

REGULAR MEETING - JANUARY 6, 1997

The regular meeting of the Common Council of the City of Marshall was held on January 6, 1997. The meeting was called to order at 7:30 p.m. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Doyle, Edblom, Roggeman and Stores. Absent: Rowe and Boedigheimer.

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.

Doyle moved, Stores seconded, that the minutes of the regular meeting held on December 16, 1996 and that the minutes of the special meeting held on December 30, 1996 be approved 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 an ordinance to rezone a portion of 800 East Main Street from R-4 to B-3 General Business District as requested by the Marshall Lumber Company. Keith Nelson, City Engineer/Director of Public Works, conducted the public hearing. Mr. Nelson indicated to the Council and others in attendance at the meeting that he was recommending that the rezoning not be allowed since it does not conform with the Comprehensive Plan for the City of Marshall and by only zoning a portion of the area they are wrapping the commercial area around a residential area. Mr. Nelson indicated that there is an easement in place that has been used as an access to the properties being requested for rezoning. This access is not to be used for commercial property. Mr. Nelson did indicate that the property can remain zoned R-4 and be used for that purpose. Jack Dobrenski, a neighboring resident to this property, expressed a concern with water drainage in area. Mr. Dobrenski indicated that he was originally concerned with the water drainage in this area and that now a building has been constructed in the adjacent property which has taken away the drainage for his property. Carmen Dubbeldee, an adjacent property owner, was concerned with the use of the easement. Ms. Dubbeldee was advised that the action that is being requested does not affect the easement. Robert Carr on behalf of Marshall Lumber Company did indicate that he would be willing to place a fence along the easement to not allow through traffic in the area. With no further concerns or questions brought forth at the public hearing, Doyle moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

Roggeman moved, Stores seconded, the adoption of ORDINANCE NUMBER 368, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 368, Second Series, is an ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for the property at 800 East Main Street to be rezoned from R-4 higher multiple family residence district to B-3 General Business District. All voted in favor of the motion.

Per the recommendation of the Legislative and Ordinance Committee, Stores moved, Roggeman seconded, the introduction of an ordinance amending certain City ordinances regulating the hours of sale of intoxicating liquor, beer and wine in the City of Marshall, Minnesota. All voted in favor of the motion.

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Upon the recommendation of the Legislative and Ordinance Committee, Stores moved, Edblom seconded, the introduction of an ordinance authorizing the issuance of on-sale intoxicating liquor licenses for sales on Sunday by the City of Marshall, Minnesota. All voted in favor of the motion except Doyle who voted no.

As recommended by City Engineer/Director of Public Works Keith Nelson, Edblom moved, Doyle seconded, the approval of Change Order #2 for the Wastewater Forcemain Project with Pipestone Concrete. This change order provides for the substantial completion date to be the same as the final completion date of June 15, 1997. This change order is being recommended due to the construction conditions being unsuitable to provide satisfactory work. The contractor is responsible for the cost of any repairs to existing forcemain should a break or leak occur. All voted in favor of the motion.

Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1955, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1955, Second Series, is a resolution ordering the preparation of report on improvement. The improvement identified in this resolution is South 4th Street between the center line of Elaine Avenue and the north right of way line of T.H. 23. The improvements being recommended are the regrading, asphalt surfacing, and storm sewer improvements which are to be assessed to the benefit properties and also some to be paid as well by state aid funds. All voted in favor of the motion.

Roggeman moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1956, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1956, Second Series, is a resolution ordering the preparation of report on improvement. The improvement identified in this resolution is the sanitary sewer of East Main Street between the center line of "A" Street and the center line of "E" Street. This improvement would consist of pipe and manhole replacement and resurfacing and that the assessments would be allocated to the benefitted properties. All voted in favor of the motion.

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1957, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1957, Second Series, is a resolution indicating the City of Marshall support for the proposed merger of the City of Marshall Transit System with that of the Western Community Action. Western Community Action would have to consider a similar resolution for this process to continue. The resolution that was presented identifies the goals and time table for the necessary steps that need to be accomplished in order for the merger to take place. One of the first steps in this process is to form a brainstorming committee to consider the various areas of concern in putting together a suitable merger that would be acceptable to all parties. All voted in favor of the motion.

Edblom moved, Stores seconded, the proper City personnel be authorized to execute a lease agreement between the Humane Society of Lyon County Incorporated and the City of Marshall for the animal impound building as well as authorizing the execution of an agreement between the Humane Society of Lyon County Inc. and the City of Marshall for the operation responsibilities of

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the animal impound facility. As stated at the previous City Council meeting by approving this agreement the removal of garbage and rubbish would not be included in the contract between Ritters Sanitary Service, Inc. and the City of Marshall. The cost for the removal of garbage and rubbish would become the responsibility of the Humane Society. This agreement provides for the City of Marshall to allocate to the Humane Society \$6,500 per year which would be payable on a quarterly basis. All voted in favor of the motion.

Roggeman moved, Stores seconded, the adoption of RESOLUTION NUMBER 1958, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1958, Second Series, is a resolution appointing the official depositories for the City funds for 1997. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 1959, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1959, Second Series, is a resolution designating the Marshall, Minnesota Independent as the official newspaper for the City of Marshall. All voted in favor of the motion.

Roggeman moved, Edblom seconded, the approval of a tobacco license at a fee of \$48 and an on-sale non-intoxicating beer license at a fee of \$75.00 for Richard VanDyke DBA Corner Bar. These licenses are for the calendar year 1997. All voted in favor of the motion.

As recommended by City Administrator Mike Johnson, Stores moved, Roggeman seconded, the approval of an agreement with Legislative Associates Inc. in the amount of \$24,660 or \$2,055 per month for the period December 1996 through November 1997 to allow Mr. Ed Cain to continue providing services to the City of Marshall in obtaining both federal and state funding for the Corps of Engineers Project. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes	No report.
Roggeman	The City Council had met in a special session prior to this City Council meeting to consider the City Administrator's evaluation.
Stores	Was highly recommending that every one purchase a 1997 calendar for the 125th anniversary of the City of Marshall. The Legislative and Ordinance Committee also needs to meet.
Edblom	<u>Utility Commission</u> - approved the 1997 budget. They will be holding a strategy meeting on January 20 and 21, 1997. In response to a joint meeting of representatives from the City Council and the Utilities meeting on a semi-annual basis, it was suggested that the partnership committee between the two

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groups be used for this purpose.

Doyle

No reports.

Other items of concern brought forth by the Mayor and Councilmembers included: A report from Mayor Byrnes indicating that the City Council had met in closed session prior to the City Council meeting for the City Administrator's evaluation. Mayor Byrnes indicated that the City Administrator has met and exceeded the expectations in all areas addressed by the City Council, therefore, Roggeman moved, Edblom seconded, that Mike Johnson, City Administrator's contract be renewed for one year with the terms and conditions as it relate to severance pay in the letter of employment be clarified and that Mr. Johnson be granted a salary adjustment to step 3 of the Pay Plan plus a 3 percent increase in his salary effective January 1, 1997 which would increase his salary to \$33.05 per hour. All voted in favor of the motion.

In response to previous discussions on snow removal policy, it was indicated that there was a policy incorporated in the Community Services brochure on page 54 that was recently distributed for the winter/spring season. A concern was expressed in regard to the depth of snow on sidewalks and a reminder going to the general public to advise them to clean their sidewalks to allow for pedestrian traffic. The number of potholes on East Main Street was also addressed.

In regard to the pending agenda items: the City Council was advised that the public hearing for the County Ditch #62 improvements has been set for February 19, 1997.

Roggeman moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE VOUCHER # 68902 through 69143.

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

Greig & Gregerson
120 North 3rd Street
Remodel Office
\$1,500

Marcus & Jane Christianson
1403 Ridgeway Road
Finish Basement
\$25,800

Doom & Cuypers Construction
401 South 4th Street
Remodel Dwelling - Phase I
\$75,000

Sussner Construction
301 North 3rd Street
Remodel Office
\$13,100

Jim Buysse
105 "F" Street
Fireplace Installation
\$2,000

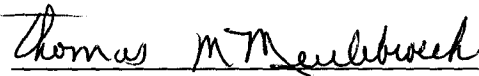
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Upon motion made by Doyle, seconded by Stores, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall, Minnesota

ATTEST:



Finance Director/City Clerk

SPECIAL MEETING - JANUARY 18, 1997

The special meeting of the Common Council of the City of Marshall was held on January 17-18, 1997. The meeting was called to order at 5:30 P.M. by Mayor Byrnes in the Board Room of the Marshall Municipal Utilities Building. In addition to Byrnes, the following members were present: Boedigheimer, Doyle, Edblom, Roggeman, Rowe and Stores. Also present was City Administrator Johnson and Jeff Kruse and Linda Nelson of Customized Consulting.

Jeff Kruse and Linda Nelson from Customized Consulting took the City Council through a team building session where they reviewed individual instruments and behavior patterns associated with a DISC analysis and the Mini Myers-Briggs analysis.

In addition to the instruments and behavior pattern analysis that was discussed, the Council also spent some time brainstorming, examining the board structure and how they do their work. No final action was taken on any of the discussion items.

At the conclusion of the session, there was a MOTION BY ROGGEMAN, SECONDED BY EDBLOM, to adjourn at 11:25 P.M. to a special session on Saturday, January 18, 1997 at 8:00 A.M.

The adjourned special meeting of the Common Council of the City of Marshall continued the next morning at 8:00 A.M. In addition to Mayor Byrnes, the following members were present: Doyle, Edblom, Roggeman, Rowe and Stores.

The City Council met from approximately 8:00 A.M. to 9:00 A.M. and reviewed the activities of the previous evening and had preliminary discussion on the 1997 projects and activities that were going to be reviewed with the department heads.

At 9:00 A.M. the Councilmembers were joined by City staff including: City Attorney Murphy, Public Safety Director Bahn, Fire Chief Marks, Library Director Bosshardt, City Assessor Barnett, Liquor Store Manager VanHyfte, Community Services Director Weilage, Wastewater Superintendent Frey, City Engineer Nelson and City Administrator Johnson.

City Administrator Johnson briefly reviewed with the Council the minutes from the June 6, 1996 Council meeting that served as a staff/council retreat concerning budgeting for 1997. The City Council then spent the next three hours reviewing the following 1997 projects and activities:

1. Flood Control Project (U.S. Army Corps of Engineers)
2. Ditch #62 Project
3. Minnesota Street Storm Sewer Project
4. Birch Street Construction Project
5. South 4th Street Construction Project
6. Main Street Sanitary Sewer Project
7. Marshall Celebrates 125th
8. Prairienet Consortium - technology
9. Organizational structure (Division System)

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10. Personnel changes (Director of Public Safety - new position, etc.)
11. Joint Law Enforcement Center
12. Tax Increment Projects (Economic development redevelopment projects)
13. Transit Planning Project with WESCAP
14. Development of 5-year CIP
15. Accounting/planning review of Wastewater Treatment Plant budget
16. Storm Sewer Utility Billing Project
17. Vision for Library (Agency interaction, staffing, resources, etc.)
18. Other - ? (Fire Department - Professional Firefighter Training Standards Board funding for training)

The various staff members associated with each of the projects provided a brief overview and identification of the issues that could be expected in 1997. At the conclusion of the meeting, the following general items were discussed with no specific action taken by the Council:

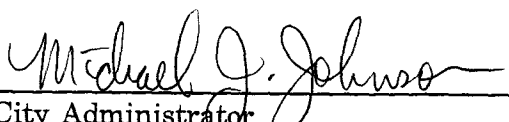
- A. New position - evaluate the needs and develop a plan to implement within the next 30-45 days
- B. Develop a communication brochure on the projects associated with disaster declarations, Ditch 62, Corps of Engineers Project, 1997 Construction Projects and the 125th Celebration
- C. Consider a legislative breakfast with our local representatives and neighboring cities
- D. Consider a Council retreat in several months to examine issues associated with followup to the Council's team building session, budget preparation for 1998, progress of a Downtown Committee recommendations, staffing for the Police Department, and a Library Board/Council interaction to discuss future Library issues

At the conclusion of the discussion, MOTION BY DOYLE, SECONDED BY STORES, that the meeting adjourn at 12:15 P.M. ALL VOTED IN FAVOR



Mayor of the City of Marshall, MN

ATTEST:



City Administrator

REGULAR MEETING - JANUARY 21, 1997

The regular meeting of the Common Council of the City of Marshall was held on January 21, 1997. The meeting was called to order at 7:30 p.m. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Rowe, Doyle, Edblom, Roggeman, Boedigheimer and Stores. Absent: None.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the additions of the consideration of a resolution authorizing the City Engineer/Director of Public Works to execute and sign the sub-grant agreement with the State of Minnesota on behalf of the City of Marshall for Federal Disaster Assistance and also there be consideration of the City employing James Robinson to appraise the Jack McLaughlin vacant property.

Roggeman moved, Edblom seconded, that the minutes of the regular meeting held on January 6, 1997 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Roggeman moved, Rowe seconded, the adoption of ORDINANCE NUMBER 369, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 369, Second Series, is an ordinance amending certain City Ordinances regulating hours of sale of intoxicating liquor, beer and wine in the City of Marshall, Minnesota. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, the adoption of ORDINANCE NUMBER 370, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 370, Second Series, is an ordinance authorizing the issuance of on-sale intoxicating liquor licenses for sales on Sunday by the City of Marshall, Minnesota. All voted in favor of the motion.

Edblom moved, Stores seconded, the adoption of RESOLUTION NUMBER 1960, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1960, Second Series, is a resolution designating the Sunday liquor license fee for the City of Marshall, Minnesota. This resolution establishes the fee for the sale of intoxicating liquor license on Sunday to be \$200 per year. This resolution was approved with the understanding that those establishments that have a liquor license and purchased a wine license and beer license for 1997 that they be given 11 months credit for the wine and beer license that will no longer be needed and that this credit be applied towards the Sunday liquor license fee. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Roggeman moved, Doyle seconded, a variance adjustment permit be granted to Paul Rehkamp for a front yard of 5 feet in lieu of 25 feet as required in a R-1 One Family Residence District on the Park Avenue side of his dwelling at 200 East Marshall Street. All voted in favor of the motion.

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Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 1961, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1961, Second Series, is a resolution receiving the Engineer's Feasibility Report and calling for a hearing on the improvement for the sanitary sewer on East Main Street between the center line of "A" Street and the center line of "E" Street. All voted in favor of the motion.

Doyle moved, Edblom seconded, the approval of Change Order #3 for the contract with McLaughlin & Schulz Inc. for the 1996 Airport Improvement Project. This change order provides for a net reduction in the contract of \$18,019.50. This change order provides for an increase in the contract of \$1,134.07 for electrical manhole adjustments, an increase of \$992.00 for miscellaneous bituminous repairs, an increase of \$1,520.47 for the glide slope power cable relocation, a reduction in the contract of \$14,582.86 for work that was not needed on the ditch construction, a reduction in the contract of \$7,083.18 due to time of completion and liquidated damages. The change order also provides for a reduction of the retainage from 5 percent to 2 percent. All voted in favor of the motion.

Dave Marks, Fire Chief for the Marshall Volunteer Fire Department, was in attendance at the meeting to review with the City Council the amended by-laws of the Marshall Volunteer Fire Department. Some of the changes that Mr. Marks addressed with the City Council were: Article 6, Section 5 - which included the addition of a third assistance chief; Article 7, Section 5 - deleted examiners; Article 9, all sections - pertains to the hiring of new members which has been reviewed by the League of Cities personnel; Article 10, Section 4 - excused absences was being recommended to be changed to a percentage of fire calls, drills and meeting; Article 10, Section 7 - addresses the 55 year age limit and was changed to indicate that they must retire before attaining the age of 56; Article 11, Section 1 - indicates that members must attend 35 percent of the fire and/or emergency calls, 75 percent of the drills and 75 percent of the meetings; Boedigheimer moved, Rowe seconded, the approval of the by-laws for the Marshall Volunteer Fire Department be tabled to the February 18, 1997 City Council meeting to allow time for the Marshall Volunteer Fire Department to review and have the final approval by the Fire Department of the by-laws. All voted in favor of the motion.

Edblom moved, Doyle seconded, the proper City personnel be authorized to advertise for bids for a 1/2 ton pickup for the Parks Maintenance Department. These bids are to be received at 2:00 p.m. on February 13, 1997 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, along with the assistance of Kay Nauman, records clerk in the Police Department, put together a memo identifying the fees that should have been paid to the City for pickup fees and boarding fees for those dogs that were reclaimed or adopted from the Humane Society Impound Facility. Based on the information that was provided to the City the City should have collected an additional \$2,098 for pickup fees and boarding fees for those dogs that have been considered as reclaims or adoptions during 1996. Boedigheimer moved, Edblom seconded, the City of Marshall collect the \$2,098 from the Humane Society for pickup fees and boarding fees for dogs classified as reclaimed or adoptions for 1996 and that this \$2,098 be paid back to the Humane Society for expenses that they have incurred for the operation

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of the impound facility. The motion also provided for a reduction in the revenue account number 101-342160 of \$2,098 and the expense account of 101-504580-2211 be increased for the \$2,098 to allow for the transfer of these funds back to the Humane Society. All voted in favor of the motion.

