD OF REVIEW - MAY 6, 1991

The 1991 Local Board of Review was convened at 6:00 P.M., May 6, 1991, by Mayor John Feda. Board members present: Mensing, Kirchner, Lewis, Byrnes and Stores. Absent: none. The Pledge of Allegiance was recited. Mayor Feda indicated the purpose of this meeting was to give property owners the opportunity to raise questions and review the tax base evaluations of their property. The meeting was then turned over to Calvin Barnett, City Assessor, for purposes of comment and hearing complaints.

Mr. Barnett briefly reviewed the informational packet developed by his department related to the 1991 assessment. This information included the current sales ratio studies for residential property, comments on the supply and demand of residential housing, activities of the department related to inspection work, and a list of letters received as complaints addressed to the 1991 board.

A list of the letters accompanying the packet with complaints follow:

Kenneth LaVoie - 205 DeSchepper Street (27-295-007-0)  
 Joseph Friend - 1207 Westwood Drive (27-972-048-0)  
 Elroy Rund - 304 James Avenue (27-568-002-0)  
 Suzan Jackson - 1233 Winchester Avenue (27-995-141-0)  
 PPG Industries - 1604 Superior Road (27-383-016-0 & 27-383-018-0)  
 Martin Ehlers - 1424 East College Drive (27-527-011-0)  
 Ted Olsen - East Saratoga Street (27-819-019-0 & 27-819-020-0)

The Local Board of Review received complaints from Mr. Jim Stalpes, 805 Woodfern Drive, (27-812-059-0), regarding the \$9,400 increase in his estimated market value for the 1991 assessment. Mr. Stalpes also questioned what construction had been picked up that had not previously been assessed.

Mr. Rick Schaeffer, R. R. 2, Box 2, (Gensis Avenue) (27-611-001-0) questioned the new construction work that had been picked up for the 1991 assessment on his property. Mr. Schaeffer also commented about the location of his property and if that had been considered in the 1991 assessment.

Mr. Barnett indicated that contact would be made with all of the above property owners including those which had complained in writing, so that the complaints could be investigated and a recommendation returned to the next meeting of the Local Board of Review.

Mensing moved, Byrnes seconded, the 1991 Local Board of Review be adjourned to May 20, 1991 at 7:30 P.M. All voted in favor of the motion.

The regular meeting of the Common Council of the City of Marshall was held on May 6, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Kirchner, Lewis, Byrnes and Stores. Absent: none.

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

Kirchner moved, Lewis seconded, the approval of the minutes of the regular meeting held on April 15, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Upon the recommendation of the City Engineer, Rich Victor, Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1324, SECOND SERIES and that the reading of the same be waived. Resolution Number 1324, Second Series is a resolution

**REGULAR MEETING - MAY 6, 1991**

awarding the contract for Storm Sewer and Minor Grading Project No. 1991-001 to Don Bartz Excavating, Marshall, Minnesota in the amount of \$60,411. All voted in favor of the motion.

Upon the recommendation of City Engineer, Rich Victor, Kirchner moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1325, SECOND SERIES and that the reading of the same be waived. Resolution Number 1325, Second Series is a resolution awarding the contract for the Sidewalk Construction Project No. 1991-005 to Buchholtz Construction, Marshall, Minnesota in the amount of \$120,506. A concern was expressed as to whether or not this contract included a completion date and penalty clause for the contract not being completed by the completion date. All voted in favor of the motion.

This was the date and time set for a public hearing on the assessments for Project No. 1991-001 through 1991-004. There were no questions or concerns in regard to Project No. 1991-001 (Storm Sewer on Fairview Street) and 1991-003 (Watermain on Lyon Street).

In regard to Watermain Replacement Project No. 1991-002 on East Lyon Street Kourosh Morteza pour, 200 "B" Street, expressed his concern that these improvements should be paid from available funds that the city has and not be assessed to the adjacent property owners.

In regard to Project No. 1991-004 which is sidewalk replacement in various locations within the City of Marshall it was indicated that in response to a question that sidewalks would be installed along 306 East Lyon Street.

Byrnes moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1326, SECOND SERIES and that the reading of the same be waived. Resolution Number 1326, Second Series is a resolution adopting the assessment roll for Storm Sewer and Minor Grading Project No. 1991-001 for Job No. 404, setting the interest rate at 8 1/2% with an 8 year payment period and with no interest being charged if the assessment is paid prior to September 1, 1991. All voted in favor of the motion.

Stores moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1327, SECOND SERIES and that the reading of the same be waived. Resolution Number 1327, Second Series is a resolution adopting the assessment roll for Watermain Replacement Project No. 1991-002 for Job No. 505, 506, 507 and 508, setting the interest rate at 8 1/2% with an 8 year payment period and with no interest being charged if the assessment is paid prior to September 1, 1991. All voted in favor of the motion.

Kirchner moved, Stores seconded, the adoption of a resolution for the assessment roll for Watermain Construction Project No. 1991-003, Job No. 502. The assessments for this project are to be deferred with no interest. This resolution was not adopted since it did not have the exact wording to defer the assessments, therefore the motion to adopt and the second were withdrawn and this will be considered at the regular meeting to be held on May 20, 1991.

Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1328, SECOND SERIES and that the reading of the same be waived. Resolution Number 1328, Second Series is a resolution adopting the assessment roll for Sidewalk Replacement Project No. 1991-004 for Job No. 509, setting the interest rate at 8 1/2% with an 5 year payment period and with no interest being charged if the assessment is paid prior to September 1, 1991. All voted in favor of the motion.

At a meeting of the Economic Development Authority held on April 16, 1991 it was approved that the EDA submit a request to Lyon County requesting that they contribute \$33,333 directly to the Southwest Initiative Fund rather than make a payment to the Marshall EDA Fund and that the EDA add an additional \$16,667 to the payment from the

**REGULAR MEETING - MAY 6, 1991**

County for a total of \$50,000 to be paid to the Southwest Initiative Fund for Economic Development Loan purposes. The action of the Economic Development Authority remains unless the city council disapproves. Kirchner moved, the action of the Economic Development Authority to transfer \$16,667 to the Southwest Initiative Fund be denied. Motion died due to the lack of a second. Kirchner expressed her concern in regard to this action not being that of the original intent of the Economic Development Authority and that the actions of the Economic Development Authority should be those concerns of elected public officials rather than that of the committee. Brian Hoffman a representative from the Economic Development Authority was in attendance at the meeting to discuss with the council the transferring of the money and the proposed use of this money. It was indicated that the Southwest Initiative Fund is a non-profit organization consisting of approximately 19 counties funded by the McKnight Foundation. The action of the EDA stands as recommended at the April 16, 1991 meeting.

Byrnes moved, Mensing seconded, the proper city personnel be authorized to execute the agreement between the City of Marshall and the Minnesota Corn Processors (MCP) for the purpose of providing pretreatment services for MCP's wastewater discharges. The agreement is basically the same as the agreement that has been in place, except there are some items added for reducing discharges under special conditions and also to provide for a stronger communication link between the Wastewater Treatment Plant and the Minnesota Corn Processors. The agreement also provides for increased flows after such time that MCP would build a clarifier at the pretreatment facilities. All voted in favor of the motion.

A discussion was held at this time in regard to a proposed resolution recommended by the Legislative and Ordinance Committee which would establish all city buildings and vehicles to be tobacco free. This recommended resolution was discussed with the Employee Personnel Committee and did receive some opposition from this committee representing the employees of the City of Marshall. Kirchner moved, Stores seconded, the adoption of a resolution establishing all city buildings and vehicles as tobacco free. A concern was expressed in regard to the designated areas that now exist for smoking and the enforcement of the resolution that is on the books at this time which provides for smoking in designated areas. Voting in favor of the motion were Kirchner and Stores. Voting no were Mensing, Byrnes, Lewis and Feda. A suggestion was made that the areas designated for smoking be reviewed and that maybe some alternatives be considered for the break room.

Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1329, SECOND SERIES and that the reading of the same be waived. Resolution Number 1329, Second Series is a resolution modifying Sections 8 and 10 of the Personnel Policy, Rules and Regulations for the employees of the City of Marshall. This resolution provides for the reinstatement that had been inadvertently removed pertaining to the payment of the accumulated sick leave for persons resigning from city employment and also provides for a three year period of review and potential pay adjustments rather than the existing two year period. This provides for more flexibility with no change in the potential ultimate pay for new employees. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1330, SECOND SERIES and that the reading of the same be waived. Resolution Number 1330, Second Series is a resolution approving the plans and specifications and authorizing advertisement for bids for Project No. 1991-008 which includes grading, gravel base, curb & gutter and bituminous surfacing for North 11th Street and Fairview Street from Main Street and North 11th Street to Fairview Street and Trunk Highway 59 Job No. 514. These bids will be received on May 24, 1991 at 2:00 o'clock P.M. in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

Upon the request of Schwan's Sales Enterprises Inc., Kirchner moved, Lewis seconded, the introduction of an ordinance and calling for a hearing on the vacating of a

## REGULAR MEETING - MAY 6, 1991

60 foot frontage road easement along Block 2 of the Marshall Industrial Park Addition paralleling Highway No. 59. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1331, SECOND SERIES and that the reading of the same be waived. Resolution Number 1331, Second Series is a resolution accepting the Engineer's Feasibility Report and calling for a hearing on the bituminous surfacing of the alleyway between 3rd Street and 4th Street parallel with Marshall Street and Redwood Street. The public hearing will be held at 7:30 P.M. on June 3, 1991. All voted in favor of the motion.

Upon the request of City Administrator, Duane Aden, Kirchner moved, Lewis seconded, Duane Aden be allowed out of state travel to attend the Annual International City Managers Association Conference to be held in Boston, New York on September 22 to September 26, 1991. All voted in favor of the motion.

Upon the request of Schwan's Sales Enterprises Inc., Lewis moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1332, SECOND SERIES and that the reading of the same be waived. Resolution Number 1332, Second Series is a resolution temporarily closing South 1st Street from Saratoga Street to Depot Street and amending the resolution for the closing of "A" Street to accommodate services of the Marshall Volunteer Fire Department. South 1st Street would be temporarily closed until March 1, 1992 to allow for the construction work on the expansion of Schwan's Sales Enterprises Inc. All voted in favor of the motion.

Upon the request of Harry Weilage, Director of Parks, Recreation and Community Education, Lewis moved, Stores seconded, the approval of a transfer of \$600 from account number 101-801001-3301 to 101-802381-2211 and a supplemental revenue to 101-380802-0381 in the amount of \$4,600 and a supplemental expenditure to account number 101-802381-3308 in the amount of \$4,600 to compensate for additional youth development programming. All voted in favor of the motion.

Byrnes moved, Mensing seconded, the approval of a tobacco license for Raymond and Kathryn Wilson DBA Stan's Place and Catering, 329 West Main, effective April 1, 1991. All voted in favor of the motion, except Kirchner who voted no.

Kirchner moved, Lewis seconded, a special vehicle license be granted to Michael Lawrence Boedigheimer to operate two golf cart type vehicles on city streets within the City of Marshall and that the fee for these vehicles be waived since these vehicles will primarily be used to transport elderly residents within the City of Marshall. This license will expire December 31, 1991. All voted in favor of the motion.

Lewis moved, Byrnes seconded, a special vehicle license be granted to Steven Kane for the operation of a golf cart type vehicles on specific City of Marshall streets for the period January 1, 1991 to December 31, 1991 at a fee of \$25.00. All voted in favor of the motion.

Lewis moved, Stores seconded, a special city council meeting be scheduled for 7:30 A.M. May 15, 1991 to canvas the ballots from the special election to be held on May 14, 1991 to fill the vacancy on the City Council for Ward II. All voted in favor of the motion.

Reports by the Council members of various committees, commissions and boards were presented to the council as follows:

Mensing:	Senior Citizen Commission - did indicate the Marshall Area Senior Citizen Association have purchased an automatic door opener and that George Marcotte has been appointed as a new member to the Senior Citizen Commission.
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## REGULAR MEETING - MAY 6, 1991

Kirchner: No report.

Lewis: No report.

Byrnes: No report.

Stores: Park & Rec registration is being held this evening, May 6, 1991 for the Summer Park & Rec activities. The Joint City Council/County Commissioner meeting was held to discuss the operations of the Marshall Lyon County Library. The funding of the library was discussed and it was indicated that they are waiting at this time for an opinion from the Attorney General's Office on pay equity.

Feda: The Lyon County Facilitator Board have received 35 applications which has been narrowed to 7 at this time. Coalition of Greater Minnesota Cities are active in reacting to the House and Senate Bills of which Duane Aden and Cal Barnett are working on as representatives for the City of Marshall.

Byrnes moved, Mensing seconded, the approval of a side yard variance of 2 feet in lieu of 5 feet as is required per City Code for Scot and Peggy Smith at 408 Thomas Avenue to construct a utility shed. A question was raised as to whether or not there are any utility easements where this building is going to be constructed? It was indicated that there are no utility easements in this area. All voted in favor of the motion.

Byrnes moved, Mensing seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 41120 through 41366.

A concern was expressed as to whether or not the city is purchasing unleaded fuel with ethanol.

The following building permits previously approved by the Building Official were confirmed:

MN Corn Processors  
400 West Erie Road  
MN Corn Processors Ind. Park  
Block 1 Lot 2  
Evaporator Addition - Phase IV  
\$36,000

William Wood  
400 South First Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Entrance Deck  
\$150

Allan Carstensen  
115 East Greeley Street  
Section 4  
Part of SE 1/4 of SW 1/4  
Double Garage  
\$2,700

MN Corn Processors  
400 West Erie Road  
Mn Corn Processors Ind. Park  
Block 1 Lot 2  
1990 Steep Tank Addition  
\$75,000

Kris Salhus  
508 West Marshall Street  
Auditors Plat II  
Part of Lot 1  
Replace Windows & Install Railing  
\$1,000

Wal-Mart Stores, Inc.  
1101 East Main Street  
Wal-Mart Addition  
Block 1 Lot 2  
Temporary Sign  
\$200

## REGULAR MEETING - MAY 6, 1991

Patrick J. Maxwell  
407 North Fourth Street  
Riverside Addition  
Block 6 Part of Lot 5  
Garage  
\$3,500

True Value Home Center  
212 DeSchepper Street  
Viking Addition  
Block 5 Lot 6  
Family Room  
\$15,000

Locher Brothers Inc.  
610 West Erie Road  
Industrial Park I  
Block 5 Lot 6  
Cooler Walls  
\$8,500

Robert Verkinderen  
405 Lawrence Street  
Gray's Third Addition  
Block 1 Lot 3  
Reside, Replace Windows, Steps  
\$4,000

Taylor's Inc.  
1106 Columbine Drive  
Southview Second Subdivision  
Block 2 Lot 11  
Dwelling  
\$85,000

Paxton Signs  
923 West Main Street  
Sunset View Addition  
Block 1 Lots 1 & 2  
Two Signs  
\$500

Rent A Man  
408 West Saratoga Street  
"A" Addition  
Block 6 Lot 5  
Reside 4 Car Garage  
\$2,200

Gregory & Pamela Large  
115 Ranch Avenue  
Fre-Mar Third Addition  
Block 1 Lot 8  
Deck  
\$900

Denny Spielmann  
206 East Saratoga Street  
Viking Addition  
Oulot Glen Lot 9  
Egress Window  
\$200

Brietbach Construction  
1101 East Main Street  
Wal-Mart Addition  
Block 1 Lot 2  
Retail Store  
\$1,366,400

Tutt & Olson  
1403 Ridgeway Road  
Westwood Acres II  
Block 5 Lot 4 & Part of Lot 3  
Dwelling  
\$100,000

Bladholm-Sussner Construction Inc.  
702 West Fairview Street  
Section 33  
Part of SW 1/4 of SW 1/4  
Warehouse  
\$1,570,000

Steve Abel  
910 Boxelder Avenue  
Eastside Addition  
Block 1 Lot 5  
Deck  
\$500

Geske Building & Supply Company  
402 East Marshall Street  
Morningside Heights First Addition  
Block 5 Lot 10  
Reside Dwelling  
\$3,250

Brian Flesner  
311 South Fourth Street  
"A" Addition  
Block 2 Part of Lot 11  
Utility Shed  
\$500

Harry & Donna Boerboom  
612 Kathryn Avenue  
Eatros Place Third Addition  
Block 1 Lot 8  
Replace Kitchen Window  
\$300

**REGULAR MEETING - MAY 6, 1991**

Councilperson Stores did indicate to the council that she had attended the Solid Management Hearing and the Ground Breaking Ceremony for the Athletic Facility at Southwest State University. Stores also, indicated that she had placed a call to the Marshall Taxi System on Sunday, May 5, 1991 and they did have some difficulty with responding to the call and maintaining record of the call. This will be investigated.

Councilperson Lewis was concerned with the possibility of installing a stop sign or yield sign at the intersection of Sunrise and Horizon.

A brief discussion was held at this time in regard to the guidelines for loaning money from the Southwest Initiative Fund. It was indicated that the Southwest Initiative Fund has more stringent requirements than the Economic Development Authority does.


Councilperson Kirchner requested that a report be provided to the city council in regard to the revenues and costs as it relates to the credit card registrations for Park, Recreation and Community Education activities.

Councilperson Kirchner did indicate that she had received a call in regard to a City Park employee smoking in a city vehicle and discharging the cigarette from the moving vehicle. Ms. Kirchner also indicated that she had received a visit from two city employees at her house to express their concern in regard to city personnel smoking in undesignated areas.

Mayor Feda did express a concern at this time in regard to not renewing the contract with Corporate Risk Managers for insurance consulting services.

Upon motion made by Lewis, seconded by Mensing, the meeting was adjourned. All voted aye.

**THE COMMON COUNCIL**

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

**ATTEST:**

  
\_\_\_\_\_  
City Clerk/Financial Director

## SPECIAL MEETING - MAY 15, 1991

A special meeting of the Common Council of the City of Marshall was held on May 15, 1991. The meeting was called to order at 7:30 A.M. by Mayor Feda in the Marshall Municipal Building Council Chambers. In addition to the Mayor the following members were present: Mensing, Kirchner, Byrnes and Stores. Late: Lewis.

The election returns as filed by the Election Judges for the Special Election held on May 14, 1991 were presented by the Finance Director/City Clerk Thomas M. Meulebroeck. The summary of the votes for the City Council position in Ward II were determined to be as follows for said election:

	Fire Hall 2-1	Armory 2-2	Total
Don Bleloch	28	28	56
Fred Dreier	5	3	8
Thomas (Tom) Hess	113	144	257
Lester Schmid	25	72	97
John Doyle		2	2
David Fregen		1	1
Blank	<u>1</u>	<u>—</u>	<u>—</u>
Total	172	250	422
	=====	=====	=====

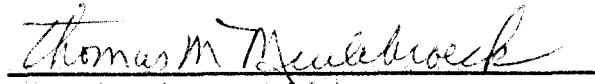
Byrnes moved, Stores seconded, Thomas (Tom) Hess be declared duly elected as Councilperson for Ward II of the City of Marshall for a term to expire on December 1, 1992 which was vacated by the resignation of Judy Siudzinski. All voted in favor of the motion.

Upon motion made by Mensing, seconded by Kirchner, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
Mayor of the City of Marshall, MN.

ATTEST:

  
City Clerk/Financial Director



## REGULAR MEETING - MAY 20, 1991

The regular meeting of the Common Council of the City of Marshall was held on May 20, 1991. The meeting was called to order at 7:30 P.M. by City Administrator Duane Aden. The Councilmembers in attendance at the meeting were: Mensing, Hess, Lewis, Byrnes and Stores. Absent: Mayor Feda and Councilperson Kirchner.

Thomas M. Meulebroeck, Finance Director/City Clerk, administered the Oath of Office to duly elected Councilmember Thomas Hess.

Due to the absence of Mayor Feda and President Pro-Tem Kirchner, Lewis moved, Mensing seconded, Councilperson Byrnes be nominated as Acting President for this City Council meeting. All voted in favor of the motion.

The Pledge of Allegiance was recited at this time.

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

Lewis moved, Stores seconded, the approval of the minutes of the regular meeting held on May 6, 1991 and the minutes of the special meeting held on May 15, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

This was the date and time set for a public hearing to consider the vacating of a frontage road easement along Block 2, Marshall Industrial Park as requested by Schwan's Sales Enterprises. This frontage road is parallel to Trunk Highway #59. The existing frontage road easement is 60 feet wide. There were no comments at this public hearing therefore, Lewis moved, Mensing seconded, the adoption of ORDINANCE NUMBER 273, SECOND SERIES and that the reading of the same be waived. Ordinance Number 273, Second Series is an ordinance vacating a frontage road easement in the City of Marshall. This easement is in Block 2, Marshall Industrial Park Addition parallel to Trunk Highway #59. This ordinance was adopted with the understanding that the Westerly 15 feet of the existing frontage road easement would remain for the purpose of utilities and that upon the request of the State of Minnesota Department of Highways this area of highway should be controlled access and no individual driveways and entrances would be allowed. All voted in favor of the motion.

This was the date and time set for a public hearing on the preliminary plat of Melissa Addition to the City of Marshall. Tom Serie from F & L Management & Development Company, Luverne, Minnesota was not able to be at the meeting to discuss the proposed plan with the City Council, therefore Greg Taylor was in attendance to answer any questions or concerns. Melissa Addition consists of about 2.23 acres located at the Northeast intersection of Fairview Street and North Bruce Street. Melissa Addition is proposed to be subdivided into 8 individual R-1, Single Family Residential Lots. In response to a question asked by Mr. Taylor, he was advised that all new subdivisions are required to have sidewalks in accordance with the City Sidewalk Plan. Mr. Victor did indicate to the council that he had received all the appropriate documents indicating compliance for the subdivision ordinance and did meet the satisfaction of his office. Rich Voller, Manager Marshall Municipal Utilities, was concerned with an easement for electrical wires and if this did allow for above ground wires as well. There were no further comments brought before the public hearing therefore, Mensing moved, Stores seconded, the preliminary plat for Melissa Addition be approved as recommended by the Planning Commission. All voted in favor of the motion.

This was the date and time set for a public hearing on the preliminary plat for Dano Addition to the City of Marshall. Dano Addition is proposed to be located in the triangular area North of Boxelder Avenue, West of North Bruce Street, and East of North 4th Street which is referenced to as the Meade property. Parcel D on the proposed plat is the Assembly of God Church property and the area to the South of that is zoned R-1 and is being requested to be rezoned to R-2 and R-3, Multiple Family. The area to the North of Parcel D and the Church is being requested to be subdivided into R-1, residential lots. Again Greg Taylor was available to answer any questions or concerns in regard to the this preliminary plat. Larry Peterson a resident along Fairview Street did address to the City

## REGULAR MEETING - MAY 20, 1991

Council the number of multiple family complexes within this area of the City of Marshall. He along with other residents in this area are concerned with the number of multiple family residences and the traffic in this area. Jake Janzen who resides on Boxelder Street did also address the council and expressed his opposition to this preliminary plat. Upon the recommendation of the Planning Commission, Mensing moved, Lewis seconded, the preliminary plat for Dano Addition to the City of Marshall be denied due to public opposition, failure to meet the requirements of the subdivision ordinance, plating requirements and due to the desire of the developer to separate the plat into two parcels. All voted in favor of the motion.

The following people appeared, sent letters and/or were represented by council at the 1991 Local Board of Review. These properties have been inspected where required and current sales have been considered in the review to develop the following recommendations by Calvin Barnett, City Assessor:

Mr. Kenneth LaVoie, 205 DeSchepper Street, Parcel No. 27-295-007-0. Mr. LaVoie wrote a letter to the Board raising several issues which have been answered. The 1990 assessment was increased from \$76,700 to \$77,200 in estimated market value for 1991 due to some additional plumbing picked up on the 1990 property inspection. This value change is typical when additional plumbing is picked up. Sales indicate the subject will sell greater than the current estimated market value of \$77,200, therefore no change was recommended.

Joseph Friend, 1207 Westwood Drive, Parcel No. 27-972-048-0. Mr. Joe Friend wrote a letter to the Local Board of Review appealing the value assigned the property for the 1991 assessment of \$90,100. The 1990 assessment was increased from \$84,000 to \$90,100 for the 1991 assessment. The primary reason for the increase in value relates to an increase in the neighborhood factor for homes in Westwood within this price range. Sales indicate the subject will sell greater than the current estimated market value of \$90,100. Because of the changed market in Westwood Acres there was no change recommended.

Jim Staples, 805 Woodfern Drive, Parcel No. 27-812-059-0. Mr. Staples appeared at the Board questioning the \$9,400 increase in his estimated market value for the 1991 assessment year. Mr. Staples indicated there had not been substantial new construction to justify the increase. The 1990 assessment was increased from \$67,000 to \$76,500 in estimated market value for the 1991 assessment. The recent inspection of this property picked up a deck, some additional basement finish and a small covered entry. The property was also regraded to the next higher grade, plus the neighborhood factor was increased. Sales of similar properties are generally smaller and of less quality indicating the subject will sell for more than it is assessed at for the 1991 assessment, therefore there was no change recommended.

Rich Schaeffer, RR 2, Box 2, Parcel No. 27-611-001-0. Mr. Schaeffer appeared at the Local Board of Review and was concerned with the \$12,000 increase in the estimated market value of his house. Mr. Schaeffer felt the property should be valued less due to the neighborhood and its location. At a recent inspection of this property it was indicated that the items of deferred maintenance had been eliminated and that the property was now complete. The current appraisal through the location factor and land value established indicates the proper recognition of location. This property was sold in October, 1990 for \$83,300. There was no recommended change on this property.

Elroy Rund, 304 James Avenue, Parcel No. 27-568-002-0. Mr. Elroy Rund had sent a letter addressing the increase in value from \$55,400 to \$58,800 for the 1991 assessment. The 1990 assessment was increased from \$55,400 to \$58,800 in estimated

## REGULAR MEETING - MAY 20, 1991

market value for the 1991 due to the inspection picking up central air conditioning, an addition to the garage area to the house and a metal shed, therefore no change was recommended.

Suzan Jackson, 1233 Winchester Avenue, Parcel No. 27-995-141-0. Suzan Jackson had sent a letter appealing the 1991 value of her mobile home located at 1223 Winchester Avenue. Ms. Jackson indicated the property was in poor to fair condition, unable to sell for more than \$5,000, the neighborhood is undesirable and the property is not marketable at the current value. The 1990 assessment was decreased from \$11,900 to \$10,800 for the 1991 assessment. This change is typical for mobile homes when the market is considered to be somewhat soft. The mobile home park conditions have not changed significantly since the previous assessment and the same procedure is used for all mobile homes within the mobile home park and have apparently been accepted since there were no other complaints. There was no recommended change.

Ted Olson, East Saratoga Street and Genesis Avenue, Parcel No. 27-819-020-0 and 27-819-019-0. Mr. Olson had sent a letter to the Board of Review questioning the increase in the two parcels of land. The 2.51 acre parcel was increased from \$5,000 to \$7,500 for the 1991 assessment and the 5.93 acre parcel was increased from \$11,900 to \$17,800 for the 1991 assessment. This land is used for agricultural purposes. The 1991 assessment reflects an increase of 50% over the preceding year. The increase is due to the fact that land adjacent to the City of Marshall sells better than agricultural land. A concern was also expressed in regard to this property receiving the green acre classification. Since this property is reasonably equalized with similar properties there was no change recommended for the value for 1991. A green acres application will be mailed to Mr. Olson and the question of classification will be addressed by the Lyon County Assessor.

Martin Ehlers, 1424 East College Drive, Parcel No. 27-527-011-0. Mr. Ehlers had sent a letter requesting consideration for some type of credit related to the vacancy he is experiencing with the building that was previously leased to Red Owl Stores. The 1991 assessment was not changed from the 1990 assessment. There was no change recommended for this property.

PPG Industries, 1604 Superior Road, Parcel No. 27-383-016-0 and 27-383-018-0. PPG Industries had filed a letter with the Local Board of Review objecting to the current value placed on the subject property of \$2,774,700. Mr. George Hestor, Tax Representative PPG Industries, has provided information on three more recent acquisitions by PPG Industries. Mr. Hestor contends that the value of the building for tax purposes should be substantially less than the current estimated market value. In an attempt to try to consider some of the PPG information and not knowing the market in which those properties sold it was recommended that PPG Industries structure value be reduced by 15% or \$396,400 reducing the property value to \$2,378,200.

The following parcels within Camelot Square Subdivision and 2nd Subdivision were reduced to \$1,500 each. These lots were reduced based on the flood plain zoning and the resulting requirements for residential single family construction. The requirements eliminate potential construction until such time as the flood plain zoning would be changed or be removed. These parcels are no:

27-136-011-0	27-136-014-0	27-135-006-0
27-135-008-0	27-135-009-0	27-135-011-0
27-135-012-0	27-135-013-0	27-135-014-0
27-135-015-0		

## REGULAR MEETING - MAY 20, 1991

The following properties should have been classified as homestead for the 1991 assessment year:

27-208-022-0 Alan Gleisner, 405 Donita  
27-141-044-0 Alan Ward, 608 Jefferson Circle  
27-100-028-0 Wayne Erickson, 402 Mill Street

The following properties should have been classified as non-homestead:

27-566-010-0 Doug Lutterman, 200 Lucille Steet  
27-566-005-0 Julie Wyffels, 412 South 2nd Street  
27-572-050-0 Farmers State Bank, 205 Donita Avenue  
27-572-058-0 Charles Pardell, 105 Donita Avenue  
27-652-006-0 Gerald Kangas, 706 Nuese Lane

John Rogalski along with George Hestor from PPG Industries were in attendance at the meeting to discuss with the City Council the valuation of the PPG Industries property. Mr. Hestor provided a number of hand outs to the City Council and indicated that the value of the property of PPG should be between 1.2 million to 1.5 million. Mr. Hestor did review comparable sales of properties of PPG in other parts of the United States. Mr. Hestor did indicate to the council that PPG would be willing to put in writing that if the property was sold for more than \$1,350,000 that they would be willing to pay any additional taxes for the amount the property was sold in excess of the \$1,350,000.

No further comments or discussion brought before the Local Board of Review, Byrnes moved, Mensing seconded, the recommendations as provided by the City Assessor on those properties addressed be approved and that the value of the PPG Industries property be reduced to \$2,378,200 and that the Board of Review be adjourned. All voted in favor of the motion.

Dean McDaniel and other representatives from the Marshall Volunteer Fire Department were in attendance at the Council meeting to discuss with the Council some minor modifications to the Constitution and By-Laws of the Marshall Fire Department. Lewis moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1333, SECOND SERIES and that the reading of the same be waived. Resolution Number 1333, Second Series is a resolution amending the Constitution and By-Laws of the Marshall Fire Department. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Mensing moved, Lewis seconded, Kelly Beilke be granted a home occupation conditional use permit for one year for a flower arranging business in an R-1, One Family Residence District, at 1006 Columbine Drive. All voted in favor of the motion.

Lewis moved, Stores seconded, the adoption of RESOLUTION NUMBER 1334, SECOND SERIES and that the reading of the same be waived. Resolution Number 1334, Second Series is a resolution approving the appointment of Thomas Hess as a commissioner to the Housing and Redevelopment Authority in and for the City of Marshall. This appointment is for a 5 year term to expire on May 20, 1996. All voted in favor of the motion.

Lewis moved, Stores seconded, the completion date be extended to September 1, 1991 for the consulting engineering firm of Rieke Carroll Mueller & Associates to complete the Wastewater Facility study. This study includes six component parts of which the first part involves interviews and determination of potential future industrial waste contributions and which are a major factor in determining the future needs. As a result of contacts with various industries they are requesting additional time to be able to provide better

## REGULAR MEETING - MAY 20, 1991

information and results of certain studies that they presently have underway, therefore it would be preferable to take some additional time to make sure that the consulting engineering firm is receiving more accurate data and projections from the industries on which to base their future need studies. All voted in favor of the motion.

Rich Victor, City Engineer, reviewed with the City Council change order no. 8 for the contract with Robert L. Carr for the construction at the Wastewater Treatment Facility. The net of this change order is a decrease in the contract of \$88.53 and also provides for an increase in the contract time by 192 days to make the completion date of all work June 1, 1991. Hess moved, Stores seconded, the approval of change order no. 8 which reduces the contract with Robert L. Carr for the Wastewater Treatment Facility improvements by \$88.53 and extends the completion date of the contract by 192 days to allow for the work to be completed by June 1, 1991. All voted in favor of the motion.

Upon the recommendation of City Engineer Rich Victor, Lewis moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1335, SECOND SERIES and that the reading of the same be waived. Resolution Number 1335, Second Series is a resolution providing for yield signs at the intersection of Horizon Drive and Sunrise Lane. These yield signs would be placed on Sunrise Lane requiring motorists to yield to traffic on Horizon Drive. All voted in favor of the motion.

Upon the recommendation of the East College Drive Task Force created by Senator Gary DeCramer for the purpose of increasing safety at the intersection of East College Drive and Market Street for able bodied and mobility impaired pedestrians, Lewis moved, Hess seconded, the adoption of RESOLUTION NUMBER 1336, SECOND SERIES and that the reading of the same be waived. Resolution Number 1336, Second Series is a resolution requesting the installation of a flashing beacon at the intersection of East College Drive and Market Street. This request is being made of the Minnesota Department of Transportation to authorize the placement and the sharing of the cost of the installing of a flashing amber beacon at this intersection. It is estimated the matching cost of this would be approximately 50%. All voted in favor of the motion.

Upon the recommendation of consulting engineers Reike Carroll Mueller & Associates, Hess moved, Mensing seconded, the proper city personnel be authorized to execute a Certificate of Substantial Completion for the contract with Robert L. Carr for the improvements at the Wastewater Treatment Facility. The date of substantial completion is November 20, 1990. David Frey, Wastewater Treatment Superintendent, did indicate to the council that this was the time of substantial completion and when the improvements were put into operation. All voted in favor of the motion.