Roggeman moved, Edblom seconded, that a 1997 Sunday Liquor License at a fee of \$200 be granted to the following establishments:

Best Western Marshall Inn
Chalet Club
Corner Bar
Dakotas Steaks and Pastas
Eagles Club
Marshall Bowl
Marshall Golf Club
Sam's Place
Wooden Nickel

Those establishments that have purchased a wine and/or beer license for 1997 will be given credit and/or a refund and apply it towards the \$200 that they owe for the Sunday Liquor License. Any amounts that they have received in excess of the \$200 will be refunded to the appropriate establishments. All voted in favor of the motion.

Edblom moved, Rowe seconded, a tobacco license be approved for Marshall Bowl for calendar year 1997 at a fee of \$48. All voted in favor of the motion.

Roggeman moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1962, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1962, Second Series, is a resolution authorizing the City Engineer/Director of Public Works to execute and sign the sub-grant agreement with the State of Minnesota on the behalf of the City of Marshall for Federal Disaster Assistance. All voted in favor of the motion.

Per the recommendation of Calvin Barnett, City Assessor, Edblom moved, Doyle seconded, that James Robinson of Robinson Appraisal Company, Mankato, Minnesota be employed by the City of Marshall as an appraiser to appraise the Jack McLaughlin vacant land. Mr. Robinson fees are estimated at approximately \$1,500 for a total take or \$2,000 to \$2,500 for a partial acquisition involving a before and after appraisal. Mr. Robinson's fee for court work is \$125 per hour plus expense. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes RDC- Executive Board had met and they have moved into their new facility in Slayton. EDA - did have an extensive discussion on the TIF Projects at their meeting.

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- Roggeman Planning Commission - the City Council did act on those items that the Planning Commission did address. Mr. Roggeman requested a Personnel Committee Meeting be held.
- Stores Requested the Legislative and Ordinance Committee to meet. Hospital Board - did receive a \$50,000 grant from US West. The local snowmobile club was recognized and appreciation was expressed for their help during the recent snow storms. A presentation was provided by Tom Osterberg from Group II on an update of the improvements to the Weiner Memorial Medical Center. Discussion was held on those items that have been exceeding the bids on Phase II. The Auditors Report for the Weiner Memorial Medical Center was presented to the Hospital Board. It was indicated that their personnel cost is approximately 61 percent of their budget.
- Edblom Convention and Visitors Bureau - did meet and approve their 1997 budget and appointed Doug Goodmund as the chairperson and Tom Cattoor is the vice-chair. Utility Commission - did hold their strategic plan meeting on January 20 and 21, 1997. The employees requested more input on those items on their agendas. The plans for the new water plant have been forwarded to the Department of Health for their review.
- Boedigheimer Airport Commission - they did discuss the change order for the 1996 Improvement that was considered by the City Council. They reviewed the damaged roof on the airport hangar. The damage was a result of the ice and snow that has accumulated on the roof. It was indicated that the air show to be held in conjunction with the 125th anniversary of the City is sponsored by the Aircraft Association and not the Airport Commission. Lyon County Enterprise Development - is meeting at the same time in Cottonwood, as this City Council meeting on January 21, 1997. The Joint Law Enforcement Center - is waiting for the word from the County to proceed with this project.
- Doyle Housing Commission - is discussing the replacement of the maintenance supervisor and has discussed the eligibility requirements for being a resident of their facilities.
- Rowe Insurance Advisory Committee - did not have a quorum at their meeting but will be meeting in the near future to address the Managed Care Program. Library Board - will be meeting on January 23, 1997 to complete the evaluation on the director and to also discuss coordination with other libraries.

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Other items of concern brought forth by the Mayor and Councilmembers included: The concern for the placement of stop and go lights at the intersection of "C" and Main Streets; the requests for a tour of the airport when the weather is appropriate to view the improvements that have been done; the possibility of an appreciation event for those people volunteering to be on the various boards and commissions for the City of Marshall; appreciation was extended to the City staff and to the City Council for their attendance and participation at the retreat that was held on January 17 and 18, 1997; appreciation was extended to the Street Department for their efforts in working with the recent snow storms that have taken place; a draft recap from the January 17 and 18 retreat was reviewed; Thomas M. Meulebroeck, Finance Director/City Clerk, briefly reviewed the report that will be provided to the City Council for the bills being requested for payment.

Doyle moved, Edblom seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE VOUCHER #10000 through 10166.

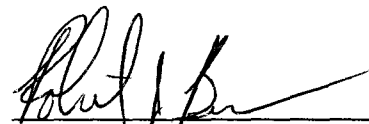
The following building permits previously approved by the Building Official were confirmed:

Joseph VanWie
113 James Avenue
Install Window
\$1,500

Michael DeBoer
606 West Southview Drive
Basement Remodel
\$4,200

True Value Home Center
533 West Main Street
Office Remodel
\$10,0000

Upon motion made by Edblom, seconded by Stores, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall, Minnesota

ATTEST:



Finance Director/City Clerk

REGULAR MEETING - FEBRUARY 3, 1997

The regular meeting of the Common Council of the City of Marshall was held on February 3, 1997. The meeting was called to order at 7:30 p.m. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Rowe, Doyle, Edblom, Roggeman and Boedigheimer. Absent: Stores.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the deletion of the consideration of an appointment to the Marshall-Lyon County Library Board.

Doyle moved, Edblom seconded, that the minutes of the special meeting held on January 18, 1997 and the minutes of the regular meeting held on January 21, 1997 be approved 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 East Main Street Sanitary Sewer and Watermain Construction Project, Project Number 1997-002. Keith Nelson, City Engineer/Public Works Director, conducted the public hearing. Mr. Nelson indicated that this project involves the removal and replacement of the sanitary sewer collection system on East Main Street from "A" Street to "E" Street. As a part of the same project and existing waterline will be abandoned and services will be attached to a new existing line. Both the water and sewer lines are estimated to have served for over seventy years. Mr. Nelson indicated that the estimated cost for the sanitary sewer replacement is \$363,000. Of this amount it is proposed to assess \$132,200 with the remaining cost to be paid by the City. There are approximately 43 parcels that would be assessed from this sanitary sewer replacement, therefore, their assessment per service would be \$3,074.42. The watermain replacement project is estimated to cost \$89,000 which is proposed to be paid in full by the Marshall Municipal Utilities. Mr. Nelson indicated that the sanitary sewer from the main line to the property is a cost that is assessed to the property owners. Tom Winn, 304 East Main Street, was questioning why the entire East Main Street was not being resurfaced. Mr. Nelson indicated that the East Main Street from Highway 19 to Southview Drive is being resurfaced at this time and the remainder of the road is being redone as part of the completion of the Highway 59 Project which is planned for 1998. Frank Stephens, 410 East Main Street, asked if the City would be doing anything with the storm sewer line at this time. Mr. Nelson indicated that it is not necessary to do anything with the storm sewer line at this time. Elizabeth Kerr, 512 East Main Street, asked if it was the property owners responsibility to arrange for the sanitary sewer from the main line to their home. Ms. Kerr was advised that it is the property owners responsibility and that the sanitary sewer project would be beginning after the July 4th 125th Celebration of the City of Marshall. Ms. Kerr also questioned if the services were not adequate if the City could require that these services be replaced at this time. Those in attendance at the meeting were advised that it is up to the property owner to decide whether or not they want to replace the service lines from their property to the main line. Marc Klaith, 314 East Main Street, was concerned with who is responsible for fixing the retaining walls and when does the property owner replace their line - before or after the City does the replacing of the sanitary sewer. Mr. Klaith was advised that the City would have to fix any areas that it damages during a construction project and that it would be advisable that the property owners make arrangements with

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the contractor for the project to replace the service lines to their property at the same time that they are working on the main sewer line. Rita Staab, 408 East Main Street, was concerned as to how they could find out what type of pipe they have and if the property owners could be advised of who the contractor is. Ms. Staab was advised that information is available in the City Engineer's Office as to what type of service lines they have and that the property owners would be advised of further hearings in regard to this project. After the contracts have been received and the assessments have been determined an assessment hearing will be held for the property owners to voice their concerns at that time again. Property owners were advised that approximately 50 percent of the service lines are orangeberg and the other services are clay tile which also gives some problems to the system. Ken Winn indicated that Clare Obler, his neighbor, did not receive a letter in regard to this meeting. Winn also asked if it was possible to specify in the contract with the contractor for the main sewer replacement for them to off-site work as well. Mr. Winn was advised that this was not possible. Tammy VanOverbeke, 503 East Main Street, questioned the assessments that were received for the Ditch 62 Project. Mayor Byrnes responded and indicated that the funding for the Ditch 62 construction would be paid through grants and other fundings. Keith DeBlieck, 311 East Main Street, was concerned with the water line and sewer line having to be separated and reinstalled since they are required by code to be 10 feet apart. Those in attendance at the meeting were advised that the construction of this project would take approximately 2 months. With no further questions or concerns brought before the public hearing, Rowe moved, Doyle seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Roggeman seconded, the adoption of RESOLUTION NUMBER 1963, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1963, Second Series, is a resolution ordering the improvement and preparation of plans for the sanitary sewer replacement on East Main Street between the center line of "A" Street and the center line of "E" Street. This project includes pipe and manhole replacement and resurfacing. All voted in favor of the motion.

Roggeman moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1964, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1964, Second Series, is a resolution received the report and calling for the hearing on the improvement for South 4th Street between the center line of Elaine Street and the north right of way line of T.H. 23 consisting of regrading, asphalt surfacing and storm sewer improvements. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1965, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1965, Second Series, is a resolution approving the plans and specifications and ordering the advertisement for bids for the improvements to Birch Street between the center line of Bruce Street and the East right of way line of State Street by regrading, asphalt surfacing and storm sewer improvements. The bids for this project will be received on March 31, 1997 at 2:00 p.m. All voted in favor of the motion.

REGULAR MEETING - FEBRUARY 3, 1997

Sheldon Kimpling, Chairperson of the Insurance Advisory Committee, was in attendance at the meeting to review with the Council the recommendation of the Insurance Advisory Commission to enter into an agreement with the Certified Managed Care Network an affiliate of Blue Cross/Blue Shield. The benefits that were reviewed by Mr. Kimpling for entering into an agreement for the Certified Managed Care Network included the City receiving a 10 percent reduction in its workers compensation premium with LMCIT retroactive to January 1, 1997 in the amount of \$10,956; the cost of workers comp claims would be reduced by using a network of providers who would be using a team approach to effectively manage medical care and return to work and reduces the chances of abuse; the only cost to the City is a one time fee of \$100; a bill payment, case assessment and management fees if there are claims; if a fee is charged by CMC is (\$9.45 per bill and \$.82 per hour billed in 10 minute increments) for bill payment, case assessments and management fees they are billed to the files not to the City; if an individual is allowed to use a non-network provider, they may, if they have had prior treatment record with that physician/clinic/hospital or if there are extenuating circumstances; emergencies are always covered regardless of network affiliation; there is no contract for this program, therefore, the City may get out of the arrangement at any time and the 10 percent credit would be prorated accordingly.

Upon the recommendation of the Insurance Advisory Commission, Rowe moved, Roggeman seconded, the proper City personnel be authorized to execute an agreement with the Certified Managed Care Network an affiliate of Blue Cross/Blue Shield for the Managed Care Program. This program is effective March 1, 1997. The Insurance Advisory Committee was commended for the efforts in recommending a Managed Care Program for the City and the cost savings to the City. All voted in favor of the motion.

Ron Jensen, Administrator, and Jerry Boerboom, Finance Director, from the Weiner Memorial Medical Center Inc. were in attendance at the meeting to review with the City Council the audit report for the Weiner Memorial Medical Center as of September 30, 1996. Mr. Boerboom reviewed the comparative balance sheets, statements of revenues and expenses, statements of cash flows and statements of operating expenses comparing the current year end of September 30, 1996 to that of September 30, 1995. It was the general consensus of the City Council to approve the report and an appreciation was extended to Mr. Jensen and Mr. Boerboom for their presenting the audit report to the Council.

Upon the recommendation of Economic Development Commission, Doyle moved, Edblom seconded, authorization be granted to the EDA to employ a qualified real estate appraiser to appraise all properties located within the 100 block of West Main Street. All voted in favor of the motion.

Upon the recommendation of the Economic Development Commission, Boedigheimer moved, Rowe seconded, D.C. (Pat) McFarland employed as the acquisition person for the Downtown Redevelopment Project and that City Attorney Brian Murphy be directed to develop an agreement between the City and D.C. McFarland with the understanding that there would be no acquisition of the property until such time the Economic Development Authority and the City have had a chance to review the appraisals. All voted in favor of the motion.

REGULAR MEETING - FEBRUARY 3, 1997

Doyle moved, Roggeman seconded, that the 1997 Local Board of Review meeting be scheduled for April 14, 1997 at 6:00 p.m. in the City Council Chambers. All voted in favor of the motion.

Report by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes	<u>EDA</u> - had an extensive discussion on items relating to the tax increment financing projects. <u>RDC</u> - they need to and are sorting out the differences between the SWRDC and the Prairieland Economic Development Corporation.
Roggeman	<u>Quarterly Personnel Meeting</u> - Elected new officers and did discuss the continuation of the Special Events Committee.
Edblom	<u>Ways and Means Committee</u> - has met to review the various fees and licenses issued by the City of Marshall.
Boedigheimer	<u>Joint Law Enforcement Center</u> - meeting was held on the proposed facility. One of the main concerns of this committee is to keep the boards informed as to what is happening to this committee. There was a lengthy discussion at this meeting in regard to the proposed six stall garage and the cost associated with it. Currently there are eight offices that are serving the needs of the Lyon County Sheriff's Department and they are questioning their share of the costs for the new offices when-what they have meets their needs. Mr. Boedigheimer indicated that the issue of who is paying the cost for the dispatching has been resolved.
Doyle	<u>Housing Commission</u> - minutes were included in with the packet information.
Rowe	<u>Insurance Advisory Committee</u> - had met and discussed the Certified Managed Care Program for workers compensation insurance which was addressed previously at this meeting. <u>Library Board</u> - Mike Johnson had met with them to address the hiring process and pay plan. John Bowden was in attendance at the meeting to provide a presentation on the cooperation with other libraries in the area including schools, universities and other cities. <u>Legislative and Ordinance Committee</u> - met and discussed the proposed tobacco ordinance and licenses.

Other items of concern brought forth by the Mayor and Councilmembers included: Boedigheimer announcing that he has retired from the Marshall Volunteer Fire Department; On

REGULAR MEETING - FEBRUARY 3, 1997

March 15, 1997 the Chamber will be providing the Eggs and Issues Session to meet with Lesewski and Seifert; Compliments were extended to the Street Department for their efforts with the snow removal; The newsletter for the City of Marshall was reviewed; Mayor Byrnes indicated that in late February he may be requested to testify in Washington in regard to the money being requested for the Army Corp of Engineers Project.

Edblom moved, Doyle seconded, out of state travel be granted to Mayor Byrnes to travel to Washington D.C. when the dates are determined for him to testify for the Army Corp of Engineers Project. All voted in favor of the motion except Byrnes who abstained.

Edblom moved, Rowe seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE VOUCHER #10167 through 10292.

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

North Star Modular Homes
305 Legion Field Road
Office Addition
\$4,000

Sussner Construction
315 South 2nd Street
Office Remodel -- Phase II
\$40,000

Thor Wiebe
614 West Southview Drive
Bathroom Remodel
\$2,000

Brian and Tammy Coudron
602 Kossuth Avenue
Bathroom Remodeling
\$2,000

Design Classics
230 West Lyon Street
Sign
\$300

Upon motion made by Edblom, seconded by Roggeman, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall, Minnesota

ATTEST:



Finance Director/City Clerk

REGULAR MEETING - FEBRUARY 18, 1997

The regular meeting of the Common Council of the City of Marshall was held on February 18, 1997. The meeting was called to order at 7:33 p.m. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Rowe, Doyle, Edblom, Roggeman, Boedigheimer and Stores. Absent: None.

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.

Rowe moved, Doyle seconded, that the minutes of the regular meeting held on February 3, 1997, be approved with the corrections including an expression of appreciation to the Insurance Advisory Committee for their work in recommending a Managed Care Program and that this be included in the paragraph approving the agreement for the Managed Care Program and also in the paragraph approving D.C. McFarland as the acquisition person for the Downtown Redevelopment Project, that the sentence included in this paragraph taken from Mr. McFarland's proposal be deleted and that the reading of the minutes be waived. All voted in favor of the motion.