Mensing moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1337, SECOND SERIES and that the reading of the same be waived. Resolution Number 1337, Second Series is a resolution adopting the assessment roll for Watermain Construction, Project No. 1991-003 for Job No. 502. The assessments against Parcel No. 27-604-124-0 and 27-604-121-0 are deferred for a minimum of 3 years and a maximum of 10 years or until such time this property is platted or developed after a 3 year period of time. During this deferment period no interest shall be accumulated on the assessment principal. The assessment against parcel no. 27-070-207-0 is deferred until such time the property is platted or developed and there will be no accumulation of interest on the principal balance. When the deferred status becomes inactive for a parcel the assessments shall be active and payable in equal installments of over a period of 8 years. The interest shall be 8 1/2% per annum to each installment when due on all unpaid balances. All voted in favor of the motion.

## REGULAR MEETING - MAY 20, 1991

Hess moved, Lewis seconded, the proper city personnel be authorized to sell surplus city property at a public auction. This auction will be held at the convenience of the selected auctioneer. Revenues from this sale will be put in the General Fund Account and respective Enterprise Funds. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed with the City Council the agreement between Viking Coke and the City of Marshall for the Lyon Street extension project. The city is working with Viking Coke to get the right-of-way dedicated for this Lyon Street extension. Lewis moved, Stores seconded, the proper city personnel be authorized to execute an agreement with Viking Coke for the right-of-way for the Lyon Street extension. All voted in favor of the motion.

Reports by Councilmembers of various committees, commissions and boards were presented to the council as follows:

- |         |                                                                                                                                                                                                                                         |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stores  | Library Board - they are in need of some new board members, the pay equity continues to be an issue and June 6th has been the date set for the Joint City and County meeting to discuss the Library operation.                          |
| Lewis   | Convention and Visitors Bureau - they are proceeding with a joint effort on a float with the Marshall Area Chamber of Commerce to be used in various parades.                                                                           |
|         | Utility Commission - Duane Aden addressed for Mr. Lewis - did indicate that the Utilities have awarded a contract for the construction of the ground storage tank and they did review a report on the water treatment plant facilities. |
| Mensing | Hospital Board - Rich Mjelde did receive the Spirit of Excellence Award and he did address the joint accreditation process.                                                                                                             |
|         | Senior Center - they did hold a banquet recognizing the volunteers                                                                                                                                                                      |
| Byrnes  | Housing Commission - there are currently 7 family units vacant and 18 vacancies at the High Rise. Mr. Byrnes did indicate some federal legislation had been removed for the guidelines for potential tenants at the High Rise.          |
| Hess    | No report.                                                                                                                                                                                                                              |

Duane Aden, City Administrator, did review the financial report for the year to date revenues and expenditures through the month of April, 1991 as presented to the City Council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report did address revenues and expenditures in relationship to the 1991 budget.

Mensing moved, Lewis seconded, the approval of a 4 month non-intoxicating beer license for the Marshall Baseball Association to be used at Legion Field Park at a fee of \$60.00. This license is for the period May 20, 1991 through September 19, 1991. All voted in favor of the motion.

Lewis moved, Stores seconded, the plumbers license be approved for Michael Lee Macken DBA Macken & Ahlstrom at a fee of \$20.00. This license is for the period April 1, 1991 through March 31, 1992. This license was approved contingent upon the city receiving proper application, certificate of insurance and the fee. All voted in favor of the motion.

## REGULAR MEETING - MAY 20, 1991

Lewis moved, Hess seconded, the approval of an application from the Hy-Vee Food Store for fireworks display on July 4, 1991 to be held at Independence Park. This permit was approved contingent upon the city receiving proper certificate of insurance and that arrangements be made with the Marshall Volunteer Fire Department for this fireworks display. All voted in favor of the motion.

Stores moved, Mensing seconded, a side yard variance of 2 feet in lieu of 5 feet and a rear yard variance of 3 feet in lieu of 15 feet as required by City Code be granted to Timothy DeSaer at 503 North Bruce Street to construct a utility shed. All voted in favor of the motion.

Lewis moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 41367 through 41555.

The following building permits previously approved by the Building Official were confirmed:

Tutt & Olson Construction  
Highway 23 North  
Section 3  
NE 1/4  
Remodel Student Center Offices  
\$5,000

Schwan's Sales Enterprises Inc.  
115 West College Drive  
Blakes Addition  
Block 2  
Office Addition  
\$2,650,000

Darv Ekness  
452 West Main Street  
Original Plat  
Block 8 Part 7-9  
Restaurant Remodeling  
\$28,000

Robert Schultz  
232 Legion Field Road  
Section 5  
Part of NW 1/4 of SW 1/4  
Deck  
\$400

Michael Klein  
603 Prospect Circle  
Prairieview Estates Third Addition  
Block 3 Part of Lot 1  
Deck  
\$650

Minnesota Corn Processors Inc.  
400 West Erie Road  
MCP Industrial Park  
Block 1 Lot 2  
1991 Add. to Wet Milling Plant  
\$50,000

George Jacob Construction  
410 North High Street  
Riverside Addition  
Block 3 Lot 3  
Double Detached Garage  
\$6,000

Gregory McDowell  
612 Thomas Avenue  
Eatros Place Fourth Addition  
Block 1 Lot 6  
Deck  
\$700

Gary Jeseritz  
314 South Fifth Street  
Section 5  
Part of SE 1/4 of SE 1/4  
Demolish Exist. Garage & Build  
Double Garage  
\$6,500

Tutt & Olson Construction  
100 West Redwood Street  
Original Plat  
Block 22 Lots 9 & 10  
Garage  
5,200

## REGULAR MEETING - MAY 20, 1991

Geske Building & Supply Company  
802 Colombine Drive  
Southview Subdivision  
Block 2 Lot 2  
Reside & Walk Out Bay Window  
\$5,730

Petro Tank Services  
300 East College Drive  
Original Plat  
Block 22 Lot 6  
Demolish Canopy & Sign  
\$0

Russell & Jean Woltjer  
424 North Sixth Street  
Eastman's Addition  
Block 1 Part of 5  
Replace 3 Windows  
\$1,000

True Value Home Center  
703 South First Street  
Viking Addition Plat 5  
Block 1 Lot 1  
Dwelling  
\$75,000

James Suedbeck  
502 Carlson Street  
McFarland Second Addition  
Block 1 Lot 12  
Patio Door  
\$600

Daniel Stacken  
1107 Horizon Drive  
Belvedere Estates  
Block 1 Lot 19  
Deck  
\$1,200

Kerry Malmquist  
902 South First Street  
Nielsen's Eighth Addition  
Block 6 Lot 8  
Reside Dwelling  
\$3,000

A request was made that a representative of the City Council continue to serve as a liaison with the Marshall Volunteer Fire Department. This will be placed on the agenda for the next regular city council of June 3, 1991.

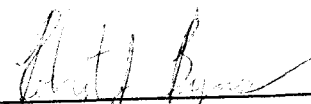
A brief discussion was held at this time in regard to the open ditch to the East of North Bruce Street and parallel with East College Drive.

A question was raised in regard to the outcome of the designated areas for smoking within city buildings and in particular the Municipal Building. Duane Aden, City Administrator, indicated that they are still working on this to come up with a reasonable solution to the problem.

City Attorney Brian Murphy indicated to the council that a request formulated by himself and the County Attorney has been sent to the Attorney General's Office for an opinion on the pay equity for the Marshall Lyon County Library.

Upon motion made by Lewis, seconded by Stores, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Acting President of the City of Marshall, MN

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director



## REGULAR MEETING - JUNE 3, 1991

The regular meeting of the Common Council of the City of Marshall was held June 3, 1991. The meeting was called to order 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Hess, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved as presented with additional discussion under item #7, councilmember commission/board liaison reports to address the reduction in local government of \$50,000 in December of 1991.

Kirchner moved, Byrnes seconded, the approval of the minutes of the regular meeting held on May 20, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

This was the date and time set for a public hearing to consider the bituminous paving of the alley between North 3rd Street and North 4th Street parallel with Marshall and Redwood Streets. Rich Victor, City Engineer, indicated that a petition had been received from adjacent property owners requesting consideration of this project. A feasibility report had been prepared estimating the cost of the project to be \$7,700 and the estimated cost per front foot of \$11.67. Letters had been received from Michael Osmond, 302 North 4th Street, John Kopitski, 306 West Redwood and Doris Lamb, 305 North 3rd, who were opposed to this project. Julius VanHauwaert and John Schmidt adjacent property owners were in attendance at the meeting to express their opposition to this project. Mr. Schmidt indicated he had signed the original petition for the improvement only with the understanding that he wanted to find out what the costs were before he would be in favor of proceeding with the project. There were no further comments brought before the public hearing, therefore Lewis moved, Byrnes seconded, the public hearing be closed. All voted in favor of the motion.

Kirchner moved, Stores seconded, the bituminous paving of the alley between North 3rd and North 4th Street parallel with Redwood and Marshall Streets be canceled. All voted in favor of the motion.

The adjacent property owners were recommended to work with the businesses in this area to see if they could work out an agreement if the alley is to be paved.

Burdell Wessels from Corporate Risk Managers was present to discuss the renewal of the City's contract with Corporate Risk Managers for the purpose of providing insurance consulting services to the city from June 1, 1991 to May 31, 1992. Items of concern expressed were the renewing of the contract in light of the budget crisis the city is in due to the state aid cuts, the insurance policies coinciding with the city's fiscal year, the possibility of the city being a part of an insurance program such as that of the hospital which a group of hospitals pool together to form an insurance pool as is the case with the utilities association. Also, discussed was the possibility of negotiating a reduction in the commission that is paid to the local agents, currently they are receiving about 10% of the premium and this can be possibly be negotiated down. Councilperson Kirchner indicated that she would vote for the insurance consulting services but was not in favor of any supplementals for insurance consulting services. Lewis moved, Stores seconded, the proper city personnel be authorized to execute the agreement with Corporate Risk Managers for insurance consulting services for the period June 1, 1991 through May 31, 1992 with the understanding that Mr. Wessels advise the city when it has reached the usage of 10 days of the contract. Voting in favor of the motion were: Hess, Kirchner, Lewis and Stores. Voting no were: Byrnes, Mensing and Feda.

Upon the recommendation of Mayor Feda, Lewis moved, Hess seconded, the following reappointments or appointments to the various boards and commissions of the city be approved:

## REGULAR MEETING - JUNE 3, 1991

Airport Commission - Brad Mortland and David Stoddard be appointed for terms to expire on May 31, 1994

Cable Commission - Sandra Altman be reappointed for a term to expire on May 31, 1994 and Allan Anderson be appointed for a term to expire on May 31, 1994

Economic Development Authority - Greg Cattoor be reappointed for a term to expire on May 31, 1997

Hospital Board - John Glasgow be reappointed for a term to expire on May 31, 1996 and Bruce Haug be appointed to replace Connie Mathowitz for a term to expire on May 31, 1992.

Housing Commission - Michael Yanda be reappointed for a term to expire on May 31, 1996.

Human Rights Commission - Daniel Stores be reappointed for a term to expire on May 31, 1994.

Library Board - Arlene Marthaler be appointed to replace Sally Tobey for a term to expire on December 31, 1991 and John Doyle be appointed to replace Barb Yorke for a term to expire on December 31, 1992.

Planning Commission - Paula Henkel and Frank Stephens be reappointed for a term to expire on May 31, 1994, Van Brostrom be appointed for a term to expire on May 31, 1994 and Mark Nuese be appointed to replace Al Anderson for a term to expire on May 31, 1993.

Public Civil Service Commission - Dwayne Boerner be reappointed for a term to expire on May 31, 1994.

Utilities Commission - Ted Rowe be reappointed for a term to expire on May 31, 1996.

Byrnes moved, Mensing seconded, the following changes be made in the various City Council Committees and liaisons to boards and commissions:

Public Improvement/Transportation Committee - Tom Hess to replace Maureen Stores

Ways and Means Committee - Randi Kirchner to replace Jeff Lewis.

Legislative and Ordinance Committee - Tom Hess to replace Andy Mensing.

Cable Television Commission - Tom Hess to replace Randi Kirchner.

Human Rights Commission - Tom Hess appointed as liaison.

Fire Department - Jeff Lewis appointed as liaison.

Convention and Visitor's Bureau - Tom Hess to replace Jeff Lewis.

All voted in favor of the motion.

Lewis moved, Byrnes seconded, David Frey, Wastewater Treatment Superintendent, be authorized out-of-state travel to attend the Water Pollution Control Federation Annual Meeting in Toronto, Canada from Saturday, October 5, 1991 to Thursday, October 10, 1991. All voted in favor of the motion.

Reports by the councilmembers of various committees, commissions and boards were presented to the council as follows:

Mensing      Ice Facility - usage rates are up considerably; consideration is being given the possibility of another sheet of ice near the bubble which the city would be responsible for installing the lights and a concern was expressed in regard to the cost of hockey to the school system of \$7,500 as to what the cost to the city would be providing for this program if made available through the school system.

## REGULAR MEETING - JUNE 3, 1991

Hess No report.

Kirchner Indicated she had attended the employee insurance committee meeting whereby Barry Evenstad of Hoffman and Brobst was in attendance at the meeting to discuss with the employees a Plan 125. Ms. Kirchner indicated that it was a very good and informative meeting.

Lewis No report

Byrnes No report

Stores Indicated that the Joint City and County meeting is scheduled for June 6th to discuss the Library operations

Feda Lyon County Facilitator - John Glasser from Tracy has been hired for this position.

Coalition of Greater Minnesota Cities - Mr. Feda indicated that the city will be losing an additional \$50,000 in Local Government Aid in December, 1991 and did indicate that the city should encourage the county to impose a 1/2 cent sales tax. The city will also lose an additional \$134,000 in Local Government Aids in 1992 and that the city will have the authority to levy \$110,000 in 1991 to be collectible with the 1992 taxes for the amount of money it lost in Local Government Aid.

Upon the recommendation of Mayor Feda, Kirchner moved, Lewis seconded, the City of Marshall encourage Lyon County to endorse the 1/2 cent sales tax and that the city staff work with Duane Aden, City Administrator, to provide a recommendation to the City Council as to how the 1991 budget will be adjusted for the \$50,000 reduction in Local Government Aid in December, 1991. All voted in favor of the motion.

Byrnes moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1338, SECOND SERIES and that the reading of the same be waived. Resolution Number 1338, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for Project 1991-008 which is the construction on North 11th Street and Fairview Street from West Main Street to Trunk Highway #59 including curb and gutter, minor grading, gravel base, bituminous surfacing. This public hearing is scheduled for 7:30 P.M. on July 1, 1991. All voted in favor of the motion.

Kirchner moved, Stores seconded, the adoption of RESOLUTION NUMBER 1339, SECOND SERIES and that the reading of the same be waived. Resolution Number 1339, Second Series is a resolution amending Resolution Number 1035, Second Series, assessing certain parcels of property for the Cross Road Storm Sewer System Project STS 1988B. These assessments were deferred at the time Resolution Number 1035, Second Series was adopted. This resolution removes those assessments from the deferred status to being due and payable at this time. These assessments are due by July 1, 1991 and if not paid by that time will begin accruing 8 1/2% interest and will be allowed to be paid over 8 years. All voted in favor of the motion.

Lewis moved, Hess seconded, the approval of a special vehicle license for Robert Wilson to operate a golf cart type vehicle on designated streets in the City of Marshall. This license is for the calendar year 1991 at a fee of \$25.00. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the approval of change order number 9 for the contract with Robert L. Carr Company for the improvements to the Wastewater Treatment Facility. Change order number 9 is an addition to the contract of \$1,379.00 for the modification to the lintels for the overhead doors for the sludge loadout building. All voted in favor of the motion.

## REGULAR MEETING - JUNE 3, 1991

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 41556 through 41722.

The following building permits and permit to move building previously approved by the Building Official were confirmed:

Steven Buysse  
611 Elaine Avenue  
Eatros Place Fifth Addition  
Block 3, Lot 7  
Replace Window & Install Patio Door  
\$1,500

Daniel Gibson  
202 East Lyon Street  
Original Plat  
Block 23, Part of Lot 4  
Deck Addition  
\$400

Babcock Construction  
503 Central Avenue  
VanUden Addition  
Block 1, Lot 2  
Reside Dwelling  
\$3,600

Engler Retail Construction  
1420 East College Drive  
McFarland Addition  
Block 2, Lot 6  
Remodel Retail Space 601, 602 & 603  
\$90,000

George Noyes  
702 West College Drive  
Section 5  
Part of SW 1/4 of SE 1/4  
Move Out Garage  
\$0

Donald Blake  
707 Nuese Lane  
Nuese Second Addition  
Block 2, Lot 2  
Reside Dwelling  
\$2,000

Kenneth & Janice Noyes  
1119 Sunset Circle  
Belvedere Estates Addition  
Block 1, Lot 25  
Deck  
\$3,500

Kim Jergenson  
1212 Parkside Drive  
Prairieview Estates Addition  
Block 4, Lot 1  
Finish Basement  
\$3,000

Scott Wajer  
609 West Southview Drive  
Eatros Place Addition  
Block 5, Lot 11  
Stair Remodeling  
\$500

Donald Sternke  
709 Nuese Lane  
Nuese's Second Addition  
Block 2, Lot 3  
Reside Dwelling  
\$2,500

Marshall Municipal Utilities  
113 South Fourth Street  
"A" Addition  
Block 1  
Demolish Pump Building  
\$0

George Noyes  
702 West College Drive  
Section 5  
Part of SW 1/4 of SE 1/4  
Move Out Mobile Home  
\$0

Leon VanDenBroeke  
900 Silvervine Drive  
Southview Subdivision  
Block 3, Lot 5  
Addition to Garage  
\$3,000

**APPLICATION FOR PERMIT TO  
MOVE BUILDING**  
George Noyes  
From 702 West College Drive  
To Vacant Lot on Pagel's Farm  
Move Out Garage, \$50

There was dissatisfaction expressed by the City Council with the States delay in the improvements to Bruce Street and East College Drive.

## REGULAR MEETING - JUNE 3, 1991

A complaint was filed in regard to a vacant lot at the intersection of Hawthorn and Silvervine with excessive weeds and mowing needing to be done.

A request was submitted for a report to be provided to the City Council in regard to the Parks, Recreation and Community Education credit card usage and cost.

A suggestion was made that those who use credit cards be charged a fee for the use of their cards when registering for a Park, Recreation and Community Education Classes.

A request was made that City Administrator, Duane Aden, provide a report to the City Council under the councils reports of committees, liaisons on the Lyon County Solid Waste Management Board.

A question was raised in regard to the Economic Development Authorities minutes which address the Southwest Minnesota Initiative Fund and in particular as it relates to the payment from the county to the Southwest Initiative Fund. It was indicated that if the county so chooses it may pay the 1991 appropriation directly to the Southwest Minnesota Initiative Fund, it does not necessarily have to go through the Economic Development Authority.

A brief discussion was held at this time in regard to the City Council's position in regard to those residential properties removing physical obstructions which are located on the city right-of-ways. A letter had been sent in the fall of 1990 requesting volunteer participation to remove these physical obstructions. Some concern was expressed about the city dictating which ones and which ones should not be removed. This did not receive favorable response from the council and was indicated that everyone be treated the same.

The City Engineer was directed to send a letter to those who have not removed the physical obstructions asking to have the physical obstructions removed within 45 days and that the City Engineer's Office also send a letter to those who have complied thanking them for the compliance. The City Engineer's Office was also directed to send a letter to those new violations that have been brought forth.

The city staff was commended for their proceeding with the Redwood River clean up project.

Mayor Feda indicated that the financial audit report for 1990 will be presented at the regular meeting held on June 17, 1991.

City Attorney Brian Murphy was concerned with the procedure for the painting of house numbers on the curbs within the residential area.

Stores moved, Lewis seconded, the City Attorney be directed to send a letter to the individuals painting the residential house numbers on the curb asking to cease and desist until such time the necessary permit is received from the City. All voted in favor of the motion.

Upon motion made by Lewis, seconded by Hess, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## REGULAR MEETING - JUNE 17, 1991

The regular meeting of the Common Council of the City of Marshall was held on June 17, 1991. The meeting was called to order at 7:34 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Kirchner, Lewis and Byrnes. Absent: Mensing and Stores.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the addition of item number 6a which was a discussion with representatives from Fairview Street area in regard to the sewer backup as a result of recent heavy rainfalls; the deletion of item number 9 which is consideration for final plat of Melissa Addition to the City of Marshall; and the addition of item number 18 which is consideration to extend the current contract with Southwest State University for security for police protection for one month.

Byrnes moved, Lewis seconded, the approval of the minutes of the regular meeting held on June 3, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Upon the recommendation of City Engineer Rich Victor, Lewis moved, Hess seconded, the adoption of RESOLUTION NUMBER 1340, SECOND SERIES and that the reading of the same be waived. Resolution number 1340, Second Series is a resolution awarding the contract for Sanitary Sewer Construction 1991-007 to Quam Construction Co., Willmar, Minnesota in the amount of \$19,685.50. Project Number 1991-007 is sanitary sewer construction for the Lyon Street extension between Kennedy Street and East Main Street. It is the intent that all assessments for this project will be deferred. All voted in favor of the motion.

Upon the recommendation of City Engineer Rich Victor, Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1341, SECOND SERIES and that the reading of the same be waived. Resolution Number 1341, Second Series is a resolution awarding the contract for Watermain Construction 1991-003 to Bartz Excavating, Marshall, Minnesota in the amount of \$12,615.42. Project Number 1991-003 is watermain extension project on East Lyon Street between Lyon Street and Kennedy Street. All voted in favor of the motion.

Upon the recommendation of the Planning Commission Kirchner moved, Hess seconded, Paula Harrelson, 416 North 4th Street, be granted a 5 year renewal of a conditional use permit for a home occupation to teach piano lessons at 416 North 4th Street in an R-1, One Family Residence District. George Harrelson on behalf of Paula was in attendance at the meeting and did indicate that Paula does have 16 students and everything is working well. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Lewis moved, Byrnes seconded, the introduction of an ordinance to rezone property at 107 West Marshall Street from R-2, One Family to Four Family Residence District, to a B-2, Central Business District. David Erickson, Erickson Oil Products, out of Hudson, Wisconsin, was in attendance at the meeting to discuss the request. The primary concern at this point is the providing of a buffer between this business and the residential area. Mr. Erickson did indicate that he is willing to work with the neighbors and city staff to obtain proper setbacks and adequate buffer zones. Mr. Erickson did indicate that the plans for the building have changed from the original drawing and that is-the building has been brought 5 feet forward to allow for the installing of a buffer zone between the property and the residential area. Different types of buffers consisting of either a living hedge or a fence of some sort have been discussed. This introduction of an ordinance was approved with the understanding that Mr. Erickson work with Mr. Julius Coudron who owns the residential property next to the Erickson Station to determining a reasonable buffer wall. All voted in favor of the motion.

## REGULAR MEETING - JUNE 17, 1991

Jan Niesen and Laura Peterson residents from the 1200 block of Fairview Street were in attendance at the meeting to discuss with the council recent sewer backups as a result of heavy rainfall in the City of Marshall. Rich Victor, City Engineer, did indicate that when the city did receive the heavy rainfall that the Wastewater Treatment Facility system was functioning properly and that there were no problems with the system. Mr. Victor did indicate some of the reasons why the sewers may have backed up were: that due to the rainfalls that have been taken place the ground is very saturated and that there is no where for the water to go; some people maybe discharging their water from their sump pumps into the sanitary sewer system; the condition of some pipes which may have cracks would allow the water to seep into the sanitary sewer line; and that with large rainfall in a short time like this may cause ponding. The city council was concerned as to what is the city's responsibility and liability with these type of situations, therefore Kirchner moved, Hess seconded, city staff be directed to develop a comprehensive report on the problem that took place as a result of the recent heavy rainfall and suggest recommendations that may be done if this situation were to occur again and report to the Public Works Committee of the City Council their findings. All voted in favor of the motion.

George Minehart, Minehart, McKee, Anderson and Associates, Auditors for the City of Marshall, and Thomas M. Meulebroeck, Finance Director/City Clerk/Treasurer for the City of Marshall, reviewed with the city council and others in attendance at the meeting the 1990 Audited Financial Report. Following the review of the 1990 Audited Financial Report, Lewis moved, Byrnes seconded, the audit report for the fiscal year 1990 be approved as presented and that the proper city personnel be authorized to submit this report to the State Auditor's Office. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1342, SECOND SERIES and that the reading of the same be waived. Resolution Number 1342, Second Series is a resolution urging the Lyon County Board of Commissioners to adopt a one half percent local sales tax option. All voted in favor of the motion.

Upon the request of the Downtown Business Association, Kirchner moved, Lewis seconded, Main Street from College Drive to 5th Street be detoured to Saratoga Street on Wednesday, July 24, 1991 from 6:00 A.M. to 7:00 P.M. for the observation of Crazy Days. This authorization is contingent upon the approval of the Minnesota Department of Transportation. All voted in favor of the motion.

Upon the recommendation of the Park, Recreation and Community Education Advisory Board, Byrnes moved, Lewis seconded, the fiscal agent responsibility be transferred from the City of Marshall to School District No. 413 for the Early Childhood, Family Education, Adult Basic Education and Alternative High School Programs. All voted in favor of the motion.

Kirchner moved, Lewis seconded, Rich Victor, City Engineer, be authorized out of state travel to attend the 1991 International Public Work Congress and Equipment Show to be held in San Francisco August 24, 1991 to August 29, 1991. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the approval of a transient merchants license for Donald Braband to sell fruits and vegetables in the City of Marshall. This license will expire on December 31, 1991. All voted in favor of the motion.

Reports by the councilmembers of various committees, commissions and boards were presented as follows:

Byrnes - no report.

## REGULAR MEETING - JUNE 17, 1991

Byrnes for Councilperson Stores - indicated that the Parks, Recreation and Community Education Board felt that the increase in activity in Park & Rec activities off set the cost for the use of the credit cards.

Lewis - no report.

Feda - Lyon County Facilitator is on board. The Score funds to the Lyon County from the State have been withheld until the differences have been resolved with the County Waste Plan. The appraisal report for the air rights over Lyon County fairgrounds property has been submitted to the State Department of Transportation for their review. The League of Minnesota Cities meeting held in Rochester was excellent, the Legislative Update is on June 27, 1991 in Mankato and the Coalition meeting is June 25 and 26, 1991 in Brainerd.

Kirchner - Mary Snobl, Director of the Senior Center, had been selected to serve on a national board for Senior Centers.

Hess - Cable Commission there's a move to bring back some rules and regulations to the local level. Convention and Visitor's Bureau Marshall is being marketed as a Hub for hotels and motels for the gambling locations.

A financial report for the year to date revenues and expenditures through the month of May, 1991 was presented to the City Council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report addresses the revenues and expenditures in relationship to the 1991 budget.

Upon the recommendation of Rich Victor City Engineer, Kirchner moved, Hess seconded, the approval of change order no. 1 for the contract with Buchholtz Construction Project No. 1990-007 for the Sidewalk Construction Phase I to extend the completion date of the contract from June 19, 1991 to July 5, 1991, which is an additional 16 days to the contract. There was no change in the dollar amount of the contract. All voted in favor of the motion, except Byrnes who voted no.

A brief discussion was held at this time in regard to a contract with Reicke, Carroll, Muller, Associates for engineering services for the development of an aeration facility at the Wastewater Treatment Facilities. The initial research and study has been done on this project. A report was not final or available at this time, therefore further discussion on this contract will be held at the July 1, 1991 City Council meeting.

Kirchner moved, Lewis seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for the American Legion Post 113 for operation at 412 West Main Street, Marshall, Minnesota. All voted in favor of the motion.

Hess moved, Byrnes seconded, the proper city personnel be authorized to execute an amendment to the agreement between the City of Marshall and Southwest State University for the City of Marshall to provide police services for traffic control and security at Southwest State University. This amendment to the agreement allows for the extension of the agreement for the period July 1, 1990 through June 30, 1991 to extend to August 1, 1991. All voted in favor of the motion.

Byrnes moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 41723 through 41983 with the exception of Corporate Risk Managements and that this bill be held until such time the city council is provided with the detail breakdown for the billing that was submitted to the city council.



## REGULAR MEETING - JUNE 17, 1991

The following building permits and permit to move building previously approved by the Building Official were confirmed:

Ace Sign Company  
1001 Highway #23 By Pass North  
McFarland Third Addition  
Lot 5, 6 & Part of Lot 4  
Install Signs  
\$8,900

Albert Serreyn  
304 West Marshall Street  
Auditors Plat 3  
Lot 3 & Part of Lot 6  
Entry Deck  
\$500

Independent Lumber  
500 East Southview Drive  
Southview Subdivision  
Block 3, Lot 16  
Three Seasonal Porch  
\$3,500

Schwan's Sales Enterprises Inc.  
115 South First Street  
Blakes Addition  
Part of Block 1  
Temporary Storage Garage  
\$0

Ilene Sandquist  
603 Paul Street  
Dietz's Subdivision of Outlot 6  
of Country Club Drive, Lot 12  
Patio Door & Deck  
\$1,200

Johnson's Dairy Store  
102 West Main Street  
Original Plat  
Block 11, Lot 16 & 17  
Two Flat Wall Signs  
\$1,090

Paul Almich  
703 Marguerite Avenue  
Eatros Place  
Block 2, Lot 11  
Utility Shed  
\$200

Ronald Langin  
114 Ranch Avenue  
FreMar Third Addition  
Block 2, Lot 11  
Deck  
\$700

Alan Viaene  
402 Charles Avenue  
Morningside Heights Addition  
Block 5, Lot 2  
Entry Deck  
\$500

Subway  
1205 East College Drive  
Section 3  
Part of SW 1/4 of NW 1/4  
Office Area/Extended Seating  
\$4,500

Carr Properties  
424 North Seventh Street  
Section 4  
Part of NW 1/4 of NW 1/4  
Remodel Garage for Two Bedrooms  
\$2,500

Jerold Drager  
500 Pleasant Avenue  
Eastman's Addition  
Block 2, Lot 6  
Demolish & Reconstruct Porch &  
Reside Dwelling  
\$5,000

Marshall Properties  
422 North Sixth Street  
Eastman's Addition  
Block 1, Lot 4  
Laundry & Bathroom Addition  
\$8,000

Raymon Wilson  
329 West Main Street  
Original Plat  
Block 4, Lot 9  
Storeroom  
\$1,000

## REGULAR MEETING - JUNE 17, 1991

Douglas Severson  
120 London Road  
Section 5  
Part of SE 1/4 of NW 1/4  
Front Entry Addition  
\$3,800

Daniel & Anna Schubert  
612 Elaine Avenue  
Eatros Place Fifth Addition  
Block 1, Lot 6  
Reside Garage  
\$500

Keith & Lisa Edwards  
604 Thomas Avenue  
Eatros Place Fourth Addition  
Block 1, Lot 10  
Reside Dwelling  
\$2,000

True Value Home Center  
1109 Horizon Drive  
Belvedere Estates  
Block 1, Lot 20  
Dwelling  
\$77,000

Hess moved, Kirchner seconded, Liz Lapour's resignation from the Cable Commission be accepted and that Mike McHugh be appointed to fill the vacancy which will expire on May 31, 1992. All voted in favor of the motion.

The Executive Board Meeting has been scheduled for July 15, 1991 at 8:30 P.M.

David Plathe a Commissioner with the Planning Commission was granted a excused absence through August, 1991.

The city council was advised that the Veteran's Preference Rule is in effect in the hiring for positions within the City of Marshall.

In response to a concern on unsightliness of noxious weeds the city council and others in attendance at the meeting were advised to contact the City Official Weed Inspector, Mayor Feda or Rich Herigon at the Street Department.

In response to Land Locked Parks within the City of Marshall work is being done to deed this property to the adjacent property owners.

At the regular city council meeting held on June 3, 1991, City Attorney Brian Murphy was advised to send a letter to the individuals painting the residential house numbers on the curbs to cease and desist until such time as a permit is received from the city. Mr. Murphy did indicate to the council he has investigated this operation with various people and was advised that city staff authorize this project to take place, therefore Mr. Murphy recommended the city develop a check list for the procedure for authorizing this type of projects to proceed. City Administrator Duane Aden did indicate that he had authorized this project of painting the residential house numbers on the curb since it was being done through a non-profit organization which was the Volleyball Association at the High School.

Upon motion made by Kirchner, seconded by Hess, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## REGULAR MEETING - JULY 1, 1991

The regular meeting of the Common Council of the City of Marshall was held on July 1, 1991. The meeting was called to order at 7:30 P.M. by Mayor Fedra. In addition to the Mayor the following members were present: Mensing, Hess, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council the agenda be approved with the addition to item number 9 which was authorization for the advertisement for the bid for an animal impoundment center and the addition of item number 18 which was the consideration of a resolution authorizing the proper city personnel to execute an airport maintenance agreement with the State of Minnesota for reimbursement to the City of Marshall for airport maintenance and operation.

Byrnes moved, Lewis seconded, the approval of the minutes of the regular meeting held on June 17, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Upon the recommendation of the City Engineer Rich Victor, Byrnes moved, Lewis seconded the adoption of RESOLUTION NUMBER 1343, SECOND SERIES and that the reading of the same be waived. Resolution Number 1343, Second Series is a resolution awarding a bid for Project No. 1991-002 Watermain Replacement on West Lyon Street, Jefferson Avenue, Jefferson Circle and East Lyon Street to Don Bartz Excavating, Marshall, Minnesota in the amount of \$72,525.28. All voted in favor of the motion.