Bids were received, opened and read at 2:00 p.m. on February 13, 1997 for a 1997 pickup truck for the Parks Department and the trading in of a 1988 GMC pickup truck. The bids received, opened and read were as follows:

NAME	BID SECURITY	BID AMOUNT	
		PROPOSAL A	PROPOSAL B
Anton Chevrolet 1608 East College Drive Marshall, MN 56258 507-532-2241	Bid Bond	Chevrolet	
		Base Bid \$16,493.02	
		Trade-In <u>1,593.02</u>	
		Net Bid 14,900.00	
		Sales Tax <u>968.50</u>	
		TOTAL BID \$15,868.50	
Lockwood Motors 1310 East College Drive Marshall, MN 56258 507-537-1526	Surety Bond	Dodge Ram 4x2 LT	Dodge Ram 1500 4x2 WS
		Base Bid \$17,412.00	Base Bid \$16,525.00
		Trade-In <u>3,500.00</u>	Trade-In <u>3,500.00</u>
		Net Bid 13,912.00	Net Bid 13,025.00
		Sales Tax <u>904.28</u>	Sales Tax <u>846.62</u>
		TOTAL BID \$14,816.28	TOTAL BID \$13,871.62
Marshall Ford 1102 West Main Street Marshall, MN 56258 507-537-0313	Bid Bond	1997 Ford	
		Base Bid \$16,048.00	
		Trade-In <u>4,000.00</u>	
		Net Bid 12,048.00	
		Sales Tax <u>783.12</u>	
		TOTAL BID \$12,831.12	
Tholen Auto Sales 1100 West Main Street Marshall, MN 56258 507-532-3291	Bid Bond	GMC	
		Base Bid \$16,945.18	
		Trade-In <u>4,000.00</u>	
		Net Bid 12,945.18	
		Sales Tax <u>841.44</u>	
		TOTAL BID \$13,786.62	

REGULAR MEETING - FEBRUARY 18, 1997

Upon the recommendation of Harry Weilage, Director of Community Services, Roggeman moved, Rowe seconded, the bid for a 1997 pickup truck with the trade-in of a 1988 GMC 1/2 ton pickup truck be awarded to Marshall Ford in the amount of \$12,831.12. The bid received from Marshall Ford was for a 1997 Ford 2-wheel drive pickup. All voted in favor of the motion.

This was the date and time set for a public hearing on the proposed reconstruction project for South 4th Street between the center line of Elaine Avenue and the north right of way line of T.H. 23. The improvements being proposed for this area are the regrading, asphalt surfacing and storm sewer improvements. Keith Nelson, City Engineer/Director of Public Works, conducted the public hearing. The purpose of this public hearing was to hear comments and concerns from the affected property owners and to make a determination as to whether or not the project should proceed. Mr. Nelson advised the City Council and others in attendance at the meeting that it is the intent to award the bids for this improvement in the early part of July 1997. Mr. Nelson also indicated that it is the intent to install new curb and gutter in this area with sidewalk on the west side for the entire distance and that there would be sidewalk on the east side from Elaine Avenue to Stephen Avenue. Since this is a state aid street it is the intent to assess the adjacent property owners for the cost of a basic residential street. The projected cost of this project is \$306,000 with the intent to assess a \$138,000 and the remaining amount of a \$168,000 would be a cost to the City of Marshall. A discussion was held in regard to the drainage of the agricultural property between the MSP property and the residential property in this area and how it contributes to the storm sewer system. Paul Deutz, the owner of the agricultural property in this area, stated that his property does not drain to the proposed storm sewer system. Jack Dempsey, 503 Elaine, raised a concern to the effect, that if the property owners in this area had paid for a storm sewer system when the property was originally developed then why should they now be assessed for another storm system and whether or not the proposed system should be paid in full by the City of Marshall. Kevin Honetschlager, 1101 Alan Street, questioned the assessment process and whether or not the City would be going through this same process if this is not a state aid project. City Attorney Brian Murphy explained the assessment procedure for property that is within the City limits versus that of undeveloped property. With no further questions or concerns brought before the public hearing. Doyle moved, Edblom seconded, the public hearing be closed. All voted in favor of the motion.

Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1966, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1966, Second Series, is a resolution ordering the improvement and preparation of plans for the improvement of South 4th Street between the center line of Elaine Avenue and the north right of way line of T.H. 23 by regarding, asphalt surfacing and storm sewer improvements. All voted in favor of the motion.

Roggeman moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1967, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1967, Second Series, is a resolution authorizing the City Engineer/Director of Public Works, to execute and sign Sub-Grant Agreement with the State of Minnesota on behalf of the City of Marshall for Federal Disaster Assistance. All voted in favor of the motion.

Boedigheimer moved, Rowe seconded, the proper City personnel be authorized to request bids to rebuild the damaged "T" hangar #5 at the Marshall Municipal Airport. This building was damaged as a result of the November 1996 to January 1997 accumulation of snow and ice. The estimated damage to this hangar is approximately \$40,000. All voted in favor of the motion.

REGULAR MEETING - FEBRUARY 18, 1997

City Engineer/Director of Public Works Keith Nelson provided to the City Council and update on the status of the proposed Ditch #62 improvements. A brief review was held of the revised schedule and the project highlights that were presented to the City Council. The City Council was reminded of the public hearing to be held on Wednesday, February 19, 1997 at 7:00 p.m. in the Marshall High School Theatre. The Bolton & Menk Engineering will be present to discuss and explain the project.

Brennan McAlpin, Manager of the North Ambulance - Marshall Region, was in attendance at the meeting to review with the City Council the North Memorial 1996 Annual Report. Mr. McAlpin briefly reviewed the 1996 accomplishment and the financial information for the 11 month period of 1996. Mr. McAlpin indicated one of the primary accomplishments of 1996 was the upgrading of the license to an advanced life support unit and they were very appreciative of the many local agencies that assisted them in acquiring this license. The Mayor and Council acknowledged the report and congratulated Mr. McAlpin on being the Ambulance Manager of the year.

Dave Marks, Chief of the Marshall Volunteer Fire Department, was in attendance at the meeting to discuss with the City Council the hiring of 10 new firemen for the Marshall Volunteer Fire Department. Mr. Marks briefly reviewed the hiring process that was being used for the hiring of the new firemen. Mr. Marks had worked with City Administrator Mike Johnson in regard to this hiring process. In addition to the hiring of 10 individuals for the Fire Department Mr. Marks was requesting that the other 3 individuals that have applied for the Fire Department be placed on a 18 month waiting list. Rowe moved, Roggeman seconded, that the 10 individuals with the highest accumulated score from the tests given to the applicants be approved for the Marshall Volunteer Fire Department contingent upon them meeting all requirements and passing the physical and background checks and that the remaining applicants be placed on a 18 month waiting list all effective February 10, 1997. All voted in favor of the motion.

It was the general consensus of the City Council that the proper City personnel be authorized to submit agreements to the townships adjacent to the City of Marshall who receive fire protection services from the City. These agreements would provide for fire protection services for the period May 1, 1997 to April 30, 1999. For the first year of this contract of May 1, 1997 to April 30, 1998 the proposed rate is \$120 per section and for the second year it is \$125 per section. These agreements are requested to be reviewed by the townships at their annual meeting and be brought back to the City Council at the March 17, 1997 City Council meeting.

Upon the recommendation of Director of Public Safety Marvin Bahn, Roggeman moved, Doyle seconded, that Chad Duane Sanow be employed as a parttime Police Officer with the City of Marshall at the rate of \$9.83 per hour effective February 6, 1997. The following resolution was adopted: BE IT RESOLVED that Chad Duane Sanow be a 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 and Fire Fund. All voted in favor of the motion.

REGULAR MEETING - FEBRUARY 18, 1997

Edblom moved, Roggeman 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 Minnesota Exemption from Lawful Gambling License for the Lyon County Pheasants Forever, Inc., for use at the Eagles Club AERIE 3405, 423 West Main St., Marshall, Minnesota on April 10, 1997. All voted in favor of the motion.

Edblom moved, Roggeman seconded, the adoption of RESOLUTION NUMBER 1968, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1968, Second Series, is a resolution approving the specific fees to be charged by the City of Marshall. This resolution was adopted with the understanding that the amounts included in the proposed resolution for fire contracts would be deleted. All voted in favor of the motion.

Byrnes moved, Boedigheimer seconded, LaVonne Lutz be appointed to the Library Board for a term to expire December 31, 1999 which completes the term of Carol Branting who resigned. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA - had met on February 18, 1997 but he was unable to attend. Regional Development Commission - has met a number of times to discuss their revolving loan fund program which they is now being repaid and considered applications for the loaning out of the money. One application is being considered in Marshall and one in Lucan.

Roggeman Community Services Board - did receive reports from a number of groups that work with the youth in the community. Planning and Zoning - did not have a meeting. Personnel Committee - met on February 11, 1997 and they did discuss the use of City vehicles and equipment, the expanding of the number of hours allowed to accumulate as far as comp hours which the committee did not approve and they reviewed an agreement from the Coalition of Greater Minnesota Cities and it was indicated that the committee felt they were receiving the adequate information from the League and did not find it necessary to pursue the agreement with the Coalition.

Stores Hospital Board - they did discuss the roof repair on the old hospital: the Ditch 62 assessments; it was indicated that the adult day care program is up and operating at the hospital; the hospital administrator Ron Jensen has submitted his resignation effective May 31, 1997 and has been employed there for 38 years. The hospital does have a CEO Succession Plan in place. Marshall Celebrates Committee - continues to meet and working on their plans for the 125th Celebration of the City of Marshall.

Edblom Utility Commission - is meeting at the same time as this City Council meeting and they will be evaluating the managers position. Convention and Visitors Bureau - will meeting on February 19, 1997.

REGULAR MEETING - FEBRUARY 18, 1997

Boedigheimer

Airport Commission - the Marshall Air Show Committee is putting in a lot of effort for the 125th Anniversary and its program out at the Marshall Municipal Airport. The Commission did agree at its February 10, 1997 meeting to increase the number of board members for this commission to 7. The City Attorney would have to draft an ordinance for this revision and submit to the Legislative and Ordinance Committee for their review. Senior Citizens Center Commission - did discuss the status of the kitchen equipment. The contract for the operation expires on December 31, 1997. This program would be up for bids at that time. The commission is recommending that the City buy the equipment after the expiration of the contract. Lyon County Enterprise Committee - will not be meeting until March. Joint Law Enforcement Center Committee - has rescheduled their meeting from February 10 to February 24, 1997.

Doyle

Housing Commission - did not have a quorum but included in the agenda packet is the items that were discussed with those in attendance at the meeting. EDA - Cal Barnett, City Assessor, provided a report to the City Council on the EDA meeting that was held on February 18, 1997. The EDA will be recommending to the City Council to approve a loan to the Schotts Corporation with a request that the thirty day veto period be waived and they will also be recommending the employment of DSU (Dahlgren, Shardlow, Uban) to assist the City and the Economic Development Authority with industrial development/park expansion as it relates to the tax increment financing bond proceeds that were recently received by the City of Marshall.

Rowe

Library Board - the Director Margaret Bosshardt has submitted her resignation effective January 1998. They have received two qualified applicants for the board. The bids have been awarded for the elevator and restroom and the book mobile is no longer in operation but a van is currently being operated as a scale down version of the book mobile operations.

Other items of concern brought forth by the Mayor and Councilmembers included: favorable comments in regard to the City newsletter that was recently mailed out; the open house at the Marshall Animal Impound was well attended; the status of the MSP report was questioned; the pedestrian crossing near the Coke plant on East Main was addressed and questioned as to the possibility of installing lights at that intersection, the area of primary concern is when school is in session and students are crossing the road at the intersection; Councilperson Rowe attended the newly elected official session in Willmar, Mr. Rowe indicated that it was a very interesting program and suggested to the City Council that the City consider a study session to discuss in more detail important issues as they relate to the City operations; the flood outlook information is available on the internet and is continually updated; Mayor Byrnes indicated that he would be in Washington, D.C. from February 23-25, 1997, on behalf of the Municipal Utilities and would also be returning there on March 17-19, 1997.

Edblom moved, Roggeman seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE VOUCHER #10293 through 10501.

REGULAR MEETING - FEBRUARY 18, 1997

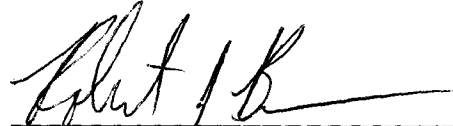
The following building permits previously approved by the building official were confirmed:

U.S. Builders, Inc.
1420 East College Drive
Remodel Retail Space
\$25,000

Albert R. Eggermont
1221 East College Drive
Interior Remodeling - Phase I
\$5,000

Geske Building & Supply
301 East Marshall Street
Reside Dwelling
\$8,500

Upon motion made by Stores, seconded by Roggeman, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall, Minnesota

ATTEST:



Finance Director/City Clerk

REGULAR MEETING - MARCH 3, 1997

The regular meeting of the Common Council of the City of Marshall was held on March 3, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Rowe, Doyle, Edblom and Stores. Absent: Roggeman and Boedigheimer.

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.

Edblom moved, Doyle seconded, that the minutes of the regular meeting held on February 18, 1997 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Dave Marks, Fire Chief Marshall Volunteer Fire Department, was in attendance at the meeting to review with the council the proposals that he had received from Clarey's Safety Equipment Inc., and Alex Air Apparatus, Inc., for the necessary turn-out equipment for the 10 new members added to the Fire Department. Upon the recommendation of Mr. Marks, Stores moved, Edblom seconded, the proper city personnel be authorized to purchase turn-out gear consisting of coats, pants, boots and helmets for the new members of the Marshall Volunteer Fire Department in the amount of \$12,814.40 from Alex Air Apparatus, Inc., Alexandria, Minnesota. This turn-out gear was purchased with the understanding that the following budget adjustments be made: \$5,814 be transferred from 101-50352-2211 and that \$4,500 be transferred from the Mayor and Council contingency account number 101-40141-7210 to account number 101-50352-5540 and that \$2,500 in the budget account 101-50352-5540 to applied towards this purchase. All voted in favor of the motion.

Upon the recommendation of Director Public Safety Marvin Bahn and contingent upon the approval of the Minnesota Department of Transportation, Rowe moved, Doyle seconded, that Main Street from the intersection of Main Street and College Drive to 6th Street and Main Street be blocked off on Monday, March 17, 1997 at approximately 5:30 P.M. for a St. Patrick's Day Parade to go from 3rd & Main Street down to 5th & Main Street. All voted in favor of the motion.

Doyle moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1969, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1969, Second Series is a resolution approving the plans and specifications and ordering the advertisement for bids for the improvement of sanitary sewer on East Main Street between the center line of "A" Street and the center line of "E" Street by pipe and manhole replacement and the resurfacing of the street in this area. Bids for this project will be received at 2:00 o'clock P.M. on April 14, 1997. All voted in favor of the motion.

Rowe moved, Stores seconded, the public hearing be set for 7:30 P.M. on March 17, 1997 to consider the application to move a house from Ghent, Minnesota to 700 Genesis Avenue in Marshall, Minnesota. This application was submitted by Bob and Sandy Avery of 1401 South

REGULAR MEETING - MARCH 3, 1997

Saratoga Street. All voted in favor of the motion.

Stores moved, Doyle seconded, the proper city personnel be authorized to execute a Memorandum of Agreement between the Senior Nutrition Services/Western Community Action, Inc., and the Senior Citizen Commission/City of Marshall. This agreement allows for the City of Marshall to provide kitchen space for food preparation at the Senior Center. Senior Nutrition Services will reimburse utility costs of meal preparation at a rate of \$.04 per meal for all hot meals prepared by the Marshall Senior Center for the Marshall Senior Dining and Home Delivered Meals Program. This payment will be made to the City of Marshall on the 15th day of the month following verification of the monthly attendance record. All voted in favor of the motion.

A discussion was held at this time in regard to the equipment transfer agreement whereby the Southwest Area Agency on Aging would relinquish title to equipment as well as the Western Community Action Senior Nutrition program for that equipment that is used at the Senior Center for preparation of the Meals on Wheels Program. Bids will be received for this program effective January 1, 1998. In reviewing the equipment transfer agreements the Senior Citizen Commission is recommending that the City of Marshall take the transfer from Western Community Action beginning January 1, 1998 with the stipulation that the cost of the equipment repair and replacement be built into the rental contract with which every agency would be contracted for Senior Dining and reviewed yearly. Edblom moved, Stores seconded, that the decision on the nutrition equipment transfer agreements be tabled to the March 17, 1997 city council meeting to allow for Councilperson Boedigheimer to express his concerns in regard to these agreements, since he is the city council's representative to the Senior Citizen Commission Board and has been involved in the discussions in regard to these agreements. All voted in favor of the motion.

Upon the recommendation of the Economic Development Authority, Stores moved, Edblom seconded, that the proper city personnel be authorized to enter into an agreement with Dahlgren, Shardlow and Uban in the amount of \$19,925 to assist the Economic Development Authority in identifying potential industrial prospects, the types of industrial improvements that are needed and the potential tracts feasible for industrial development; and also entering into an agreement with Maxfield Research Group in the amount of \$7,000 for an industrial study. All voted in favor of the motion.

Upon the recommendation of the Economic Development Authority, Rowe moved, Edblom seconded, a loan in the amount of \$125,000 be made to Schott Corporation to assist the company with the equipment purchases and building renovations. The Schott expansion program anticipates the addition of 12,000 square feet to the current facility, the renovation of the existing facility, the relocation of access of parking and the employment of approximately 63 new employees. This loan is to be repaid to the City of Marshall EDA over 5 years with an interest rate of 4% on any unpaid balances. This loan was approved with the City Council waiving their 30 day right of appeal. All voted in favor of the motion.