Upon the recommendation of City Engineer Rich Victor, Kirchner moved, Hess seconded, the adoption of RESOLUTION NUMBER 1344, SECOND SERIES and that the reading of the same be waived. Resolution Number 1344, Second Series is a resolution awarding a bid for Project No. 1991-004 Sidewalk Replacement at various locations throughout the City of Marshall to Buchholtz Construction, Marshall, Minnesota in the amount of \$28,402.60. All voted in favor of the motion.

This was the date and time set for an assessment hearing on Project No. 1991-008 which is the grading, gravel base, curb & gutter and bituminous surfacing of North 11th Street and Fairview Street from Main Street to T.H. No. 59. Rich Victor, City Engineer, reviewed the project and assessments with the City Council and others in attendance at the meeting. Randy Hess property owner in this area was concerned about the thickness of the bituminous surfacing on 11th Street and as to whether or not it is the same thickness as on Fairview Street. R. Hess was advised that they are the same. R. Hess was requesting the bituminous surfacing not be installed on the frontage road for one year to allow for the road to settle and that if other businesses were to develop in the area that may cause damage to the frontage road. R. Hess was advised that when the original petition was submitted it was for curb & gutter, gravel base, minor grading and bituminous surfacing and this petition was submitted by the previous owners. Upon motion made by Stores, seconded by Lewis, the public hearing was closed. All voted in favor of the motion.

Kirchner moved, Stores seconded, the adoption of a resolution for the assessment for Project No. 1991-008 minor grading, gravel base, curb & gutter and bituminous surfacing to North 11th Street and Fairview Street from Main Street to T.H. 59 be tabled until the next regular city council meeting to address the concerns of Randy Hess and the other adjacent property owners for the installing of bituminous surfacing on the frontage road. All voted in favor of the motion.

At the regular city council meeting held on June 17, 1991 a statement for services from Corporate Risk Managers Inc., in the amount of \$4,110.75 was submitted to the council for their approval. The services provided were for the period June 1, 1990 through May 31, 1991. At the meeting held on June 17, 1991 this statement was not approved until such time a detailed statement of the charges for the services was presented to the council. Upon

## REGULAR MEETING - JULY 1, 1991

presentation of the breakdown of the services performed by Corporate Risk Managers Inc., Feda moved, Byrnes seconded, the proper city personnel be authorized to process payment to Corporate Risk Managers, Inc., in the amount of \$4,110.75 for addition services performed for the period June 1, 1990 through May 31, 1991. All voted in favor of the motion.

Following the approval of the payment to Corporate Risk Managers, Inc., there was additional discussion in regard to who is requesting services from Corporate Risk Managers, Inc., and the billing back to those respective departments and cost centers with for the services provided by Corporate Risk Managers, Inc., insurance consultants. Therefore, Kirchner moved, Lewis seconded, the proper city personnel be authorized to bill Weiner Memorial Medical Center, the Marshall Municipal Utilities and other cost centers within the City of Marshall for their utilization from the services provided by Corporate Risk Managers Inc. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed the outline of the sanitary sewer backup study. The study was the result of sanitary sewer backups caused during the recent heavy rainfalls. The tasks included in the study are: a total flow analysis, area flow analysis, lift station analysis and inflow studies, infiltration studies, preliminary recommendations, individual solutions and changes and indicated that there may be more staff needed to follow up on some of the tasks including sump pump surveys and data collection. Upon review of the material on the study, Lewis moved, Hess seconded, the outline be approved as presented and requested the city council be provided with periodic updates on the different tasks. All voted in favor of the motion.

Mike Zagar, Reike Carroll Mueller Associates Inc., was in attendance at the meeting to discuss the contract for engineering services for the development of the aeration facilities at the Wastewater Treatment Facility. This contract is not to exceed \$135,500. It is the intent that advertisement for bids for this project will be received on approximately September 1, 1991. Byrnes moved, Mensing seconded, the proper city personnel be authorized to enter into an agreement for professional services with Reike Carroll Mueller Associates Inc., for the design phase of improvements for the new activated sludge treatment at the Wastewater Treatment Plant including: new aeration tankage and fine bubble diffusers; modifications to existing wastewater, sludge and air piping systems to facilitate the improvements; and modifications to the existing air blowers to meet the requirements of the new treatment process. All voted in favor of the motion, except Kirchner who voted no.

Duane Aden, City Administrator, did review the process that was used for the recommendation for hiring the new detective for the Marshall Police Department to fill the vacancy due to the resignation of Paul Soppeland. Mr. Aden did concur with the recommendation of the Director of Public Safety Marv Bahn, that Tim Tomasek be promoted to the detective position in the Marshall Police Department. Duane Boerner a member of the Marshall Police Civil Service Commission did indicate that he has been on this commission for 6 years and it was his feeling that the city would be making a big mistake if it were to go outside of the department and appoint someone to this detective position. Byrnes moved, Hess seconded, BE IT RESOLVED that Timmothy Tomasek be promoted to the Detective Position within the Marshall Police Department effective July 4, 1991. All voted in favor of the motion, except Lewis who voted no.

Due to a number of resignations that have taken place within the Marshall Fire Department and a number of them to be happening in the near future, Lewis moved, Stores seconded, the approval of a transfer from the Mayor and Council contingency 101-401401-6810 in the amount of \$10,847 which is transferred to account numbers 101-503550-3301 \$2,751; 101-503550-3331 \$1,524; and 101-503550-5540 \$6,572. With this transfer the Marshall Volunteer Fire Department will be allowed to add an additional 12 members to their fire department and provide them with the necessary physicals, Firefighter I Training and equipment for the fire department. All voted in favor of the motion, except Hess who abstained.

## REGULAR MEETING - JULY 1, 1991

Ms. Mollie Persons, President of the Humane Society of Lyon County along with Dr. Pat Bauman and Naomi Spielman were in attendance at the meeting to discuss with the council the development of a new impoundment center for small animals to be located on the property near the Street Department. This facility would be constructed with funds from the Humane Society and run by the City of Marshall and the Humane Society under a joint agreement. Hess moved, Stores seconded, the proper city personnel be authorized to advertise for bids to be received at 2:00 o'clock P.M. on July 25, 1991 in the Council Chambers of the Marshall Municipal Building for an animal impoundment center. It is the intent that the Humane Society of Lyon County will provide up to \$75,000 for the purpose of building and furnishing an animal impoundment facility for the City of Marshall with impoundment rights available for the rest of Lyon County upon agreements being signed. All voted in favor of the motion.

Hess moved, Stores seconded, the proper city personnel be authorized to advertise to bids for a tractor and a truck for the City of Marshall Street Department. These items are included in the 1991 budget. The bids will be received on July 25, 1991 at 2:00 o'clock P.M. in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

A 5 minutes recess was taken at this time.

Due to the major increase in rates the City of Marshall received from its present medical insurance carrier, Blue Cross and Blue Shield of Minnesota, Mensing moved, Stores seconded, the proper city personnel be authorized to request and receive proposals at 1:00 o'clock P.M. on July 25, 1991 in the Council Chambers of the Marshall Municipal Building for group medical insurance coverage. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1345, SECOND SERIES and that the reading of the same be waived. Resolution Number 1345, Second Series is a resolution declaring the cost to be assessed and calling for a hearing on the proposed assessment for the South 7th Street Project No. 1990-013 which is the extension of South 7th Street from Main Street to South 6th Street. South 7th Street was constructed in 1990 under a tax increment financing project in conjunction with the Heartland expansion project. The hearing for the assessments on this project is scheduled for 7:30 P.M. on August 5, 1991. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1346, SECOND SERIES and that the reading of the same be waived. Resolution Number 1346, Second Series is a resolution providing for yield signs to be installed on Gray Place West at the intersection of Lawrence Street. All voted in favor of the motion.

Reports by the councilmembers of various committees, commissions and boards were presented as follows:

Mensing - no report.

Hess - no report.

Kirchner - no report.

Stores - indicate that a Joint City and County meeting was held on June 6, 1991 to discuss the operations of the Marshall Lyon County Library as it relates to funding and pay equity.

Byrnes - Housing Commission - a special meeting was held to consider the direction of the Executive Director in regard to the handling of the Section 8 Housing Certificate.

## REGULAR MEETING - JULY 1, 1991

Lewis - no report.

Feda - did indicate that he attended the Coalition meeting in Brainard on June 25 and 26; the League of Minnesota Cities meeting on June 27 in Mankato and did briefly address a few items with the council in regard to the Legislative Conference Summary Report; that he had attended the Southwest Regional Development Commission and Lyon County Board of Commissioners Meeting.

Lewis moved, Mensing seconded, the transient merchants license for Clothing Concepts to sell merchandise at the Best Western be confirmed as was previously approved by City Attorney Brian Murphy. Clothing Concepts did sell merchandise at the Best Western on June 30, 1991. All voted in favor of the motion.

A discussion was held at this time in regard to a resolution which was presented restricting parking on the North side of Saratoga Street from 200 feet West of the center line of James Avenue a distance of 600 feet West between the hours of 7:00 A.M. and 4:00 P.M. Stores moved, Kirchner seconded, the resolution restricting parking on Saratoga Street from 200 feet West of the center line of James Avenue a distance of 600 feet be referred to the Public Works Committee to review with Independent School District Number 413 staff. All voted in favor of the motion.

Kirchner moved, Lewis seconded, Harry Weilage, Director of Parks, Recreation and Community Education, be authorized out of state travel to attend a Park and Recreation Design Symposium featuring playgrounds to be held July 25 to 27, 1991 in Milwaukee, Wisconsin. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1347, SECOND SERIES and that the reading of the same be waived. Resolution Number 1347, Second Series is a resolution authorizing the proper city personnel in the City of Marshall to execute an agreement with the State of Minnesota Department of Aeronautics for state aid for the maintenance and operation of the Marshall Municipal Airport. This agreement between the State of Minnesota Department of Aeronautics and the City of Marshall provides for the State of Minnesota to reimburse the City of Marshall 2/3 of the direct actual maintenance and operation costs of the Marshall Municipal Airport not to exceed \$22,500 per fiscal year. This agreement is for two years from July 1, 1991 to June 30, 1993. All voted in favor of the motion.

Kirchner moved, Stores seconded, the following bills be approved for payment: Accounts Payable Voucher No. 41982 through 42166. All voted in favor of the motion, except Feda who voted no.

The following building permits previously approved by the Building Official were confirmed:

Dulas Construction Inc.  
1021 North Fourth Street  
Section 33  
Part of SE 1/4 of SE 1/4  
Warehouse Addition  
\$61,900

Jansan Enterprises Inc.  
1106 East Main Street  
Section 10  
Part of NW 1/4 of SW 1/4  
Remodel Guest Rooms  
\$25,000

Rick Ramert  
502 North Bruce Street  
Section 3  
Part of SW 1/4 of NW 1/4  
Finish Basement - Additional Work  
\$1,000

Cindy Sue Geyer  
1227 Roundtable Road  
Camelot Square Mobile Home Park  
Entry Deck  
\$500

## REGULAR MEETING - JULY 1, 1991

Tutt & Olson Construction  
1113 Horizon Drive  
Belvedere Estates Addition  
Block 1, Lot 22  
Dwelling  
\$80,000

Robert L. Carr Company  
1401 East Lyon Street  
Section 3  
Part of SW 1/4 of SE 1/4  
Church Addition  
\$375,000

Thomas Orvis  
506 Kossuth Street  
Northland Addition  
Lot 11  
Family Room  
\$10,000

Robert L. Carr Company  
400 West Main Street  
Original Plat  
Block 8, Lots 18-24  
Remodel Interior  
\$534,835

Vi Jeseritz  
505 Elaine Avenue  
Eatros Place Fifth Addition  
Block 4, Lot 4  
Reside Dwelling  
\$3,400

Babcock Construction  
605 Lawrence Street  
Viking Addition  
Block 3, Lot 3  
Reside Dwelling  
\$3,200

The Carpenter Shop  
256 West Main Street  
Original Plat  
Block 10, Part of Lot 6  
Three Signs  
\$500

Kenneth & Mary Byrne  
1105 Horizon Drive  
Belvedere Estates Addition  
Block 1, Lot 18  
Dwelling  
\$60,000

Donald Coudron  
1316 Parkside Drive  
Prairieview Estates Addition  
Block 3, Lot 1  
Garage Addition  
\$2,800

Richard Banbury  
611 South First Street  
Viking Addition  
Block 1, Lot 12  
Reside Dwelling  
\$1,800

A concern was expressed in regard to the providing of some means for pedestrian traffic along Saratoga Street from the Trailer Court into the City of Marshall.

The installing of sidewalks on the property at 502 North Bruce Street was also addressed.

Kirchner relayed information to the council that was received from the City of Granite Falls thanking the City of Marshall for its support in regard to the incineration project that was being proposed for the City of Granite Falls.

A comment was made in regard to action taking by the Lyon County Board of Commissioners in providing funds to the Economic Development Authority of which some reference was made that the use of funds is no as was originally intended.

A question was raised in regard to the providing of turn lanes on Highway 23 by-pass into the K-Mart, onto Saratoga Street and Lyon Street. Previous requests had been made to the State of Minnesota DOT requesting turn lanes for these 3 areas. A follow up will be made to the state to determine what the status of this request is.

A brief discussion was held at this time in regard to the "A" Street Project which as been turned town three times.

## REGULAR MEETING - JULY 1, 1991

Duane Aden advised the council that the Solid Waste Committee is restructuring at this time.

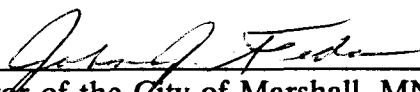
A Public Improvement Transportation Meeting of the Council was scheduled for July 9, 1991 at 4:00 P.M. in the Municipal Building Cottonwood Room and also for July 15, 1991 at 12:00 noon at Toni's Pizza.

A Personnel Committee meeting was scheduled for July 10, 1991 at 12:00 noon at Toni's.

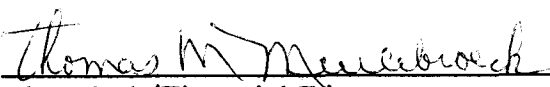
City Attorney Brian Murphy indicated to the council that he would follow up with a letter to the Attorney General's Office to try and receive a response in regard to the pay equity issue for at the Marshall Lyon County Library.

Upon motion made by Lewis, seconded by Mensing, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
Mayor of the City of Marshall, MN.

ATTEST:

  
City Clerk/Financial Director



## REGULAR MEETING - JULY 15, 1991

The regular meeting of the Common Council of the City of Marshall was held on July 15, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Mensing, Hess, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the addition of item 1A, which is a presentation from the representatives of the Desert Storm group to the City of Marshall; the deletion of item number 5, which is the consideration of the introduction of an ordinance rezoning 210 Lucille Street from an R-1 One Family Residence District to a B-3 General Business District and adding to item number 5 a discussion with residents along Fairview Street in regard to sewer backups as a result of the heavy rain fall on July 9, 1991.

Byrnes moved, Stores seconded, the approval of the minutes of the regular meeting held on July 1, 1991 as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

On behalf of the Desert Storm Support Group, Richard Voller was in attendance at the meeting to present to the City Council a certificate of appreciation for the support of the City of Marshall to those members of the group and their families who were serving in Saudia Arabia.

Upon recommendation of Rich Victor City Engineer, Hess moved, Stores seconded, the adoption of RESOLUTION NUMBER 1348, SECOND SERIES and that the reading of the same be waived. Resolution Number 1348, Second Series is a resolution awarding the contract for Project No. 1991-008, Job No. 514 for the minor grading, gravel base, curb & gutter, bituminous surfacing of North 11th Street and Fairview Street to McLaughlin & Schulz Inc., Marshall, Minnesota in the amount of \$124,118.80. This contract was approved with change order no. 1 which was a reduction in the contract of \$36,940 which was a deletion of the frontage road construction as was originally included in the bid. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Byrnes moved, Lewis seconded, the introduction of an ordinance to rezone the property at 107 West Marshall Street from an R-2 One to Four Family Residence District to a B-3 General Business District and to include this property in the Downtown District with the condition that some type of screening be included. This rezoning is the request of Erickson Oil Products, Hudson, Wisconsin to expand their current facility. Mr. Erickson did indicate that he would save the Blue Spruce trees in the area as part of the screening to the other property. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Hess moved, Byrnes seconded, the approval of a variance adjustment to construct a stockroom addition with a 3 foot side yard in lieu of 10 feet and a 4 foot rear yard in lieu of 25 feet as required by City Code in the B-3 General Business District at 1202 East College Drive for Scott Larson DBA Larson's Home Furnishings. Mr. Larson's intent is to construct a 36' x 20' steel building addition to the present facility. This variance was approved to meet expansion needs. There were no objections from the affected neighbors. The undue hardship was the additional moving of freight. Mr. Larson was in attendance at the meeting to discuss the concerns of the City Council. All voted in favor of the motion.

A discussion was held at this time with the property owners along Fairview Street who incurred sewer backup as the result of the heavy rainfall on July 9, 1991. Rich Victor, City Engineer, reviewed with the residents in attendance at the meeting the outline that had been put together on a Sanitary Sewer Backup Study. Mr. Victor did indicate that a temporary fix would be installing of a shut off valve to stop the sewer backup. The residents

## REGULAR MEETING - JULY 15, 1991

in attendance at the meeting were advised that if they had a claim for damages that it could be submitted to the city and it would be forwarded to the insurance company for them to make a determination if the city was liable for the claim or not. It is the intent of the City to continue televising sewer lines to see if they can determine if there is a problem with any of the sewer lines in the area. They will also check manholes for any type of infiltration to the system. It is the intent that some of this work would be done within the next 6 months. The residents were advised that an estimate to install one of the shut off valves would be in the area of \$800 to \$1,000. The appropriate city staff would continue to investigate the shut off valves and would be looking for something that would be maintenance free.

Greg Taylor who was in attendance at the meeting indicated that at one time there were some sewer problems on Columbine Street with sewer back up which was determined to be a result of the trailer court in the area. Mr. Taylor was concerned that the problems that are occurring on Fairview Street if they are a result of the trailer court that is in this area as well.

Mayor Feda was concerned that the proper city staff give immediate attention to a temporary or a permanent plan to resolve the problem with sewer back up along Fairview Street.

Kirchner moved, Byrnes seconded, the proper city staff be directed to investigate a temporary fix to the sewer backup problem along Fairview Street and that this recommendation be made to the Public Improvement Committee of the council for them to meet with the citizens along Fairview Street to consider a temporary solution to the sewer backup problem. All voted in favor of the motion.

A concern was expressed as to whether or not the Minnesota Pollution Control Agency or the Department of Health had been notified of the sewer backup problem of this area. Mr. Lewis indicated that he knew the Minnesota Pollution Control Agency was aware of the problem. Some concern was also expressed as to whether or not the city has guide lines to determine whether a sewer system is being over utilized. Also, addressed was whether or not building permits should be approved for additional apartments in this area if the system may already be over utilized.

Hess moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1349, SECOND SERIES and that the reading of the same be waived. Resolution Number 1349, Second Series is a resolution approving the Final Plat for Melissa Addition. Melissa Addition is located at the Northeast corner of the intersection of Fairview Street and North Bruce Street. The plat for Melissa Addition includes eight lots, all zoned R-1 Residential. Mr. Victor indicated that the requirements of the City Subdivision Ordinance have been met requiring this plat and that this resolution does call for the construction of sidewalks in accordance with the City's Sidewalk Policy. There was some concern expressed that maybe the approving of this final plat should be postponed until such time the problem with the sewer system in this area had been addressed and a determination is made as to whether or not the sewer systems are over utilized. Mr. Victor did indicate that it is his determination that the sewer systems in this area are not over utilized. All voted in favor of the motion, except Kirchner who voted no.

The meeting recessed at 9:00 P.M. for the Executive Board meeting.

The meeting reconvened at 10:15 P.M.

Kirchner moved, Mensing seconded, the adoption of RESOLUTION NUMBER 1350, SECOND SERIES and that the reading of the same be waived. Resolution Number 1350, Second Series is a resolution adopting the assessment for Project No. 1991-008, minor grading, gravel base, curb & gutter and bituminous surfacing of North 11th Street and Fairview Street from Main Street and 11th Street to Fairview Street, setting the interest rate at 8 1/2% with an 8 year payment period and with no interest being charged if the

## REGULAR MEETING - JULY 15, 1991

assessment is paid prior to September 1, 1991. All voted in favor of the motion.

Feda moved, Mensing seconded, the proper city personnel be authorized to enter into an agreement between the City of Marshall and the Southwest State University for the City of Marshall to provide police department services for traffic control and security at Southwest State University. This agreement is for the period August 1, 1991 through June 30, 1992 at a fee of \$68,515. The services that are to be provided are equivalent of 1 1/2 positions of the police department. All voted in favor of the motion.

Following a lengthy discussion on the recommendation of the Personnel Committee to the Council that a policy be developed whereby all upgrades (promotion) positions would take place only after there has been an outside corresponding recruitment. Feda moved, Mensing seconded, that this recommendation be referred back to the Personnel Committee for them to develop the proper wording of the policy for the council to act upon. All voted in favor of the motion, except Lewis, Kirchner and Stores who voted no.

Byrnes moved, Mensing seconded, the approval of the transient merchants license for Al Ahrenholz DBA Buy-Rite Inc., to sell clothing at the Marshall Inn. The fee for this license is \$200 and will expire on December 31, 1991. All voted in favor of the motion.

Mensing moved, Byrnes seconded, the approval of the cigarette license for the VFW Club to be used at the Lyon County Fairgrounds during the Lyon County Fair between August 8 - 11, 1991. The fee for this license is \$10.00. All voted in favor of the motion, except Kirchner who voted no.

Byrnes moved, Hess seconded, the VFW Club be granted an on-sale beer license at a fee of \$15.00 and an off-sale beer license at a fee of \$30.00 to be used at the Lyon County Fairgrounds during the Lyon County Fair between August 8 - 11, 1991. All voted in favor of the motion.

Lewis moved, Hess seconded, the approval of a special vehicle license permit for Gordon Timm and James Zmeskal. These licenses allow golf cart type vehicles to be operated on specific streets within the City of Marshall. The license fee is \$25.00 and this license will expire on December 31, 1991. All voted in favor of the motion.

A financial report for the year-to-date revenues and expenditures through the month of June, 1991 was presented to the City Council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report addresses revenues and expenditures in relationship to the 1991 budget.

Reports by the Councilmembers of various commissions and boards were presented to the Council as follows:

Mensing      Hospital Board - indicated that the hospitals are considering an arrangement for regional centers for physical therapy and that a rate increase will take place for the Nursing Home residents.

Public Improvement/Transportation Committee - received an analysis on the City of Marshall's transit system. In this report various suggestions or recommendations were made to assist with the improvement of the City of Marshall's system.

Hess            Convention and Visitor's Bureau - a brochure featuring Marshall as a Hub City for people interested in gambling and a place to stay is nearing completion.

Kirchner      No report.

## REGULAR MEETING - JULY 15, 1991

Lewis No report.

Byrnes Indicated that a Public Improvement/Transportation Committee meeting was scheduled for 12:00 o'clock noon on July 29, 1991 at Aunt Nellie's to discuss in more detail the Transit System operation. Mr. Byrnes indicated that the Public Improvement/Transportation Committee needs to address the physical obstruction removal on residential properties and that if people want to receive a variance that they come to the City Council to request these variances. A recommendation will be requested from the City Engineer as to why or why not a variance should be approved or denied. A Public Improvement/Transportation Committee meeting was scheduled for 7:00 P.M. on July 25, 1991.

Stores Library Board - a proposed budget has been developed which utilizes all the reserve that they have set aside to satisfy the pay equity request. The Library Board would like a copy of City Attorney Brian Murphy's correspondence that he has with the Attorney General's Office in regard to pay equity for the Marshall Lyon County Library.

Feda Lyon County employees were granted a flex plan through the Norwest Bank. Mayor Feda commented on a letter that had been received and discussed the closure of the St. Paul District Office of the U.S. Army Corp of Engineers. Mayor Feda also commented on correspondence that had been received in regard to the maintaining of the National Guard and Armory Reserve units in the various locations in Minnesota.

A request was made by Councilperson Kirchner that discussion be held at the next regular council meeting on the implication of the County's action for contributions to the Economic Development Authority.

Byrnes moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 42167 through 42409.

The following building permits previously approved by the Building Official were confirmed:

James Anderson  
115 South High Street  
Liberty Park Addition  
Block 3, Lots 21 & 22  
Addition to Dwelling  
\$40,000

Warren Severson  
302 West College Drive  
Auditor's Plat No. 5  
Lot 2 & Part of Lot 1  
Deck  
\$2,500

Independent Lumber  
1213 East Lyon Street  
Prairieview Estates Addition  
Block 1, Lot 2  
Basement Windows  
\$950

Rysdahl Construction  
1307 Ridgeway Road  
Westwood Acres Plat No. 2  
Block 6, Lots 1 & 2  
Dwelling  
\$300,000

Babcock Construction  
701 South Second Street  
Nielsens Third Addition  
Block 3, Lot 1  
Reside 1/2 of Dwelling  
\$1,800

Babcock Construction  
608 Lawrence Street  
Viking Addition  
Block 1, Lot 15  
Reside Dwelling  
\$3,800

## REGULAR MEETING - JULY 15, 1991

Steven R. Maertens  
809 North Fifth Street  
FreMar Second Addition  
Block 2, Lot 12  
Reside Two Sides of Dwelling  
\$650

Phillip Dwire  
1218 Parkside Drive  
Prairieview Estates Addition  
Block 4, Lot 4  
Garage Foundation Only  
\$1,000

John Haas  
606 Thomas Avenue  
Eatros Place Fourth Addition  
Block 1, Lot 9  
Three Season Porch  
\$3,000

Gordon Magnuson  
106C North First Street  
Original Plat  
Block 12, Part of Lots 12 & 13  
Reside Dwelling & Garage  
\$4,200

James H. Johnson  
113 Park Avenue  
Liberty Park Addition  
Block 2, Lots 20-22  
Remodel Bedrooms & Reroof  
\$6,000

Karen VanMeveren  
104 "C" Street  
Railroad Addition  
Part of Block 1  
Garage  
\$5,000

A Legislative and Ordinance Committee meeting was scheduled for Monday, July 22, 1991 at 4:00 o'clock P.M. to discuss the maintenance of undeveloped lots and the sump pump ordinance.

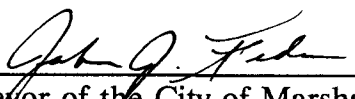
The council was advised that the newly platted area along North Bruce Street will be required to have sidewalks installed this year.

Duane Aden, City Administrator, indicated that the Utility Commission has authorized the preparation of plans and specifications for the demolition of the Power Plant Building.

A Personnel Committee meeting of the City Council was scheduled for July 18, 1991 at 12:00 o'clock noon at Toni's.

Upon motion made by Hess, seconded by Mensing, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## SPECIAL MEETING - JULY 29, 1991

A special meeting of the Common Council of the City of Marshall was held on July 29, 1991. The meeting was called to order at 4:40 P.M. by City Administrator Duane Aden. In attendance at meeting were councilmembers: Mensing, Hess, Lewis, Byrnes and Stores. Absent: Mayor Feda and Councilperson Kirchner.

It was the general consensus of the councilmembers in attendance at the meeting that Councilmember Lewis be appointed President Pro-Tem for this meeting.

Duane Aden, City Administrator, indicated the purpose of this meeting was to consider proposals submitted on July 25, 1991 for the employee's group insurance coverage. Duane Aden turned the meeting to Chuck Jelinek, insurance consultant from Corporate Risk Managers, to review the proposals that were received.

The proposals received were as follows:

	Employee only (16)	Employee & Dep (68)	Admin Charges
Health Insurance			
Blue Cross/Blue Shield			
Proposal #1 250/500			
Billed	\$136.42	\$379.75	\$--
Statistical	160.49	446.76	--
Maximum	168.51	469.10	--
Proposal #2 500/5,000			
Billed	117.14	326.09	--
Statistical	137.81	383.63	--
Maximum	144.70	402.81	--
Proposal #3 1,000/10,000			
Billed	96.27	267.99	--
Statistical	113.26	315.28	--
Maximum	118.92	331.04	--
InsurTec			
650/1,300	129.26	317.17	--
900/1,800	116.27	283.40	--
750/1,500	127.86	313.70	--
MMUA			
1,000/2,000	105.91	256.26	\$6.00 per month per participant
Life Insurance			
	InsurTec	MMUA	
Employee Life	.46 per M	.49 per M includes AD & D	
AD & D	.06 per M		
Dependent Life	NA	2.93 per unit	

Following the review of the proposals submitted, Mr. Chuck Kroeger from MMUA, Woodman Accident Life Insurance Company, indicated to those in attendance at the meeting that their insurance company would honor any deductible that have been met by Blue Cross/Blue Shield from January 1, 1991 through July 31, 1991. They would not honor the co-insurance that has been met through July 31, 1991. The participants would be required to fill out a claim form once a year for all members covered and would not have to submit any other claims for the year but would be required to send all bills their receive

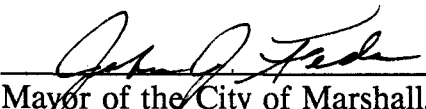
## SPECIAL MEETING - JULY 29, 1991

directly to the insurance company. The usual and customary charges would be the responsibility of the participants and for them to work out with the providers. The retirees who are part of the group plan and have the insurance as a supplemental insurance would be charged the same single rates and family rates depending upon the coverage. Those members who currently have single coverage and wish to change to family now or in the future may enroll for family coverage at this time but if they wish to add their family at a future date would be required to complete a health history. This insurance does coordinate with other insurance coverages that the participant may have. With the information that was provided to the council in regard to the savings by going with the MMUA, Woodmen Accident and Life Insurance Company, the city would in accordance with existing personnel policy reimburse the employee for any expenses which exceed the \$250 single or \$500 family deductibles that would be incurred by the employee and they would reimburse the employee for any co-insurance obligations the employee would incur.

Upon the recommendation of Chuck Jelinek, insurance consultant, Corporate Risk Managers, Stores moved, Byrnes seconded, the proper city personnel be authorized to execute the necessary agreements for the City of Marshall employees to be covered by the MMUA, (Minnesota Municipal Utilities Association), Woodmen Accident and Life Insurance, effective August 1, 1991 for health insurance, life and AD & D coverage with a \$500 single deductible and \$1,000 family deductible, co-insurance of 20-80 up to \$2,500 above the deductible with a single rate of \$105.91, family rate \$256.26 and a \$6.00 per month administrative charge per participant and the life insurance rates of \$.49 per thousand for life insurance and AD & D, and dependent life of \$2.93 per unit. The life insurance coverage is \$10,000 per employee, \$5,000 per spouse, and \$2,000 per dependent. With the information provided it was agreed that any expenses above the \$250 deductible and \$500 deductible for family would be reimbursed to the employee from the city. All voted in favor of the motion.

Upon made by Byrnes, seconded by Hess, the meeting was adjourned. All voted aye.

## THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## REGULAR MEETING - AUGUST 5, 1991

The regular meeting of the Common Council of the City of Marshall was held on August 5, 1991. The meeting was called to order at 7:40 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Kirchner, Lewis, Byrnes and Stores. Absent: Mensing.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the Council that the agenda be approved with the deletion of item 2D which is the awarding of the bid for an animal impoundment center.

Stores moved, Byrnes seconded, the approval of the minutes of the regular meeting held on July 15, 1991 and the special meeting held on July 29, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received, opened and read at 2:00 o'clock P.M. on July 25, 1991 for a 27,000 GVW truck for the Street Department, a truck dump body for the Street Department and a 1991 tractor for the Street Maintenance Department as follows:

### 27,000 GVW truck:

Anton Chevrolet  
Marshall, Minnesota  
\$19,600

Tholen Auto Sales  
Marshall, Minnesota  
\$20,564.65

Olson & Johnson Trucks Inc.  
Marshall, Minnesota  
\$15,900.00

### Truck dump body:

Schweigers Inc.  
Sioux Falls, South Dakota  
\$5,395.00

Tomark Equipment Co.  
Sioux Falls, South Dakota  
\$6,569.00

Schweigers Inc. (Alternate)  
Sioux Falls, South Dakota  
\$5,295.00

Crysteel Distributing  
Lake Crystal, Minnesota  
\$6,920.00

Drake Equipment  
Sioux Falls, South Dakota  
\$6,092.00

MacQueen Equipment Inc.  
St. Paul, Minnesota  
No bid security

### 1991 Tractor:

D & M Implement Inc.  
Marshall, Minnesota  
\$20,505.00

Boerboom International  
Marshall, Minnesota  
\$21,400.00

Bill's Sales & Service Inc.  
Marshall, Minnesota  
\$22,400.00

Upon the recommendation of City Engineer Rich Victor, Byrnes moved, Lewis seconded, the bid for a 1991 Tractor for the Street Maintenance Department be awarded to D & M Implement Inc., Marshall, Minnesota in the amount of \$20,505.00. All voted in favor of the motion.



## REGULAR MEETING - AUGUST 5, 1991

Upon the recommendation of City Engineer Rich Victor, Lewis moved, Hess seconded, the bid for a 27,000 GVW Truck for the Street Department be awarded to Olson & Johnson Trucks Inc., Marshall, Minnesota in the amount of \$15,900.00. All voted in favor of the motion.

Upon the recommendation of City Engineer Rich Victor, Lewis moved, Kirchner seconded, a bid for a Truck Dump Body for the Street Department be awarded to Drake Equipment, Sioux Falls, South Dakota in the amount of \$6,092.00. A low bid received from Schweigers Inc., Sioux Falls, South Dakota, did not meet the specifications. All voted in favor of the motion.