REGULAR MEETING - MARCH 3, 1997

A discussion was held at this time in regard to a notice that was received from Lyon County for a public hearing on a preliminary plat. According to the notice the public hearing will be held on March 10, 1997 at 3:00 o'clock P.M. before the Lyon County Planning and Zoning Commission regarding the request by Don Klein for a preliminary plat to subdivide land zoned agricultural into suburban residence district. This property is approximately 1/2 mile from the Southwest corner of the Marshall city limits. The development consists of approximately 83.5 acres in size and contains about 42 lots ranging in size between 1 1/2 to 2 1/2 acres. Lyon County currently has zoning and subdivision regulation authority in this particular area, however there is no County enforcement of the State Building Code in this area. There is also no joint planning authority between Lyon County and the City of Marshall in the area or any other area within two miles around the corporate City limits. Minnesota Statute 462.3585 allows the creation of a Joint Planning Board for the two mile area. Items of concern that were addressed by City Administrator Mike Johnson, included the comprehensive planning, urban sprawl, preservation of agricultural land, state land use policy regarding urban development, cost of services, environmental concerns and the basic planning principals. Mr. Johnson was also concerned with the extension of utilities including water, electric and sewer to this area.

Edblom moved, Stores seconded, the proper city personnel be authorized to proceed with working with the proper personnel from Lyon County in regard to the development of a Joint Planning Board. All voted in favor of the motion.

Rowe moved, Doyle seconded, the proper city personnel be requested to attend the public hearing to be held on March 10, 1997 at 3:00 o'clock P.M. before the Lyon County Planning and Zoning Commission to express the City of Marshall's concerns in regard to the preliminary plat as being presented by Don Klein. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes: No reports

Stores: Legislative and Ordinance Committee needs to establish a meeting. The Marshall Celebrates Committee continues to move forward to the Celebration for the 125th Anniversary.

Edblom: Utility Commission did approve their Drug and Alcohol Policy and has submitted a request for reimbursement from FEMA for the ice storm damage in the amount of \$171,000. Edblom also indicated that the individuals term on the commission who is up at the end of May will not be applying for a second term on the commission.

Doyle: Housing Commission will be meeting on March 10, 1997 and the minutes of the Human Rights Commission are included with the council agenda packet.

Rowe: Library Board has reviewed the position descriptions for those employees at the

REGULAR MEETING - MARCH 3, 1997

Library and they are continuing to review the position description for the Direction Position with that of other libraries.

Other items of concern brought forth by the Mayor and Councilmembers included: a concern in regard to the hearing on Ditch 62 in that the city needs to be concerned with the city run-off especially with those properties down stream; a question was raised in regard to the agreement with SSU in regard to the parking along O'Connell Street with that of the intersection of State Street, Mr. Johnson informed the council that this agreement is currently in the hands of the personnel at SSU and that he is working with Mr. Cupkie from the college to resolve and bring forth this agreement; expression of appreciation was extended to the Street Department for their working in removing ice off the city streets as well an expression of appreciation for the work that they are doing in regard to the tree and branch removal in various areas of the City of Marshall; the Marshall Municipal Utilities will be receiving the audit report for 1996 at their March 18, 1997 meeting and the City Council is invited to attend; a concern was expressed in regard to the letter that was received from Secretary of State Joan Grove in regard to the polling place at SSU and it was requested that this be considered at the Legislative and Ordinance Committee meeting; Mayor Byrnes indicated that he has met with Ed Cain from Legislative Associates and Representative Seifert in regard to flood control concerns; Mayor Byrnes will be in Washington, DC from March 17, 1997 to March 19, 1997 attending the hearing on flood control.

Pending agenda items were reviewed and it was indicated that the idea of creating a Board and Commission recognition program was an excellent idea.

Rowe moved, Edblom seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE VOUCHER No. 10502 through 10622.

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

Dale Erickson
1314 Parkside Drive
Basement Remodel
\$2,000

North Star Modular Homes
706 South Saratoga Street
Prebuilt Dwelling
\$33,400

Thor Wiebe
711 Marguerite
Basement Remodel
\$2,600

Gary & Karen Edwards
514 Carlson Street
Basement Remodel
\$2,500

Bakke's Home Repair & Construction
705 South 1st Street
Fireplace
\$2,800


Juliet K. and Michael J. Leese
1233 Patricia Court
Dwelling
\$110,000

REGULAR MEETING - MARCH 3, 1997

Don and Karen Larson
513 Kendall Street
Demolish Garage
\$0


Thomas M. Meulebroeck, Finance Director/City Clerk, briefly reviewed with the council the status of the proposed transit merger between the City of Marshall Transit System and the Western Community Action.

Upon motion made by Doyle, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall, Minnesota

ATTEST:



Finance Director/City Clerk

REGULAR MEETING - MARCH 17, 1997

The regular meeting of the Common Council of the City of Marshall was held on March 17, 1997. The meeting was called to order at 7:30 P.M. by President Pro-Tem Stores in the Council Chambers of the Marshall Municipal Building. In addition to Stores the following members were present: Doyle, Rowe, Edblom, Roggeman and Boedigheimer. Absent: Byrnes. Staff present at the meeting included: City Administrator Mike Johnson, City Attorney Brian Murphy, City Engineer/Director of Public Works Keith Nelson and Finance Director/City Clerk Thomas Meulebroeck.

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.

Rowe moved, Doyle seconded, that the minutes of the regular meeting held on March 3, 1997 be approved as corrected and as filed with each member and that the reading of the same be waived. The change to the minutes provided for the agreement with the Masfield Research Group to be in the amount of \$7,000. All voted in favor of the motion.

This was the date and time set for a public hearing to consider the relocation of a house from Ghent, Minnesota to 700 East Genesis Avenue in Marshall, Minnesota as requested by Bob and Sandy Avery, 1401 South Saratoga Street. City Engineer/Director of Public Works Keith Nelson conducted the public hearing. Mr. Nelson indicated that the Building Official Dale Howe had inspected this facility and did indicate that there are approximately 16 items addressed in the report that need to be addressed with the facility if it were moved to the City of Marshall. A question was raised in regard to the utilities from the city being extended to the lot where the house would be located. It was indicated that there is water, sewer, electric and gas hookups available on the lot where this house is being proposed to be moved to. With no further concerns brought before the public hearing Rowe moved, Doyle seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Rowe seconded, the permit to move the house from Ghent, Minnesota to 700 East Genesis Avenue in Marshall, Minnesota be approved as requested by Bob and Sandy Avery of 1404 South Saratoga Street, with the understanding that the 16 items addressed in the report prepared by Dale Howe, Building Official, be completed. The items to be completed as addressed by the Building Official are as follows:

1. Obtain a moving permit approved by the City Engineer.
2. Obtain a building permit
3. The building shall not be occupied until approved by the Building Official
4. Obtain an electrical inspection from the Minnesota State Board of Electricity. Repair or replace components as necessary to meet Electrical Code requirements.
5. Install an escape/rescue window in each sleeping room.
6. Install smoke detectors.
7. Employ a qualified heating contractor to perform a safety check and certify the relocated boiler.
8. Employ a qualified heating contractor to perform a smoke test on the masonry chimney if it is to be relocated with the building.
9. Repair or replace at least two floor joists that have oversize cuts.
10. Install additional roof vents to meet minimum area ventilation.

REGULAR MEETING - MARCH 17, 1997

11. Install a conforming attic access panel.
12. Employ a Licensed Master Plumber to perform an air test on the plumbing waste and vent system and replace components that fail the test. All replaced piping must meet current Plumbing Code Standards.
13. Replace deteriorated portions of siding and fascia.
14. The existing basement stair does not conform to minimum tread run. Verify the stairwell dimensions will be adequate for opening and headroom with a conforming 9" run, 8" rise, 6'-8" headroom.
15. All additions and remodeling are required to be constructed to Building Code.
16. Exterior surfaces require repainting to preserve materials.

All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Roggeman moved, Edblom seconded, the request of Minnesota Sign Company for a variance adjustment permit to construct signage of 51 square feet in excess of the allowable at 1309 East College Drive which is in a B-3 General Business District be denied as an undue hardship has not been demonstrated because the property can be put to use if used under the conditions allowed by the official controls of the ordinance. All voted in favor of the motion.

Eugene Roggeman reviewed his request for a conditional use permit to construct a two family dwelling under single ownership in a R-1 One Family Residence District at 1117 Skyline Drive. In response to the letters that had been received addressing a concern with traffic and parking at the location of the property being requested for a conditional use permit Mr. Roggeman indicated that there is 71' frontage on the parcel of property and that 24' of this would be for driveway with the remaining 47' available for on-street parking. Councilperson Edblom indicated that he had received a call from a concerned party who was concerned with the snow removal on this cul-de-sac and the parking situation since this would be a duplex. Mr. Roggeman indicated that there are 5-6 off street parking places available and that the requirement is for only 2 off street parking stalls per unit. Peter Metcalf of 1116 Skyline Drive, was in attendance at the meeting and did express concerns he had with the conditional use permit. Mr. Metcalf was opposed to the rezoning of the property since the area is zoned R-1. It was his recommendation that the property remain R-1 and be consistent with other properties in the neighborhood. He was concerned with the off street parking and that there is already an excessive amount of on street parking and felt that it would be a disservice to the neighborhood if additional on street parking were permitted and that by the granting of this conditional use permit that it would decrease the values of the properties in this area. Mr. Metcalf also indicated that he and other property owners were advised that the Purrington duplex would be the last multiple unit in the area. Mr. Metcalf also indicated that parking is not the only issue with the granting of this conditional use permit but is one of the many concerns of the granting of the conditional use permit in this area. Lowell Matthys, 1108 Skyline Drive, indicated that with driveways and mailboxes along the street it does not allow for much parking on the street for a duplex; that he had a concern with the overbuilding of properties on the sizes of lots in this area and that this is a quite street and that they would like it to remain as a quite street, but with the building of multiple units in this area would generate more traffic in the area. Jennifer Guerts on behalf of her parents Ron and Donna Weidauer stated they would like to see the property remain zoned R-1 for some of the same reasons as were previously mentioned. Councilperson Boedigheimer indicated that he would like to see Roggeman provide additional off street parking for this duplex if it were granted. The City Council was advised that they cannot legally require on a conditional use

REGULAR MEETING - MARCH 17, 1997

permit that the owner live in the duplex. Per the recommendation of the Planning Commission Boedigheimer moved, Doyle seconded, a conditional use permit for a two family dwelling under single ownership in an R-1, one family residence district, be granted to Eugene Roggeman at 1117 Skyline Drive on the condition that the owner provide a scale drawing showing the driveway and street approach that will meet the Marshall Engineering Standards and be approved by the Director of Public Works before a building permit is issued and that there be 6 off street parking stalls provided for this duplex. All voted in favor of the motion.

Ray Henriksen, Captain Marshall Volunteer Fire Department, was in attendance at the meeting to review with the Council the updated By-Laws of the Marshall Volunteer Fire Department. Boedigheimer moved, Rowe seconded, the adoption of RESOLUTION NUMBER 1970, SECOND SERIES and that the reading of the same be waived. Resolution Number 1970, Second Series is a resolution approving the Constitution and By-Laws of the Marshall Volunteer Fire Department. The By-Laws were approved with the understanding that there be some grammatical corrections to the by-laws. All voted in favor of the motion.

Rowe moved, Roggeman seconded, the approval of the fire service contracts with the townships surrounding the City of Marshall for the period May 1, 1997 to April 30, 1999. The rates for these fire contracts is \$120.00 per section for the period May 1, 1997 to April 30, 1998 and \$125.00 per section for the period May 1, 1998 to April 30, 1999. A concern was expressed as to why these contracts are for the period May 1st to April 30th of each year and what the possibility is of these being changed to a calendar year basis. This will be reviewed with the townships. All voted in favor of the motion.

Mary Larson General Manager of Bresnan Communications was in attendance at the meeting to review with the City Council the proposed cable TV changes effective April 1, 1997. The annual rate adjustment will decrease the rate for basic service by \$0.42 per month to \$8.20 and that the rate for preferred service will increase by \$0.59 per month to \$17.48. These rates had been reviewed by the Cable Commission and they were accepted by this commission. A concern was raised in regard to the installation rates. Ms. Larson advised the City Council that the installation rates are based on the cost of service. Ms. Larson also, indicated that if there is an increase in the basic service there must be a 90 day notice given for this increase but if there is a decrease in the basic service there is a 30 day notice requirement. There was no action taken by the City Council on the rate adjustment, therefore they will be effective April 1, 1997.

The discussion continued at this time in regard to the transfer of the Nutrition Equipment from WESCAP to the City of Marshall. Following the discussion in regard to the transfer of this equipment Boedigheimer moved, Doyle seconded, that the decision to transfer the equipment be tabled and referred to the city attorney to review the agreement that was put in place when the equipment was installed in the facility. All voted in favor of the motion.

President Pro-Tem Stores called for a 5 minute recess at 9:02 P.M.

Edblom moved, Roggeman seconded, the adoption of RESOLUTION NUMBER, 1971, SECOND SERIES and that the reading of the same be waived. Resolution Number 1971, Second Series is a resolution approving the plans and specifications and order the advertisement for bids for the improvements to South 4th Street between center line of Elaine Avenue and the North right-of-way line of T.H. 23 by the regrading, asphalt surfacing and storm sewer

REGULAR MEETING - MARCH 17, 1997

improvements. These bids will be received at 2:00 o'clock P.M. on April 28, 1997. All voted in favor of the motion.

Upon the recommendation of the Airport Commission, Boedigheimer moved, Rowe seconded, the introduction of an ordinance to increase the number of members to the Airport Commission to 7. All voted in favor of the motion.

Upon the recommendation of the Transportation Brain Storming Task Force, Roggeman moved, Boedigheimer seconded, the following individuals be appointed to a Transportation Advisory Ad-Hoc Committee: Eugene Roggeman, Marshall City Council representative; Frank Swedzinski WCA Board representative; Barb Lipinski representing the elderly population; Scott Youngberg representing the employers; Lynn Stern special needs representative; Ron Jensen medical field representative; and James Smalley social services representative and that John Cameron be the liaison to the committee from the University population. All voted in favor of the motion.

Roggeman moved, Doyle seconded, the contract with the Maxfield Research Group be amended to increase the cost for the staff time to \$7,500 plus a \$500 for estimated out of pocket expenses. This agreement was originally approved in the total amount of \$7,000. The agreement was amended with the anticipation that there would be additional work needed for the Downtown Redevelopment Study. All voted in favor of the motion.

Boedigheimer moved, Edblom seconded, and it was unanimously approved that the following plumbers licenses be renewed for the period April 1, 1997 to March 31, 1998 at a fee of \$35.00:

Michael Paulson DBA Mike's Plumbing
Gary Smidt DBA Gary's Plumbing & Heating
Kenneth Holm DBA Heartland Mechanical
Joseph Mortier DBA Bisbee Plumbing & Heating
John Jenniges DBA Jenniges Plumbing & Heating
Robert VanderLinden DBA Countryside Plumbing
Vern Goslar DBA Trio Plumbing & Heating
Edward Duthoy DBA Ed's Plumbing & Heating
Michael Orthaus DBA Tri-State Mechanical, Inc.
Ronald Sussner DBA Frank's Electric Plumbing and Heating
Kenneth Grindeland DBA Olson Hardware Corp.
Neil Kroger DBA Neil's Plumbing and Heating
Frank Howe DBA Midwestern Mechanical, Inc.
Richard Winter DBA Schwan's Sales Enterprises

Edblom moved, Boedigheimer second, the approval of a consumption and display license for the Marshall VFW Post 742 for the period April 1, 1997 to March 31, 1998 at a fee of \$100.00. All voted in favor of the motion.

Roggeman moved, Doyle seconded, the approval of a refuse haulers license for Ritter's Sanitary Service for the period April 1, 1997 to March 31, 1998 at a fee of \$100. All voted in favor of the motion.

REGULAR MEETING - MARCH 17, 1997

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

- Roggeman Planning Commission the City Council did act on all items addressed at their meeting, except for the reevaluation of properties that do not have a designation such as R-1, R-2 and etc and the establishing of a public hearing for the designation of these properties.
- Stores Hospital Board the remodeling is going well but they are encountering costs in excess of what was originally projected due to some unforeseen circumstances. Ice Facility students from the public school utilized the facility during school time. The Marshall Celebrates Committee continues to have their meetings and is progressing well towards its 125 Anniversary of the City of Marshall. The Legislative and Ordinance Committee needs to establish a meeting date and time.
- Edblom Utility Commission will have a meeting on March 18, 1997 and the Convention and Visitors Bureau will meet on March 26, 1997.
- Boedigheimer Airport Commission minutes are included in the agenda packet and the Lyon County Enterprise Development will be meeting on March 18, 1997 in Ghent and the Joint Law Enforcement Committee meeting will be on March 25, 1997.
- Doyle Housing Commission minutes are included in the agenda packet and the Human Rights Commission will be meeting on March 24, 1997.
- Rowe Library Board did meet with the new director from Plum Creek and they have discussed and are working out the outstanding bills in particular as they relate to the bookmobile operation.

Other items of concern brought forth by the Mayor and Councilmembers included: the number of potholes on the state highways within the city limits; it was indicated that these potholes are in the process of being repaired; the Council agendas are briefly reviewed in the Marshall Independent prior to the Council meetings and it was suggested that they also be placed on the cable with the items on the agenda and the recommendation for these agenda items; St. Patrick Day Parade was a wonderful parade and plans are for this to be an ongoing event; a concern was expressed in regard to businesses placing tables on sidewalks and it was indicated that businesses can submit requests and they be considered by the City Council; questions have been expressed in regard to properties being within the flood plain and it was indicated that the properties designated as within the flood plain have not changed since the mid 1970's; it was suggested that the city administrator make arrangements for the joint city council/county commissioner meeting; there have been positive comments received in regard to the adult day care provided at the hospital; the wellness center at the hospital competing with private enterprise was addressed; it was indicated that the Councilmembers that work with the Youth On Board from the high school are encouraged to invite these students to the city council meetings; that the city council minutes include the staff who were in attendance at the city council meetings; and an expression of appreciation was extended to City Administrator Mike Johnson and Director of Public Works/City Engineer Keith Nelson for their presentation at the Lyon County Commissioners meeting in regard to the Klein/Carmody property.

REGULAR MEETING - MARCH 17, 1997

In regard to the pending agenda items it was indicated that as of this date and time there have no appeals received on the County Ditch 62 Project.

Doyle moved, Edblom seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 10623 through 10799.

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

Carew Properties, Inc.
1310 Birch Street
Demolish Garage
\$0

Steve Deutz
505 Viking Drive
Addition to Dwelling
\$30,000

Greig & Gregerson
304 North 3rd Street
Interior Remodel
\$33,000

Robert Seward
804 North Bruce Street
Install Bathroom
\$1,200

Thomas S. Percy
514 East Main Street
Demolish Garage
\$0

Doug Kunde
506 Elaine Avenue
Remodel Basement--Additional Work
\$3,100

Jordy J. Beek
411 North 6th Street
Repair Roof
\$600

Albert R. Eggermont
1221 East College Drive
Interior Remodeling - Phase II
\$32,000

Independent Lumber of Marshall
112 South 10th Street
Print Shop
\$40,000

Jeff Gladis
702 Oak Street
Finish Basement
\$3,000

City Engineer/Director of Public Works Keith Nelson provided an update on the regional disasters and the potential flooding. Mr. Nelson indicated that from the November ice storm the costs that were submitted were \$67,000 of which 81% is projected to be reimbursed to the City of Marshall; for the additional costs incurred with the snow storms in January the costs that have been submitted is \$57,855 and it is projected the city will receive 90% reimbursement, \$43,813 from the federal and 15% from the state. The potential for flooding with the ice and snow that is building up in Ditch 62 and other areas will result when the elevation of the river exceeds 14 feet. Once it reaches 16 feet it is projected to go over County Road 7. With the snow melting it is estimated that the river will reach 15 feet and plans are in progress to build a levy on County Road 7 and also on the property adjacent to Camelot Square. A question was raised as to who is responsible for any damage to the crop areas. This questions will be investigated further.

Upon motion by Edblom, seconded by Roggeman, the meeting was adjourned. All voted aye.

REGULAR MEETING - MARCH 17, 1997

Maureen Stores

President Pro-Tem

ATTEST:

Thomas M. Muehlebach

Finance Director/City Clerk

SPECIAL MEETING - FRIDAY, MARCH 21, 1997

A special meeting of the Common Council of the City of Marshall was held on Friday, March 21, 1997. The meeting was called to order at 5:15 P.M. by Mayor Byrnes. In addition to Byrnes, the following members were present: Doyle, Edblom, Roggeman, Stores and Boedigheimer. Absent: Rowe.

The purpose of this meeting was to approve the necessary documents as it relates to the construction of a temporary levee on County Road 7 and North of Camelot Square Trailer Court.

Keith Nelson, City Engineer, reviewed with the council the agreement between the City of Marshall and the Army Corps of Engineers for Flood Emergency Preparation. The Corp of Engineers will complete the design of the levee, hire the contractors and provide funds for the project. The city is to provide filled sand bags, other material as needed and the clean up once the levee's are removed. He also reviewed the Temporary Levee Agreement with Robert L. Carr for access to construct a temporary levee North of Camelot Square Trailer Court.

D & G Excavating will be constructing the levee with volunteers filling the sand bags on Saturday, March 22, 1997 at the Street Department Shop. Other contractors have been contacted and have agreed to help if needed.

Sand bags and sand are available for sale to the public at the Street Department Shop. They can purchase the sand bag and then fill them with the sand at the Street Department.

Stores was concerned about the ice on the river and if this was creating a problem. Mr. Nelson indicated that the ice was not a problem, but the snow on the river banks is melting and causing the problem.

The Marshall Municipal Utilities and the Wastewater Treatment Plant have not had any problems at this point with the additional water. It was indicated that residents should be reminded that sump pumps need to be pumped outside and not be connected to the sanitary sewer system.

It was indicated that parts of the Westwood Acres area is flooded at this time.

Stores moved, Roggeman seconded, the proper city personnel be authorized to execute an Agreement between the United States of America, Corp of Engineers and the City of Marshall for Flood Emergency Preparation effective March 21, 1997. All voted in favor of the motion.

Edblom moved, Doyle seconded, the proper city personnel be authorized to execute the Certificate of Authority for the agreement between the United States of America, Corp of Engineers and the City of Marshall for Flood Emergency Preparation. All voted in favor of the motion.

SPECIAL MEETING - FRIDAY, MARCH 21, 1997

Roggeman moved, Doyle seconded, the approval of RESOLUTION NUMBER 1972, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1972, Second Series is a resolution authorizing the City of Marshall to enter into an agreement with the United States of America Corp of Engineers. All voted in favor of the motion.

Doyle moved, Stores seconded, the City Attorney be authorized to execute the Attorney's Certificate as to Right-of-Way for the Temporary Levee Project. All voted in favor of the motion.

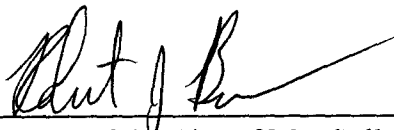
Roggeman moved, Stores seconded, the proper city personnel be authorized to enter into an agreement for a Temporary Levee Project for County Road 7. All voted in favor of the motion.

Doyle moved, Edblom seconded, the proper city personnel be authorized to enter into an agreement with Robert L. Carr for a Temporary Levee Project for the area North of Camelot Square Trailer Court. All voted in favor of the motion.

Mayor Byrnes took this time to thank Keith Nelson, City Engineer, the Engineer staff, Street Department staff, Community Services staff and all others for their work on this project.

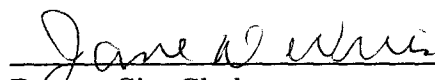
Keith Brockberg owner of the farm located West of County Road 7 and Jeff Orth a renter of this property were in attendance at the meeting to express their concern with the flooding. Their main concern was that they would be able to get in and out of the driveway or if the levee was going to block it. They were told that they would have access to the driveway.

Upon motion by Roggeman, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

1997 Local Board of Review
April 14, 1997
6:00 p.m.
Marshall City Council Chambers

Board Members Present: Mayor Robert Byrnes, Mike Boedigheimer, Gene Roggeman, John Doyle, Ted Rowe, Maureen Stores, Don Edblom

Board Members Absent: None

City Staff Present: Calvin Barnett, Carole Snyder, Doris Huber

Others Present: Dean Champine, Caroline Runholt, Dr. Jeff Thomas, Emma DeLanghe

Mayor Byrnes served as presiding officer for the 1997 Local Board of Review. Mayor Byrnes having made some opening remarks, requested Barnett to review the market factors affecting the 1997 assessment. Barnett reviewed briefly the local market indicating most of his comments were within the information previously mailed to the Council and available to those in attendance. There were no questions regarding the market factors.

Barnett called upon individuals in attendance to state their names, property address, and the nature of their concern. All comments were to be limited to the current assessment. Dr. Jeffrey Thomas - rear 301 Jewett Street - Dr. Thomas recently purchased a tract of land measuring approximately 60' x 500' for a consideration of \$6,000. Dr. Thomas' concern is that the purchase price of the property is significantly lower than the current assessment of \$28,500. Dr. Thomas indicated the subject has some utility easements across it.

Emma DeLanghe - 413 South 4th Street - Mrs. DeLanghe's concern relates to her property being the most expensive single family residence within the neighborhood and that the property is negatively affected by some of the lesser property adjacent.

Pat Schultz - 602 Elaine Avenue - Ms. Schultz indicated by letter that her property had not been updated in approximately 10 years, and in light of the lack of updating, the current market value was excessive.

Barnett informed the Local Board that contact would be made with each person appearing before the Local Board of Review, and a property inspection would be conducted, and their concerns would be researched. Each property owner will be advised of the assessor's recommendation to Local Board of Review prior to the Local Board of Review date. *There being no further business before the 1997 Local Board of Review, MOTION BY ROGGEMAN, SECONDED BY DOYLE to adjourn the Local Board of Review. ALL VOTED IN FAVOR OF THE MOTION.* The Local Board of Review was adjourned at 7:00 p.m.

SPECIAL MEETING - APRIL 14, 1997

A Special Meeting of the City Council of the City of Marshall was held on April 14, 1997 in the Commissioners Room of the Marshall Municipal Utilities, 113 South 4th Street. The meeting was called to order at 7:00 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doyle, Rowe, Edblom, Roggeman, Boedigheimer and Stores. City Staff in attendance at the meeting were City Administrator Mike Johnson; City Assessor Cal Barnett; Finance Director/City Clerk Thomas M. Meulebroeck; and Director of Community Services Harry Weilage. Others in attendance at the meeting were Blaine Harstad and Arlin Waelti, Attorneys for the Gray, Plant, Mooty, Mooty & Bennett, P.A.; and also Brian Hoffman, Stan Finnestad, Dan Solner, Greg Cattoor, Doug Mosch, Pat Lutterman, Barb Berkenpas, Dave Hauge, Pat Foley, Dick VanDyke, Bob Cool, Joe Cool, Tracy Vegland, Brad Strootman, Lyle Wisemantel, Rise' Mitchell, Ross Bennett and Don Bleloch.

The purpose of this special meeting was for a workshop to review the action steps necessary to initiate and implement a Downtown Redevelopment Project. Arlin Waelti and Blaine Harstad, Attorneys with Gray, Plant, Mooty, Mooty & Bennett, P.A., were in attendance at the meeting to provide a presentation as to the process that is necessary for implementing a redevelopment project. Arlin Waelti led the discussion in regard to the process for the redevelopment project which is being considered by the city. Ms. Waelti indicated that the first step in the redevelopment project is the Governments roll in the removal of blight and redevelopment of property and the rolls that the respective subdivisions have to take in acquiring property for the redevelopment. The different political subdivisions involved would be the City Council, the Housing and Redevelopment Authority, the Economic Development Authority, and possibly a Downtown Development Group. Also playing an important part in this step is the Historical Perspective of the property being considered for redevelopment. The second phase in the project is the planning of the redevelopment use and commencing of an inventory of the property to be acquired. The third phase is the acquisition of parcels within the redevelopment area by eminent domain and the final phase is the redeveloper, having received a deed from the City, proceeds with the construction of the new development pursuant to the requirements of the redevelopment agreement. Arlin Waelti and Mr. Harstad discussed in detail each phase of the proposed redevelopment process and related some similar projects and pit falls that they encountered in doing similar projects.

Following the presentation by Ms. Waelti and Mr. Harstad, Mayor Byrnes requested the development of a Downtown Development Committee and that any individuals who are interested on serving of this committee contact Mr. Byrnes.

The meeting was adjourned at 8:30 P.M.



Mayor of the City of Marshall

SPECIAL MEETING - APRIL 14, 1997

ATTEST:

Thomas M. Meulbroeck

Finance Director/City Clerk

REGULAR MEETING - APRIL 7, 1997

The regular meeting of the Common Council of the City of Marshall was held on April 7, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Doyle, Rowe, Edblom, Roggeman, Boedigheimer and Stores. Staff present at the meeting included: City Administrator Mike Johnson, City Attorney Brian Murphy, City Engineer/Director of Public Works Keith Nelson, Finance Director/City Clerk Thomas Meulebroeck and Deputy City Clerk, Jane DeVries.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the addition of item no. 12a which is the consideration of the speed limits along North 4th Street by the Marshall Junior High School, the deletion of item no. 13 which is the appointment to the Housing Commission and moving item no. 14 to item no. 8a which is the consideration of a letter of resignation from the Director of Public Safety.

Roggeman moved, Edblom seconded, that the minutes of the regular meeting held on March, 17, 1997 and the special meeting held on March 21, 1997 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Discussion was held on the consideration of an ordinance establishing the number of members for the Airport Commission. Boedigheimer questioned the term of adding an additional member. It was the general consensus of the council that this ordinance be amended to include the term for the additional new member. The term agreed upon was for a period of 3 years effective June 1, 1997 and every three years thereafter. Boedigheimer moved, Doyle seconded, the adoption of ORDINANCE NUMBER 371, SECOND SERIES as amended and that the reading of the same be waived. Ordinance Number 371, Second Series is an ordinance amending certain parts of section 2.25 of the city code of the City of Marshall establishing the size of the Airport Commission. All voted in favor of the motion.

The bids were received, opened and read at 2:00 P.M. on March 31, 1997 in the Council Chambers of The Marshall Municipal Building for the improvements to Birch Street from Bruce Street to State Street were as follows:

Duininck Brothers Inc.
Prinsburg, Minnesota
\$693,338.40

Gaub, Inc
Olivia, Minnesota
\$879,358.60

H & W Contracting LLC
Sioux Falls, South Dakota
\$770,441.10

Hjerbe Corporation
Redwood Falls, Minnesota
\$734,480.55

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$736,939.86

Quam Construction Co., Inc.
Willmar, Minnesota
\$733,976.15

REGULAR MEETING - APRIL 7, 1997

R & G Construction, Co.
Marshall, Minnesota
\$690,116.05

Roggeman moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1973, SECOND SERIES and that the reading of the same be waived. Resolution Number 1973, Second Series is a resolution declaring the cost to be assessed and order the preparation of the proposed assessment for the improvements to Birch Street from Bruce Street to State Street. Keith Nelson, Director of Public Works/City Engineer indicated that the low bid price for this project is \$690,116.05 plus 4% for administration fee and 8% for engineers fee bring the total cost of the project to \$772,929.97. The intent is that the city will pay \$372,929.97 and \$400,000.00 will be assessed to the property owners. Councilmember Boedigheimer was concerned about the property owner being assessed before the project is complete and not knowing if any change orders would affect the total cost of the project. Several options were discussed which include: assessing the \$400,000.00 with the city absorbing any change orders, assess more and giving the property owners a rebate after the final amount is determined, adopt the assessments after the project is complete and a final cost is determined or assess the property owner now and re-assess after the project is complete and the final cost is determined. Councilmember Ted Rowe was concerned if the property owners would be assessed for the street improvements and storm sewer if only the storm sewer part benefited them. It was indicated that only the property owners along the street would be assessed for the street construction and all affected property owners would be assessed for the storm sewer. All voted in favor of the motion.

Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1974, SECOND SERIES and that the reading of the same be waived. Resolution Number 1974, Second Series is a resolution calling for hearing on the proposed assessment for improvements to Birch Street between Bruce Street and State Street. The hearing is scheduled for 7:30 P.M. on Monday, May 5, 1997 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

Edblom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 1975, SECOND SERIES and that the reading of the same be waived. Resolution Number 1975, Second Series is a resolution approving the final plat of Viking Addition Plat 9. This resolution had three conditions which were: no. 1 - all public improvements be constructed and paid for by the developer and shall be installed in accordance with city specifications; no. 2 - the developer shall construct sidewalks within 2 years from the adoption of the resolution, and each individual lots' sidewalk shall be constructed prior to the individuals occupying their residences; and no 3. - the owners agree to deed to the city the ownership of the related pond by metes and bounds description, the owners, their successors and assigns also agree to plat and dedicate the pond to the city when they plat the abutting real estate near the pond, all fees and assessment charges applicable to the development of the holding pond shall be paid by the owner to the city upon the execution of this plat. Mr. Pat McFarland was in attendance at the meeting. He indicated that he was concerned with paying the \$1,900/acre for the pond. He did not feel that he should have to

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pay this fee on the holding pond that would be deeded to the city and was of no benefit to him. It was indicate that Mr. Carr paid the \$1,900/acre fee for the pond as well as the lots when the final plat was approved for his addition. Mike Johnson, City Administrator, indicated that the city ordinance states that when a final plat is approved the \$1,900/acre fee is due. Councilperson Boedigheimer moved that the motion be withdrawn and tabled. This motion died due to the lack of a second. Councilperson Rowe asked if the pond could be deeded to the city before the final plat is approved and therefore avoiding the fee. Brian Murphy, City Attorney indicated that property cannot be deeded to the city without being platted first. Rowe moved, Byrnes seconded, that the motion be amended to delete condition number 3 which is payment of all fees and assessment charges on the holding pond. All voted in favor of the amendment. All voted in favor of the motion as amended.

Greg Sherman, Manager, and Bill Larson, Marshall Municipal Utilities, were in attendance at the meeting and requested that the city council meet with their commission to review their audit at the time it presented to them. At this time John Brobst and John Hanson from Hoffman & Brobst, reviewed with the council the Marshall Municipal Utilities audit for the year ended December 31, 1996. Byrnes thanked them for taking the time to come and review this audit.