This was the date and time set for an assessment hearing on Project No. 1990-013 which is the South 7th Street construction from South 6th Street to Main Street. George Spang, manager for Heartland Foods Inc., was in attendance at the meeting and did indicate they had reviewed the assessment and had no objections and expressed his company's appreciation for the improvement. There were no further comments or objections received therefore, Lewis moved, Stores seconded, the adoption of RESOLUTION NUMBER 1351, SECOND SERIES and that the reading of the same be waived. Resolution Number 1351, Second Series is a resolution adopting the assessment roll for the construction of South 7th Street Project No. 1990-013, setting the interest rate at 8 1/2 percent with an 8 year payment period and with no interest being charged if the assessment is paid prior to September 1, 1991. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of ORDINANCE NUMBER 274, SECOND SERIES and that the reading of the same be waived. Ordinance Number 274, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for the rezoning of 107 West Marshall Street from an R-2, One to Four Family Residence District, to a B-3, General Business District, and including the amending of the boundaries for the Downtown Central Business District. All voted in favor of the motion.

Hess moved, Kirchner seconded, the resignation of Councilperson Andy Mensing be accepted with regrets. Andy Mensing, Councilperson for Ward III resigned due to the relocating and accepting a consulting position with the Northeast Metropolitan Intermediate School District located in White Bear Lake. Mr. Mensing's resignation is effective August 1, 1991. All voted in favor of the motion.

Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 1352, SECOND SERIES and that the reading of the same be waived. Resolution Number 1352, Second Series is a resolution declaring a vacancy on the Common Council and providing for a special election. This resolution is a result of Andy Mensing, Councilperson Ward III, resigning effective August 1, 1991. This resolution provides for the special election to be held on September 10, 1991. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Byrnes moved, Hess seconded, the introduction of an ordinance regulating the use of skateboards, roller skates, roller blades and roller skis in the City of Marshall, Minnesota. This ordinance prohibits skateboarding type operations on the downtown sidewalk areas and on private property without the consent of the owner. The ordinance also prohibits careless or negligent operations. All voted in favor of the motion.

## REGULAR MEETING - AUGUST 5, 1991

Byrnes moved, Hess seconded, the introduction of an ordinance regulating the use of sump pumps and discharge of storm water, ground water and surface water into the sanitary sewer system in the City of Marshall, Minnesota as amended. The amendment to the proposed ordinance requires sump pump pits to be of acceptable size. This ordinance would require that with all new construction where a sump pit is installed, that the pump shall also be placed and rigid pipe installed to the outside of the home. This ordinance gives the right of entry to city personnel to investigate sump pump hookups within the city. All voted in favor of the motion.

Kirchner moved, Stores seconded, the introduction of an ordinance regulating the grading and maintenance of subdivided lots within the City of Marshall, Minnesota. This ordinance would protect the safety of persons and property within the City of Marshall by requiring that all platted and subdivided lots within the city that are vacant shall be maintained in a manner that will prevent ponding of water and will allow the mowing of such property. All voted in favor of the motion.

Hess moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1353, SECOND SERIES and that the reading of the same be waived. Resolution Number 1353, Second Series is a resolution authorizing the proper city personnel to enter into an agreement with the Minnesota Department of Transportation for a flashing beacon at the intersection of College Drive and Market Street in the City of Marshall. The agreement defines the responsibilities of each party in regard to the furnishing of the equipment, installation and maintenance of the system. All voted in favor of the motion.

Upon the recommendation of the Personnel Committee, Stores moved, Lewis seconded, the policy pertaining to the process for filling vacant employee positions be that any position which requires an application process will be recruited from both qualified existing staff as well as interested personnel not presently within the employment of the City of Marshall. All voted in favor of the motion.

A discussion was held at this time in regard to a request for a contract for an additional Engineer Technician Position within the Engineering Department and a supplemental appropriation to fund the position. The contract position would be for a 12 month period with a review on an annual basis. This position would assist with the current workload of the department and also assist on the sanitary sewer backup investigation. Upon the recommendation of the Public Improvement/Transportation Committee, Byrnes moved, Hess seconded, the proper city personnel be authorized to advertise for a contract position for a Engineering Tech Position in the Engineering Department for a 12 month period which would be reviewed on an annual basis and that a supplemental appropriation of \$9,000 be made from the Mayor and Council Contingency, 101-401401-6810 to the Engineering Department, 101-601602-1101 for the remainder of the calendar year 1991. There was some concern expressed that this position should probably be paid for out of the Wastewater Treatment Facility Fund. This will be reviewed during the budget process for 1992. All voted in favor of the motion.

Upon the recommendation of the Public Improvement/Transportation Committee, Byrnes moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1354, SECOND SERIES and that the reading of the same be waived. Resolution Number 1354, Second Series is a resolution providing for the installation of stop signs at the intersection of Saratoga Street and South 4th Street. The placing of a 4 way stop at this intersection controls the turning movement and also provides for a safe crossing for the pedestrians. All voted in favor of the motion.

Hess moved, Stores seconded, the adoption of RESOLUTION NUMBER 1355, SECOND SERIES and that the reading of the same be waived. Resolution Number 1355, Second Series is a resolution amending the assessment roll for Project Number 1991-002. This resolution provides for the deleting of an assessment against parcel 27-224-001-0, Ethel Hendren in care of the DeAustin Life Estate, in the amount of \$800.00 and that this \$800.00

## REGULAR MEETING - AUGUST 5, 1991

be assessed to the Marshall Municipal Utilities. The reason for removing this parcel from the assessment roll is that it is not connected to the water line being replaced on East Lyon Street. All voted in favor of the motion.

A discussion was held at this time as to whether or not the city should grant permits to allow obstructions on city right-of-ways to remain. City Attorney Brian Murphy suggested to the city council that they develop criteria for the granting or denying of a permit to allow physical obstructions to remain on the city right-of-way. Mary Jo Olberding, 900 Pine Street, was concerned about the removal of an ornamental display that she has on her property. Ms. Olberding suggested that in developing criteria the safety issue be of concern. Aziz Ashrafzadeh Kian of 402 East Southview Drive was also concerned that the aesthetic (decorative) value of such physical obstructions also be considered in developing the criteria. Lewis moved, Stores seconded, the request for permits to allow physical obstructions on city right-of-way to remain be referred to the Public Improvement/Transportation Committee to develop criteria and/or standards for physical obstructions on the city right-of-way. All voted in favor of the motion.

Upon the recommendation of the Public Improvement/Transportation Committee, Feda moved, Byrnes seconded, the proper city personnel be authorized to loan up to \$1,200/property for the installation of backflow prevention valves based on the actual cost of certified bills submitted to the city by the homeowner. These valves would be installed on the sanitary sewer line as an immediate way of preventing backflow from the sanitary sewers into the basements of these homes. These loans would be assessed to the property owner and placed on their taxes to be paid back to the 429 Revolving Fund. These loans would be interest free and be paid in full to the city over a 4 year period of time. All requests for these homes must be submitted by October 15, 1991. All voted in favor of the motion, except Kirchner who voted no. Councilperson Kirchner voted no since she felt it was the responsibility of the city to correct the problem with the sewer backups not the responsibility of the property owners.

Byrnes moved, Hess seconded, the proper city personnel be authorized to contract for additional sewer televising throughout the City of Marshall and that \$15,000 budgeted in the Wastewater Treatment Fund Capital Improvements be transferred to the proper operating account to cover this expense of \$15,000. The additional televising is needed to analyze the sewer lines within the city to determine the causes of backup problems that have been associated with the high rain. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1356, SECOND SERIES and that the reading of the same be waived. Resolution Number 1356, Second Series is a resolution in support of retaining the St. Paul District Office of the US Army Corp of Engineers. Due to the existing flood control project and pending flood control projects there is a considerable amount of contact with the St. Paul Office of the Corp of Engineers and it would create a hardship if this office was located a considerable distance from Marshall, such as St. Louis, MO. All voted in favor of the motion.

Lewis moved, Hess seconded, the adoption of RESOLUTION NUMBER 1357, SECOND SERIES and that the reading of the same be waived. Resolution Number 1357, Second Series is a resolution opposing the reduction of the National Guard and Army Reserve Units in the State of Minnesota. All voted in favor of the motion.

Upon the request of Harry Weilage, Director Parks, Recreation and Community Education, Byrnes moved, Stores seconded, the approval of a transfer of \$600 from account number 101-806339-2211 to 101-406406-5540 and the transfer of \$300 from 101-801001-2240 to 101-406406-5540 to allow the purchase of a reconditioned A/V Mixer for the Cable Access System to be used for studio production at the Marshall High School. All voted in favor of the motion.

## REGULAR MEETING - AUGUST 5, 1991

Upon the request of Calvin Barnett, Purchasing Agent, Hess moved, Stores seconded, the approval of a transfer of \$3,000 from the ABE/GED account 101-818820-3405 to the Municipal Building Account 101-412450-2223. This transfer will provide the funds to construct a wall to separate the Redwood and Minnesota Rooms in the lower level of the Municipal Building. All voted in favor of the motion.

Upon the request of Thomas M. Meulebroeck, Finance Director/City Clerk, Byrnes moved, Kirchner seconded, the approval of the following transfers:

From

General Fund Current Ad Valorem Taxes	101-311100	\$609,023
Debt Service Swim Pool/Senior Center		
Current Ad Valorem Taxes	333-311100	37,846
Debt Service Fire Hall Current		
Ad Valorem Taxes	332-311100	<u>11,321</u>
Total		\$658,190
		=====

To

General Fund - Homestead Credit	101-334120	\$452,950 ✓
General Fund - Equalization Aid	101-334180	151,322 ✓
General Fund - Disparity Reduction Aid	101-334160	4,751 ✓
DS - Swim Pool/Sen Cent Homestead Credit	333-334120	28,147
DS - Swim Pool/Sen Cent Equalization Aid	333-334180	9,404
DS - Swim Pool/Sen Cent Disparity		
Reduction Aid	333-334160	295
DS - Fire Hall Homestead Credit	332-334120	8,420
DS - Fire Hall Equalization Aid	332-334180	2,813
DS - Fire Hall Disparity Reduction Aid	332-334160	<u>88</u>
Total		\$658,190
		=====

All voted in favor of the motion.

Byrnes moved, Stores seconded, that the City of Marshall does not plan to pay the seven cent voluntary assessment for the 1992 annexation land use lobbying efforts to be done by the Coalition of Greater Minnesota Cities. All voted in favor of the motion.

Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1358, SECOND SERIES and that the reading of the same be waived. Resolution Number 1358, Second Series is a resolution authorizing the City of Marshall to submit a grant application to the State of Minnesota for a 1992 transit service. All voted in favor of the motion.

Reports by the councilmembers of various committees, commissions and boards were presented as follows:

Stores	There was no Library Board Meeting. The Joint City/County Board Meeting for the Library will be held on August 7, 1991 to discuss the 1992 budget for the Marshall Lyon County Library. The Library Board does have a retreat scheduled for August 16, 1991.
Byrnes	Commented briefly on the Public Improvement/Transportation Committee meeting that had been held and indicated that a Public Improvement/Transportation Committee meeting is scheduled for 12:00 o'clock noon at Aunt Nellie's on August 14, 1991 to discuss the transit system.

## REGULAR MEETING - AUGUST 5, 1991

- Lewis        The Personnel Committee had decided to meet with the employees on a quarterly basis which would be in January, April, July and October.
- Feda         Indicated that he would be attending the Governor's meeting and asked for any suggestions from the City of Marshall as to what they see for Southwest Minnesota for the year 2000. Mr. Feda indicated that there is a suggestion being made for a regional center for Minnesota Department of Trade and Economic Development.
- Kirchner     No report, but did indicate she had attended a number of the committee meetings of which information was provided in the minutes to the council.
- Hess         Cable Commission was requesting that a couple of members be added to this board.

Due to resignation of Councilperson Mensing, Councilperson Stores volunteered to serve on the Public Improvement/Transportation Committee during the interim; Hess on the Hospital Board during the interim; and Byrnes on the Senior Center Commission during the interim.

There was a brief discussion at this time in regard to the Lyon County Commissioners action pertaining to the contribution to the Economic Development Authority Community Reinvestment Fund. During the implementation of this program it was indicated that the cap on this fund would be \$500,000 and due to the fact that this fund has exceeded this amount the County Board allocated \$34,000 to the Southwest Initiative Fund.

Byrnes moved, Stores seconded, that Roberto Trevino be appointed to the Human Rights Commission for a term to expire on May 31, 1994. All voted in favor of the motion.

Lewis moved, Hess seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 42412 through 42733.

The following building permits and application permit to move buildings previously approved by the Building Official were confirmed:

Patrick Coequyt  
601 Adobe Road  
Prairieview Estates Third Addition  
Block 3, Parcel A of Lot 1 & Parcel B of Lot 2  
Deck & Swimming Pool  
\$3,500

James Anderson  
115 South High Street  
Liberty Park Addition  
Block 3, Lots 21 & 22  
Move-out Garage  
\$0

Schwan's Sales Enterprises Inc.  
109 East Saratoga Street  
Blakes Addition  
Part of Block 1  
Demolish Buildings  
\$0

Minnesota Cabinets  
1101 East College Drive  
Section 3  
Part of SW 1/4 of NW 1/4  
Office Remodeling  
\$700

Minnesota Corn Processors Inc.  
400 West Erie Road  
MCP Industrial Park  
Block 1, Lot 2  
1991 Addition to Wet Milling Plant/South Addition/  
Additional Work  
\$200,000

Babcock Construction  
203 James Avenue  
Nielsens Third Addition  
Block 2, Lot 6  
Reside Dwelling  
\$3,700

## REGULAR MEETING - AUGUST 5, 1991

Rieder Severson  
708 South Fourth Street  
Eatros Place Addition  
Block 1, Lot 24  
Roof over Patio  
\$350

True Value Home Center  
1221 Englewood Road  
Westwood Acres II  
Block 3, Lot 6  
Dwelling  
\$95,000

Brad Knutson  
1217 East College Drive  
Section 3  
Part of SE 1/4 of NW 1/4  
Remodel Shop  
\$500

Randall Hansen  
510 Kendall Street  
Section 5  
Part of NE 1/4 of SE 1/4  
Remodel Kitchen & Bathroom  
\$1,000

Henry Blomme  
504 Williams Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Remodel Roof  
\$450

Taylor's Inc.  
802 North Bruce Street  
Melissa Addition  
Block 1, Lot 2  
Dwelling  
\$53,000

Greig & Gregerson  
103 North Third Street  
Original Plat  
Block 9, Part of Lots 19-21  
Remodel Bathroom & Partition  
\$1,300

APPLICATION FOR PERMIT TO  
MOVE BUILDING

James Anderson  
From: 115 South High Street  
To: 1212 East College Drive  
Move Garage  
\$50

A request was made that the minutes from the Lyon County Solid Waste Advisory Board be provided to the City Council along with other committee and commission minutes that they receive.

Other items briefly discussed were the requiring of valves for sanitary sewers for new construction residential property, a response to the auditors comments, the status of the Marshall Municipal Building smoking areas, the status of logs on calls about odors; and what to do with trailer park problems causing problems in other areas of the city as far as sewer backups.

A Personnel Committee meeting of the Council was scheduled for August 15, 1991 at 12:00 o'clock noon at Aunt Nellie's.

The City Council was advised that it is property owners responsibility along East Lyon Street to take care of the sidewalks and remove the rocks and etc.

A concern was expressed in regard to the heavy rains that we have received and the build up of debris upstream from the bridges within the City of Marshall.

A Public Improvement/Transportation Committee meeting was scheduled for August 14, 1991 at 12:00 o'clock noon at Aunt Nellie's and August 20, 1991 at 4:00 o'clock P.M. in the Marshall Municipal Building.


Brian Murphy, City Attorney, indicated that as a result of recent legislation high school students are now allowed to be election judges.

REGULAR MEETING - AUGUST 5, 1991

Mayor Feda requested the 1991 budget amendments due to the reduction in local government aids before the city council starts working on the 1992 budget requests.

Upon motion made by Lewis, seconded by Kirchner, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
 Mayor of the City of Marshall, MN.

ATTEST:

  
 City Clerk/Financial Director

## REGULAR MEETING - AUGUST 19, 1991

The regular meeting of the Common Council of the City of Marshall was held on August 19, 1991. The meeting was called to order at 7:32 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Kirchner, Byrnes and Stores. Absent: Lewis.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council the agenda be approved with the deletion of item number 24 which was the consideration of an agreement for administration of League of Minnesota Insurance Program for the City of Marshall and the deletion of setting of a hearing for the proposed 1992 budget/levy in is item number 22.

Hess moved, Byrnes seconded, the approval of the minutes of the regular meeting held on August 5, 1991 as corrected and as filed with each member and that the reading of the same be waived. All voted aye.

A bid was received, opened and read on August 5, 1991 at 2:00 o'clock P.M. for an animal impoundment center. The bid received, opened and read was from Robert L. Carr Company, Marshall, Minnesota in the amount of \$107,000.00. Upon the recommendation of Rich Victor, City Engineer, and in conjunction with the Lyon County Humane Society, Hess moved, Stores seconded, the bid be rejected and the proper city personnel be authorized to rebid utilizing an alternative format. These bids will be received at 2:00 o'clock P.M. on September 9, 1991 in the Council Chambers of the Marshall Municipal Building at 344 West Main Street. All voted in favor of the motion.

Kirchner moved, Stores seconded, the adoption of ORDINANCE NUMBER 275, SECOND SERIES and that the reading of the same be waived. Ordinance Number 275, Second Series is an ordinance regulating the use of sump pumps and discharge of storm water, ground water and surface water into the sanitary sewer system in the City of Marshall, Minnesota. This ordinance requires all sump pumps to be piped rigidly to the exterior of the home and allows for city personnel to inspect homes throughout the city for conformance with this ordinance. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of ORDINANCE NUMBER 276, SECOND SERIES and that the reading of the same be waived. Ordinance Number 276, Second Series is an ordinance regulating the grading and maintenance of subdivided lots in the City of Marshall, Minnesota. The intent of this ordinance is to protect the safety of persons and property within the City of Marshall by requiring that all platted or subdivided lots within the city that are vacant be maintained in a manner that will prevent ponding of water and allow mowing of such property. All voted in favor of the motion.

Stores moved, Hess seconded, the adoption of ORDINANCE NUMBER 277, SECOND SERIES and that the reading of the same be waived. Ordinance Number 277, Second Series is an ordinance regulating the use of skate boards, roller skates, roller blades and roller skis in the City of Marshall, Minnesota. This ordinance restricts the use of these devices on the downtown general area of sidewalks, on private property without the consent of the owner and the use of these devices in a reckless manner. All voted in favor of the motion.

Hess moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1359, SECOND SERIES and that the reading of the same be waived. Resolution Number 1359, Second Series is a resolution amending the general fund budget amounts for fiscal year ending December 31, 1991. Most department budgets were amended (reduced) due to the loss of approximately \$50,341.00 in local government aid payments from the State of Minnesota. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Byrnes moved, Hess seconded, the approval of a 5 year renewal of a conditional use permit for a home



## REGULAR MEETING - AUGUST 19, 1991

occupation to operate an electrical and electronic consulting business in an R-1, One Family Residence District, for C. G. Richeson at 1203 Westwood Drive. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Hess moved, Byrnes seconded, George Falconer, 507 Pleasant Avenue, be granted a 5 year renewal for a conditional use permit for a home occupation in an R-1, One Family Residence District, with the same conditions as the pervious permit. These conditions included a restriction on parking which was permitting one commercial vehicle on the lot and restricting out side employees. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Byrnes moved, Stores seconded, the introduction of an ordinance to rezone property located at 607 West Main Street from an R-4, Higher Density Multiple Family District, to a B-1, Limited Business District, upon the request of Lyon County. John Molle a property owner and resident adjacent to the property at 607 West Main Street indicated that he has owned his home across the street and lived in the same house for the past 36 years. Mr. Molle said that changes in the area including the 7th Street extension and expansion of Heartland Food has created a problem with storm sewer. Mr. Molle asked the City Engineer and Building Official to not be allowed to issue any building permits for this area until such time the storm sewer system problem is remedied. Duane Aden, City Administrator, indicated that there is an 8" line in the area and that the City would have to work with the state since this is a State Aid street to make any improvements to this storm sewer. Mr. Aden did indicate that there is a large storm sewer line on 6th Street. Wayne Budde on behalf of Lyon County indicated it is not the intent of the Lyon County Board of Commissioners to do anything to this area, except place sand or gravel in a small area to park cars, until such time they decide to do something with the building. All voted in favor of the motion.

Byrnes moved, Hess seconded, that the City Engineer be directed to investigate and determine a solution for the storm sewer problem in the area of 607 West Main Street and that a report be made back to the Public Improvement Committee at the earliest possible time. All voted in favor of the motion.

Contrary to the recommendation of the Planning Commission, Kirchner moved, Stores seconded, the request of James R. Anderson for a variance adjustment permit to construct an attached carport with a side yard of 0' in lieu of 5' as required by City Code in an R-1, One Family Residence District, at 115 South High Street be denied. The reason the request was denied is that there is adequate space to enter the property from the rear, there is sufficient lot size, and that undue hardship is not proved. Mr. Anderson was in attendance at the meeting to discuss the project and the layout of the construction to the house and the carport. Those voting in favor of the motion were: Stores, Byrnes and Kirchner. Voting no were: Hess and Feda.

Upon the request of Joseph Andries, Kirchner moved, Stores seconded, the request for a conditional use permit to classify an existing non-conforming three family dwelling as a conforming use at 209 North Hill Street in an R-1, One Family Residence District, be referred back to the Planning Commission. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Hess moved, Byrnes seconded, the approval of a variance adjustment permit for Schwan's Sales Enterprise at 601 Michigan Road to construct a warehouse and compressor room addition with a front yard set back of 0' in lieu of 25' as required by City Code in an I-2, General Business District, as they have shown undue hardship with the limited options for space for expansion. As indicated in the Planning Commission minutes the addition is needed to meet the requirement for pallet sizes; the compressor is to small to handle the expansion and the additional space is needed to keep up with production. All voted in favor of the motion.

## REGULAR MEETING - AUGUST 19, 1991

Byrnes moved, Stores seconded, the proper city personnel be authorized to execute a lease agreement between Minnesota Wind Power Inc., and the City of Marshall for a non-exclusive use of a strip of property approximately 1/2 mile in length along the Westerly side of North 7th Street from Erie Road (CSAH #33) for the purpose of erecting five wind generators. These wind generators will generate electricity that would be sold to the Marshall Municipal Utilities under a contract agreement. The conditions included in the agreement are for a non-exclusive use of the area, except immediate specific location of the generator unit; the use of North 7th Street right-of-way when necessary for underground line connection; the terms of the contract be the same as the contract between the Marshall Municipal Utilities and Minnesota Wind Power or any extensions thereof; the maintenance of the generator site be done by Minnesota Wind Power Inc.; there be an annual license fee of \$250 per year and that the Minnesota Wind Power Inc. would pay any taxes on the lease site. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Stores seconded, Minnesota Wind Power Inc., be granted a conditional use permit to install a wind generator at 112 South 11th Street in an I-2, General Industry District, with the condition that if at any time there is an environmental concern, such as a problem with the noise level, the council may consider the revoking of the permit. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Stores seconded, Minnesota Wind Power Inc., be granted a conditional use permit to install a wind generator on a parcel of land on the Westerly side of North 7th Street South of Erie Road in an I-2, General Industry District, with the condition that if at any time there is an environmental concern, such as a problem with the noise level, the council may consider the revoking of the permit. All voted in favor of the motion.

Upon the request of the Marshall School District and the recommendation of the Public Improvement Transportation Committee, Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 1360, SECOND SERIES and that the reading of the same be waived. Resolution Number 1360, Second Series is a resolution restricting parking on the East side of Saratoga Street from the North curb line of James Avenue a distance of 270' South. All voted in favor of the motion.

Kirchner moved, Hess seconded, the adoption of RESOLUTION NUMBER 1361, SECOND SERIES and that the reading of the same be waived. Resolution Number 1361, Second Series is a resolution amending the assessment roll for Project No. 1991-002. This resolution provides for the deleting of an assessment to the property at 510 West Lyon Street owned by Dorothy Yochem, Parcel No. 27-677157-0 and that the assessment of \$800.00 be assessed to the Marshall Municipal Utilities. All voted in favor of the motion.

Byrnes moved, Hess seconded, the adoption of RESOLUTION NUMBER 1362, SECOND SERIES and that the reading of the same be waived. Resolution Number 1362, Second Series is a resolution approving the plans and specifications and authorizing the advertisement for bids for City Project No. 1991-006 or MSA Project No. 139-123-03 and 139-123-04 which is the grading, bituminous base, aggregate base, bituminous surfacing, curb & gutter, storm sewer, sidewalk, turf establishment and miscellaneous work for East Lyon Street from East Main Street to Bruce Street. The bids for this project will be received at 2:00 o'clock P.M. on September 10, 1991. All voted in favor of the motion.

Byrnes moved, Kirchner seconded, the proper city personnel be authorized to execute the farm lease addendum between the City of Marshall and Francis Mortier for the 270 acres of agricultural land at the Marshall Municipal Airport for the period March 22, 1992 to March 22, 1993 at the rate of \$60.00 per acre. All voted in favor of the motion.

Upon the recommendation of the Joint Committee of the Lyon County and City of Marshall, Stores moved, Feda seconded, BE IT RESOLVED the special levy for Library purposes be increased by 3% for 1992. All voted in favor of the motion.

REGULAR MEETING - AUGUST 19, 1991

Upon the recommendation of the Director of Public Safety Marvin Bahn, Kirchner moved, Byrnes seconded, Tom Draper be employed as a fulltime Police Officer with the City of Marshall at the rate of \$12.00 per hour effective September 9, 1991. The following resolution was adopted BE IT RESOLVED that Tom Draper be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power or arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police & Fire Fund. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1363, SECOND SERIES and that the reading of the same be waived. Resolution Number 1363, Second Series is a resolution adopting the levy for 1991 payable in 1992. This levy consists of a general levy of \$1,489,305, a special levy for library of \$250,492 and a special levy for debt service obligation of \$130,000 for a total levy of \$1,869,797. All voted in favor of the motion.

Upon the recommendation of the Public Improvement Transportation Committee, Byrnes moved, Stores seconded, the proper city personnel be authorized to enter into an agreement with Lyon County Coop to pay the Lyon County Coop \$1,200 a month effective September 1, 1991. The \$1,200 per month is a reimbursement to Lyon County Coop for their operation of the transit service during the hours that the City of Marshall does not operate the transit system. All voted in favor of the motion.

Upon the recommendation of the Public Improvement Transportation Committee, Byrnes moved, Stores seconded, the hours of the operation for the City of Marshall Transit System be extended to 6:30 A.M. to 10:00 P.M. Monday through Friday and from 10:00 A.M. to 4:00 P.M. on Saturday effective September 1, 1991. All voted in favor of the motion.

Upon the recommendation of the Public Improvement Transportation Committee, Stores moved, Hess seconded, a public hearing be held on September 3, 1991 at 7:30 P.M. to consider a rate increase for the City of Marshall Transit System. All voted in favor of the motion.

Reports by the councilmembers of various committees, commissions and boards were presented as follows:

Hess            Convention and Visitors Bureau - has finalized the brochure and are distributing these brochures which advertise the City of Marshall as a hub for hotels and motels for those people attending the various gambling facilities.

Hospital Board - effective August 19, 1991 there are two new physicians starting at the Affiliated Medical Center.

Kirchner       Planning Commission - a 600% increase has take place with variances being granted

Byrnes           Public Housing - the vacancy rate is the lowest it has been for some time, the Comprehensive Improvement Grant had been turned by HUD.

Public Improvement Transportation Committee - a meeting was scheduled for 4:00 o'clock P.M. on August 20, 1991 to discuss the formulating of criteria and/or standards for the removal or allowing of physical obstructions to remain that is to include those on city right-of-ways for existing and new properties.

## REGULAR MEETING - AUGUST 19, 1991

Stores            Library Board - did have a retreat.

The Transit - she did have an opportunity to ride with a driver of the transit system and found it be a very good learning experience.

Parks, Recreation and Community Education Board - had review a preliminary budget.

Feda            Had attended the Governor's Milestone meeting in Worthington and a discussion was centered around what to protect for 30 years into the future. Mr. Feda indicated that there will be a Regional League of Minnesota Cities meeting in Walnut Grove on September 18, 1991. The Historical Society is searching for a new location and a question was raised in regard to whether the St. Stephen's Church property was properly zoned for the Historical Society.

A concern was expressed in regard to the progress being made on County Ditch 62. Duane Aden, City Administrator, indicated that engineering is being done and a number of contacts are being made with various county officials.

Mr. Feda indicated that an open house will be held at the new DOT Office on Highway 19 on Tuesday, September 20th between 3:00 P.M. and 5:00 P.M.

A financial report for the year to date revenues and expenditures through the month of July, 1991 was presented to the City Council by Thomas M. Meulebroeck, CMC, Financial Director/City Clerk. This report addressed revenues and expenditures in relationship to the 1991 budget.

Upon the recommendation of the Economic Development Authority, Byrnes moved, Kirchner seconded, a \$50,000 loan be made from the EDA Community Reinvestment Fund to Elwood (Woody) Miller to be used in the acquisition of Marshall Truss System Company on East Main Street. This loan would be a 5 year loan with a balloon payment based on a 10 year amortization schedule at an 8% interest rate. This loan was approved with the understanding that the 30 day normal review period would be waived. All voted in favor of the motion.

Kirchner moved, Hess seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 42734 through 42973.

The following building permits and mobile home permits previously approved by the Building Official were confirmed:

Mark Janiszeski  
706 South 4th Street  
Eatros Place Addition  
Block 2, Lot 23  
Garage Addition  
\$3,000

MN Corn Processors Inc.  
400 West Erie Road  
MN Corn Processors Industrial Park  
Block 1, Lot 2  
1991 Boiler House Expansion  
\$150,000

Geske Building & Supply Company  
205 James Avenue  
Nielsens Third Addition  
Block 2, Lot 5  
Reside Dwelling  
\$3,750

Eugene & Janet Pequin  
304 Rainbow Drive  
Section 5  
Part of NW 1/4 of SE 1/4  
Move-out Mobile Home  
\$0

## REGULAR MEETING - AUGUST 19, 1991

Lyon County  
607 West Main Street  
Heartland Courthouse Addition  
Block 1, Lot 1  
Move-out Two Car Garage  
\$0

Jullo Kor  
305 South Fifth Street  
"A" Addition  
Block 4, Lot 6  
Patio Door  
\$700

James R. Kontz  
606 West Marshall Street  
Stewart & Jenkins Addition  
Block 3, Lot 4  
Garage  
\$3,000

R.E.M. Inc.  
1005 North 4th Street  
Section 4  
Part of NE 1/4 of NE 1/4  
Replace Deck  
\$800

Ronald Stenzel  
1304 Parkside Drive  
Prairieview Estates Addition  
Block 4, Lot 7  
Garage  
\$4,500

MANUFACTURED HOME PERMIT  
Todd Schiebe  
303 Timberlane Drive  
Village Park Mobile Home Park  
Install Mobile Home  
\$40.50

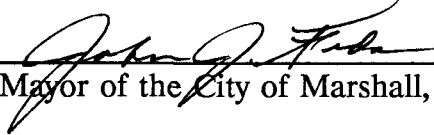
Councilperson Hess shared with the City Council research material that he had on recycling.

It was indicated that the Hospital Board is sponsoring a seminar for cultural differences and that there is a session that addressed Hispanics.

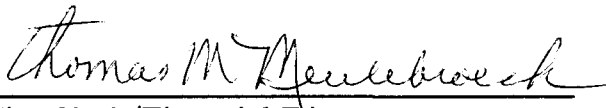
It was noted that Kathy Marshall has resigned from the Parks, Recreation and Community Education Board. City Administrator Duane Aden indicated that they would be advertising for this vacancy and any other vacancies that exist on various boards and commissions.

Upon motion made by Kirchner, seconded by Hess, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## REGULAR MEETING - SEPTEMBER 3, 1991

The regular meeting of the Common Council of the City of Marshall was held on September 3, 1991. The meeting was called to order at 7:25 P.M by Mayor Feda. In addition to the Mayor the following members were present: Hess, Kirchner, Lewis, Byrnes and Stores. Absent: none.

Mark Wild, Director of Emergency Medical Services, for the City of Marshall and Chuck Lonien from the Regional Office of the Minnesota Department of Health were in attendance at the meeting to explain and make a presentation of the American Heart Association District Service Award to Anita VanOverbeke of rural Marshall. Ms. VanOverbeke was presented with this award due to her excellent administration of CPR to her husband Joe VanOverbeke who suffered a heart attach in April of 1991.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the addition of number 16a which is a resolution indicating the City of Marshall's support for Marshall Truss Systems Inc., to submit a request for financing through the Southwest Minnesota Initiative Fund.

Stores moved, Byrnes seconded, the approval of the minutes of the regular meeting held on August 19, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

This was the date and time set for a public hearing to consider rate increases for the City of Marshall Transit System. Bob Byrnes, Chairman of the Public Improvement Transportation Committee, reviewed the proposed rates with those in attendance at the meeting and did indicate that a premium rate would be the applicable rates for the times that the City of Marshall does not operate the system and that the rates as proposed would be effective October 1, 1991. There were no further questions or comments, therefore Byrnes moved, Stores seconded, the public hearing to consider the proposed increases in rates for the City of Marshall Transit System be closed. All voted in favor of the motion.

As recommended by the Public Improvement Transportation Committee, Hess moved, Stores seconded, the following rates be approved for the City of Marshall Transit System effective October 1, 1991:

Regular Fare	\$2.00
Second Passenger	1.00
Subscription Rides (2 way per day)	1.50
Subscription Rides (1 way per day)	1.75
Waiting Fee (each 5 minutes)	1.00
Premium Service	3.00
Premium Service - Second Passenger	2.00
Punch Cards:	
Senior Citizen - 10 rides	15.00
All Others - 10 rides	20.00

Packages:	
Each package up to 50 pounds	5.00
Each package over 50 pounds	10.00

All voted in favor of the motion.

Stores moved, Hess seconded, the adoption of ORDINANCE NUMBER 278, SECOND SERIES and that the reading of the same be waived. Ordinance Number 278, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for the rezoning of property located at 607 West Main Street from an R-4, Higher Density Multiple Family Residence District, to a B-1, Limited Business

## REGULAR MEETING - SEPTEMBER 3, 1991

District, as requested by Lyon County. A concern was expressed in regard to the time table to complete the scope and review of the project which involves a storm sewer problem in the area. Per the correspondence provided from the Lyon County Assessors Office it is the intent of the County to not start any construction of any kind before August 1, 1992. All voted in favor of the motion, except Kirchner who voted no.

Upon the recommendation of the Public Improvement/Transportation Committee, Byrnes moved, Stores seconded, non-living fence type obstructions not be allowed on the City right-of-way (boulevards) and that structures such as retaining walls for the purpose of erosion control and existing living perennial plants be allowed until such time it becomes a safety hazard as determined by the Director of Public Safety and/or some type of public improvement project would interfere with its existence and that from this time forward any existing plantings may remain subject to removal and/or trimming as would be required by the Director of Public Safety. All voted in favor of the motion.

Upon the recommendation of Burdell Wessels, Corporate Risk Managers, insurance consultants for the City of Marshall, there was no action on the proposals submitted by First American Insurance Agency and Norwest Insurance Minnesota for the administration of the League of Minnesota Cities Insurance Program.

Upon the request of Bill Turgeon, Southwest State University Relations and Alumni Affairs, Kirchner moved, Lewis seconded, a parade permit be granted to Southwest State University for a parade on Saturday, October 12, 1991 at 10:00 o'clock A.M. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the recommendation of the Joint City Council Utility Commission Committee be ratified as to the various annual items pertaining to the transfers, utility rates, commission member stipend and etc. The negotiated settlement provides for the Utilities to pay the City of Marshall \$350,000 per year at a rate of \$29,166.67 per month, the Utilities will pay the City of Marshall \$15,000 per year which would be used for Economic Development and which is part of a 12 year program running from 1988 through 1999. Marshall Municipal Utilities will provide energy grants to the City of Marshall on individual merit on a case by case basis based on 50-50 match. The city will pay for street lighting, electric and water services based on the cost of services and the City will have the opportunity to discuss any of these rate changes prior to implementation. The City will pay to the Marshall Municipal Utilities \$72,000 per year at the rate of \$6,000 per month for fire and fire protection charges and the stipend for the Utility Commission Members will remain at \$200 per year for a minimum of attendance at 12 regular and special meetings. All voted in favor of the motion.

Lewis moved, Byrnes seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for gambling for the Knights of Columbus Council #1621 for operation at Sam's Place, 236 West Main Street; The Chalet, 1419 East College Drive; and the Fox Fire, 1407 East College Drive all in Marshall, Minnesota. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed the preliminary budget for 1992 as it relates to the proposed revenues and expenditures for the general fund. Kirchner moved, Hess seconded, the adoption of RESOLUTION NUMBER 1364, SECOND SERIES and that the reading of the same be waived. Resolution Number 1364, Second Series is a resolution adopting the proposed general fund budget for 1992. This budget provides for revenues of \$6,183,920 and expenditures of \$6,452,131. This proposed budget was adopted with the understanding that a balanced budget will be presented at the public hearing that is to be held in November of 1991. All voted in favor of the motion.

## REGULAR MEETING - SEPTEMBER 3, 1991

Byrnes moved, Lewis seconded, a public hearing to consider the 1992 budget be set for 7:30 P.M. on November 26, 1991 with a continuation date of December 2, 1991. All voted in favor of the motion.

Lewis moved, Hess seconded, a special city council meeting be scheduled for 4:00 o'clock P.M. on September 11, 1991 to canvas the ballots from the special election to be held on September 10, 1991 to fill the vacancy on the city council for Ward III. All voted in favor of the motion.

Lewis moved, Kirchner seconded, the approval of a plumbers license for Neil Kroger DBA Neil's Plumbing & Heating. The fee for this license is \$20.00. This license will expire on March 31, 1992. All voted in favor of the motion.

Byrnes moved, Hess seconded, a 1 month beer license be granted to the Marshall Amateur Hockey Association for use on September 21, 1991 at a fee of \$15.00. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, a waiver of variance adjustment be granted to James Calvin at 601 Dogwood Avenue to construct a utility shed within 5 feet of the property line in lieu of 15 feet as is required by city ordinance. All voted in favor of the motion.

Reports by the councilmembers of various committees, commissions and boards were presented as follows:

Stores	Library Personnel meeting was held and it was the recommendation that there be more frequent communications between the employer and the employee.
Byrnes	Public Housing Commission had a special meeting to adopt the budget  Senior Citizen Commission will meet on September 4, 1991 at 4 o'clock P.M.
Lewis	Commented on the Personnel Committee meeting that was held between the Personnel Committee of the Council and the negotiating committee of the employees.
Hess	No report.
Kirchner	No report.
Feda	Reminded the councilmembers the Regional League of Minnesota Cities meeting to be held in Dawson on September 19, 1991 and in Walnut Grove on September 18, 1991. Mr. Feda indicated that Lyon County is interested in knowing what the status is on plans for Ditch 62. City Engineer Rich Engineer indicated that the surveys had been done and they are now drawing up the plans to comply with Minnesota Pollution Control Agency. The Southwest Regional Development Commission indicated that census data is available from the Regional Southwest Commission in Willmar.

Byrnes moved, Hess seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for gambling for the Catholic Daughters of America for operation at 503 West Lyon Street, Marshall, Minnesota. All voted in favor of the motion.

Upon the request of Reike Carroll Mueller Associates Inc., Lewis moved, Stores seconded, the completion date for the facility planning contract be 30 days after receipt of the final flow and loading information of three major industries in the City of Marshall. All voted in favor of the motion.



## REGULAR MEETING - SEPTEMBER 3, 1991

Upon the request of Marshall Truss Systems Inc., Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1365, SECOND SERIES and that the reading of the same be waived. Resolution Number 1365, Second Series is a resolution indicating the City of Marshall's support for the Marshall Truss Systems Inc., to request financing from the Southwest Minnesota Initiative Partnership for Greater Minnesota's Challenge Grant Program. All voted in favor of the motion.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 42974 through 43154.

The following building permits, mobile home permit and application for permit to move building previously approved by the Building Official were confirmed:

ROC Management & Associates  
1400 East College Drive  
McFarland Addition  
Block 1, Lot 1  
Storage & Drive-Thru Addition  
\$9,000

James R. Kontz  
606 West Marshall Street  
Stewart & Jenkins Addition  
Block 3, Lot 4  
Demolish Garage & Reside Dwelling  
\$4,500

Denny Miller  
602 Soucy Drive  
Eastman's Addition  
Block 3, Part of Lot 1  
Garage Frame  
\$2,000

James R. Anderson  
115 South High Street  
Liberty Park Addition  
Block 3, Lots 21 & 22  
Addition to Dwelling/Add. Work  
\$7,000

Philip Dwire  
1218 Parkside Drive  
Prairieview Estates  
Block 4, Lot 4  
Garage  
\$2,500

Duane Maxwell  
306 Walnut Street  
Riverside Addition  
Block 8, Lot 11  
Construct Deck, Install Window &  
Reside Dwelling  
\$4,000

Thomas Blomme  
113 West Maple Street  
Section 9  
Part of NW 1/4 of NW 1/4  
Garage  
\$1,000

Scott Wajer  
609 West Southview Drive  
Eatros Place Addition  
Block 5, Lot 11  
Remodeling-Additional Work  
\$500

George Jacob Construction  
503 North Minnesota Avenue  
Eastside Addition  
Block 2, Lot 1  
Escape/Rescue Window  
\$400

Donna Norrander Smith  
605 South Bruce Street  
Capitol Hill Addition  
Block 2, Lot 3  
Replace Deck  
\$1,500

Mark Mather  
306 South Hill Street  
Morningside Heights First Addition  
Block 5, Lot 8  
Detached Double Garage  
\$1,400

Robert Andres  
624 Donita Avenue  
Eatros Place First Addition  
Block 1, Lot 2  
Deck  
\$550

## REGULAR MEETING - SEPTEMBER 3, 1991

James Calvin  
601 Dogwood Avenue  
Southview Subdivision  
Block 4, Lot 9  
Addition to Garage  
\$4,000

Slagel Design & Remodeling  
506 Donita Avenue  
Eatros Place First Addition  
Block 1, Lot 16  
Addition to Dwelling  
\$24,500

**MANUFACTURED HOME INSTALLATION**

George & Loretta Ruter  
317 Timberlane Drive  
Village Park Mobile Home Park  
Install Mobile Home

**APPLICATION FOR PERMIT TO MOVE BUILDINGS**

Lyon County  
From 607 West Main Street  
To Garvin Park  
Two Car Garage

A question was raised in regard to the completion date for the construction of the Lyon Street extension. Rich Victor, City Engineer, indicated that the completion date is planned for 45 days after the approval of the contract.

The proper city personnel were requested to review the property at 506 West Marshall since there seems to be a large number of cars parking on the yard.

A concern was expressed in regard to the Convention and Visitor's Bureau developing criteria for placing banners on East College Drive for various events happening within the City of Marshall.

A concern was expressed in regard to 1991 summary of new laws requiring cities over 2,500 in population requiring every household to have waste removal.

The city council was advised that the Lyon County Solid Waste Advisory Board is reorganizing and that there will be one member on this board from the City of Marshall.

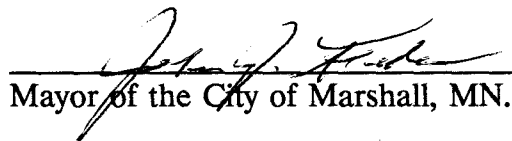
A request was made for the council to be provided an update on the 5 items addressed in a letter prepared by Minehart, McKee, Anderson in regard to the 1990 audit report.

City Attorney Brian Murphy indicated to the council that he had not received a response from the Attorney General Office in regard to the pay equity concerns at the Marshall Lyon County Library.

A brief discussion was held at this time in regard to the recognizing of the employee of the month. It was suggested that the employees possibly be recognized at City Council meetings.

Upon motion made by Stores, seconded by Kirchner, the meeting was adjourned. All voted aye.

**THE COMMON COUNCIL**

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## SPECIAL MEETING - SEPTEMBER 11, 1991

A special meeting of the Common Council of the City of Marshall was held on September 11, 1991. The meeting was called to order at 4:03 P.M. by Mayor Feda in the Marshall Municipal Building Council Chambers. In addition to the Mayor the following members were present: Kirchner, Lewis and Stores. Absent: Hess and Byrnes.

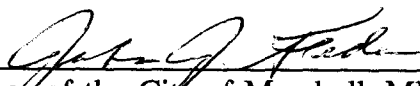
The election returns as filed by the election judges for the special election held on September 10, 1991 were presented by the Finance Director/City Clerk Thomas M. Meulebroeck. Summary of the votes for the City Council position in Ward III were determined to be as follows for said election:

	Ward III Precinct I	Ward III Precinct II	Total
Steve Stunes	11	27	38
George Spang	3	6	9
Lowell McDaniel	2	-	2
John Rogalski	-	24	24
Del Cox	<u>-</u>	<u>1</u>	<u>1</u>
TOTAL	16	58	74

Kirchner moved, Lewis seconded, Steve Stunes be declared duly elected as Council Person for Ward III of the City of Marshall for a term to expire on December 1, 1994 which was vacated by the resignation of Andy Mensing. All voted in favor of the motion.

Upon motion made by Kirchner, seconded by Lewis, the meeting was adjourned. All voted aye.

## THE COMMON COUNCIL

  
 Mayor of the City of Marshall, MN.

ATTEST:

  
 City Clerk/Financial Director

## REGULAR MEETING - SEPTEMBER 16, 1991

The regular meeting of the Common Council of the City of Marshall was held on September 16, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the addition to item number 4a which was the consideration of a resolution indicating the City of Marshall's support for Winona J. Barber DBA Creative Images to submit an application to the Southwest Minnesota Initiative Funds Partnership the State of Minnesota Challenge Grant Program for financing assistance; the addition of 3A which is the consideration of a petition that was submitted by residents along Jewett Street to install a sidewalk accessible to the Marshall Square Mall; and the addition of item number 13 which is the consideration of refinancing of the \$6,900,000 General Obligation Revenue Medical Facility Bonds of 1976.

Hess moved, Byrnes seconded, the approval of the minutes of the regular meeting held on September 3, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Lewis moved, Stores seconded, the approval of the minutes of the special meeting held on September 11, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received, opened and read on September 16, 1991 at 2:00 o'clock P.M. for Project No. 1991-012 which is the City's annual overlay program for streets within various areas of the City and Project No. 1991-006 which is the construct of Lyon Street from Main Street to Bruce Street. Bids received, opened and read were for Project No. 1991-006, State Aid Project No. 139-123-03 and 139-123-04 for East Lyon Street from Main Street to Bruce:

McLaughlin & Schulz, Inc.  
Marshall, Minnesota  
\$303,883.05

Bituminous Overlay Project No. 1991-012:

McLaughlin & Schulz, Inc.  
Marshall, Minnesota  
\$140,154.85

Rich Victor, City Engineer, indicated that the bid received for Project No. 1991-006 was approximately 30% higher than the engineer's estimate. Mr. Victor did indicate the reason for the bid being higher than the estimate was due to the timing requirements for the completion of this project, which is 45 calendar days after the award of the bid. Mr. Victor also indicated that one of the parcels of property being required for this street has not been cleared at this time, therefore Kirchner moved, Stores seconded, the bid for Project No. 1991-006 for McLaughlin & Schulz Inc., Marshall, Minnesota in the amount of \$303,883.05 be rejected. All voted in favor of the motion.

Upon the recommendation of Rich Victor, City Engineer, Stores moved, Hess seconded, the bid for the 1991 Bituminous Overlay Project 1991-012 be awarded to McLaughlin and Schulz, Inc., Marshall, Minnesota in the amount of \$140,154.85. Mr. Victor indicated that approximately \$120,000 of this bid will be paid for out of the General Fund, Street Maintenance Account, and \$20,000 would be paid out of the Wastewater Facility Fund. All voted in favor of the motion.

## REGULAR MEETING - SEPTEMBER 16, 1991

Mr. D. C. Pat McFarland was in attendance at the meeting to discuss a request of the 1923 Company to rezone the westerly 205 feet of Lot 7, Block 2, McFarland Addition from B-3, General Business District, to R-4, Higher Density Family Residence District. This request was denied by the Planning Commission on September 11, 1991. Mr. McFarland had submitted an alternative proposal at this time to rezone only the south half of Lot 7, therefore Kirchner moved, Stores seconded, the request of the 1923 Company to rezone a portion of Lot 7, from B-3, General Business District, to R-4, Higher Density Family Residence District, be referred back to the Planning Commission. All voted in favor of the motion.

Rich Victor, City Engineer, presented to the council a petition that was submitted from residents in the area of Jewett Street requesting a sidewalk be installed to provide access to the Marshall Square Mall. Hess moved, Kirchner seconded, this petition for a sidewalk to the Marshall Square Mall be referred to the Public Improvement Committee of the Council for their study and recommendation. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Byrnes seconded, the approval of a one year home occupation conditional use permit for Winona Barber to operate a computer embroidery business at 204 East Saratoga Street in an R-1, One Family Residence District. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the adoption of RESOLUTION NUMBER 1366, SECOND SERIES and that the reading of the same be waived. Resolution Number 1366, Second Series is a resolution indicating the City of Marshall's support for Winona J. Barber DBA Creative Images to submit an application to the Southwest Minnesota Initiative Fund Partnership, State of Minnesota's Challenge Grant Program for financing assistance. All voted in favor of the motion.

A discussion was held at this time in regard to a resolution amending the assessment roll for Outlot "A", Camelot Square #2. At the time Colt Street was developed assessments were levied against a strip of land adjacent to Colt Street right-of-way. These assessments were never paid and the land became tax delinquent. During the development of Melissa Addition the developer purchased this tax forfeited strip of land and incorporated it as part of the plat for Melissa Addition. Interest has accumulated on these unpaid assessments. The resolution which was being recommended provided for the recovery of the original amount of the assessment and that the accumulated interest charges be waived. Hess moved, Lewis seconded, the adoption of the resolution amending the assessment roll for Outlot "A", Camelot Square #2 be tabled and referred back to the City Administrator to negotiate with the developer for a clarification and a more reasonable assessment and to provide an explanation to the council if there are other assessments within the City of Marshall that are similar to this Outlot "A". All voted in favor of the motion.

Upon the recommendation of Charles Jelinek, Corporate Risk Managers, Byrnes moved, Kirchner seconded, the proper city personnel be authorized to execute an agreement between the City of Marshall and DCA Health Care Management Group for the purpose of establishing the terms and conditions under which the plan supervisor agrees to provide administrative services with respect to the City of Marshall's employee dental plan with consideration for payment by the employer for the administrative fee. This agreement provides for an amendment to section 3.1 in which the employer agreed to pay the plan supervisor \$2.70 per month per enrolled employee for dental administration. The amendment to section 3.1 is increased \$.10 per month per enrolled employee. The effective date of this increase is October 1, 1991. This increase was approved with the understanding that prior to November 1, 1991 the proper city staff will provide a response to the City Council with the feasibility of city staff administering the dental plan along with a flex plan effective January 1, 1992. All voted in favor of the motion.

## REGULAR MEETING - SEPTEMBER 16, 1991

Upon the request of Rich Voller, Manager Marshall Municipal Utilities, Lewis moved, Byrnes seconded, October 6th through October 12th, 1991 be proclaimed Public Power Week. All voted in favor of the motion.

Lewis moved, Stores seconded, the proper city personnel be authorized to advertise for bids for a 9000 gallon transport trailer to be utilized in the sludge hauling operations at the Wastewater Treatment Plant. These bids will be received on October 2, 1991. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the proper city personnel be authorized to advertise for bids for Wastewater Treatment Plant Improvements Phase II. Phase II improvements consists of the construction of an administration building and an ultra-violet disinfection building. These bids will be received on October 17, 1991. All voted in favor of the motion.

Hess moved, Lewis seconded, the approval of a plumbers license for John Bretzman Sr., DBA Crosstown Plumbing and Heating. This license will expire on March 31, 1992. The fee for this license is \$20.00. All voted in favor of the motion.

Reports by the councilmembers of various committees, commissions and boards were presented as follows:

Stores      Marshall Lyon County Library Board meeting was held in Cottonwood to discuss the closing of a couple branch offices. This may not happen due to objection that have been received and reviewed. The personnel committee of the Library Board had meet and will be striving to conform with the policy of the city.

The City Personnel Committee had met to discuss the 1992 pay plan proposal.

The Park Recreation and Community Education Board had met and trained for the focus group.

Byrnes      The Public Housing has held an annual review of the director and they have not heard on the Comprehensive Improvement Plan.

Lewis      Utility Commission - their primary concern at this time is the upcoming change in manager position. Per a report submitted to the utilities there were no pesticides or chemicals found in the city wells. The utilities has approved a contract with the Minnesota Wind Power. The demolition on the building was tabled for a clarification.

A meeting was held with the employees on the requested pay plan.

Kirchner    Senior Citizen Commission the major item of concern was the budget increase in expense over revenues. The major area of increase is in personnel .

Hess      Indicated that he had attended school in Emmetsburg, West Virginia on Master Planning and felt that the city should consider looking at the City's Comprehensive Plan.

Feda      Southwest Regional Development Commission indicated that anytime there is federal funding requested for housing that it has to be reviewed by the Southwest Regional Development Commission. Feda reminded the council of the Regional League of Cities' Meeting to be held in Walnut Grove and Dawson.

## REGULAR MEETING - SEPTEMBER 16, 1991

The financial report for the year to date revenues and expenditures through the month of August, 1991 was presented to the City Council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report addresses revenues and expenditures in relationship to the 1991 budget.

A discussion was held at this time in regard to the request from the Weiner Memorial Medical Center to refinance the \$6,900,000 General Obligation Revenue Medical Facility Bonds of 1976. With the refinancing it is estimated that there could be approximately savings of \$350,000 with this bond issue. Upon the request of the Weiner Memorial Medical Center, Feda moved, Kirchner seconded, the proper city personnel be authorized to proceed with the refinancing of the \$6,900,000 General Obligation Revenue Medical Facility Bonds of 1976 and that any savings in the amount that is needed for the Debt Retirement Reserve be used to buy down on the principal of the issue being refinanced. All voted in favor of the motion.

Upon the recommendation of the Weiner Memorial Medical Center, Byrnes moved, Hess seconded, the level of reserve for the refinancing of the 1976 General Obligation Revenue Medical Facility Bonds be 10% of the issue and that any savings be used to buy down on the principal of this issue. All voted in favor of the motion.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE; Voucher No. 43155 through 43374.

The following building permits previously approved by the Building Official were confirmed:

MCP Inc.  
400 West Erie Road  
MCP Industrial Park  
Block 1, Lot 1  
1991 Cooling Tower-Footings & Foundations  
\$75,000

True Value Home Center  
705 Viking Drive  
Viking Plat No. 5  
Block 3, Lot 3  
Dwelling  
\$105,000

Geske Building & Supply Company  
614 West Marshall Street  
Stewart & Jenkins Addition  
Block 3, Part of Lot 7  
Reside Dwelling  
\$5,600

Ed Langan  
200 South Minnesota Street  
Morningside Heights Addition  
Block 6, Lot 5  
Screened Porch  
\$1,600

Schwan's Sales Enterprises Inc.  
205 South First Street  
Blakes Addition  
Block 7, Part of Lot 3  
Demolish Dwelling & Garage  
\$0

Steven R. Maertens  
809 North 5th Street  
Fre-Mar Addition  
Block 2, Lot 12  
Deck  
\$700

George Jacob Construction  
1100 Silvervine Drive  
Southview Second Subdivision  
Block 3, Lot 10  
Garage  
\$3,500

Leo Bass  
1302 Parkside Drive  
Prairieview Estates Addition  
Block 4, Lot 6  
Garage  
\$4,000

## REGULAR MEETING - SEPTEMBER 16, 1991

Woodlan Construction  
711 North Fourth Street  
Riverside Addition  
Block 5, Part of Lot 10  
Repair Fire Damage  
\$10,000

Steve & Barb Gleaser  
205 Donita Avenue  
Nielsens Seventh Addition  
Block 5, Lot 5  
Deck & Basement Escape/Rescue  
Window  
\$1,500

Brian Marks  
603 Peltier Street  
Gillett & Simmons Addition  
Part of Lot 10  
Escape/Rescue Window  
\$200

Randall Hess  
601 Highway 59 North  
McLaughlin Industrial Park  
Block 3, Part of Lot 1  
Carpet Warehouse  
\$40,000

Jerry & Winona Barber  
204 East Saratoga Street  
Outlot Glen  
Lot 10  
Finish 1/2 Basement & Entry Door to Garage  
\$500

A concern was expressed in regard to the demolition of buildings and those areas being paved and their effect on the storms sewer systems in those areas.

A concern was expressed in regard to the property at 506 West Marshall in which the parking of vehicles is being in the front yard which is a violation of the zoning ordinance.

City Attorney Brian Murphy was concerned with potential problems with the assessments for Colt Street.

Councilperson Kirchner requested that those items addressed in the letter from Minehart, McKee, Anderson and Associates in regard to 1990 audit be addressed at the October 6, 1991 council meeting.

A concern was expressed in regard to the construction of multiple dwellings in the City of Marshall. It was indicated that there are various land options available for the construction of multiple family dwellings.

A Public Improvement Transportation Committee Meeting was scheduled for Monday, September 23, 1991 at 4:00 o'clock P.M.

A question was raised in regard to the Marshall Trailer Court located on East College Drive as to how long it would be able to continue. This trailer court would be allowed to operate until 1994. This trailer court is owned by Albert Eggermont Sr.

City Administrator Duane Aden, was requested to clarify the procedure for the certification list for Police Officers in the Marshall Police Department.

Mayor Feda indicated that the City of Marshall received a Triple "A" Award for Pedestrian Traffic Safety.

The Executive Committee Meeting will be held on October 15, 1991 at the Marshall Senior Citizens Center.

The renewal of the property casualty and liability insurance will be considered at the October 7, 1991 meeting.



## REGULAR MEETING - SEPTEMBER 16, 1991

A Legislative and Ordinance Committee meeting was scheduled for September 26, 1991 at 4:30 P.M.

Upon motion made by Hess, seconded by Lewis, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
Mayor of the City of Marshall, MN.

ATTEST:

  
City Clerk/Financial Director

## REGULAR MEETING - OCTOBER 7, 1991

The regular meeting of the Common Council of the City of Marshall was held on October 7, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Stunes, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

Thomas M. Meulebroeck, Financial Director/City Clerk, administered the Oath of Office to duly elected Councilmember Steve Stunes. Stunes was elected to the City Council at an election held on September 10, 1991.

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

Byrnes moved, Lewis seconded, the approval of the minutes of the regular meeting held on September 16, 1991 as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

A bid was received, opened and read on October 2, 1991 at 2:00 o'clock for a transport tank for the Wastewater Treatment Plant. The bid received, opened and read was from Stuart Tank Sales Corp., Elkhorn, Wisconsin. The bid included 3 alternatives. Alternative 1 was for a 1985 VIM, \$17,958.00; alternative no. 2 was for a 1978 HEIL, \$15,350.00; and alternative no. 3 was a 1981 HEIL, \$12,510.00. Upon the recommendation of City Engineer Rich Victor, and Wastewater Treatment Plant Superintendent Dave Frey, Hess moved, Lewis seconded, the bid for the transport tank for the Wastewater Treatment Plant be awarded to Stuart Tank Sales Corp., in the amount of \$12,510.00. All voted in favor of the motion.

Craig Morseth, Corporate Risk Managers, insurance consultants for the City of Marshall, was in attendance at the meeting to review with the council the renewal of the October 1, 1991 to October 1, 1992, property and casualty insurance policies. Upon the recommendation of Corporate Risk Managers, Lewis moved, Byrnes seconded, to accept the quotations for property and casualty insurance for the period October 1, 1991 to October 1, 1992 with the respective companies submitting the quotations for a total premium of \$234,591.00. All voted in favor of the motion.

Proposals were received on August 23, 1991 for an insurance agency to service the insurance purchased by the City of Marshall from the League of Minnesota Cities Insurance Trust. Proposals received were from: Norwest Insurance Minnesota, Marshall, Minnesota at a fee of \$700 per month plus commission on all collateral line policies available to Norwest Insurance Company; and from First American Insurance Agency, Marshall, Minnesota at a fee of 5% of the total annual premium as calculated by the League of Minnesota Insurance Trust. Upon the recommendation of Corporate Risk Managers, Hess moved, Kirchner seconded, First American Insurance Agency be retained as the insurance agent for the League of Minnesota Cities Insurance Trust Program for the October 1, 1991 to October 1, 1992 period at a rate of 5% of the premium as determined by the League of Minnesota Insurance Trust. Voting in favor of the motion were: Hess, Feda, Kirchner, Stunes and Stores. Voting no were: Byrnes and Lewis.

Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 1367, SECOND SERIES and that the reading of the same be waived. Resolution Number 1367, Second Series is a resolution amending the assessment roll for Outlot "A" Camelot Square #2. This resolution provides for the accumulated interest to be removed on the original assessment for this parcel of property. All voted in favor of the motion.

David MacGillivray from Springsted's Inc., was in attendance at the meeting to discuss with the City Council the bond sale for the refinancing of Weiner Memorial Medical Center General Obligation Revenue Bonds of 1976. Upon the recommendation of Mr. MacGillivray, Hess moved, Stores seconded, the adoption of RESOLUTION NUMBER

## REGULAR MEETING - OCTOBER 7, 1991

1368, SECOND SERIES and that the reading of the same be waived. Resolution Number 1368, Second Series is resolution relating to the \$4,130,000 General Obligation Medical Facility Refunding Bonds, Series 1991A. Proposals for these bonds will be received by 11:00 o'clock A.M. on November 4, 1991. All voted in favor of the motion.

Hess moved, Byrnes seconded, the Debt Service Reserve for the Weiner Memorial Medical Center General Obligation Revenue Bonds be reduced from the maximum requirement of 1 years debt service to 10% of the \$4,130,000 to be refinanced. All voted in favor of the motion.

Robert Hirmer, Chairperson for the Marshall Municipal Utilities Commission, was in attendance at the meeting to discuss with the council the agreement between the Marshall Municipal Utilities and the Lyon Lincoln Electric Cooperative pertaining to the providing of electric service to various territories within and adjacent to the City of Marshall. Upon the request of Marshall Municipal Utilities, Lewis moved, Kirchner seconded, the proper city personnel be authorized to execute the agreement between the City of Marshall and Lyon Lincoln Electric Cooperative for the service territories. All voted in favor of the motion.

Kirchner moved, Hess seconded, the proper city personnel be authorized to execute a 5 year airport land lease agreement between the City of Marshall and Schwan's Sales Enterprises, Inc. This lease agreement is effective November 1, 1991 and allows Schwan's to construct, operate and maintain an airplane hangar facility at the Marshall Municipal Airport and pay \$900.00 per year for the rent. All voted in favor of the motion.

Fire Chief, Dave Marks, was in attendance at the meeting to discuss with the council a request for two supplemental appropriations. Lewis moved, Byrnes seconded, the transfer of \$4,000 from the Mayor and Council contingency, 101-401401-6810, to Fire Department maintenance, 101-503550-2221, for an emergency repair project on the transmission of the snorkel. All voted in favor of the motion.

Kirchner moved, Stores seconded, the approval of a transfer from Mayor and Council contingency, 101-401401-6810, to the Fire Department capital equipment account, 101-503550-5540, in the amount of \$12,834 plus \$250 for spare parts. This transfer was for an air compressor to replace the current air compressor that is no longer functional or repair components available. All voted in favor of the motion.

Mr. Allan Gullickson was in attendance at the meeting to discuss with the council the State Fire Marshal's requirements for variances as it applies to the Marshall Senior High School at 401 South Saratoga Street. Kirchner moved, Stores seconded, the City of Marshall remain neutral on the variance requests as they apply to the Marshall Senior High School at 401 South Saratoga, Marshall, Minnesota. The variances being requested are for the second exit from the costume/prop storage area; the basement areas of the media center/stage and auditorium; and the media center basement/proposed computer lab. The City Council's recommendation to remain neutral is to be sent to the State Fire Marshal's Office. All voted in favor of the motion.

Duane Aden, City Administrator, presented a report on the 1990 audit recommendations from George Minehart, Minehart, McKee, Anderson & Associates. This report addressed the Capital Project Fund project analysis, 7th Street Project, "429" Revolving Fund, the budget, record keeping and reporting as it relates to year end accounts payable, standard monthly entries, fund balance accounts, accounting systems and reporting. It was the general consensus of the council that the report be accepted and placed on file.

Due to the recent election of Steve Stunes to the City Council the following appointments were made to City Council committees and liaisons to the various boards and commissions: Tom Hess was removed from the Legislative and Ordinance Committee and appointed as a liaison to the Weiner Memorial Medical Center Hospital Board; Steve

## REGULAR MEETING - OCTOBER 7, 1991

Stunes was appointed to the Legislative and Ordinance Committee and the Public Improvement Transportation Committee and to the Senior Citizen Center Commission, the Lyon County Ice Facility Board and the Joint City Council-County Library Agreement Board.

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Hess seconded, the introduction of an ordinance amending Section 4.01 of the City Code of the City of Marshall. Section 4.01 is being recommended for amendment due to the adoption of the 1988 Uniform Building Code and other revisions of the Building Code by the State of Minnesota effective July 16, 1990. The amended ordinance also includes Chapter 13.35 dealing with flood proofing regulations to coincide with the City's Flood Plain Management Ordinance. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Byrnes moved, Stores seconded, the introduction of an ordinance amending Section 4.03 of the City Code of the City of Marshall. Section 4.03 deals with manufactured home installation requirements. This ordinance would specify the anchoring equipment shall be as specified in Section 13.50 of the Building Code and the requirements for skirting. This ordinance also requires that the installation must be completed and the skirting installed within 30 calendar days from the date of move in. This ordinance also provides for pre-code manufactured homes constructed prior to a certain date shall comply with the requirements of Section 13.50 of the Building Code before being allowed to be installed in the City of Marshall. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Hess seconded, the introduction of an ordinance amending Section 4.50 of the City Code of the City of Marshall. Section 4.50 of the City Code deals with the housing code adopted by the City. This ordinance would adopt the 1988 edition of the Uniform Housing Code as the Housing Code for the City of Marshall with the following amendments: Section 4.10 dealing with the plumbing code of the 1988 edition of the Uniform Housing Code would be amended to correspond with the Minnesota State Plumbing Code. Section 2.02 dealing with substandard buildings. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Kirchner moved, Lewis seconded, the introduction of an ordinance amending Chapter 11 in its entirety of the City Code dealing with the City's Zoning Ordinance. This ordinance was introduced with the understanding that at the time of the adoption a summary of the ordinance would be prepared to be published in lieu of the ordinance in its entirety. All voted in favor of the motion.

Lewis moved, Stunes seconded, the approval of a tobacco license for Wal-Mart Stores Inc., 1101 East Main Street. The fee for this license is \$24.00 and will expire on December 31, 1991. All voted in favor of the motion, except Kirchner who voted no.