Discussion was held on the transfer of the nutrition equipment maintenance and repair to the City of Marshall. Councilperson Boedigheimer felt that if this transfer is approved that the city should then transfer the maintenance and repair to whoever takes over the Senior Nutrition Program. Barb Lipinski, Director Senior Center, was in attendance at the meeting and indicated that the Senior Citizen Commission is in favor of the city taking over the maintenance and repair of the nutrition equipment. Boedigheimer moved, Doyle seconded, that the proper city personnel be authorized to enter into an agreement with Western Community Action effective January 1, 1998 which provides for the transfer of the nutrition equipment including the maintenance and repair to the City of Marshall with the understanding that the cost of the equipment repair and replacement be build into the rental contract with which ever agency would b contracted for Senior Dining and reviewed yearly. All voted in favor of the motion.

Stores moved, Rowe seconded, the adoption of RESOLUTION NUMBER 1976, SECOND SERIES and that the reading of the same be waived. Resolution Number 1976, **Second Series** is a resolution authorizing the proper city officials to acquire land owned by McLaughlin Family Limited Partnership. This tract of land is needed for the Ditch 62 Project and the U. S. Army Corps of Engineers Flood Control Project. This tract of land contains approximately 81.11 acres of which a large portion is in the flood plain. Mike Johnson, City Administrator, indicated that no offer has been made by the city to purchase this property at this time. Keith Nelson, Director of Public Works/City Engineer indicated that bids for the Ditch 62 Project are to be received on May 20, 1997. All voted in favor of the motion.

Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1977, SECOND SERIES and that the reading of the same be waived. Resolution Number 1977, **Second Series** is a resolution determining the necessity for and authorizing the acquisition of

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certain property by proceedings in eminent domain. It was indicated that an appraisal of the property has been done and that an offer needs to be made in the near future. Boedigheimer suggested that the McLaughlin Family Limited Partnership be given 5 days in which to answer the offer before condemnation begins. Byrnes indicated that this needs to be handled in an appropriate and timely manner. All voted in favor of the motion.

A 5 minute recess was taken at this time.

Discussion was held at this time on the status of the Joint Law Enforcement Project with Lyon County. The revised proposal deletes 2,800 SF from the common or shared use space and adds it to the City's total. This results in an increase of approximately \$119,009 for the city. It was the general consensus of the council that the Joint Law Enforcement Project with Lyon County continue to proceed with the preparation of plans and specifications.

On April 1, 1997 Marvin Bahn, Director of Public Safety, submitted his resignation effective July 31, 1997. Mr. Bahn was in attendance at the meeting and thanked the current council and prior councils for all of their help and support throughout the years. Doyle moved, Boedigheimer seconded, the Letter of Resignation from Marvin Bahn be accepted. All voted in favor of the motion.

Councilperson Roggeman reviewed with the City Council and other people in attendance the financial commitment for the City participation in the transit merger. He indicated that the T.A.C. (Transit Advisory Committee) developed a start up budget for July, 1997 to December, 1997, all of 1998 and all of 1999; along with an operational design detail for the same period of time. Mr. Roggeman indicated that it would cost the city approximately \$5,000 to \$15,000 per year. Councilperson Boedigheimer indicated that when the city looks for proposals that they should predetermine what the city wants. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that the city currently has between 6-8 parttime drivers, the clerks offices provides the administration functions, and the street department provides the maintenance of the vehicles. He also stated the current system does not meet the needs of the general public. It was indicated that the state money would continue to come to the city and the city would transfer this plus additional money to the third party to operate the system under certain guidelines that have been set up. Councilperson Rowe was concerned if there is enough money in the budget for this. It was indicated that there is enough money in the capital account of the transit budget for the capital purchase. Rowe moved, Roggeman seconded, that a public hearing be scheduled for April 29, 1997 at 7:30 P.M. in the Council Chambers of the Municipal Building for the City of Marshall transit system change. All voted in favor of the motion.

Roggeman moved, Rowe seconded, and it was unanimously approved that the following plumbers licenses be approved effective March 1, 1997 at a fee of \$35.00:

Andrew Maertens DBA Andy Maertens Plumbing
John Bretzman DBA Crosstown Plumbing and Heating
Glenn Larson DBA Enviro Pump Plus

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Rodney Bruflat DBA Bruflat Plumbing and Heating
Michael Lund DBA Mike's Plumbing and Heating

Discussion was held on the application of a tobacco and off-sale beer license for Video and Music Latin. There was some concern about approving a license, since this was not a grocery store or a convenience store. Roggeman moved, Rowe seconded, the application for a tobacco and off-sale beer license for Video and Music Latin be tabled. All voted in favor of the motion, except Boedigheimer who voted no.

Keith Nelson, Director of Public Works/City Engineer, reviewed with the council a letter he has received from the Marshall Junior High School requesting some Safety Engineering Improvements for the Junior High School Area. These items of concern were:

- 1) To lower the speed limit on North 4th Street between West Marshall Street and West Lyon Street to 15 or 20 miles per hour.
- 2) Put in a flashing light with a sign warning of school pedestrian traffic either at 4th & Lyon for north bound traffic, or at 4th & Redwood prior to the pedestrian crosswalks.
- 3) Have two pedestrian crosswalks painted across North 4th over to both sidewalks on Redwood. The group felt that the crosswalks should be wider and have cross-striping on them.
- 4) Possibly having an adult school crossing guard placed at 4th & Redwood for student pedestrian crossing mornings and afternoons.

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1978, SECOND SERIES and that the reading of the same be waived. Resolution Number 1978, Second Series is a resolution reducing the speed limit from 30 mph to 20 mph during school hours on North 4th Street between West Marshall Street and West Lyon Street. It was indicated that the crosswalks would be painted in the spring. It was also indicated that parking is not allowed along 4th Street in front of the school. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

- | | |
|----------|---|
| Byrnes | <u>EDA</u> minutes are included in the City Council agenda packet; <u>Fire Department Relief Association</u> will be meeting on Tuesday and <u>Regional Development Commission</u> will be meeting on Thursday. |
| Roggeman | <u>Community Services</u> met last Wednesday and reports were given on the various activities; the <u>Planning Commission</u> and <u>Personnel Committee</u> will be meeting on Wednesday, April 16, 1997. |
| Stores | <u>Quarterly Employee Committee</u> will be meeting on April 29, 1997; <u>Marshall</u> |

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Celebrates - 125th has met and prepared a schedule which is included in your agenda packets; the Legislative and Ordinance Committee needs to schedule a meeting.

Edblom Cable Commission, Utilities Commission, Convention and Visitors Bureau have meeting schedules for later this month and the Ways and Means Committee has not met.

Boedigheimer Airport Commission met last Monday; Senior Citizen Commission will meet next Wednesday; Lyon County Enterprise Development had an article in the paper; Joint Law Enforcement Center was already discussed.

Doyle Housing Commission will meet on April 14, 1997; Human Rights Commission minutes are included in with the City Council agenda packets.

Rowe Insurance Advisory Commission no report; Library Board minutes are included in with the City Council agenda packet. The Library Board intends to interview in early fall and have an appointment made for the directors position by December.

Other items of concern brought forth by the Mayor and Councilmembers included: the Legislative and Ordinance Committee needs to draft an ordinance for changes which include the taking of the minutes and the check signing process, they also reviewed the draft of an ordinance in regard to the Liquor issues; a question was raised on when the City of Marshall will be getting a Home Page, it was indicated that Community Services is currently working on this; there was a concern about the plugged storm sewers and no one being at the Street Department during the evenings and weekends to answer questions; there is a need for a space utilization plan to begin for the municipal building; a letter was received from Joan Grove in regard to a polling place at SSU; it was indicated that there did not seem to be any problems with sewage backup like there was with the 1993 floods; it was indicated that the City of Marshall helped with the flooding and sand bagging in Granite Falls, Redwood Falls and Montevideo.

In regard to pending agenda items it was indicated that the annual city/county meeting needs to be scheduled and they talked about the council workshop.

Edblom moved, Roggeman seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE VOUCHER NO. 10800 through 10994.

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

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Richard & Robin Banbury
611 South 1st Street
Replace Window & Install Patio Door
\$3,000

Doom & Cuypers Construction
301 West Lyon Street
Remodel Restroom
\$6,600

REM-Marshall, Inc.
1005 North 4th Street
Interior Remodel
\$800

Paxton Signs
1420 East College Drive
Construct Sign
\$5,700

Sussner Construction
1200 East Lyon Street
Shelter Building
\$34,500

David A. Meier
1242 Patricia Court
Dwelling
\$155,000

Ewald Pagel
201 Cedar Lane
Safety Disclosure Repairs
\$200

Dulas Construction Company
1601 Halbur Road
Production Addition
\$51,000

Jeffrey D. Nielsen
623 Donita Avenue
Deck and Install Door
\$4,000

Olson & Johnson Trucks, Inc.
503 North Highway 59
Construct Sign
\$1,500

Thor's Handyman Service
103 East Main Street
Interior Remodeling
\$3,700

Vision Interiors
1420 East College Drive
Remodel Retail Space
\$15,300

Ronald Schilling
608 West Marshall Street
Exterior Remodel
\$2,000

Ruth Larsen
107 South 10th Street
Reside Dwelling and Replace Windows
\$3,500

Hisken Construction
103 Park Avenue
Bathroom Remodeling
\$20,000

Don & Lisa Raveling
807 Elaine Avenue
Residing and Install Windows
\$4,600

True Value Home Center
701 East Main Street
Dwelling
\$108,000

Michael DeBoer
407 South 1st Street
Install Patio Door
\$2,000

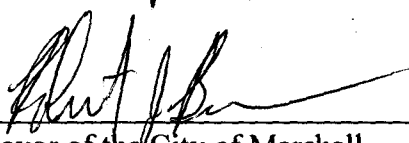
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Alan Roth
1207 Patricia Court
Deck
\$1,800

Russell Dulek
1303 Horizon Drive
Reroof Dwelling
\$3,600

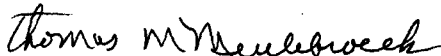
Lyon County Commission Member Gladis was in attendance at the meeting to observe and invite the council to attend the commissioners meeting at any time.

Upon a motion made by Stores, and seconded by Roggeman, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

BOARD OF REVIEW - APRIL 21, 1997

A continuation of the Local Board of Review was called to order at 7:15 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Doyle, Rowe, Edblom, Roggeman, Boedigheimer and Stores. Staff present at the meeting included: Appraiser Carole Snyder, Finance Director/City Clerk Thomas Meulebroeck, City Administrator Mike Johnson, City Attorney Brian Murphy and Deputy City Clerk Jane DeVries.

Mayor Byrnes indicated that the purpose of this meeting was to receive the City Assessor's report concerning the 1997 Board of Review appeals that were received at the meeting held on April 14, 1997.

Carole Snyder was in attendance at the meeting on behalf of the City Assessor who could not attend the meeting. Stores moved, Rowe seconded, the City Assessor Cal Barnett's report on the Board of Review be accepted as presented. This report provides for the following changes:

- 602 Elaine Avenue, 27-211-001-0 - reduce the value from \$92,500 to \$90,700.
- 413 South 4th St., 27-599-027-1 - reduce the value from \$181,900 to \$173,600.
- Rear 301 Jewett St., 27-527-012-3 - the subject value should be reduced from \$28,500 to \$14,000 for the period of one year to provide an opportunity for testing the market.
- 1102 and 1104 South 2nd St., 27-574-004-0 - this property should continue for the 1997 assessment year as 4 or more unit residential nonhomestead classification.
- 1400 South 4th St., 27-603-025-1 - classification change to homestead 1-3 residential units.
- 910 West Main St., 27-600-034-0 classification change to nonhomestead 1-3 residential unit.
- 108 Lilac Drive, 27-995-358-0 the value be reduced from \$15,400 to \$10,100 and classification change to homestead 1-3 residential units.

All voted in favor of the motion.

With no further business brought before the Local Board of Review, Rowe moved, Edblom seconded, the meeting be adjourned. All voted in favor of the motion.

REGULAR MEETING - APRIL 21, 1997

The regular meeting of the Common Council of the City of Marshall was held on April 21, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Doyle, Rowe, Edblom, Roggeman, Boedigheimer and Stores. Staff present at the meeting included: City Administrator Mike Johnson, City Attorney Brian Murphy, City Engineer/Director of Public Works Keith Nelson, Finance Director/City Clerk Thomas Meulebroeck and Deputy City Clerk Jane DeVries.

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.

Edblom moved, Doyle seconded, the approval of the minutes of the regular meeting held on April 7, 1997 as corrected and the minutes of the Local Board of Review and special meeting held on April 14, 1997 as filed with each member and that the reading of the same be waived. The corrections for the regular meeting on April 7, 1997 were to change the bid price of Duinink Brothers Inc., from \$669,237.60 to \$693,338.40; Gaub, Inc., from \$883,096.60 to \$879,359.60 and R & G Construction Co., from \$690,134.05 to \$690,116.05. All voted in favor of the motion.

The bids received, opened and read at 2:00 P.M. on April 17, 1997 in the Council Chambers of the Marshall Municipal Building for the reconstruction of "T" Hangar No. 5 at the Marshall Municipal Airport were as follows:

Bladholm Construction
Marshall, Minnesota
Base Bid \$38,593.00
Alternate No. 1 +\$6,570.00

Dulas Construction
Marshall, Minnesota
Base Bid \$47,450.00
Alternate No. 1 +\$6,800.00

Keith Nelson, City Engineer/ Director of Public Works, indicated to the council that the insurance company has agreed to cover the expenses minus the deductible and FEMA will be paying the amount of the deductible on the base bid. Edblom moved, Roggeman seconded, the bid for the reconstruction of "T" Hangar No. 5 at the Marshall Municipal Airport be awarded to Bladholm Construction in the amount of \$38,593.00 for the base bid. All voted in favor of the motion.

The bids were received, opened and read at 2:00 P.M. on April 21, 1997 for the boulevard tree trimming and branch disposal were as follows:

Schulte Line Clearing, Inc.
Hazel Run, Minnesota
Base Bid No. 1 \$28,500.00
Base Bid No. 2 \$23,950.00

Scott's Tree Service
Marshall, Minnesota
Base Bid No. 1 \$37,500.00

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Rowe moved, Roggeman seconded, the bid for the boulevard tree trimming and branch disposal be awarded to Schulte Line Clearing, Inc., in the amount of \$28,500 for area 1 and \$23,950 for area 2. Keith Nelson, City Engineer/Director of Public Works indicated that they would be done picking up branches by the middle of May and that the pruning should be complete by the first part of June. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Roggeman moved, Edblom seconded, that the variance adjustment permit for Thomas S. Percy at 514 East Main Street be approved. The variance allows Mr. Percy to construct a garage with a side yard setback of 5 ft. in lieu of the 10 ft. that is required by city code in an R-4 Higher Density Multiple Family Residence District. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Doyle moved, Stores seconded, the introduction of a preliminary plat for the Fairgrounds Addition and the calling of a public hearing on the preliminary plat. The County is platting this property for the purpose of defining the location of their buildings which will be used for leases, and other uses of the buildings. The public hearing is scheduled for May 5, 1997 at 7:30 P.M. All voted in favor of the motion.

Ron Jensen, Administrator Weiner Memorial Medical Center, was in attendance at the meeting requesting authorization from the city council to purchase equipment. The Weiner Memorial Medical Center is requesting authorization to purchase an Amsco Steam Sterilizer and a Steris System Processor in amount of \$51,951.00. Mr. Jensen indicated this will replace a Amsco sterilizer that is not longer economically feasible to repair. The Steris System Processor will be a new piece of equipment for the processing of scopes in their Endoscopy rooms. Store moved, Roggeman seconded, that Weiner Memorial Medical Center be granted authorization to purchase one (1) Amsco Steam Sterilizer and one (1) Steris System Process from Steris/Amsco Company in the amount of \$51,951.00. All voted in favor of the motion.

Discussion was held at this time on the request from Jacki Knigge, owner of the Daily Grind, to place tables and chairs on the sidewalk in front of her business. Keith Nelson, City Engineer/Director of Public Safety, indicated that if this request is granted the tables and chairs need to be placed 3 feet from the curb and 6 feet from the building. It was also suggested that this request be reviewed at the end of the first year and every 5 years thereafter. Stores moved, Rowe seconded, that the request from Jacki Knigge, owner of the Daily Grind at 316 West Main Street, to place tables and chairs on the sidewalk in front of her business be approved with the following conditions:

1. The tables and chairs are places as to permit clear access 6 feet wide next to the building and 3 feet wide from the curb.
2. This application be reviewed after 1 year and thereafter at 5 year intervals. All voted in favor of the motion.

Stores moved, Doyle seconded, the approval of change order no. 1 with Sussner Construction in the amount of \$520.00. This change order provides for the installation of wood blocking at the ceiling joints. This will improve the plywood sheet ceiling joint alignment. This change order will be paid from the Community Services budget. All voted in favor of the motion.

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Roggeman moved, Rowe seconded, the proper city personnel be authorized to write off outstanding ambulance accounts receivable in the amount of \$24,448.08. When the ambulance service was taken over by North Memorial on February 1, 1996 the accounts receivable was approximately \$92,000. Of the \$24,448.08 approximately \$14,000 has been turned over to the collection agency. The collection agency will continue to try and collect these amounts. Thomas Meulebroeck, Finance Director/City Clerk indicated that some people are making monthly payments on their accounts. It was also indicated that approximately 41% of all ambulance bills are uncollectible. All voted in favor of the motion.