Duane Aden, City Administrator, presented a report to the City Council on the Police Civil Service Commission-Police Department personnel activities. The purpose of this report was to review the various processes and responsibility and etc., pertaining to the general management, employment, recruiting and etc., of the Police Department personnel. Jack Hickerson and Jeff Thorstad members of the Police Commission were in attendance at the meeting to discuss with the council their position of the Police Commission in recommending personnel for the Police Department.

Reports by the Councilmembers of the various committees, commissions and boards were presented as follows:

Stores	Parks, Recreation and Community Education Board discussed the use of credit cards and it is their intent to continue using them for 1 year and review again at that point.
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## REGULAR MEETING - OCTOBER 7, 1991

Byrnes Public Improvement Transportation Committee discussed the petition of the sidewalk from Jewett Street to the mall and decided to table until such time D. C. McFarland decides what his intent is for the rezoning of the property in the area.

Senior Citizen Commission discussed the contract with Wescap in regard to the use of the Senior Center for the mealsite program.

EDA would contribute \$17,405 to the City of Marshall General Fund.

Lewis Indicated that the first quarterly City Council Committee meeting which is open for all employees will be held on October 14th. Mr. Lewis indicated he along with other members of the City Council Personnel Committee have met with the employee negotiating committee to review the proposal for personnel benefits for 1992.

Feda Indicated that there seems to be a problem with the Historical Museum being bounced around as to a new location for the Historical Museum.

Southwest Regional Development Commission - per a survey that was distributed it indicates that most people do not know what the purpose or duty is of the Southwest Regional Development Commission.

The League of Minnesota Cities study of the public library indicated that the libraries are doing a good job with their budget and resources and did indicate that they will be recommending or requesting 40 million to equalize the levies for the libraries.

Kirchner Indicated that the head start meals will no longer be prepared at the meal site.

Hess Convention and Visitors Bureau are continuing to promote the City of Marshall as the hub for gambling casinos and they are concerned with the proposed facility being built in Granite Falls.

Human Rights Commission is looking for direction from the City Council. The Cable Commission minutes of October 28th indicate tier 7 is subject to local regulation.

Stunes No report.

Duane Aden, City Administrator, indicated to the council that he is working on the proposed budget for 1992 calendar year. A meeting was scheduled for 7:30 P.M. on October 28, 1991 to consider the 1992 budget request.

Byrnes moved, Lewis seconded, BE IT RESOLVED that the proper city personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for Gambling for VFW Post 742 at 1507 East College Drive, Marshall, Minnesota. All voted in favor of the motion.

Lewis moved, Kirchner seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43375 through 43625.

The following building permits, mobile home installation permits and permit to move building previously approved by the Building Official were confirmed:

REGULAR MEETING - OCTOBER 7, 1991

Tutt & Olson Construction  
1207 Horizon Drive  
Dwelling  
\$90,000

Bladholm-Sussner Construction  
113 South Sixth Street  
Remodel Exterior Wall  
\$8,200

Cal James Jeremiason  
1307 Greenview Place  
Finish Basement  
\$5,000

Don Coudron  
1316 Parkside Drive  
Escape/Rescue Window  
\$150

James VanHyfte  
609 Donita Avenue  
Reside Dwelling & 1 Window  
\$3,500

Geihl Construction  
101 Church Street  
Replace 6 Windows  
\$2,500

Randy & Ann Felton  
904 Colombine Drive  
Dwelling  
\$48,500

Brian & Danette Cooper  
1003 East Fairview Street  
Dwelling  
\$48,500

Wade & Barbara Moran  
804 North Bruce Street  
Dwelling  
\$48,500

Consolidated Sign Services Inc.  
1101 East Main Street  
Signs  
\$5,500

Carl Hamner  
622 South Fourth Street  
Replace Steps  
\$200

Les Kvam  
500 Elaine Avenue  
Escape/Rescue Window  
\$500

True Value Home Center  
703 Lawrence Street  
Dwelling  
\$97,000

Richard & Vonnie Tillemans  
207 East James Avenue  
Dwelling  
\$83,000

Coudron Construction  
805 Nuese Lane  
Reside Dwelling  
\$1,050

John Anson  
1113 Bruce Circle  
Escape/Rescue Window  
\$1,000

Daniel Bowman  
619 West Redwood Street  
Replace Rear Entry Steps  
\$150

**APPLICATION FOR PERMIT TO MOVING PERMIT**  
George Mercie  
From 107 West Marshall Street  
To RR, Balaton, MN  
\$50.00

**MANUFACTURED HOME INSTALLATION PERMIT**

Marathon Housing Company  
344 Timberlane Drive  
Install Mobile Home

Marathon Housing Company  
346 Timberlane Drive  
Install Mobile Home

Marathon Housing Company  
329 Timberlane Drive  
Install Mobile Home

Marathon Housing Company  
348 Timberlane Drive  
Install Mobile Home

## REGULAR MEETING - OCTOBER 7, 1991

Rene & Maria DeLaCruz  
308 Timberlane Drive  
Install Mobile Home

Cory Miller  
416 Maple Lane  
Install Mobile Home

Other items mentioned or requested were a response from the administration in regard to the self administering of the dental plan; the property at 506 West Marshall as it relates to the parking situation which is to be going to the Planning Commission; the utilizing of Corporate Risk Managers since they are reaching the maximum allowed for the contract period June 1, 1991 to June 1, 1992 and that the city utilize the agent of record to provide more services for the city.

A request for a platting worksheet similar to that used for zoning be prepared to answer some of the questions they may have when approving newly platted area.

Councilperson Kirchner requested that the school referendum issue be placed on the next regular city council agenda to indicate the City Council's support.

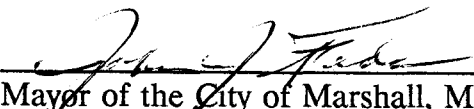
A concern was expressed in regard to sump pump installation and at what point would it be considered a violation. City Engineer Rich Victor indicated that they would allow a certain amount of time before citing violators.

A request was made to have the temperature better regulated in the Council Chambers.

The City Council was advised that the schools were provided with recycling boxes for their use in recycling.

Upon motion made by Lewis, seconded by Kirchner, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
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City Clerk/Financial Director

## REGULAR MEETING - OCTOBER 21, 1991

The regular meeting of the Common Council of the City of Marshall was held on October 21, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Stunes, Kirchner, Lewis, Byrnes, and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council the agenda be approved with the deletion of item #8, which is a request for a revision of the By-Laws of the Marshall Volunteer Fire Fighters Relief Association.

Hess moved, Stunes seconded, the approval of the minutes of the regular meeting held on October 7, 1991 as filed with each member and that the reading of the same be waived. A request was made that when corrections are made to the minutes that the correction be noted in the meeting where the corrections were approved. All voted in favor of the motion.

Duane Aden, City Administrator, reviewed the correspondence received from Corporate Risk Managers in regard to the self administration of the dental insurance program. Per the recommendation of Corporate Risk Managers, Hess moved, Stores seconded, the administration of the dental insurance program continue with DCA and that the program be reviewed in one year. All voted in favor of the motion, except Lewis who voted no.

Kirchner moved, Byrnes seconded, the adoption of ORDINANCE NUMBER 279, SECOND SERIES and that the reading of the same be waived. Ordinance Number 279, Second Series is an ordinance amending Section 4.01 of the City Code of the City of Marshall. Section 4.01 is amended due to the adoption of the 1988 Uniform Building Code and other revisions of the Building Code by the State of Minnesota effective July 16, 1990. The amended ordinance also includes Chapter 13.35 dealing with Flood Proofing Regulations to coincide with the City's Flood Plain Management Ordinance. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the adoption of ORDINANCE NUMBER 280, SECOND SERIES and that the reading of the same be waived. Ordinance Number 280, Second Series is an ordinance amending Section 4.03 of the City Code in the City of Marshall. Section 4.03 deals with manufacturing home installation requirements. This ordinance would specify that anchoring equipment shall be as specified in Section 13.50 of the Building Code and the requirements for skirting. The ordinance also requires the installation must be completed and the skirting installed within 30 calendar days from the date of move-in. This ordinance also provides for pre-code manufacturing homes constructed prior to a certain date shall comply with requirements of Section 13.50 of the Building Code before being allowed to be installed in the City of Marshall. All voted in favor of the motion.

Kirchner moved, Hess seconded, the adoption of ORDINANCE NUMBER 281, SECOND SERIES and that the reading of the same be waived. Ordinance Number 281, Second Series is an ordinance amending Section 4.50 of the City Code in the City of Marshall. Section 4.50 of the City Code deals with the Housing Code adopted by the State. This ordinance would adopt the 1988 Edition of the Uniform Housing Code as the Housing Code for the City of Marshall with the following amendments: Section 4.10 dealing with the Plumbing Code of the 1988 Edition of the Uniform Housing Code to be amended to correspond with the Minnesota State Plumbing Code; Section 2.02 dealing with substandard buildings. All voted in favor of the motion.

Byrnes moved, Lewis seconded, the adoption of ORDINANCE NUMBER 282, SECOND SERIES and that the reading of the same be waived. Ordinance Number 282, Second Series is an ordinance amending Chapter 11 in its entirety of the City Code dealing



## REGULAR MEETING - OCTOBER 21, 1991

with the City's Zoning Ordinance. This ordinance was adopted with the understanding that the official summary of this ordinance would be published in lieu of the ordinance in its entirety. All voted in favor of the motion.

Lewis moved, Stores seconded, the adoption of RESOLUTION NUMBER 1369, SECOND SERIES and that the reading of the same be waived. Resolution Number 1369, Second Series is a resolution authorizing the publication of the official summary of Ordinance Number 282, Second Series amending Chapter 11 of the City Code of the City of Marshall, Minnesota. All voted in favor of the motion.

Richard Jurgenson was in attendance at the meeting to discuss with the council a request from the Minnesota Corn Processors to install a natural gas pipeline on the City of Marshall right-of-way for the purpose of supplying natural gas from a transmission gas line Northeast of the city to their facilities. MCP needs the gas to operate their new boilers that they are installing in conjunction with their expansion. The line to supply the gas would be a 6" line. Great Plains Natural Gas, City of Marshall, has a nonexclusive city gas franchise. It is the intent that the gas that, would be supplied to MCP would be for production use only and not for generating power. The city council was advised that MCP would have to comply with all regulations in regard to installing this line and the use of it. Byrnes moved, Lewis seconded, and easement be granted to MCP to install a natural gas pipeline on the City of Marshall public right-of-way along Erie Road for the purpose of supplying natural gas from a transmission gas line Northeast of the City of Marshall to their facility. This easement is granted with the understanding that it is for the exclusive use of MCP and for production equipment at the MCP plant. MCP has been working with People's Natural Gas Company on this request. All voted in favor of the motion.

Brian Murphy, City Attorney, reviewed with the council and others in attendance at the meeting a proposed ordinance amending the ordinance granting a Cable TV Franchise to American Television and Communications Corporation DBA Marshall Cable TV. This ordinance provides for the adding of the NBC channel to the basic service. Don Bottelberghe, Manager of Marshall Cable TV, indicated to the council that effective October 25, 1991 the city council would have the right to regulate any rate increases over 5% on the basic tier. This proposed ordinance has been reviewed by Marshall Cable TV and the Cable Commission. Hess moved, Kirchner seconded, the introduction of an ordinance amending the ordinance granting the Cable TV Franchise to the American Television and Communication Corporation DBA Marshall Cable TV. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Lewis seconded, the request of the 1923 Company for the rezoning of the Southern half of Lot 7, Block 2, McFarland Addition from a B-3 General Business District to R-4 Higher Density Multiple Family Residence District be denied because it is inconsistent with the use of other properties in the area, it would add to the population of a congested area which is without sufficient traffic pattern, and the property can be put to other reasonable use. A letter was received from Condominium Association 203 who were opposed to the rezoning. Dan Sussner, one of the owners of the Condominium Association 203, was in attendance at the meeting and did express that they would not like to see any change in the zoning. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Hess moved, Stunes seconded, the approval of a conditional use permit for William and Ruth Hezlep at 100 West Lyon to classify as a confirming use their existing non-conforming single family dwelling existing at the time of establishment of the district for the reason to keep the use as it is for the foreseeable future. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Lewis seconded, the preliminary plat for Olsen's Second Addition be approved as presented. Olsen's Second Addition is a proposed plat of approximately 69 acres is bounded on the

## REGULAR MEETING - OCTOBER 21, 1991

North by Genesis Avenue and the West by County Road 67 which is the extension of Saratoga Street. Within the proposed addition 14 lots are dedicated for the development of residential housing. The city council was concerned with the sanitary and storm sewers in this area, if they would be adequate to provide service to this additional area. The council was also concerned about sidewalks for this addition. All voted in favor of the motion.

Keith Voss, District Traffic Engineer from the Minnesota Department of Transportation Office in Willmar, Minnesota, was in attendance at the meeting to discuss with the council the preliminary layout for State Aid Project 4205-22 for the intersection and signal revision on Trunk Highway 19 (College Drive) and Bruce Street. Mr. Voss indicated that this improvement would involve approximately 700 feet to the East and West on East College Drive from the Bruce Street intersection. The proposal provides for East College Drive to be widened on the North side as well as the South side and additional right-of-way and easements will be required. Mr. Voss indicated that it is the intent that the bid letting be held in April of 1992. Lewis moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1370, SECOND SERIES and that the reading of the same be waived. Resolution Number 1370, Second Series is a resolution approving the preliminary layout for State Aid Project 4205-22 for the intersection signal revision of Trunk Highway 19 at the intersection of Bruce Street. The preliminary plat was approved with the understanding that Mr. Voss review the areas where the sidewalks would be next to the street and see if there is any possible way of providing a break between the street and the sidewalks. All voted in favor of the motion.

Byrnes moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1371, SECOND SERIES and that the reading of the same be waived. Resolution Number 1371, Second Series is a resolution authorizing the Worthington Housing and Redevelopment Authority to use Section 8 Assistance within the City of Marshall. This resolution is consistent with the intent of the Marshall Housing Commission to work with and through the Worthington Housing and Redevelopment Authority to provide some Section 8 housing in Marshall. Worthington Housing and Redevelopment Authority is the administering agent for a multiple number of counties in Southwestern Minnesota. All voted in favor of the motion.

Upon the recommendation of the Director of Public Safety Marvin Bahn, Kirchner moved, Lewis seconded, Lori Halsne be employed as a parttime Police Officer with the City of Marshall at the rate of \$10.71 per hour effective October 10, 1991. The following resolution was adopted BE IT RESOLVED that Lori Halsne be duly appointed, qualified and acting parttime police officer for the City of Marshall, Minnesota, possessing the power or arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police & Fire Fund. All voted in favor of the motion.

Kirchner moved, Stores seconded, the adoption of RESOLUTION NUMBER 1372, SECOND SERIES and that the reading of the same be waived. Resolution Number 1372, Second Series is a resolution indicating the City of Marshall's support of Independent School District #413 revenue referendum. All voted in favor of the motion.

Thomas M. Meulebroeck, Financial Director/City Clerk, provided the city council with a recap of the hours utilized for the period June, 1991 through September 30, 1991 under the contract the city has with Corporate Risk Managers for insurance consulting services. The contract provides for 1 day per month of service or 96 hours under the contract from June 1, 1991 through May 31, 1992. Through September 95.21 hours have been used of which 11.68 are for other entities which they have been charged for and paid,

## REGULAR MEETING - OCTOBER 21, 1991

therefore the remaining balance of the contract for General Fund is 12.47 hours. It was the general consensus of the council that the proper city personnel be authorized to continue to utilize the services from Corporate Risk Managers for insurance consulting services and with the allowable time remaining on this contract.

Two audit proposals for the City of Marshall for years ending December 31, 1991, 1992 and 1993 were received. The two proposals received were from:

Hoffman & Brobst	Ahern Kinner Montag Vogler & Co., Ltd.
Marshall, Minnesota	Mankato, Minnesota
\$15,990 per year	\$12,500 for the fiscal year ending 12-31-91
	\$13,000 for the fiscal year ending 12-31-92
	\$13,500 for the fiscal year ending 12-31-93

Based on the qualifications, experience and other information, Lewis moved, Stores seconded, the proper city personnel be authorized to draft an agreement with the accounting firm Ahern Kinner Montag Vogler & Co., Ltd., to perform the audit services for the City of Marshall for fiscal years ending December 31, 1991, 1992 and 1993 and that this agreement address the concerns of the City of Marshall condition for termination and require that they provide recommendations for management. All voted in favor of the motion.

Reports by the councilmembers of the various committees, commissions and boards were presented as follows:

Stores	Library - the preliminary proposal for the pay equity has been approved. A Library personnel meeting will be held and will be patterned after the city's personnel meetings.
	The Parks, Recreation, Community Education Focus Group has met and is working on a strategic plan.
Byrnes	No report
Lewis	Marshall Municipal Utilities has had its water tested, they are proceeding with plans for the expansion of the water treatment and are addressing a Minnesota Corn Processors demand on their facility for increasing electricity needs.
	The City Personnel Committee has held its first quarterly meeting and are planning a meeting for final negotiations on October 23, 1991 at 4:30 P.M.
Feda	The Historical Society has met and was advised that they will have to move from the Courthouse and they are possibly looking at some land in the area of Independence Park.
	Mr. Feda indicated he attended the Southwest Regional Development Commission meeting and Wind Energy meeting and the Lewis & Clark Water System meeting in Worthington.
Kirchner	Indicated that the Planning Commission had addressed violations of parking requirements of conditional use permits and had directed the City Engineer to develop a procedure for the handling of non-compliance of conditional use permits and that this would be discussed at the next Planning Commission meeting.

## REGULAR MEETING - OCTOBER 21, 1991

Hess Indicated that the Hospital has had a meeting on their preliminary budget. Human Rights Commission is making progress in regard to the direction of the commission.

Stunes Did indicate that the Executive Meeting that was held was very beneficial and productive to him.

The financial report for the year-to-date revenues and expenditures through the month of September, 1991 was presented to the city council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report addresses revenues and expenditures in relationship to the 1991 budget.

Kirchner moved, Lewis seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43626 through 43812.

Bladholm-Sussner Construction  
113 South Sixth Street  
Load Dock Addition  
\$17,000

Bladholm-Sussner Construction  
305 West College Drive  
Printing Plant Remodeling  
\$143,100

Denny & Bev Miller  
602 Soucy Drive  
Two Escape/Rescue Windows  
\$300

Lawrence Haugen  
1111 Skyline Drive  
4 Unit Apartment  
\$150,000

George Mercie  
107 West Marshall Street  
Move-out Dwelling  
\$0

Murray Sullivan  
1406 Carlson Street  
Utility Shed  
\$700

Carl Bolander & Sons Company  
113 South Fourth Street  
Demolish Power Plant  
\$0

Schwan's Sales Enterprises Inc.  
601 Michigan Road  
Cold Storage Warehouse Addition  
\$3,250,000

Minnesota Corn Processors  
400 West Erie Road  
1991 Cooling Tower-General Construction  
\$220,000

Costello Property Management  
1116 Birch Street  
Two Storage Buildings  
\$9,900

George Mercie Jr.  
815 Boxelder Avenue  
Garage Footings/Moved-in Garage  
\$300

Taylor's Inc.  
812 Southview Court East  
3 Unit Apartment  
\$120,000

Taylor's Inc.  
810 Southview Court East  
4 Unit Apartment  
\$140,000

LuVerne H. "Bud" Sweep  
1420 East College Drive  
Remodel Retail Space 201  
\$30,000

Independent Lumber  
603 North Bruce Street  
Reside Dwelling  
\$2,900

Geske Building & Supply Company  
605 South Bruce Street  
Reside Dwelling  
\$5,200

## REGULAR MEETING - OCTOBER 21, 1991

Councilperson Stunes was concerned about the city council's position on the Historical Museum. It was indicated that the city council's position would be a good topic for a city council retreat.

A brief discussion was held at this time in regard to the bids that were received for the administration building, ultraviolet disinfection facility and splitter box.

The city council was advised that the Police Commission would be having interviews on October 21, 1991 at 3:30 P.M. for the sergeant position. Councilperson Stores has volunteered to be involved with this interview process.

Councilperson Lewis took this opportunity to advise the council of his resignation effective the second meeting in November as he will be moving to Detroit Lakes to take a position with the Minnesota Pollution Control Agency.

Redistricting will be on the city council agenda for the November 4, 1991 regular city council meeting.

A concern was expressed in regard to the procedure for rewriting the City of Marshall Comprehensive Plan and also that the sexual harassment policy be reviewed.

Thomas M. Meulebroeck advised the city council that he attended a demonstration at the Courthouse for electronic ballot counting equipment. This project will be perused and investigated further with the county.


A concern was expressed in regard to those properties who have not complied with the removal of fences and other structures on the City right-of-way. These properties were to have complied by October 15, 1991. The city council advised the proper city personnel to follow up with the next procedure and that is advising these properties of their violation and non-compliance by October 15, 1991 deadline.

City Attorney Brian Murphy advised the council that he has not heard a response from the Attorney General's Office in regard to pay equity for the Marshall Lyon County Library.

Duane Aden, City Administrator, advised the council that there is a League Legislative Policy meeting scheduled for November 21, 1991.

Upon motion made by Lewis, seconded by Kirchner, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
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Mayor of the City of Marshall, MN.

ATTEST:

  
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City Clerk/Financial Director

## SPECIAL MEETING - OCTOBER 28, 1991

A special meeting of the Common Council of the City of Marshall was held on October 28, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Stunes, Hess, Kirchner, Byrnes and Stores. Absent: Lewis.

The Pledge of Allegiance was recited at this time.

Mayor Feda indicated the purpose of this meeting was to consider the award of bids for the Wastewater improvement projects and to review the proposed 1992 budgeted revenues and expenditures.

On October 17, 1991 at 2:00 o'clock P.M. bids were received, opened and read for the administration building, an ultra-violet disinfection project and an aeration basin at the Wastewater Treatment Plant.

	Salonek Inc.	Robert L. Carr
Administration Building	\$446,700.00	\$497,000.00
Ultraviolet Disinfection		
Facilities & Splitter Box	No Bid	\$737,000.00
Combined Contract Deduct	No Bid	\$10,000.00
Major Equipment and Products:		
Basis of Bid - Trojan		
Technologies Inc.	No Bid	\$163,000.00
Alternate - Katadyn	No Bid	\$153,000.00

Mike Zagar, Reike Carroll Mueller and Associates, Consulting Engineers, was in attendance at the meeting to review the bids. He recommended that a contract be awarded to Salonek Inc., for the administration building and to reject the bid for the ultraviolet project. Mr. Zagar did indicate that the permit the City of Marshall has from the MPCA/EPA requires that the city be under construction by May, 1992 with the ultraviolet disinfection project and that these facilities be in operation by September, 1993.

Be it noted the arrival of Councilperson Lewis at 7:40 P.M.

Mr. Zagar did indicate that it is their intent that the facilities master plan be completed within 2 to 3 weeks. The administration building would take approximately 9 months to complete the construction.

Duane Aden, City Administrator, did indicate that the low bid for the building was below the Engineers estimate and that there is no guarantee that if the city was to rebid the prices would be lower. Mr. Aden also indicated that there is some advantage to the bids at this point in that it would provide the contractors with a winter project. It was Mr. Aden's contention that the city has used good discretion in construction projects for its present facilities.

Tom Hill and Eddie Smith, Schwan's Sales Enterprises; George Spang, Heartland Foods; Dick Jurgenson, MCP; and Robert Brown, Boulten & Menk engineer consultants for Schwan's; were in attendance at the meeting and did express their concern and opposition to the projects, primarily the administrative lab building that is being proposed for construction at the Wastewater Treatment Facility.

Mr. Hill did indicate it is the primary goal of the industry that the city council table the decision on the administration building and ultraviolet disinfection facility until the master plan for this facility has been completed.

## SPECIAL MEETING - OCTOBER 28, 1991

George Spang proposed that the dialogue between the industries, city staff and council continue as they have since April, 1991. Mr. Spang indicated that the industries are looking for a happy medium to their concerns as well as that of the city and requested that the construction of the lab/adm building and ultraviolet aeration basin disinfection project be tabled.

Eddie Smith did indicate that he was concerned with a raise in rates and that they do currently have 3 drawings of plans put together for pre-treatment and are looking for some direction as to what cost savings there would be to Schwan's with the plans that they have drawn.

The industries were advised that the city needs their input to make decisions that would benefit them as well as the city and that it seems as though the city is receiving input from the industries at this time.

Mr. Hill indicated that the reasons he was addressing the city council on the proposed facilities for the Wastewater Treatment Facility Plant are that: the industries have been involved in providing information for the facilities master plan; the industries should be involved and that the industries are making a recommendation to table this project at this time.

Robert Brown from Boulten & Menk, engineering consultants for Schwan's, briefly addressed the proposals for the construction at the Wastewater Treatment Facility.

Dave Frey, Wastewater Treatment Facility Superintendent, addressed his concerns in regard to the facilities as proposed. Mr. Frey did indicate that over the past 10 years they have been requesting the lab/administrative facility and that the city is under a commitment to have the ultraviolet disinfection facility construction in process by May, 1992 and in operation by September, 1993. Mr. Frey did indicate that with the current facilities there are many inconveniences and potential code violations the employees at Wastewater have to encounter.

Those in attendance at the meeting were advised that the facilities master plan will be provided in draft form within a couple of weeks and that this will be distributed to industries and city staff to evaluate.

Eddie Smith expressed his concern at this point that the administrative lab building as proposed is too big.

George Spang, Heartland, indicated that they are paying approximately 86% of the surcharges and was concerned as to what will happen with these rates with the proposed improvements.

Brian Hoffman on behalf of the Industrial Development Committee indicated they have been involved with these projects since April, 1991. Discussions were taking place as to the water supply available to prospective industries and the processing of the wastes at the Wastewater Treatment Facility. Mr. Hoffman did indicate that the need exists but did question the size of the lab/administrative facility, and the construction materials proposed.

Kirchner moved, Lewis seconded, the awarding of the bid for the administrative building be tabled until the November 18, 1991 city council meeting. Along with this motion it was the general consensus of the council that Reike Carroll Mueller, consulting engineers, provide costs for alternatives on construction materials. All voted in favor of the motion, except Feda and Byrnes who voted no.

Upon the recommendation of city staff, Hess moved, Stunes seconded, the bids for the ultraviolet disinfection facility and aeration basin be rejected and be rebid and that ??? consideration can be given that this facility be bid with the other facilities that will be

## SPECIAL MEETING - OCTOBER 28, 1991

addressed in the facilities master plan. The date to keep in mind for this project is May 1, 1992 which may require that the ultraviolet disinfection and aeration basin project be bid separately. All voted in favor of the motion.

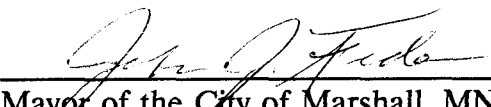
Mayor Feda called for a 5 minute recess at this time.

Duane Aden, City Administrator, began an extensive review with the council in regard to the proposed additions and deletions to the revenues and expenditures for the 1992 budget. Some concern was expressed in regard to the city being allowed to have a special levy for the fire relief pension contribution and also the possibility of issuing certificates of indebtedness for the purchasing of emergency capital expenditure equipment.

It was the general consensus of the council that an additional \$40,000 be transferred from the Liquor Fund operation; the \$3,000 be added back in for the summers art program; the \$7,400 for the revenue remittance for the Fire Department be added back in; and that \$90,000 out of the capital equipment budget for ambulance and fire equipment be financed by certificate of indebtedness and that the City Administrator be directed to incorporate the proposed additions or deletions to the 1992 proposed budget and that it be resubmitted to the city council for their review.

Upon motion made by Hess, seconded by Byrnes, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director



## REGULAR MEETING - NOVEMBER 4, 1991

The regular meeting of the Common Council of the City of Marshall was held on November 4, 1991. The meeting was called to order at 7:33 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Stunes, Hess, Kirchner, Lewis, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited.

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

Byrnes moved, Lewis seconded, the approval of the minutes of the regular meeting held on October 21, 1991 with the correction to Councilperson Stores committee report to indicate that a Library personnel committee meeting will be held and will be patterned after the city's personnel meetings and the approval of the minutes of the special meeting held on October 28, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received at 11:00 o'clock A.M. on November 4, 1991 at the office of Springsted's Inc., St. Paul, Minnesota, finance advisors for the City of Marshall for the \$4,130,000 General Obligation Medical Facility Revenue Refunding Bonds Series 1991A. The bids received, opened and read were as follows:

Bidder	Price	True Interest Cost & Rate
FBS Investment Services, Inc.		
Norwest Investment Services, Inc.	\$4,099,025.00	\$1,360,871.87 (5.4632%)
Piper, Jaffray & Hopwood, Inc.	\$4,102,824.60	\$1,367,018.32 (5.4852%)
Dain Bosworth Incorporated		
Merrill Lynch & Co.		
Cronin & Company, Inc.		
Smith Barney, Harris Upham & Company Inc.	\$4,097,373.00	\$1,371,831.38 (5.5082%)
First Wisconsin National Bank of Milwaukee		
United Missouri Bank, NA	\$4,094,270.55	\$1,380,668.82 (5.5495%)
Lehman Brothers		
Prudential Securities, Inc.		
Dean Witter Reynolds Inc.		
PaineWebber Incorporated	\$4,090,667.02	\$1,412,371.32 (5.6794%)
Griffin, Kubik, Stephens & Thompson, Inc.		
Kemper Securities Group, Inc.		
Clayton Brown & Associates, Inc.	\$4,088,700.00	\$1,421,409.79 (5.7192%)

Due to the weather conditions a representative from Springsted's Inc., was not able to be at the meeting but did provide a written recommendation. Upon the recommendation of Springsted's Inc., Hess moved, Stores seconded, the adoption of RESOLUTION 1373,

## REGULAR MEETING - NOVEMBER 4, 1991

SECOND SERIES and that the reading of the same be waived. Resolution Number 1373, Second Series is a resolution authorizing and awarding the sale of and providing the form, terms, covenants and directions for \$4,130,000.00 General Obligation Medical Facility Revenue Refunding Bonds Series 1991A. The bid for the \$4,130,000.00 General Obligation Medical Facility Revenue Refunding Bond Series 1991A was awarded to First Bank Systems Investment Services Inc., at a price of \$4,099,025.00 with a true interest cost of \$1,360,871.87 with a true interest rate of 5.4632%. It was noted that the City of Marshall received an A Rating from Moody Investors Service on this bond issue. All voted in favor of the motion.

Kirchner moved, Hess seconded, the adoption of ORDINANCE NUMBER 283, SECOND SERIES and that the reading of the same be waived. Ordinance Number 283, Second Series is an ordinance amending the ordinance granting the Cable TV Franchise to American Television and Communication Corporation DBA Marshall Cable TV. All voted in favor of the motion.

A discussion was held at this time in regard to a request from Allen Moulten DBA ELL-Mo Company. Mr. Moulten was requesting that the city council consider the adoption of a resolution authorizing the transfer of the property at 207 West Marshall from his ownership to that of the State of Minnesota. Calvin Barnett, City Assessor, did provide to the council a number of questions and concerns that he had in regard to the transfer of this property. Mr. Barnett did not have answers to his concerns at this point and was unable to give his opinion in regard to the transfer of the property, therefore Kirchner moved, Stores seconded, the request of Allen Moulten DBA ELL-Mo Company to adopt a resolution allowing for the transfer of property at 207 West Marshall Street to the State of Minnesota be tabled until the November 18, 1991 city council meeting to allow the proper city personnel time to research and get the answers to the questions and concerns addressed by Mr. Barnett. All voted in favor of the motion.

Upon the recommendation of the City Marshall Police Civil Service Commission and the Director of Public Safety Marvin Bahn, Stores moved, Feda seconded, Brian Gadd be promoted to the position of Sergeant within the City of Marshall Police Department. A concern was expressed as to whether or not the years of service were taken into consideration in the selection of the person for the Police Sergeant position. All voted in favor of the motion, except Hess and Lewis who voted no.

A discussion was held at this time in regard to a letter submitted by the City of Marshall Police Civil Service Commission for the police officer vacancy. The letter from the Police Civil Service Commission submitted the two remaining names of eligible police officers from the August 15, 1991 certification. The two remaining names on this list were Jody Gladis and Jeff Wenker. Director of Public Safety Marvin Bahn recommended Jody Gladis to be selected for the position of a fulltime patrolman. Director of Public Safety Marvin Bahn did indicate to the council that if they were to open up the position and readvertise at this time that if an individual other than the two that are being certified by the Police Civil Service Commission was to be selected that individual would have to test higher than the two individuals that are being certified by the City of Marshall Police Civil Service Commission. Lewis moved, Stores seconded, that the position for a police officer within the Police Department not be filled at this time from the list of names provided by the City of Marshall Police Civil Service Commission and that the proper city personnel be authorized to readvertise the police officer position and women and minorities be encouraged to apply for the position. City council requested that three names be certified by the City of Marshall Police Civil Service Commission for the police officer position within the City of Marshall Police Department. All voted in favor of the motion, except Hess and Feda who voted no.