Edblom moved, Doyle seconded, that the proper personnel be authorized to hold a public auction to sell approximately 27 vehicles, the old "Blue Goose" army truck, 10 bicycles and other miscellaneous city property. All voted in favor of the motion.

Boedigheimer moved, Roggeman seconded, the approval of RESOLUTION NUMBER 1979, SECOND SERIES and that the reading of the same be waived. Resolution Number 1979, Second Series is a resolution authorizing the proper city officials to execute a deed to convey the real estate owned by the City of Marshall. This resolution allows for the city to convey Lot One (1) of Block One (1) of MCP Industrial Park First Addition to MCP and Schwan's Sales Enterprises Inc., for the sum of \$147,180.00. All voted in favor of the motion.

At this time the Legislative & Ordinance Committee report was presented. The first item was for the tobacco license and off-sale beer license for Video and Music Latin. Stores moved, Rowe seconded, the application for a tobacco license and an off-sale beer license be granted to Video and Music Latin. The tobacco license will expire on December 31, 1997. The fee for this license is \$48.00. The off-sale beer license is at a fee of \$50.00 and will expire on December 31, 1997. All voted in favor of the motion.

The second item considered by the Legislative and Ordinance Committee was the effective dates for various City licenses. It was the general consensus that the effective dates for the various City license remain as they are.

The third item considered by the Legislative and Ordinance Committee was a duty revision for the Finance Director/City Clerk Department. Stores moved, Doyle seconded, that the duty revision for the Finance Director/City Clerk Department be recommended with full support of the City Council to Charter Commission. All voted in favor of the motion.

The last item considered by the Legislative and Ordinance Committee was related to the correspondence that was received from the Secretary of State's Office concerning polling locations. It was the general consensus of the council that Mayor Byrnes respond back to the Secretary of State on the city's position in regard to a polling place at SSU.

Discussion was held at this time on the selection process for the Director of Public Safety position. Proposals were received from the Brimeyer Group ranged from about \$8,500 to \$10,000, plus expenses, not including any fees for candidate assessment, psychological testing, compensation, package negotiation and performance evaluation; and a proposal from Labor Relations Associates which was at a cost not to exceed \$8,268, but did not include any assistance in the background/reference checks which would be at an hourly rate of \$74 per hour, nor did it include any assistance for the interviewing and psychological testing. Councilperson Boedigheimer was concerned with hiring a consultant when the city council and city staff is

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capable of doing this themselves. Roggeman moved, Edblom seconded, that the proper city personnel be authorized to enter into an agreement with Labor Relations Associates, Inc., for assistance in recruiting and selecting the Public Safety Director for the City of Marshall at a cost not to exceed \$8,268, but did not include any assistance in the background/reference checks which would be at an hourly rate of \$74 per hour nor did it include any assistance for the interviewing and psychological testing. All voted in favor of the motion, except Boedigheimer and Rowe who voted no.

Upon the recommendation of the Personnel Committee, Roggeman moved, Stores seconded, the adoption of RESOLUTION NUMBER 1980, SECOND SERIES and that the reading of the same be waived. Resolution Number 1980, 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. This resolution allows for the addition of Section 9 Miscellaneous Provisions Item No. 18 as it relates to the Personal use of City owned facilities, equipment and vehicles. This provision relates to full and part time employees and does not pertain to volunteer employees. Councilperson Boedigheimer was concerned about disciplinary action. It was indicated that this is covered in the personnel policy. City Administrator Mike Johnson indicated that this does not refer to the copy machine and fax machine. He stated that there is a fee structure set for the use of these machines. All voted in favor of the motion.

Upon the recommendation of the Personnel Committee, Stores moved, Roggeman seconded, the contract position for Engineering Technician be added as a City of Marshall fulltime employee. It was indicated that this position did not meet the qualifications to be classified as an independent contractor position. All voted in favor of the motion.

Doyle moved, Roggeman seconded, that the transient merchants license from Richard Allen Seipel DBA The Country Stop Inc., be approved. This transient merchants license allows for the sale of fresh produce from a Gazebo located at the Dairy Queen parking lot on East College Drive. The fee for this license is \$250.00 and the license shall expire on December 31, 1997. All voted in favor of the motion.

Roggeman moved, Edblom seconded, that the special vehicles licenses be granted to Robert Egly, James Zmeskal, Steven Kane, Robert Swisher and Robert Wilson to operate their golf cart type vehicle on designated streets within the City of Marshall. The fee for these licenses is \$25.00 and they shall expire on December 31, 1997. All voted in favor of the motion.

Edblom moved, Stores seconded, an on-sale temporary beer license be granted to the Marshall Softball Association. This license allows the Marshall Softball Association to sell non-intoxicating beer in the concession stand at the Marshall Softball Complex. The license is for the period May 12, 1997 to September 12, 1997 at a fee of \$100.00. All voted in favor of the motion.

Byrnes moved, Roggeman seconded, Jennifer Hey be appointed to the Community Services Advisory Board for a term to start March 1, 1997. This appointment is contingent upon the approval of the Marshall School Board. All voted in favor of the motion.

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Mayor Byrnes made the following appointments to the Downtown Development Committee:

Jim Babcock	Southwest State University, Member MMU Board
James Carr	Carr Properties
Bob Cool	Cool's Office Supply & Equipment
Joe Cool	Mister Cool's Clothing
Pat Foley	Lindsay-Ecowater Systems
Ron Halgerson	Group II Architects
Mike Henle	Henle Printing Company
David Jennings	Schwan's Sales Enterprises, Inc.
Bob Kaufman	Minehart, McKee, Anderson & Associates, Member EDA
Lyle Patzer	Patzer's Hardware Hank
Dan Saldner	Coca-Cola Bottling Company
Tracy Veglahn	Chamber of Commerce
Linda Erb	Convention & Visitors Bureau

This committee will also consist of City Staff, Mayor and Council.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA minutes are included in the City Council agenda packet; Fire Department Relief Association met on Tuesday; Regional Development Commission will meet on Thursday.

Roggeman Community Services Summer registration will beheld the first week in May; Planning Commission minutes are included in the City Council agenda packet; Personnel Committee minutes are included in the City Council agenda packet and the Quarterly Employee Meeting will be held on April 29, 1997 at 4 P.M.

Stores Hospital Board met earlier today, their first payment on the improvement bond issue is due May 1, 1997, they discussed Assisted Living at Hill Street, and that the parking lot at the hospital is too small; Marshall Celebrates - 125th plans are continuing, the county is hosting a reception for past mayors and council members; Legislative and Ordinance needs to meet again.

Edblom Cable Commission will met on Tuesday; Convention & Visitors Bureau will met on Wednesday; Utilities Commission met last week and discussed tele-communications and fiber optics.

Boedigheimer Airport Commission minutes are included in the City Council agenda packet, the Marshall Airport received the FAA/Governor's Award at the 1997 Minnesota Airport Symposium in Rochester; Senior Citizen Center Commission will met on Wednesday; Lyon County Enterprise Development will met in June; Joint LEC no report.

Doyle Housing Commission minutes are included in the City Council agenda packet; Human Rights Commission will met next month.

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Rowe Insurance Advisor Commission has not met; Library Board has started to work on their budget requests and there will be a meeting on Wednesday to discuss the process for hiring a new director.

Other items of concern brought forth by the Mayor and Councilmembers included: the branches and trees will be picked up in the next few weeks; the council would like to schedule a tour of the Airport and Hospital; it was indicated that there is a possibility of a hog lot being constructed and the city should meet with the county to discuss zoning around the city limits; the Mayor of Redwood Falls sent a letter thanking the City of Marshall for their help and support during the flood; it was indicated that the owner of the land used for the emergency levy North of Camelot Square will return the rent money to the renter for this 4.6 acre parcel and the city should consider reimbursing the owner for this; Keith Nelson has submitted an application to FEMA for reimbursement for costs associated with the flooding.

In regard to pending agenda items it was indicated that there will be a TAC Public hearing on Tuesday, April 29, 1997 at 7 P.M.; Mike Johnson, City Administrator, indicated that the City of Marshall did not receive any DTED Grant Money for this year, but they will apply for next year; the tour date for the Airport has been set for 5:30 P.M. on May 6, 1997; and that the City Council should review the property tax reform in the cities bulletin.

Roggeman moved, Edblom seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher No. 10995 through 11144.

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

D.W. Henderson
417 North 7th Street
Extend Overhang
\$500

Dorothy Yochem
510 West Lyon Street
Interior Remodel
\$500

Roger DeBaere
604 Kathryn Avenue
Exterior Remodel & Garage Addition
\$12,000

Geske Building & Supply
505 West Redwood Street
Reside Dwelling & Install Windows
\$13,000

Kesteloot Construction
1309 Horizon Drive
Reroof Dwelling
\$2,900

True Value Home Center
704 Nuese Lane
Family Room
\$13,200

True Value Home Center
102 "C" Street
Bedroom Addition
\$18,000

Cecil Naatz
1204 Horizon Drive
Finish Basement
\$4,000

REGULAR MEETING - APRIL 21, 1997

All Building Corporation
1200 North Highway 59
Additions to Repair Garage
\$1,500,000

True Value Home Center
1240 Patricia Court
Dwelling
\$110,000


True Value Home Center
1244 Patricia Court
Dwelling
\$176,000

Slagel Construction
405 Southview Drive
Deck Roof
\$1,600

Slagel Construction
506 Donita Avenue
Reside Dwelling
\$3,000


Babcock Construction
404 South Hill Street
Install Window
\$500

Upon motion made by Doyle, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

REGULAR MEETING - MAY 5, 1997

The regular meeting of the Common Council of the City of Marshall was held on May 5, 1997. The meeting was called to order at 7:30 p.m. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Rowe, Doyle, Edblom, Roggeman, Boedigheimer and Stores. Staff present at the meeting included: Calvin Barnett, City Assessor; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Kim Jergenson, Senior Engineering Tech; and Dave Marks, Fire Chief.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the deletion of Item #5 which was the consideration of an agreement with Robert L. Car for the location of a levy.

Rowe moved, Doyle seconded, that the minutes of the April 21, 1997 Board of Review and the minutes of the regular City Council meeting held on April 21, 1997 be approved as corrected 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 hear comments from the general public in regard to the Birch Street reconstruction project. Mayor Byrnes provided introductory comments to the public hearing. Mayor Byrnes then turned the public hearing over to Keith Nelson, Director Public Works/City Engineer to review the assessments and the process for determining the assessment for the improvements on Birch Street. Mr. Nelson reviewed the area where there is a problem with the storm sewer and did indicate that the assessments for the Ditch 62 Project will be paid by a FEMA grant as well as for the storm sewer improvements on Minnesota Street to Birch Street. The low bid that was received for this project was \$690,116.05. With this amount and the administrative and engineering cost of \$82,813.92 the total cost of this project is \$772,929.97. Included in this project is street construction cost of \$357,820.11 and storm sewer construction cost of \$415,190.86. Mr. Nelson indicated that the assessment for the Southwest State University and the Southwest State University Foundation were sent to one and the same address and have been included under the Southwest State University in the assessment roll. The assessment roll has been revised to separate out the assessments for Southwest State University and the Southwest State University Foundation roll. Those property owners in attendance at the meeting were advised that the property owners adjacent to Birch Street will be assessed for street improvement and storm sewer improvements also. All other properties in the area will only be assessed for the storm sewer improvements. Clarence Simonsen, 300 Walnut Street, was concerned with the route of the storm sewer. Mr. Simonsen was advised the proposed storm sewer is for Birch Street and all those properties within the water shed for this storm sewer would be assessed. Bernie Archbold, 507 Lincoln Street, was concerned with the assessment for the cemetery. Mr. Archbold was advised that the cemetery can not be assessed for an improvement and that this is dictated by State statute. The assessment for the cemetery would be borne by the City and not assessed to other property owners. Warren Larson, 403 North Minnesota Street, indicated that the storm water from his area went into Ditch 62 and was concerned as to why he was being assessed for the Birch Street project as well.

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A concern was raised in regard to the holding pond in Taylor Addition and that if the pond was deep enough it should hold and resolve some of the water problem in the area. It was indicated that there was a berm placed around the edge of this pond to hold the water but by placing this berm around the pond it does not allow the water to go in it. Mr. Nelson was not fully aware of the circumstances with this pond but did indicate that he would check the situation out more closely. Mr. Nelson indicated that this pond is not intended to hold the water permanently it is only a temporary solution and that he thought that there were pipes that drained water into the pond that were below the berms. A concern was raised as to whether the City would be adding any additional pipes into the storm sewer system if there were any new developments in that area of town. It was indicated that this storm sewer is designed to take care of the storm sewer for the watershed district as identified on the maps provided at this meeting. George Jacob did address property at 1004 North 4th Street which is near the pond in Taylor's Addition and did indicate that the pond is at the same level as the property adjacent to it and did not believe that it was feasible for water to flow from the area into this pond especially with the berm around the pond. Warren Larson addressed the storm sewer problem on Minnesota Street and did strongly believe that the improvements to Ditch 62 would resolve many other problems to this area. Mr. Larson also stated that the County should not have allowed the City to install pipes to flow into Ditch 62 causing problems for this area. Mr. Larson indicated that the pipe in Ditch 62 is a 32 inch pipe and that with the additional hard top that has been put into place in this area and that with the County allowing the City to drain into Ditch 62 it has created additional problems for the area. A question was raised as to whether or not this area would be removed from the flood plain once these improvements are completed. It was indicated that once the improvements are done to the Redwood River the City would be requesting action for some potential changes to the flood plain area. Those in attendance at the meeting were advised that it is the intent that the flood control project would be completed by the year 2000. Joyce Strootman on behalf of the SSU Foundation indicated that the foundation owns eight lots which are unimproved and was concerned as to whether or not the assessments for these lots could be deferred until such time this property is developed, since there is no income generated from these lots at this time. Tom Bjerke expressed a concern with the address identified for his property. Mr. Bjerke indicated that his property is addressed 204 North State Street and not 204 State Street. Mr. Bjerke was advised that he would not be assessed for any street assessment for this project. Don Schroeder, 213 North Hill, was concerned with the formula that was used for determining the assessments for various lots. Mr. Nelson indicated that the assessments were based on the lot size. Mr. Schroeder was concerned with the assessments for the property at 214 North Hill Street. James Hartke, 402 Bruce Street, also questioned if his property would be assessed for the street improvements in addition to the storm sewer improvements. Mr. Hartke was advised that he would only be assessed for the storm sewer improvements. Gayle Murphy was concerned about any future developments in this area and the effects that this may have on the storm sewer. Ms. Murphy was advised that the City does not foresee any development in this area that would affect the storm sewer project. Letters of concern or opposition to the assessments were received from Dr. A.A. Alswager, 701 East College Drive; Donald Schroeder, 213 North Hill Street; and Joe Bot, for the property at 405 Hudson Avenue. With no further concerns brought before the public hearing, Edblom moved, Roggeman seconded, that the public hearing be closed. All voted in favor of the motion.

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The City Council did discuss at this time the deferring of assessments for senior citizen hardships and the deferral assessments for non-profit property.

Edblom moved, Roggeman seconded, the adoption of RESOLUTION NUMBER 1981, SECOND SERIES, as amended and that the reading of the same be waived. Resolution Number 1981, Second Series, is a resolution adopting the assessment for the Birch Street Project 1997-001. The resolution was amended to include the separation of the assessments for the Southwest State University and the Southwest State University Foundation and other minor adjustments to the assessment roll. A discussion was held at this time in regard to the provision for senior citizen deferrals and the deferrals of non-profit organizations. Boedigheimer moved, Rowe seconded, the resolution be amended to provide for the assessments to not be assessed any interest if they are paid by November 15, 1997. This resolution provides for those assessments not paid by November 15, 1997 to be paid in 8 equal installments at 8% interest effective November 15, 1997. All voted in favor of the amendment. All voted in favor of the motion as amended.

Those in attendance at the meeting were advised that it is the intent that the improvements for the Birch Street project would begin towards the end of June or first part of July 1997.

This was the date and time set for a public hearing to consider the preliminary plat for a Fairgrounds Addition. Those in attendance at the meeting were advised that the purpose for this preliminary plat was to define the location of the buildings which will be used for leases and other uses of these buildings. There is no intention for any properties to be sold. No questions or concerns brought forth. Rowe moved, Doyle seconded, the public hearing be closed and that the preliminary plat for the Fairgrounds Addition be approved as presented. All voted in favor of the motion.

Roggeman moved, Rowe seconded, the adoption of RESOLUTION NUMBER 1982, SECOND SERIES, and that the reading of the same be waived. Resolution Number 1982, Second Series, is a resolution authorizing the proper City personnel to enter into an agreement with the Minnesota Department of Transportation Agreement Number 75998 for the State to provide to the City \$265,000 for the cost of milling and overlaying Trunk Highway No. 59 from Trunk Highway No. 23 to Trunk Highway No. 19 within the corporate City limits of Marshall. All voted in favor of the motion.

A discussion was held at this time in regard to the request from Southwest State University for the funds committed by the City of Marshall in the amount of \$100,000. The City's commitment to assist in the construction of an access road off Birch and/or State Street to the R.A. Facility. Gary Cinnamon, Director of Campus Facilities, was in attendance at the meeting to address the request with the City Council. Mr. Cinnamon indicated that the project is being designed by Bolton and Menk and is the intent to receive bids in early to mid June with the construction of the project to be completed by August 20, 1997. Mr. Cinnamon stated that the college is required to have all funding in place prior to going out to bidding. A concern was expressed with the potential of what may happen with the \$100,000 being committed for this project if the City agrees to give the \$100,000 to Southwest State University at this time and they have a change in mind in regard to the project.

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and/or the project does not take place. Rowe moved, Stores seconded, that the proper City personnel be authorized to forward to the Southwest State University \$100,000 from the City of Marshall Municipal State Aid Account for the construction of an access road off Birch and/or State Street to the R.A. Facility at Southwest State University. All voted in favor of the motion except Roggeman and Boedigheimer who voted no.

Dave Marks, Fire Chief, was in attendance at the City Council meeting to request authorization to purchase a one ton dual wheel pickup for the Fire Department. Mr. Marks indicated that the cost of the pickup plus the equipment that needs to be added to the pickup would be approximately \$23,000. Mr. Marks indicated the requests for the City to purchase the vehicle and that the Fire Department would reimburse the City from its fund raising if the City is willing to purchase the vehicle up front and provide a loan to the Fire Department. Mr. Marks indicated that the Fire Department would pay \$6,500 up front and hopefully be able to pay an additional \$5,000 in the fall of 1997 and that the remaining amount be reimbursed to the City one-half in the fall of 1998 and the remaining half in November 1999. Rowe moved, Roggeman seconded, the proper City personnel be authorized to purchase the 1995 Dodge one ton dual wheeled, 4 door pickup from Marshall Ford at an amount of \$21,500 and that with the additional equipment that needs to be added to the pickup totalling \$23,000 would be paid from the City of Marshall General Fund with the understanding that the Fire Department fund would reimburse the City \$6,500 at this time and \$5,000 in the fall of 1997 and the remaining amount one half would be repaid over the next two years. This would require an adjustment to the Fire Department Capital Equipment Account 101-50352-5550 in the amount of \$23,000 with the corresponding revenue account 101-36452 for the reimbursements of \$23,000 and that a receivable be set up for the Fire Department to reimburse the City \$5,000 December 1, 1997 and for the remaining amount due on the vehicle payable to the city on December 1, 1998 and the remaining amount on December 1, 1999. All voted in favor of the motion.

Edblom moved, Doyle seconded, the proper City personnel be authorized to execute an agreement with Moseng Land Surveying to provide surveying services to the City of Marshall for the Corp of Engineers Flood Control Project in surveying the easements for the flood control along the Redwood River. Surveying rates for this project are \$66 per hour for a two man crew, \$85 per hour for a three man field crew and \$36 per hour for any office time. All voted in favor of the motion.

Mayor Byrnes called for a five minute recess at 8:55 p.m.

Doyle moved, Stores seconded, permission be granted for a parade on July 6, 1997 for the 125th Anniversary of the City of Marshall. The parade will begin at 1:00 p.m. from Independence Park and will proceed down East Lyon Street to Main Street and down Main Street to 5th Street. This parade route had previously approved by the Minnesota Department of Transportation. All voted in favor of the motion.

Edblom moved, Stores seconded, a one day temporary non-intoxicating beer license be

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granted to the Marshall-Minneota Jaycees for a volleyball tournament to be held on July 5, 1997 at Independence Park. This volleyball tournament is being held in conjunction with the 125th Anniversary of the City of Marshall. All voted in favor of the motion.

Stores moved, Rowe 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 Minnesota Lawful Gambling Application for Authorization for an Exemption from Lawful Gambling License for the Jaycees to conduct a raffle in conjunction with the 125th Anniversary celebration for the City of Marshall and that the 30 day waiting period be waived. All voted in favor of the motion.

Edblom moved, Stores seconded, the approval of a three month on-sale non-intoxicating beer license for the Marshall Baseball Association to be used at their concession stand at Legion Field from May 14, 1997 to August 14, 1997 at a fee of \$75. This license was approved contingent upon the Baseball Association providing a certificate of insurance. All voted in favor of the motion.

Doyle moved, Roggeman seconded, Jack Schroeder be granted a special vehicle license to operate a golf cart type vehicle on designated streets within the City of Marshall for the calendar year 1997 at a fee of \$25. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions, and boards were as follows:

Byrnes EDA and Fire Relief Association - have not had a meeting. RDC - will be meeting on May 8, 1997 to develop a budget effective July 1, 1997. The levy for the RDC is \$202,000 which is set by state statute. The budget being proposed includes a three percent increase for employees salaries. The City of Marshall is being requested to update its housing study which was done in 1994.

Roggeman Community Services - the registrations for summer activities is taking place on May 5, 1997 at the same time the City Council meeting is taking place. Personnel Committee of the City Council - met on May 5, 1997 from 6:00 p.m. to 7:00 p.m. to receive input from the general public in regard to the Director of Public Safety position. The information that has been received in regard to the Director of Public Safety position will be reviewed at the May 12, 1997 Mayor and Council retreat.

Stores Marshall Celebrates 125th Anniversary Committee - progress is being made on finalizing the details for this event which will be held over the July 4th weekend. Ellayne Conyers was recognized for the amount of effort and work that she has put into organizing this event and especially for the work she does for the Historical Society. Many hours have been put forth in

REGULAR MEETING - MAY 5, 1997

formulating the book for the 125th anniversary of the City of Marshall. It is the intent that this book would be available by June 10, 1997. Legislative and Ordinance Committee - needs to meet.

- Edblom Convention and Visitors Bureau - did tour the R.A. Facility at Southwest State University. Cable Commission - is currently one member short on this committee. This committee did take a look at the potential cost of updating the microphone system in the Council Chambers. It is estimated that the cost for upgrading to this system would cost approximately \$40,000.
- Boedigheimer Airport Commission - the Airport Symposium was held in Rochester on April 23 & 24, 1997 with a number of attendees from the City of Marshall were in attendance and they did receive the FAA Governor's Award which was presented to the City of Marshall at the banquet of this symposium for the improvements that have been made to the Marshall Municipal Airport.
- Doyle Human Rights - at the past Monday's meeting they had the final approval of the Bias Hate Crime Response Plan which is to be submitted to Brian Murphy for his legal review.
- Rowe Library Board - the Personnel Search Committee will be meeting on May 8, 1997.

Other items of concern brought forth by the Mayor and Council included: An invitation to the Adult Learning Center Graduation on May 21, 1997; a request was made for the Council to receive an explanation of who and what the GED and Alternate School Programs are and how these two programs are different; the retreat for the Mayor and City Council will be held on May 12, 1997; a request was made for the Council to receive a list of those streets which are intended to be overlaid in 1997; along with the list of streets a brief explanation was requested as to when the plans are to complete this project; it was indicated that each year there is money budgeted for overlays and the bid is usually done in August with the work done in the fall; a comment was made in regard to an article that was in the recent League Bulletin in regard to the tobacco issues that have been discussed; also included in the recent League Bulletin was the changes in the local government aid and HACA payments to the governmental agencies; favorable comments have been received in regard to the tree pickup and clean up; it is the intent that the clean up will be done by May 24, 1997 and that the pruning would be done by June 7, 1997; the City is currently receiving applications for the various boards and commissioners and it was indicated that there are approximately 16 individuals needed for the various boards and commissions.

In regard to the various appending agenda items: Keith Nelson, Director of Public Works/City Engineer, indicated that the bids for the Main Street Improvements and 4th Street Improvements will be received on May 30 with the intent of possibly having a special City Council meeting towards the end of June for the public hearing on these improvements.

REGULAR MEETING - MAY 5, 1997

Edblom moved, Rowe seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE VOUCHER #11145 through 11293

The building permits previously approved by the Building Official were confirmed.

Barry Brands
1204 Patricia Court
Dwelling
\$110,000

Joseph Andries
506 South 1st Street
Demolish Porch and Construct Porch
\$1,000

The Country Stop, Inc.
1206 East College Drive
Temporary Structure
\$0

Robert & Valerie Braun
621 Kathryn Avenue
Install Window & Finish Family Room
\$2,200

True Value Home Center
313 South 1st Street
Family Room Addition
\$17,800

Craig Lamote
511 East Main Street
Reside Dwelling
\$1,700

Thor's Handyman Service
904 Willow Street
Replace Windows
\$2,000

Thor's Handyman Service
1102 Washington Street
Sunroom Addition
\$6,000

Brian Bohn
1205 Patricia Court
Deck
\$1,500

Don Votava
307 Sunrise Lane
Replace Deck
\$1,900

Hisken Construction
120 South High Street
Dwelling Addition
\$40,000

Julius Coudron
105 West Marshall Street
Reroof Dwelling
\$3,500

Robert L. Carr
205 West Saratoga Street
Elevator Installation
\$30,000

Sussner Construction
208 East College Drive
Interior Remodeling
\$4,500

Don & Karen Larson
513 Kendall Street
Construct Garage
\$5,000

Scott & Michelle Wajer
609 West Southview Drive
Dwelling Addition
\$20,000

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Steve Baumann Construction
500 Summit Street
Reside Dwelling
\$4,800

Johnson Construction
603 South 1st Street
Replace Door
\$900

John DeVos
619 Thomas Avenue
Basement Remodel
\$3,000

Elaine Snyder
1301 Englewood Road
Fence
\$3,000

Scott Saugstad
301 Elaine Avenue
Deck
\$1,200


Minnesota Corn Processors
1800 North 7th Street
Manufacturing Building
\$30,000

George Mead
404 Kathryn Avenue
Replace Window
\$1,400

James Gladis
401 Viking Drive
Replace Deck
\$2,300

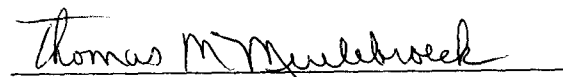
Bladholm Construction
400 West Main Street
Interior Remodeling
\$53,000

Upon motion made by Roggeman, seconded by Doyle, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall, Minnesota

ATTEST:



Finance Director/City Clerk

REGULAR MEETING - MAY 19, 1997

The regular meeting of the Common Council of the City of Marshall was held on May 19, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Rowe, Doyle, Edblom, Roggeman, Boedigheimer and Stores. Staff present at the meeting included: Brian Murphy, City Attorney; Mike Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Marvin Bahn, Director of Public Safety; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the addition of item 12a which is the request from Lyon County Historical Society to close off Third Street between Main and Lyon on July 5, 1997 from 9:00 A.M. to 6:00 P.M.; and that the City Council consider the revised agreement for number 16 which was an agreement with Robinson Appraisal Services for the U.S. Army Corp of Engineers Project.

Rowe moved, Edblom seconded, that the minutes of the regular City Council meeting held on May 5, 1997 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Roggeman moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1983, SECOND SERIES and that the reading of the same be waived. Resolution Number 1983, Second Series is a resolution approving the Final Plat for Fairground Addition, Outlots 1-10. All voted in favor of the motion.

Roggeman moved, Stores seconded, the introduction of an ordinance to rezone portions of Outlot B and Outlot C of the Villages Addition from R-2 (One to Four Family Residence District) / R-4 (High Density Multiple Family Residence District) to R-4 (Higher Density Multiple Family Residence District) at the 600 block of Village Drive. The public hearing was scheduled for the next regular City Council meeting on June 2, 1997 at 7:30 P.M. Councilperson Boedigheimer was concerned about the council taking action on this request since the Planning Commission denied this request. Councilperson Rowe asked if this request could be sent back to the Planning Commission. City Attorney Brian Murphy indicated to the council that they needed to act on this request as presented. If the application is denied Carr Properties can make modifications to their request and reapply to the Planning Commission. All voted in favor of the motion.

Stores moved, Roggeman seconded, that the proper city personnel be authorized to enter into an agreement with BRW, Inc., for the design of a traffic signal light at East Main, Lyon Street and "C" Street. The cost of this agreement will be split equally between the City of Marshall and the State of Minnesota Department of Transportation. Construction for this traffic

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signal will begin in the spring of 1998 at which time "C" Street South is to be widened. It was indicated that part of this would be completed this year when other work is being done on East Main Street. All voted in favor of the motion.

Stores moved, Doyle seconded, the proper city personnel be authorized to enter into an agreement with Robert L. Carr. This agreement provides for the levee North of Camelot Trailer Park to remain in place until such time that the Flood Control Project is completed. The City of Marshall will pay \$750.00 per year to compensate for the lost farmable property which is approximately 4.5 acres of land. This action requires a transfer from the Mayor and Council Contingency 101-40141-7210 to the City Engineer Account number 101-60162-3312. All voted in favor of the motion.

Rowe moved, Roggeman seconded the proper city personnel be authorized to enter into agreements with Carr Properties, the Marshall Cemetery Association and Fairfield Apartments for easements for the Birch Street reconstruction project. The easement with Carr Properties and the Marshall Cemetery Association are for the purpose of draining runoff behind the curb along Birch Street and will directly benefit the individual properties. No compensation was given for these two easements. The third easement was with Fairfield Apartments at a cost of \$1,000. This easement allows for the construction of a main line storm sewer pipe and will benefit the entire project. All voted in favor of the motion.

Doyle moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1984, SECOND SERIES and that the reading of the same be waived. Resolution Number 1984, Second Series is a resolution correcting Resolution Number 1904, Second Series, Approving the Final Plat of Minnesota Corn Processors Industrial Park First Addition. Resolution Number 1984, Second Series corrects the description of the property from Block 1, Lot 1 to "Block 1, Lots 1 and 2". All voted in favor of the motion.

Rowe moved, Stores seconded, the approval of Amendment No. 1 to Engineering Agreement with Bolton & Menk, Inc., for County Ditch No. 62. This amendment is for professional services by Bolton & Menk, Inc., for engineering services during the construction phase of County Ditch No. 62. The cost for these services is based on the hourly charges described in the original agreement, the estimated cost of the amendment to the contract is approximately \$160,000. All voted in favor of the motion.

Discussion was held at this on the sandbags which were purchased from Lyon County Emergency Management. It was indicated that these sandbags were used by the City of Marshall and several other cities. Some of these cities have indicated that they reimburse the City of Marshall for the cost of these sandbags. It was the general consensus of the city council that once all of the other cities have reimbursed the City of Marshall for these, then a supplemental appropriation would be made to cover the cost of the remaining sandbags.

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Roggeman moved, Edblom seconded, that traffic be restricted on 3rd Street from Lyon Street to Main Street on Friday, June 6, 1997 from 6:00 P.M. to 9:00 P.M. for the "Shades of the Past" Car Club. All voted in favor of the motion.

Marvin Bahn, Director of Public Safety, was in attendance at the meeting to request authorization to receive bids for a police 4-wheel drive unmarked vehicle. He was requesting to receive bids on a medium size unit such as a Tahoe, Yukon, Expedition. He felt that a medium size vehicle would go through more snow and provide more room inside for passengers. Councilperson Boedigheimer was concerned with the cost of a medium size unit versus a small size unit. Boedigheimer moved, Rowe seconded, that the proper personnel be authorized to advertise for bids for a medium size and a small size 4-wheel drive vehicle for the Police Department with a trade in of a 1992 Chevrolet S-10. These bids are to be received at 2:00 P.M. on Thursday, June 5, 1997. All voted in favor of the motion.

Stores moved, Doyle seconded, the approval of a permit to purchase fireworks to the City of Marshall, Community Services for a display at Independence Park on July 4, 1997 and July 6, 1997. These fireworks are to be set off by the Fire Department personnel with the help of Ghent and Lynd Fire Departments. Personnel from the Marshall Fire Department have received training in setting off fireworks and will train the other fire department personnel who will be helping. All voted in favor of the motion.

Stores moved, Rowe seconded, that Third Street between Main Street and Lyon Street be blocked off on Saturday, July 5, 1997 from 9 A.M. to 6 P.M. to enable activities to take place in front of the museum during the 125th Celebration. The Lyon County Historical Society also requested that the City of Marshall not sell the Blue Goose at the city auction. All voted in favor of the motion.

Mark Farrell, Executive Director of the Marshall Housing Commission, was in attendance at the meeting to request the purchase of a vacant lot owned by the City of Marshall at 108 North First Street. They intend to use this piece of property to expand their existing parking lot at Parkview Apartments. No action was taken on this request at this time.

Mark Farrell, Executive Director of the Marshall Housing Commission, had requested a discussion on the City of Marshall's commitment of \$15,000 to the Down Payment Assistance Program. This \$15,000 was pledged by the City of Marshall contingent upon the Housing Commission being able to accumulate \$60,000 from the public and private revenue sources within Lyon County. The Housing Commission has only be able to raise \$51,000 and was concerned if the city would be willing to contribute the \$15,000. Councilperson Boedigheimer indicated that the city agreed to pledge 15% of the \$60,000 which is \$15,000, but felt that since the Housing Commission was not able to raise the \$60,000 the city should only pledge 15% of the \$51,000. It was indicated that the grant would be in the amount of \$51,000 and would provide the Housing Commission with \$102,000 for the Down Payment Assistance Program.

REGULAR MEETING - MAY 19, 1997

Roggeman moved, Doyle seconded, that the City of Marshall continue with their original commitment of \$15,000 and that there be a transfer from the Mayor and Council Contingency Fund 101-40141-7210 to