A discussion was held at this time in regard to a request from Minnesota Corn Processors to amend the existing Wastewater Pretreatment Agreement. The basic intent of this request is to provide an opportunity to increase the capacity of the existing aeration basins and to have the limitations established at the effluent end of the pretreatment as

## REGULAR MEETING - NOVEMBER 4, 1991

opposed to the influent. The requested amendment is to the existing pretreatment agreement dated May 6, 1991 and effective until May 1, 1992. This request is in conjunction with the proposed second clarifier construction project being considered by MCP with the pretreatment facilities. Under the present agreement, limitations are being place on B.O.D. and T.S.S. entering the pretreatment basins. Following discussion Byrnes moved, Lewis seconded, the Wastewater Pretreatment Agreement between the Minnesota Corn Processors and the City of Marshall Wastewater Facility Treatment Plant be amended with the following four conditions: 1) that the existing one part per million of dissolved oxygen requirement remain in place; 2) prior to the installation of additional aeration equipment in the pretreatment basins, modifications should be made to the influent line so that the basins can be operated in "parallel" as opposed to the existing series operation; 3) with the additional BOD loading from pretreatment due to the increased 350,000 G.P.D. flow and 300 m.g./L effluent requirement adding an additional 1750 lbs. of B.O.D. to the main treatment facilities and since the main plant is presently fighting high organic loadings, consideration in the design of future improvements should be considered in the facilities plan of the city; and 4) appropriate engineering analysis shall be performed prior to any pretreatment modifications and the design and construction be approved by the staff of the of City of Marshall and improvements be in place prior to the affective date of any amendments allowing for the increased discharge loadings. All voted in favor of the motion.

City Attorney Brian Murphy and Duane Aden, City Administrator, had reviewed the requirements of redistricting as it pertains to the dates for redistricting, effective dates and etc. Mayor Feda and Councilperson Byrnes have agreed to review the city wards and precinct boundaries and make a recommendation to the city council as it pertains to redistricting.

The Marshall Senior Citizen Center was in receipt of a Southwest Initiative Fund Grant, therefore Kirchner moved, Byrnes seconded, the following amendment be made to the 1991 revenues and expenditures:

Revenues:

101-331835	Grant	\$2,545.00
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Expenditures:

101-420483-3308	Instructor Fees	\$1,920.00
101-420483-3331	Travel	400.00
101-420483-3321	Telephone	50.00
101-420483-3322	Postage & Printing	50.00
101-420483-2211	Supplies	<u>125.00</u>
		\$2,545.00

All voted in favor of the motion.

Kirchner moved, Stores seconded, the City of Marshall oppose the League of Minnesota Cities efforts to pass a constitutional amendment dedicating 2% sales tax revenue to be used for local government aid. All voted in favor of the motion.

Byrnes moved, Stunes seconded, the approval of a transient merchants license for Homier Distributing Company to auction tools at the National Guard Armory. This license is for the calendar year 1991 and will expire on December 31, 1991. The fee for this license is \$200.00. All voted in favor of the motion.

Upon the recommendation of Mayor Feda, Lewis moved, Stores seconded, the appointment of Michael Reynolds for a term until 2-28-92 to fill the vacancy of Denny Pechtel and the appointment of Betsy Desy for a term to expire on 2-28-93 to fill the vacancy of Kathy Marshall to the Parks, Recreation and Communication Board. These appointments are contingent upon the approval of the Marshall School Board. All voted in favor of the motion.

## REGULAR MEETING - NOVEMBER 4, 1991

Upon the recommendation of Mayor Feda, Stores moved, Kirchner seconded, Gloria VanDeBroeke be appointed to the Marshall Lyon County Library Board for a term to expire on 12-31-91 and Dan Van be appointed to the Planning Commission for a term to expire on 5-31-94 to fill the vacancy due to the resignation of Paula Henkel. All voted in favor of the motion.

Reports by the councilmembers of the various committees, commissions and boards were presented as follows:

Stores Park, Recreation and Community Education Board had held its interviews in conjunction with the School Board members for members to the Park, Recreation and Community Education.

Marshall Lyon County Library did hold a personnel meeting on October 30, 1991 which was patterned after the City of Marshall's personnel meetings. The meeting went well.

Byrnes No report.

Lewis The Airport Commission fixed based operator is requesting the expansion to the building at the airport. This is in the preliminary stage. Discussion was also held in regard to the fuel system at the airport as it relates to the expansion and whether it should be owned by the city and leased to the FBO or owned by the FBO.

Kirchner No report.

Hess No report.

Stunes No report.

Feda Questioned the notice that was placed in the paper in regard to the applications submitted by People's Gas Company for a permit from Lyon County.

City Administrator Duane Aden reviewed with the council and others in attendance at the meeting the final changes and recommendations to the 1992 proposed budget. Following the review, Stores moved, Kirchner seconded, the recommended changes be incorporated into the proposed 1992 budget and that the proper city personnel be authorized to prepare the final budget document for 1992 and for public hearing to be held on November 26, 1991. All voted in favor of the motion.

Kirchner moved, Hess seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43813 through 43981.

The following building permits and permit to move buildings previously approved by the Building Official was confirmed:

Morton Buildings  
202 North Fourth Street  
Addition to Church  
\$300,000

MCP  
400 West Erie Road  
1991 Ethanol Building Addition  
Footings & Foundation  
\$50,000

## REGULAR MEETING - NOVEMBER 4, 1991

Larry & Marcia Sik  
713 North Sixth Street  
Dining Room Addition  
\$6,600

Carew Properties  
1302, 1306, 1308 & 1300 Birch Street  
Replace 16 Windows  
\$5,800

True Value Home Center  
701 Parkside Drive  
Dwelling  
\$85,000

Lyle Campbell  
412 North Sixth Street  
Storage Addition onto Garage  
\$500

**APPLICATION FOR PERMIT TO MOVE BUILDING**

George Mercie Jr.  
From 107 West Marshall Street  
To 815 Boxelder Avenue  
Garage

January 25, 1992 was the date set for the council retreat.

Councilperson Kirchner was pleased about receiving minutes from the Solid Waste Advisory Committee. Ms. Kirchner requested that Lowell Rademacher be commended for his follow up in regard to the concerns and regards of snow removal at the Camelot Trailer Park. Ms. Kirchner requested consideration of designating all city facilities as smoke and tobacco free be placed on the agenda for the November 18, 1991 council meeting.

A concern was expressed in regard to snow removal on new sidewalks and the sidewalks adjacent to the school properties.

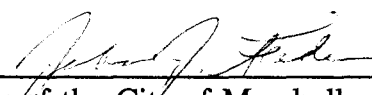
A Personnel Committee meeting was scheduled for November 13, 1991 at 4:30 P.M.

Mr. Aden indicated there would be an item on the next regular city council agenda to consider changes to the personnel policy as it relates to sick leave, disability and a flex plan.

The Wastewater Master Facility Plan will be on the agenda for the November 18, 1991 city council meeting.

Upon motion made by Stunes, seconded by Stores, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
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City Clerk/Financial Director

## REGULAR MEETING - NOVEMBER 18, 1991

The regular meeting of the Common Council of the City of Marshall was held on November 18, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Stunes, Hess, Kirchner, Byrnes, and Stores. Absent: Lewis.

The Pledge of Allegiance was recited.

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

Stores moved, Hess seconded, the approval of the minutes of the regular meeting held on November 4, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

A discussion continued at this time from the regular meeting held on November 4, 1991 in regard to the request from Allen Molten DBA ELL-MO Company to transfer the property at 207 West Marshall Street from his ownership to that of the State of Minnesota. Duane Aden, City Administrator, reviewed the request with the council and recommended the request be granted and that it be forwarded to the Lyon County Board of Commissioners for discussion. Mr. Aden suggested that the property may be acquired by the Housing and Redevelopment Authority, demolished and redeveloped. A concern was expressed in regard to the present owner being responsible for the demolishing of the building and that after the demolition the property be redeveloped. Byrnes moved, Hess seconded, the adoption of RESOLUTION NUMBER 1374, SECOND SERIES and that the reading of the same be waived. Resolution Number 1374, Second Series is a resolution allowing for the transfer of property at 207 West Marshall Street in the City of Marshall, Minnesota to the State of Minnesota in lieu of tax forfeiture of the property as request from Allen Molten DBA ELL-MO Company. All voted in favor of the motion, except Kirchner and Stores who voted no.

Discussion was held at this time in regard to the awarding of bids for the administrative building for the Wastewater Treatment Facility. Rich Victor, City Engineer, indicated that they had correspondence from the low bidder Salonek Incorporated, of Springfield, Minnesota indicating their bid would be extended for 90 days beyond the original 45 days as requested by the specification. Councilperson Hess was concerned with the cost per foot for the construction of this facility. Mr. Hess indicated the bid provided for a cost of \$106 per square foot. Following a lengthy discussion on the bid for the administrative building, Byrnes moved, Hess seconded, the offer of Salonek Incorporated to extend their bid proposal for 90 days beyond the original 45 days as request by the specification be accepted to allow city staff, industry and the consulting engineer's to finalize the facilities plan with the understanding this building is reviewed along with the total plan and most probably be considered prior to the end of the 90 day extension. All voted in favor of the motion.

Mayor Feda allowed Councilperson Byrnes to be excused at this time.

Upon the recommendation of the Planning Commission, Kirchner moved, Stunes seconded, the 5 year renewal of a conditional use permit be granted to Cheryl Derynck at 1110 Bruce Circle for a home occupation to operate a beauty shop business in a R-1, One Family Residence District. All voted in favor of the motion.

Rolland Meirose, manager of Wal-Mart, was in attendance at the meeting to discuss with the council the request of Consolidated Sign Services, Inc., Omaha, Nebraska for a variance adjustment permit to construct signage in excess of the code allowed at 1101 East Main Street, the Wal-Mart Store. Mr. Meirose was concerned with the signage for the motto of the company satisfaction guarantee. Mr. Meirose was assured there was no problem with the signage or the wording of satisfaction guaranteed. Upon the recommendation of the Planning Commission, Hess moved, Feda seconded, the approval of a variance adjustment permit for basic sign area of 47 square feet in excess of the

## REGULAR MEETING - NOVEMBER 18, 1991

allowable to be granted to Wal-Mart at 1101 East Main Street because granting the permit would not be detrimental to persons living or working in the area, would not be detrimental to the public welfare, and would not alter the current neighborhood and would perhaps eliminate some traffic problems. Voting in favor of the motion were Stunes, Hess and Feda. Voting no were Kirchner and Stores.

Robert Hirmer, Chairperson for the Marshall Municipal Utilities Commission, and Morey Chaplin, acting manager of the Marshall Municipal Utilities, were in attendance at the meeting to request authorization to issue \$5,800,000 in revenue bonds to finance water and electrical improvements that are underway as well as improvements that are under design and ready for construction in the near future for the Marshall Municipal Utilities. Hess moved, Stunes seconded, the adoption of RESOLUTION NUMBER 1375, SECOND SERIES and that the reading of the same be waived. Resolution Number 1375, Second Series is a resolution concurring in the action of the board of commissioners of the Water, Light and Power Commission and providing for the sale and issuance of \$5,800,000 Utility Revenue Bonds Series 1991. All voted in favor of the motion.

Jackie Zerr on behalf of the Children's Fire Program was in attendance at the meeting to discuss the Children's Fire Program with the city council and to ask the city council's support in adopting a resolution in support of a grant application for the Children's Fire Program. The Children's Fire Program is a program that is directed at youth at risk and is intended to build a community atmosphere in giving these children a sense of belonging. This program gets youth to participate through the Parks, Recreation and Community Department as well as other youth councils. Stores moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1376, SECOND SERIES and that the reading of the same be waived. Resolution Number 1376, Second Series is a resolution indicating the City of Marshall's support of a grant application for the Children's Fire Program. All voted in favor of the motion, except Stunes who abstained.

Be it noted the return of Councilperson Byrnes.

Councilperson Kirchner reviewed with the city council the recommended changes in the personnel policy for the City of Marshall employees. These changes have been reviewed with the employee negotiating committee. Stores moved, Kirchner seconded, the adoption of RESOLUTION NUMBER 1377, SECOND SERIES and that the reading of the same be waived. Resolution Number 1377, Second Series is a resolution establishing and providing for the personnel policy, rules and regulations for the employees of the City of Marshall, Minnesota and repealing those provisions as set forth in previous resolutions. All voted in favor of the motion.

Upon the request of Harry Weilage, Director of Parks, Recreation and Community Education, Hess moved, Byrnes seconded, the approval of a transfer of \$2,900 from the Parks, Recreation and Community Education administrative account, 101-801001-5540 which is specified for playground equipment to account number 101-806265-5540 the capital account for the shelter game bag fund and also the transfer of \$3,030 from the shelter game bag operating account, 101-806265-2211, to the capital account, 101-806265-5540. This transfer allows for the replacing of certain potential unsafe equipment and equipment that was vandalized at Freedom Park. All voted in favor of the motion.

Kirchner moved, Stores seconded, the adoption of a resolution effective January 1, 1992 designating all municipal facilities as smoke and tobacco free. Some concern was expressed in regard to the enforcement of this type of resolution, the penalties and the control for such facilities such as park shelters and etc. Voting in favor of the motion were Kirchner and Stores. Voting no were Stunes, Hess, Feda and Byrnes. The proper city personnel were directed to advise the drivers of the city transit vehicles that they are not to be smoking in the transit vehicles.

## REGULAR MEETING - NOVEMBER 18, 1991

A map with the proposed modifications to the wards and precincts boundaries within the City of Marshall was reviewed. These modifications are a result of the 1990 population census. It is the intent to have only one precinct in each ward as opposed to the existing 2 precincts. Byrnes moved, Hess seconded, the modifications to the wards and precincts boundaries within the City of Marshall be approved as a result of redistricting and that the city attorney be authorized to prepare the necessary documents for further consideration by the city council. All voted in favor of the motion.

Reports by the councilmembers of the various committees, commissions and boards were presented as follows:

- |          |                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stores   | The Library Board held their meeting in Balaton. The Library has approved a smoke free facility policy. A new member appointed to the Marshall Lyon County Library Board and another member are looking into the possibility of writing some grants for the Marshall Lyon County Library.                                                                                                          |
| Byrnes   | Housing Commission - the vacancy rate has dropped, there is currently one 3 family unit available and 3 units in the Highrise. The Executive Director has received a notice of the deterioration of some of the units. The Housing Commission has also applied for funding assistance. There are 20 Section 8 Assistance Certificates available. These certificates are available for Lyon County. |
| Kirchner | No report.                                                                                                                                                                                                                                                                                                                                                                                         |
| Hess     | Cable Commission - reviewed the survey by ATC and they are continuing to look at a second access channel. No report from the Convention and Visitors Bureau or the Hospital Board.                                                                                                                                                                                                                 |
| Stunes   | Senior Citizen Commission had met and reviewed the agreement with WESCAP for the Mealsite Program.                                                                                                                                                                                                                                                                                                 |
| Feda     | Had attended 2 Southwest Regional Development Commission Committee meetings. The Greater Minnesota Cities Coalition is very concerned with property tax for the upcoming legislative session. Mayor Feda shared a letter he had received from Sam Tulio from the Sentence To Service Program which has crews available to do community service type projects.                                      |

The financial report for the year to date revenues and expenditures through the month of October, 1991 was presented to the council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report addresses revenues and expenditures in relationship to the 1991 budget.

Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 1378, SECOND SERIES and that the reading of the same be waived. Resolution Number 1378 Second Series is a resolution authorizing the placement of a stop sign on Base Line Road entering upon Southview Drive East. All voted in favor of the motion.

Hess moved, Stunes seconded, and it was unanimously that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43982 through 44158.



## REGULAR MEETING - NOVEMBER 18, 1991

The following building permits, application for permit to move building and permits for manufactured home installations previously approved by the Building Official were confirmed:

James M. King Jr.  
105 North Seventh Street  
Garage Addition  
\$400

Rick Slagel  
613 Thomas Avenue  
Remodel Basement  
\$2,000

Lowell Rademacher  
200 Sunrise Lane  
Replace Windows  
\$1,000

Doom & Cuypers Construction  
400 West Erie Road  
West Addition - Ethanol Plant  
\$90,000

Minnesota Wind Power  
1401 North Seventh Street  
Construct 5 Equipment Foundations & Towers  
\$32,500

Babcock Construction  
300 George Street  
Reside Dwelling  
\$3,375

Schwan's Sales Enterprises Inc.  
203 South First Street  
Demolish Dwelling  
\$0

Dulas Construction  
110 North Eleventh Street  
Warehouse  
\$150,000

Larry Gibbs  
506 North High Street  
Garage Addition/Reside  
\$3,500

Geske Building & Supply Company  
404 South First Street  
Reside Dwelling  
\$3,200

#### APPLICATION FOR PERMIT TO MOVE BUILDING

Doug Swenson  
From Lyon County Fairgrounds  
To South of Balaton  
Part of Old Office Building

#### MANUFACTURED HOME INSTALLATION

Marathon Housing Company  
356 Timberlane Drive  
Village Park Mobile Home Park  
Install Mobile Home

Kenneth Fischer  
117 Lilac Drive  
Village Park Mobile Home Park  
Install Mobile Home

A brief discussion was held at this time in regard to correspondence from the Marshall Police Civil Service Commission to City Attorney Brian Murphy and in return correspondence from City Attorney Brian Murphy to the Police Commission. Mr. Murphy indicated he was waiting for a response from the Police Civil Service Commission at this time.

City Engineer Rich Victor, was requested to report back to the city council on a turn lane off of Highway 23 by-pass for the K-Mart entrance.

## REGULAR MEETING - NOVEMBER 18, 1991

Upon motion made by Stunes, seconded by Kirchner, the meeting was adjourned.  
All voted aye.

THE COMMON COUNCIL

  
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Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## SPECIAL MEETING - NOVEMBER 26, 1991

A special meeting of the Common Council of the City of Marshall was held on November 26, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Stunes, Hess, Kirchner, Byrnes and Stores. Absent: Lewis. There were also 8 members of the city staff in attendance at the meeting, 2 from the press and 2 from the general public for a total of 18 people in attendance at the meeting.

The Pledge of Allegiance was recited.

The purpose of this special meeting was to conduct a public hearing in regard to the proposed 1992 budget/tax levy for the City of Marshall. The primary focus in reviewing the 1992 proposed budget/property tax levy is the general fund revenues and expenditures which Mr. Duane Aden, City Administrator, reviewed by the various functions in comparison to prior periods. Mr. Aden reviewed the percentage of total tax for the city, county and school for the 1992 proposed property tax levy; presented graphs on the general fund revenues for 1992 by their function and in comparison to the years 1988 to 1992. Included in the packet of information being reviewed were comparisons of the tax levies and state aid revenues for 1988 to 1992; a comparison of Marshall to 20 larger out state cities and Marshall's rating amongst these 20 cities as it relates to the 1991 property tax date; a per capita summary of the expenditures for the various expenditure functions was provided; the expenditures relationship to property valuation was reviewed as well as the analysis of the tax levy impact; the property tax shared by taxing jurisdiction from 1985 to 1991 was presented and discussed. The various other enterprise funds and special revenue funds revenues and expenditures for a three year period was presented for review.

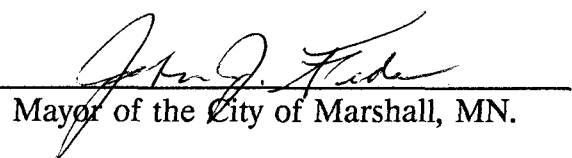
A property owner was in attendance at the meeting and was concerned as to how the homestead versus the non-homestead taxes were figured.

Mr. Aden was asked why the city was incurring an increase of approximately 9.6% in its levy as compared to a 3.4% for the county and 7.8% for the school. Mr. Aden responded by indicating that more of the tax burden is being placed on local governing jurisdiction.

There were no further questions or concerns brought forward at this public hearing, therefore Kirchner moved, Hess seconded, the public hearing be adjourned. All voted in favor of the motion.

Upon motion made by Stores, seconded by Kirchner, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
Mayor of the City of Marshall, MN.

ATTEST:

  
City Clerk/Financial Director

**REGULAR MEETING - DECEMBER 2, 1991**

The regular meeting of the Common Council of the City of Marshall was held on December 2, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Stunes, Kirchner, Byrnes and Stores. Absent: Lewis.

The Pledge of Allegiance was recited at this time.

Mayor Feda welcomed the members of Boy Scout Troop Number 23 who were in attendance at the meeting. The Troop members were working on their merit badges for Community Citizenship.

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

Kirchner moved, Stores seconded, the approval of the minutes of the regular meeting held on November 18, 1991 and the special meeting of November 26, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Ron Jensen, Hospital Administrator, and Jerry Boerboom, Controller Wiener Memorial Medical Center, were in attendance the meeting to discuss with the council the purchase of a Phacoemulsifier System. Upon the recommendation of the Board of Directors of the Wiener Memorial Medical Center, Hess moved, Stores seconded, the proposal from Rice Memorial Hospital in the amount of \$28,000.00 be accepted for the Phacoemulsifier System. This equipment is used by ophthalmologists for cataract surgery. This contract provides for monthly payments of \$2,333.00 with no interest and also provides for a 12 month service contract. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the resignation of Councilperson Jeff Lewis be accepted with regrets. Jeff Lewis, Councilperson for Ward I, resigned due to the relocating and accepting a position with the Minnesota Pollution Control Agency in Detroit Lakes. Mr. Lewis's resignation is effective December 2, 1991. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1379, SECOND SERIES and that the reading of the same be waived. Resolution Number 1379, Second Series is a resolution declaring a vacancy on the Common Council and providing for a special election. This resolution is a result of Jeff Lewis, Councilperson for Ward 1, resigning effective December 2, 1991. This resolution provides for the special election to be held on January 7, 1992 and for the councilmember to take office on January 21, 1992. All voted in favor of the motion.

Following the discussion in regard to the correspondence received from Char Sheffield, Lyon County Auditor, in regard to a centralized voter optical mark reading system, Kirchner moved, Hess seconded, \$7,900 be transferred from the Mayor and Council contingency, 101-401401-6810, to the Finance/Clerk's Account 101-408421-5560 in 1992 to support the purchase of a centralized voter optical mark reading system. This transfer is approved contingent upon the proposal submitted which allows for Lyon County to pay \$15,000 for the purchase price of the equipment. All voted in favor of the motion.

Upon the recommendation of the Economic Development Authority Byrnes moved, Stores seconded, the proper city personnel be authorized to enter into an agreement for professional services between the City of Marshall and Business Development Services Inc. This agreement provides for membership in the Community Venture Network. The Community Venture Network provides an opportunity for 6 industrial prospects that are in the expansion or start up mode to make presentations for the Community Venture Network Cities. This contract is in the amount of \$4,750 and is for the period November 1, 1991 to October 31, 1992. All voted in favor of the motion.

Kirchner moved, Stunes seconded, the proper city personnel be authorized to execute a Minnesota Lawful Gambling request by a Government to spend gambling funds. This

**REGULAR MEETING - DECEMBER 2, 1991**

authorization is to allow the Eagles Club to utilize \$135.00 of their gambling funds as a contribution to the Marshall Ambulance Association. The Marshall Ambulance Association will use these funds as a reimbursement of their cost of renting a room for their 10th anniversary celebration in the spring of 1992. All voted in favor of the motion.

The Debt Service requirements have been met for the 1980 Public Improvement Debt Service Fund No. 360, and the 1982 Series "A" Public Improvement Debt Service Fund 363, therefore Kirchner moved, Hess seconded, the available cash in the 1980 Public Improvement Debt Service Fund No. 360 of approximately \$83,000 be transferred to the General Fund with the understanding this money would be earmarked for the transfer to the capital equipment fund in lieu of the certificate of indebtedness levy that was previously included in the 1992 budget. The available cash in the 1982 Series "A" Public Improvement Debt Service Fund 363 along with the delayed special assessment of \$18,515.51 and the delinquent special assessments in the 1980 Public Improvement Debt Service Fund 360 of \$1,218.34 are to be transferred to the "429" Revolving Fund. All voted in favor of the motion.

Byrnes moved, Stunes seconded, the approval of a plumbers license for Robert VanderLinden DBA Countryside Plumbing, Redwood Falls, Minnesota for the year ending March 31, 1992. The fee for this license is \$20.00. All voted in favor of the motion.

Kirchner moved, Stunes seconded, the approval of the Transient Merchants license for Olan Mills, Pacesetter Corporation, and Lifetouch Portrait Studios for the calendar year 1992 at a fee of \$200.00. All voted in favor of the motion.

Byrnes moved, Hess seconded, the approval of the renewal of the On-Sale Intoxicating Liquor license for 1992 for the American Legion Post 113, Corner Bar and Lounge, The Chalet Club, Best Western/Marshall Inn, The Wooden Nickel, The Gambler, Sam's Place and the Fox Fire. These were all approved with the understanding that they provide adequate information on the insurance coverage prior to the license being issued. All voted in favor of the motion.

Hess moved, Stunes seconded, the Club license for the Fraternal Order of Eagles AERIES 3405, and the Marshall Golf Club be approved for 1992. All voted in favor of the motion.

Kirchner moved, Hess seconded, the approval of the renewal of the Wine license for Boulevard Developers DBA The Chalet and Marshall Management Services DBA Best Western/Marshall Inn for the calendar year 1992 at a fee of \$300.00. All voted in favor of the motion.

The announcement at the November 26, 1991 public hearing for the 1992 budget provided for the consideration of the budget to be held on December 2, 1991. At the public hearing held on November 26, 1991, the budget for 1992 was presented for consideration and comment. The final proposed budget for 1992 was presented at this time and the concern brought before the council of including in the budget monies for those personnel who need adjustments to their pay to be in conformance with the pay plan. Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 1380, SECOND SERIES and that the reading of the same be waived. Resolution Number 1380, Second Series is a resolution adopting the budget for the calendar year 1992, showing estimated revenues and expenditures for the general fund of \$6,327,172 which include a tax levy of \$1,489,305. This resolution also included the estimated revenues and expenditures for the special budgets including Wastewater Treatment Fund, Liquor Fund, Municipal State Aid Revolving Fund, Capital Equipment Fund, Parking System Fund, Debt Service, Economic Development Authority Fund and the "429" Revolving Fund. All voted in favor of the motion, except Kirchner who voted no.

## REGULAR MEETING - DECEMBER 2, 1991

Stores moved, Stunes seconded, the adoption of RESOLUTION NUMBER 1381, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1381, Second Series is a resolution adopting the tax levy payable with the 1991 taxes payable in 1992 including a special levy of \$380,492 and a general levy of \$1,489,305 for a total levy of \$1,869,797. All voted in favor of the motion.

Due to the resignation of Councilperson Jeff Lewis, the following Councilmembers volunteered to serve as a council representative or liaison to the following committees: Personnel Committee - Byrnes, Airport Commission - Stunes, Utilities Commission - Hess, Fire Department - Byrnes, and Lyon County Ice Facility - Stores.

Reports by the councilmembers of the various committees, commissions and boards were presented to the council as follows:

Stores            No report

Byrnes           No report

Feda             Had attended a Minnesota Rural Initiative Conference and of particular concern at this meeting was the loss of political power in the out state Minnesota.

Kirchner        No report

Hess             No report

Stunes           No report

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION NUMBER 1382, SECOND SERIES and that the reading of the same be waived. Resolution Number 1382, Second Series is a resolution approving the appointment of Thomas Hess and Steve Stunes as commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. The appointments are for 5 year terms to expire on December 2, 1996. All voted in favor of the motion.

Kirchner moved, Stunes seconded, the adoption of RESOLUTION NUMBER 1383, SECOND SERIES and that the reading of the same be waived. Resolution Number 1383, Second Series is a resolution approving the transfer of ownership of the American Cablevision Franchise to Time Warner Entertainment Company. All voted in favor of the motion.

Feda moved, Stunes seconded, the adoption of RESOLUTION NUMBER 1384, SECOND SERIES and that the reading of the same be waived. Resolution Number 1384, Second Series is a resolution authorizing the Fire Department personnel to be eligible for deferred compensation under the US Conference of Mayors Program. All voted in favor of the motion, except Hess who abstained.

Byrnes moved, Hess seconded, the adoption of RESOLUTION NUMBER 1385, SECOND SERIES and that the reading of the same be waived. Resolution Number 1385, Second Series is a resolution repealing the presidential primary. This action is consistent with the recent League of Minnesota Cities policy. Copies of this resolution are to be sent to Representative Jim Girard and Senator Gary DeCramer. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 44159 through 44324.

## REGULAR MEETING - DECEMBER 2, 1991

The following building permits previously approved by the Building Official were confirmed:

Stereo Depot  
500 Elm Street  
Garage  
\$7,000

Steve Wilson  
112 East Saratoga Street  
Enclose Carport  
\$1,500

Douglas Olsem  
904 Boxelder Avenue  
Escape/Rescue Window  
\$450

F & L Management & Development  
803 Colt Street  
Dwelling  
\$52,000

F & L Management & Development  
1001 East Fairview Street  
Dwelling  
\$56,000

Doug Mosch  
202 Jewett Street  
Office & Storage Remodeling  
\$3,000

A brief discussion was held at this time in regard to the Solid Waste Advisory Committee. Duane Aden, City Administrator, indicated that the size of this committee is being reduced and that the city will only have one vote on this committee. The criteria for this committee will be discussed with the Lyon County Commissioners and will be placed on the council agenda for the next regular city council meeting to be held on December 16, 1991.

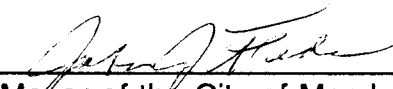
A request was made for a report from Parks, Recreation and Community Education on the use of the Golf Driving Range as it relates to useage and non-member useage vs member useage.

A concern was expressed in regard to snow removal from the recent storm as to the timing and the overtime that is involved.

Rich Victor, City Engineer, advised the city council that the cross over project for Highway 23 has been suspended to the 1992 construction period due to weather conditions.

Upon motion made by Stores, seconded by Kirchner, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## REGULAR MEETING - DECEMBER 16, 1991

The regular meeting of the Common Council of the City of Marshall was held on December 16, 1991. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Stunes, Kirchner and Stores. Absent: Byrnes.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the addition of item 3a which was a discussion on the contract for independent audit for the City of Marshall financial records for the calendar years 1991, 1992, and 1993 with the certified public accounting firm Ahern Kinner Montag Vogler & Co., Ltd., and the addition of item number 12a which is the City Administrators compensation proposal for 1992.

Kirchner moved, Stunes seconded, the approval of the minutes of the regular meeting held on December 2, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Mayor Feda did discuss with the Lyon County Board of Commissioners the process for the appointment to the County Solid Waste Advisory Committee. Mr. Feda did discuss this at the most recent County Commissioners meeting and was advised that this committee is only an advisory committee and it is the intent that this committee will be made up of 2 County Commissioners, with representation from other groups such as Recycle First, haulers and various cities. People are invited and encouraged to apply for appointment to this committee. The City of Marshall may have an appointment to this committee which would be decided by the Lyon County Board of Commissioners. When a definite procedure for the appointment to this committee is decided by the Lyon County Board of Commissioners a discussion on the appointment will be placed back on the city council agenda.

City Attorney Brian Murphy reviewed with the city council the proposed ordinance redistricting city wards and precincts within the City of Marshall. This intent of this ordinance is that there will be one precinct in each ward and that the boundaries would be identical. Stores moved, Hess seconded, the introduction of an ordinance redistricting the ward boundaries and election precinct boundaries within the City of Marshall, Minnesota and calling for a public hearing to be held at the regular city council meeting on January 6, 1992. All voted in favor of the motion.

At the regular city council meeting held on October 21, 1991 authorization was granted to draft an agreement with the public accounting firm of Ahern Kinner Montag Vogler Co., Ltd., to perform the audit services for the City of Marshall for fiscal years ending December 31, 1991, 1992 and 1993. This agreement was presented to Ahern Kinner Montag Vogler Co., Ltd., and was approved by them, therefore Stores moved, Hess seconded, the proper city personnel be authorized to execute the contract for the independent audit of the City of Marshall financial records for the calendar years 1991, 1992, and 1993 with Ahern Kinner Montag Vogler Co., Ltd. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Stunes seconded, Rodney R. Wilkison, be granted a 5 year renewal of a conditional use permit for a home occupation consisting of farm recordkeeping and a consulting business service in an R-1, One Family Residence District, at 204 Gray Place West. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Kirchner moved, Hess seconded, the approval of a the enforcement policy of violation to conditional use permits. This policy allows for a 2 notice process in which the first step would be to notify the owner of the violation and that they have 30 days to comply. In the letter of notification would be a statement that the owner could apply to the Planning Commission for an extension of time. The owner would appear before the Planning Commission stating his reasons for the



## REGULAR MEETING - DECEMBER 16, 1991

extension and his intentions for compliance. If the city does not hear from the owner or the violation is not corrected a second letter would be sent to the owner requiring that he appear before the Planning Commission and face possible revocation of the Conditional Use Permit. If the owner does not appear before the Planning Commission it would be an automatic recommendation for revocation of conditional use permit. If a second violation on the same person occurs within one year it would be a continuation of the original violation and the second letter process would be followed through. If different violations were found during this process at the same location, they would be considered separate and begin a new process apart from the other violations. All voted in favor of the motion.

Art Matthys and other representatives from the Marshall Volunteer Fire Fighters Relief Association were in attendance at the meeting to discuss with the council revisions to the By-Laws of the association. The changes in the By-Laws consist of the gender changes and referring to the members on the fire department as firefighters, in Article I, Section 1 the age requirement of 35 years of age was dropped and Articles VIII and IX the benefit would be increased from \$2,750 to \$2,900 per year of service. Some concern was expressed about the increase in unfunded liability that would occur due to the increase in benefit. In response to this concern it was indicated that this unfunded liability would be retired through monies received from the city, state and interest earnings. It was also indicated that if more people are added to the association the liability may grow. The city council was advised that they do not have the right to change this benefit without the approval of the relief association. Kirchner moved, Stunes seconded, the amendments to the By-Laws of the Marshall Volunteer Fire Fighters Relief Association consisting of gender changes and referring to members of the fire department as firefighters, the age requirement in Article I, Section 1 of 35 years be dropped and in Articles VIII and IX the benefit be increased from \$2,750 to \$2,900 per year of service. All voted in favor of the motion, except Hess who abstained.

Hess moved, Stores seconded, the adoption of RESOLUTION NUMBER 1386, SECOND SERIES and that the reading of the same be waived. Resolution Number 1386, Second Series is a resolution approving the action of the Board of Commissioners of Water, Light and Power Commission authorizing the issuance and delivery of \$5,800,000 in Utility Revenue Bonds Series 1991. The bid on these bonds was awarded to Piper Jaffray Hopwood Inc., with a net interest rate of 6.4284%. All voted in favor of the motion.

A statement of qualifications to provide consulting engineering services for the Marshall Municipal Airport improvements were received from:

Rieke Carroll Muller Associates, Inc.  
Minnetonka Minnesota

Bolton & Menk, Inc.  
Mankato, Minnesota

Toltz, King, Duvall, Anderson & Assoc Inc.  
St. Paul, Minnesota

The city staff have reviewed the statements of qualifications in accordance with the FAA advisory circular dealing with procedures for selecting consultants. Upon staff recommendation Stores moved, Kirchner seconded, the proper city personnel be authorized to negotiate an agreement with Toltz, King, Duvall, Anderson and Associates Inc., for engineering services for the Marshall Municipal Airport improvements. Such negotiated agreement would be brought back to the council for their consideration. All voted in favor of the motion, except Feda who voted no.

Hess moved, Stunes seconded, the proper city personnel be authorized to advertise for bids for the annual garbage collection disposal service for the period January 1, 1992 to December 31, 1992 for the City of Marshall facilities. These bids will be received at the regular city council meeting to be held on January 6, 1992. All voted in favor of the motion.

## REGULAR MEETING - DECEMBER 16, 1991

Kirchner moved, Stunes seconded, the proper city personnel be authorized to advertise for the receiving of bids for the purchase of 2 squad cars for the Marshall Police Department. These bids shall be received at the regular city council meeting to be held on January 6, 1992. Authorization was also granted to proceed with the development of a proposal to replace a taxi vehicle consistent with the 1992 budget for the transit department. All voted in favor of the motion.

Hess moved, Stunes seconded, the following on-sale non-intoxicating beer licenses be approved for 1992:

Eagles Club	Godfather's Pizza	Marshall Golf Club
Marshall Lanes	Toni's Pizza Villa	VFW Club
Pizza Hut		

All voted in favor of the motion.

Stunes moved, Hess seconded, the following off-sale non-intoxicating beer licenses be approved for 1992:

Coastal Mart	Freedom Value Center	HyVee Food Store
Johnson Dairy Store	Phillips 66	Marshall Golf Club
Marshall Holiday Express	Marshall Lanes	Texaco
VFW Club		

All voted in favor of the motion.

Hess moved, Stunes seconded, the following tobacco licenses be approved for 1992:

American Legion	Bookstore Corral	Chalet Club
Coastal Mart	Corner Bar & Lounge	County Market
Eagles Club	Fina East	Freedom Valu Center
Fox Fire	GMC Baits	Gambler
HyVee Food Store	Johnson's Dairy Store	K Mart
Len's Southside	Lyon County Coop	Lyon County Coop
	1100 East Main	201 East College Dr
Lyon County Sheriff	Phillips 66	Marshall Golf Club
Marshall Holiday Express	Marshall Inn	Marshall Off Sale Liquor
Marshall Lanes	Shopko	Stop Lite Cafe
Super America	Super 8 Motel	Texaco
Thrifty Snyder Drug	Wal-Mart	Wooden Nickel
Woolworth's	Sam's Place	

All voted in favor of the motion, except Kirchner who voted no.

Kirchner moved, Hess seconded, a towing and storage license be granted to Brad's One Stop Plus for 1992 at a fee of \$150.00. All voted in favor of the motion.

Stunes moved, Hess seconded, the City Administrator's compensation for 1992 be approved at a salary of \$66,000.00. All voted in favor of the motion.

Reports by the council members of the various committees, commissions and boards were presented as follows:

Stores Parks, Recreation and Community Board has submitted a letter requesting advertisement for new members for the Park & Rec Board.  
The Golf Driving Range Board had met to discuss their payment to the city.  
Ms. Stores had attended the Lyon County Ice Facility Board meeting.

## REGULAR MEETING - DECEMBER 16, 1991

- Feda No report.
- Kirchner Senior Citizen Center will no longer have the head start meals prepared at the mealsite center.
- Hess Convention and Visitors Bureau is continuing to promote the community.
- Cable Commission is looking at some upgrade in equipment to tie in with computer equipment.
- Hospital Board will be having their financial report at their next meeting and the city council is encouraged to attend. Full time emergency services for weekends will be contracted with an outside medical services firm. Regular staff will be available as a backup.
- Stunes Airport Commission did review the rates for hangar leases and the proposals for engineering consulting services.

The financial report for the year to date revenues and expenditures through the month of November, 1991 was presented to the city council by Thomas M. Meulebroeck, Finance Director/City Clerk. This report addresses revenues and expenditures in relationship to the 1991 budget.

Kirchner moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 44325 through 44574.

The following building permits previously approved by the Building Official were confirmed.

Kerry Running  
301 North Hill Street  
Rescue/Escape Window  
\$1,500

MN Corn Processors Inc.  
400 West Erie Road  
1991 Ethanol Bldg. Add. Phase II  
\$85,000

MN Corn Processors Inc.  
400 West Erie Road  
1991 Milling Bldg MVR Addition  
\$43,000

Ronald C. Schultz  
309 North High Street  
Finish Attic (2 Bedrooms)  
\$1,500

Henry Blomme  
405 Williams Street  
Doors & Windows  
\$1,500

Councilperson Kirchner requested City Attorney Brian Murphy to prepare an ordinance for the Legislative and Ordinance Committee of the Council in regard to the compliance of non-smoking in municipal buildings and vehicles.

City Engineer Rich Victor indicated to the council that a sump pump survey compliance is in operation at this time.

The city council is provided with a number of pending agenda items. At this time an update was provided on various items that are pending which include: the agreement with the Human Society for an animal impound facility which is being worked on with personnel from the Humane Society; the Wastewater Treatment Facilities plan report will be reviewed at a meeting in the near future; the Comprehensive Plan needs to be reviewed; the televising of the sanitary sewer is approximately 75% completed;

## REGULAR MEETING - DECEMBER 16, 1991

applications are being taken for a police officer position; the status of the bids received for the Wastewater Treatment Facility project will be on the agenda for the next regular meeting to be held on January 6, 1992; an employee flex plan proposal will be on the agenda for the January 6, 1992 meeting; the pay plan is being updated; and the employee of the month program was discussed.

Upon motion made by Hess, seconded by Stores, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall, MN.

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## REGULAR MEETING - JANUARY 6, 1992

The regular meeting of the Common Council of the City of Marshall was held on January 6, 1992. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Hess, Stunes and Byrnes. Absent: Kirchner and Stores.

The Pledge of Allegiance was recited at this time.

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

Hess moved, Stunes seconded, the approval of the minutes of the regular meeting held on December 16, 1991 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

A bid was received, opened and read from Ritter's Sanitary Service for the annual garbage collection and disposal for various municipal locations around the City of Marshall for the period January 1, 1992 to December 31, 1992 which was as follows:

<u>Location</u>	<u>Job Description</u>	<u>Yearly Fee</u>
1. Wastewater Treatment Plant	Once every week, one (1) and one-half yard container	986.44
2. Main Sanitary Sewer Lift Station	Six days per week, one (1) one yard container, or equivalent	2,858.03
3. Fire Station	"On Call" service & payment one, (1) one yard container, estimated 24 times per year	455.28
4. Municipal Airport	Once a week, two (2) one yard containers	908.40
5. Street Department Shops	Once per week, one (1) one yard container	986.44
6. Main Street between College Drive and 5th St., & 3rd St. between Main St., & Lyon Street	Ten (10) sidewalk containers, once (1) per week	910.50
7. Municipal Liquor Store	Two (2) times per week, one (1) one and one-half yard container and a large number of empty corrugated cardboard boxes (three times a week)	1,611.98
8. Legion Field Park	Three (3) times per week from April 1 to October 31, one (1) three yard container	825.34
9. Justice Park	"On Call" service and payment from April 1 to October 1, one (1) three yard container, estimated 50 times/year	1,423.13

## REGULAR MEETING - JANUARY 6, 1992

10. Softball Complex	"On Call" service and payment from May 1 to September 1, one (1) one and one-half yard container, estimated 25 times/yr	474.38
11. Swimming Pool	"On Call" service and payment from June 1 to September 1, one (1) one and one-half yard container, estimated 20 times/year	379.40
12. Park Maintenance Shop	"On Call" service and payment from October 1 to April 1, one (1) three-yard container estimated 20 times/year	569.25
13. Leaves	All leaves that are removed by the Street Department from streets, alleys, parking lots; to be received at prearranged locations	
	a. Price per load \$0.00	
	b. 20 estimated truck loads	
	0.00 x 20	0.00
14. Municipal Building	Five (5) days per week three (3) 30 gallon containers	389.49
15. Senior Citizen Center Building	Two (2) times per week one (1) one yard container	1,116.81
16. Independence Park	"On Call" one (1) one and one-half yard container estimated 20 times per year	379.40
Sub Total		14,274.27
Sales Tax		<u>856.46</u>
Total Bid		15,130.73
17. Additional per Unit Bid	Per unit bids are requested for the following items in the event that additional units or services are required during the term of the contract at any of the above locations (based upon once a week pickup)	
	Each 30 gallon container	3.00
	Each one-yard container	18.97
	Each one and one-half yard container	18.97
	Each three-yard container	28.46

Hess moved, Byrnes seconded, the bid for the annual garbage collection and disposal for various locations in the City of Marshall for the period January 1, 1992 to December 31, 1992 be awarded to Ritter's Sanitary Service in the amount of \$15,130.73 which includes sales tax. These rates are to be effective January 6, 1992. All voted in favor of the motion.

## REGULAR MEETING - JANUARY 6, 1992

This was the date and time set for a public hearing on redistricting wards and precincts and the consideration of an ordinance establishing ward and precinct boundaries within the City of Marshall, Minnesota. Mayor Feda informed all those in attendance at the meeting the procedure for this public hearing which was an introduction by Mayor Feda; a background on the census figures by Duane Aden, City Administrator; the City Charter and State Statutes requirements by City Attorney Brian Murphy; history on past elections and the savings to the city by providing one precinct in each ward for elections by Duane Aden and Thomas M. Meulebroeck, Financial Director/City Clerk; concerns from residents of the City of Marshall and concerns from non-residents of the City of Marshall.

Mayor Feda indicated that the census is taken every 10 years and that based on the 1990 census it is the requirement of the City Council to provide equal representation by the redistricting in the City of Marshall.

City Administrator Duane Aden, provided a presentation with overhead identifying the population within each ward in the City of Marshall with the proposed redistricting. Mr. Aden indicated that Ward I and Ward II are the fastest growing in the City of Marshall due to the housing areas expanding.

City Attorney Brian Murphy, indicated that the City Charter provides for the city to elect its officials from the wards and that the city is mandated to have three wards. The U.S. Constitution and State Constitution mandate to redistrict for equal representation by being within 10% of the mandated requirements. The city council can designate precincts which are used only for voting purposes.

A handout was provided to all those in attendance at the meeting that identified the number of voters at the various elections held since June 15, 1982. These were reviewed by City Administrator Duane Aden.

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the cost for the last state general election and the two most recent special city council elections and the cost savings that there could be to the City of Marshall in an election if there only one voting precinct within each ward and addressed the savings and time to the City Clerk's Office in locating election judges if there were only three voting locations needed versus six as there is at the current time.

Mayor Feda, Councilperson Tom Hess and Bob Byrnes, were on the committee who put together the proposed lines for the wards within the City of Marshall. It was the intent of this committee to provide equal representation, to minimize the impact on the change in ward lines and the cost savings to the City of Marshall.

There were no citizens from the City of Marshall who presented concerns in regard to the redistricting.

Audrey Koopman, City Administrator City of Tracy, presented a resolution from the City of Tracy to the city council requesting the City of Marshall retain six election precincts. Ms. Koopman indicated they propose the City of Marshall to have approximately 2,000 people in each precinct.

Jasper Vandelanotte, Lyon County Commissioner, expressed a lack of communication and cooperation between the City of Marshall and the Lyon County Commissioners in developing a plan for the redistricting. Mr. Vandelanotte proposed that they leave or retain six precincts in the City of Marshall with approximately 2,000 people in each precinct.

Fred Worden, Lyon County Commissioner District II, expressed opposition to the proposed redistricting in the City of Marshall since it locks in the County Commissioner representations. He has no proposal for the redistricting.

## REGULAR MEETING - JANUARY 6, 1992

Paul Swift a representative from the Lyon County Township Association, requested that City of Marshall stay with its six precincts system to allow for a more equal and fair representation.

With no further questions or concerns brought before the public hearing, Byrnes moved, Hess seconded, the public hearing on the redistricting of wards and precincts within the City of Marshall be continued to 7:30 P.M. on January 21, 1992 in the council chambers of the Marshall Municipal Building and that two representatives from the City Council meet with two representatives from the Lyon County Commissioners, a representative from the Lyon County Township Association and a representative from the City of Tracy to discuss a proposed redistricting plan. Mrs. Maurice Louwagie expressed a concern in regard to Federal and State representatives being determined by population which seemed to be unfair. All voted in favor of the motion.

Councilperson Tom Hess and Mayor John Feda are the council representative to meet with the four other representatives in regard to the proposed redistricting plan.

A discussion was held at this time in regard to a letter dated December 12, 1991 from Corporate Risk Managers Inc., in regard to the insurance management contract they have with the City of Marshall for the period June 1, 1991 through May 31, 1992. Corporate Risk Managers was requesting to be paid for the 4.47 days that they have exceeded the contract to date and projecting that they would incur additional time of approximately 8 hours on the workers compensation renewal for January 1, 1992; 4 hours for the premium breakdown on the property and casualty; 4 hours for miscellaneous items that may come up between now and the May 31, 1992 expiration of the contract; and approximately 40 hours on the long term disability renewal. A suggestion was made that the city consider other sources for insurance consulting services in April and May of 1992. Following the discussion on the insurance consulting contract Hess moved, Stunes seconded, Corporate Risk Managers, Inc., be paid for the 4.47 days that they have exceeded the contract as of December 12, 1991 and 4 hours be granted for the premium breakdown on the property and casualty insurance renewal, and up to 4 hours of additional time be granted to cover any miscellaneous items that may come up between December 12, 1991 and May 31, 1992; 8 hours be granted for the workers compensation renewal effective January 1, 1992 if the League of Minnesota Cities is not able to provide the city with the adequate information in regard to the increase in work comp modifier and modification work sheets provided and that the city would explore with the local agents the long term disability insurance coverage renewal March 1, 1992. All voted in favor of the motion.

Byrnes moved, Hess seconded, the adoption of RESOLUTION NUMBER 1387, SECOND SERIES and that the reading of the same be waived. Resolution Number 1387, Second Series is a resolution appointing the official depositories for the City of Marshall funds for 1992. All voted in favor of the motion.

Byrnes moved, Stunes seconded, the workers compensation insurance coverage for 1992 be renewed with Berkley Administrators in the amount of \$156,575.00 annual premium. All voted in favor of the motion.

Byrnes moved, Hess seconded, the adoption of RESOLUTION NUMBER 1388, SECOND SERIES and that the reading of the same be waived. Resolution Number 1388, Second Series is a resolution designating the Marshall Independent as the official newspaper for the City of Marshall, Minnesota.

Per the request of Thomas M. Meulebroeck, Finance Director/City Clerk, Hess moved, Stunes seconded, BE IT RESOLVED and it was unanimously approved that the following budget adjustments for 1991 for the General Fund, Wastewater Fund and Liquor Fund be approved:



## REGULAR MEETING - JANUARY 6, 1992

General Fund:

1)	Municipal Bldg - Maint Bldg	101-412450-2223	360.00	
	Taxi - Maint Equip	101-419419-2221	1,545.00	
	Public Safety - Maint Equip	101-501501-2221	1,808.00	
	Public Safety - Prof Serv	101-501501-3301	196.00	
	Ambulance - Maint Equip	101-502530-2221	209.00	
	Street Dept - Maint Other	101-602643-2227	820.00	
	Street Dept - Maint Other	101-602645-2227	715.00	
	Street Dept - Maint Other	101-602646-2227	265.00	
	Street Dept - Maint Other	101-602648-2227	245.00	
	Park & Rec Administration	101-801001-2227	170.00	
	Comm Service - Equip	101-806265-5540	1,400.00	
	Mayor & Council - Ins Deduct	101-401401-6850		7,733.00
	To adjust for expenditures applied towards insurance deductible in 1991			
2)	Insurance Dividend	101-364300	20,000.00	
	Street Dept - Ins Gen Liab	101-602640-3361		8,000.00
	Fire Dept - Ins Gen Liab	101-503550-3361		3,000.00
	Airport - Ins Gen Liab	101-603680-3361		1,500.00
	Park Maint - Ins Gen Liab	101-702712-3361		1,500.00
	Public Safety - Ins Gen Liab	101-501501-3361		6,000.00
	To reclassify 1991 budget revenue for Insurance Dividend			
3)	Library - Property Tax Levy	101-311500	92,000.00	
	General - Property Tax	101-311100		92,000.00
	To adjust for Library portion of Homestead credit received in lieu of taxes			
4)	Comm Dev - Lodging Tax	101-411440-2219	9,000.00	
	Lodging Tax Receipts	101-314100	9,000.00	
	To adjust for lodging tax in excess of original budget			
5)	Cable Franchise	101-318120		3,500.00
	Building Permits	101-322100		23,000.00
	Ambulance Services	101-342220		35,000.00
	Contingency	101-980000-6810	61,500.00	
	To adjust contingency for amounts received in excess of budget			
6)	Senior Center - Rents	101-331810	10,000.00	
	Rents	101-341060		10,000.00
	Adjust Senior Center budgeted revenues			
7)	Bus/Taxi Services	101-334140	20,000.00	
	Taxi Passenger Revenues	101-341810		16,000.00
	Taxi Passenger Revenues			
	Lyon County Coop	101-341830		4,000.00
	To adjust revenues for Transit 1991			
8)	Airport Land Acquisition	101-334910	200,000.00	
	Airport - Land	101-603680-5510		100,000.00
	Airport - Improvements Other	101-603680-5530		100,000.00
	To adjust budget for expenditures not made or revenues not received in 1991 for airport land acquisition and other improvements			
9)	Public Safety - Police Services	101-501501-1106	10,000.00	
	Police Services Revenue	101-342190		10,000.00
	To adjust for additional revenues and expenditures for Special Police Services			

## REGULAR MEETING - JANUARY 6, 1992

10) Comm Serv - Supp	101-806000-2211	4,400.00	
Comm Serv - Parttime Salaries	101-806000-1103		3,000.00
Comm Serv - Equipment	101-806000-5540		1,400.00
To reclassify budget amounts to correspond with expenditures			

Liquor Fund:

Beer Purchases	609-901903-2252	200,000.00	
Sales	609-375100		200,000.00
To adjust for Liquor Fund purchases and sales in excess of original budget			

Wastewater Fund:

Operating - Supplies	602-905910-2211	35,000.00	
Operating - Prof Fees	602-905910-3301	250,000.00	
Operating - Other Transfers	602-905910-6730	60,000.00	
Operating - Cap Reserve	602-905910-6810	40,000.00	
Surcharges - BOD	602-371100		215,000.00
Surcharges - TSS	602-371200		110,000.00
Interest	602-362100		10,000.00
Utilities	602-371300		50,000.00

To adjust budgeted revenues and expenditures for 1991 and to allow for transfer to close previous construction account.

Upon the recommendation of Director of Public Safety Marvin Bahn, Byrnes moved, Hess seconded, Angela Citrowske be employed as a parttime Police Officer with the City of Marshall at the rate of \$11.14 per hour effective January 1, 1992. The following resolution was adopted BE IT RESOLVED that Angela Citrowske be duly appointed, qualified and acting parttime police officer for the City of Marshall, Minnesota, possessing the power or arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police & Fire Fund. All voted in favor of the motion.

Due to the legal holiday conflicting with the regular city council meetings for January 20, 1992, Martin Luther King Day; February 17, 1992, Presidents Day; and September 7, 1992, Labor Day; Hess moved, Byrnes seconded, the Tuesday evenings following each of these dates be the dates scheduled for the regular city council meetings. All voted in favor of the motion.

Stunes moved, Byrnes seconded, Michael Reynolds be reappointed to a three year term to expire February 28, 1995 for the Parks, Recreation and Community Education Board; and that Diane Halgerson and Doug Krogen be new appointments to the Parks, Recreation and Community Education Board for a 3 year terms each to expire on February 28, 1995. These appointments are contingent upon the approval of Independent School District #413. Rod Wilkison be appointed to the Planning Commission for a term to expire on May 31, 1992 and Arlene Marthaler and Gloria VanDenBroeke be reappointed to the Marshall Lyon County Library Board for three terms to expire on December 31, 1994. All voted in favor of the motion.

Byrnes moved, Hess seconded, a special city council meeting be held at 7:30 A.M. on Wednesday, January 8, 1992 to canvas the ballots from the special election to be held on January 7, 1992 to fill the vacancy on the city council for Ward I. All voted in favor of the motion.

## REGULAR MEETING - JANUARY 6, 1992

Since there will not be General Obligation Improvement Bonds issued for the 1990 and 1991 Public Improvement Projects and these improvement projects are being funded through the "429" Public Improvement Revolving Fund, Fund No. 495, Byrnes moved, Stunes seconded, BE IT RESOLVED that the proper transfers be made from and to the "429" Public Improvement Revolving Fund, Fund 495 to the 1990 Improvement Construction Fund; the 1990 Improvement Debt Service Fund; the 1991 Improvement Construction Fund; and the 1991 Improvement Debt Service Fund. With this action there will be approximately \$279,000 of cash transferred from the revolving fund to the various other funds and the revolving fund will assume a receivable of \$290,000 and a payable of \$19,390.69 to the Municipal State Aid Fund. All voted in favor of the motion.

Byrnes moved, Hess seconded, the adoption of RESOLUTION NUMBER 1389, SECOND SERIES and that the reading of the same be waived. Resolution Number 1389, Second Series is a resolution establishing the Municipal State Aid Street Construction 5 Year Program. All voted in favor of the motion.

Byrnes moved, Stunes seconded, the proper city personnel be authorized to advertise for bids for a fire truck and an ambulance. The bids for the fire truck and ambulance will be received for consideration on February 3, 1992 at 7:30 P.M. It is the intent that the ambulance will replace the existing Type II Ambulance and will be used primarily for transfers. It is also the intent that the entire unit will be replaced rather than just the chassis since the existing body may not be appropriate to transfer onto a new chassis. All voted in favor of the motion.

Stunes moved, Hess seconded, the approval of a tobacco license for A to Z Healthmart Pharmacy for 1992 at a fee of \$24.00. All voted in favor of the motion.

Reports by the councilmembers of the various committees, commissions and boards were presented to the council as follows:

Stunes	No report
Hess	No report
Byrnes	No report
Feda	No report

Byrnes moved, Hess seconded, the adoption of RESOLUTION NUMBER 1390, SECOND SERIES and that the reading of the same be waived. Resolution Number 1390, Second Series is a resolution adopting the City of Marshall Flexible Benefit Plan and authorizing the proper city personnel to enter into an agreement with Legal System Service Corporation for a Flexible Benefit Plan for the City of Marshall employees. This agreement is on a pay for service basis with the option of being renewed after 3 years. All voted in favor of the motion.

Stunes moved, Hess seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE: Voucher No. 44575 through 44830.

The following Building Permits previously approved by the Building Official were confirmed:

Erickson Oil Products  
304 East College Drive  
Retail Store & Canopy  
\$90,700

Larry Behrens  
1305 Ridgeway Road  
Fireplace  
\$5,000

## REGULAR MEETING - JANUARY 6, 1992

Robert L. Carr Company  
600 West Erie Road  
Clarifier Tank  
\$173,000

Geske Building & Supply Co.  
202 East Lyon Street  
Siding & Bay Window  
\$7,400

Councilperson Byrnes indicated he was contacted in regard to Councilperson Jeffrey Lewis being a member of Lyon County Water Task Force and now that he has moved they were asking for a council or city staff representative to serve on this task force.

A brief discussion was held at this time in regard to the sump pump survey. There has been some concern expressed from residents about the freeze up of the discharge. Different types of design will be addressed at the Public Improvement/Transportation Committee meeting held on January 23, 1992 at 4:00 o'clock P.M. A suggestion was made to have someone from the plumbing trade at this meeting to discuss the different types of design to avoid freeze up of the discharges.

A Transportation Committee meeting of the Council was scheduled for January 23, 1992 at 4:00 o'clock P.M.

Mayor Feda expressed his appreciation for the information provided on the City of Marshall Budget for 1992 in the Park, Recreation and Community Education Brochure that was recently mailed to the residents of the City of Marshall.

Some concern was expressed in regard to the cablevision increases effective February 1, 1992 and the reasons for the increase. Teri McCausland, Cable Coordinator, was in attendance at the meeting and did indicate that the increases are within the American Cablevision guidelines and Federal and State Statutes. Ms. McCausland indicated that the lower tier is the only area that the city may have some input into the regulation and this may be increased 5% with no action to be taken by the City Council.

The pending city council agenda items that were briefly discussed at this time included the:

Agreement with the Humane Society for animal impound facilities improvement, which no contacts have been made at this time.

Wastewater Treatment Facilities plan report has been reviewed with the consultants on January 7, 1992 with another meeting scheduled for January 30, 1992 with the consultants and the major industries.

The Preliminary Plat for Dano Addition which is the area North of Boxelder Street, West of Bruce Street and East of North 4th Street, referred to as the Meade property will be considered at the Planning Commission meeting on January 8, 1992.

Sanitary Sewer System reports. The pipeline inspection tapes will be available in February and Mr. Victor indicated that some areas the pipes were deteriorated badly and there has been some settling of pipes in various areas.

The appointment of a Police Officer - the receiving of applications has been closed and a meeting has been scheduled for January 8, 1992 with the Police Civil Service Commission to review the applications.

The pay plan update will be available in about a month to the city council.

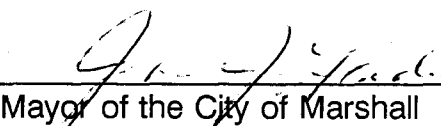
The long term disability insurance renewal was suggested to be rebid.

## REGULAR MEETING - JANUARY 6, 1992

A report on the flood control projects from John Boulton will be available at the January 21, 1992 meeting.

Upon motion made by Hess, seconded by Stunes, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
\_\_\_\_\_  
Mayor of the City of Marshall

ATTEST:

  
\_\_\_\_\_  
City Clerk/Financial Director

## SPECIAL MEETING - JANUARY 8, 1992

A special meeting of the Common Council of the City of Marshall was held on January 8, 1992. The meeting was called to order at 7:34 A.M. by Mayor Feda in the Marshall Municipal Building Council Chambers. In addition to the Mayor the following members were present: Stunes, Hess and Byrnes. Absent: Kirchner and Stores.


The election returns as filed by the election judges for the special election held on January 7, 1992 were presented by the Finance Director/City Clerk Thomas M. Meulebroeck. The summary of the votes for the city council position in Ward I were determined to be as follows for said election:

	Precinct 1	Precinct 2	Total
John M. Bowden	5	45	50
Eugene (Gene) Roggeman	<u>12</u>	<u>103</u>	<u>115</u>
Total	17	148	165
	==	==	==

Byrnes moved, Stunes seconded, Eugene (Gene) Roggeman be declared duly elected as councilperson for Ward I of the City of Marshall for a term to expire on December 1, 1994 which was vacated by the resignation of Jeffrey Lewis. All voted in favor of the motion.

Upon motion made by Stunes, seconded by Byrnes, the meeting was adjourned. All voted aye.

THE COMMON COUNCIL

  
 Mayor of the City of Marshall, MN.

ATTEST:

  
 City Clerk/Financial Director

The regular meeting of the Common Council of the City of Marshall was held on January 21, 1992. The meeting was called to order at 7:30 P.M. by Mayor Feda. In addition to the Mayor the following members were present: Stunes, Hess, Kirchner, Roggeman, Byrnes and Stores. Absent: none.

The Pledge of Allegiance was recited at this time.

Thomas M. Meulebroeck, Finance Director/City Clerk, administered the oath of office to newly elected Councilmember Eugene Roggeman. Roggeman was elected to the City Council at an election held on January 7, 1992.

It was the general consensus the agenda be approved as presented with consideration being given to the request of Tom Serie, F & L Land Management, Luverne Minnesota, items 14 and 15 which have to do with the Dano addition in the City of Marshall to refer back to the Planning Commission.

Byrnes moved, Stores seconded, The approval of the minutes of the regular meeting held on January 6, 1992 with Diane Halgerson's name being spelled correctly and the approval of the special meeting being held on January 8, 1992 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Bids were received, opened and read at 2:00 o'clock P.M. on January 13, 1992 for two 4-door sedan automobiles for the Police Department. The bids received, opened and read were from:

Anton Chevrolet  
Marshall, Minnesota  
Base bid \$41,020.00  
Less unit #3 \$11,460.00  
Less unit #4 \$11,460.00  
Net bid \$18,100.00  
Option Package \$250.00 per vehicle

Marshall Ford-Lincoln-Mercury  
Marshall, Minnesota  
Base bid \$27,426.00  
Less unit #3 \$3,000.00  
Less unit #4 \$2,300.00  
Net bid \$22,126.00

Marshall Ford-Lincoln-Mercury  
Marshall, Minnesota  
Base bid \$26,970.00  
Less unit #3 \$3,000.00  
Less unit #4 \$2,300.00  
Net bid \$21,670.00  
State of Minnesota Patrol Car Contract

Upon the recommendation of Marvin Bahn, Director of Public Safety, and Rich Victor, City Engineer, Hess moved, Stores seconded, the bid for the two 4-door sedan automobiles for the Police Department be awarded to Anton Chevrolet, Marshall, Minnesota in the amount of \$18,600 which included the option package. All voted in favor of the motion.

The public hearing was reconvened at this time for the consideration of the ordinance redistricting the City of Marshall into wards and precincts. A joint meeting was held on January 14, 1992 which included Mayor Feda, Councilpersons Hess, Stores and Kirchner; County Commissioners Fred Worden, Dan Archbold; representatives from the Township Association Paul Swift and Carl Fuhrmann. There was no representation from the City of Tracy. There were no further comments or concerns brought before the city council in regard to the ordinance to redistrict the City of Marshall into wards and precincts, therefore Byrnes moved, Kirchner seconded, the public hearing be closed. All voted in favor of the motion.

Kirchner moved, Hess seconded, the adoption of ORDINANCE NUMBER 284, SECOND SERIES and that the reading of the same be waived. Ordinance Number 284, Second Series is an ordinance redefining the ward boundaries and the election precinct boundaries within the City of Marshall, Minnesota. All voted in favor of the motion.

## REGULAR MEETING - JANUARY 21, 1992

John Boulten from the Area II Watershed District along with staff member Darrell Apelgrain, Pipestone County Commissioner LeRoy Stennsgaard, Senator Gary DeCramer and others were in attendance at the meeting to discuss with the city council the proposed RW 22 Flood Control Project which consists of a dam and reservoir on the Redwood River. A number of drawings and pictures were reviewed with the city council to provide them a good understanding of what the project is all about. The time frame for this project depends upon the available funding.

Kirchner moved, Hess seconded, the proper city personnel be authorized to sell surplus property at a public auction. The tentative date for this auction is scheduled for February 15, 1992 to be held at the City of Marshall Street Department Maintenance Shop. All voted in favor of the motion.

Stores moved, Byrnes seconded, newly elected councilperson Eugene Roggeman be appointed to the Personnel Committee of the council and as a liaison to the Utilities Commission, Fire Department and Convention and Visitor's Bureau and Councilperson Stunes be appointed to the Airport Commission. All voted in favor of the motion.

Kirchner moved, Byrnes seconded, the adoption of RESOLUTION 1391, SECOND SERIES and that the reading of the same be waived. Resolution Number 1391, Second Series is a resolution approving the appointment of Eugene Roggeman and resignation of Jeff Lewis as a Commissioner to the Housing and Redevelopment Authority in and for the City of Marshall. This appointment is for a 5 year term to expire on January 21, 1997. Mr. Roggeman replaces Jeff Lewis who resigned from the city council and the Housing and Redevelopment Authority. All voted in favor of the motion.

Hess moved, Stores seconded, authorization be granted to City Administrator Duane Aden to contact Darrell Wiener and other local insurance agents to formulate an advisory board to review the renewal for long term disability insurance for the City of Marshall employees. It is the intent that these bids would be received on February 17, 1992 for the period beginning March 1, 1992. All voted in favor of the motion.

Reports by the councilmembers of the various committees, commissions and boards were presented to the council as follows:

- |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stunes   | Executive Committee - a great deal of valuable information was shared at this meeting.<br>Airport Commission and Senior Center Commission did not have meetings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Hess     | Human Rights Commission is looking for a vehicle or direction on how to deal with problems and/or concerns before they happen and they are looking at the city to co-sponsor a sexual harassment seminar.<br>Convention and Visitor's Bureau - the brochure put together by the bureau was reviewed, they have designed a booth to use to travel to shows and they are exploring a sign to be placed on I-90 advertising the City of Marshall.<br>Cable Commission - the FCC is looking at the possibility of granting rights for video cable to the telephone company.<br>Weiner Memorial Medical Center Hospital Board - the audit report was presented and did indicate that the hospital is healthy financially. The hospital has ratified its work comp program with an agency different than the City of Marshall's program with the League of Minnesota Cities. |
| Kirchner | The minutes appropriately reflect the action at various boards, committees and commissions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |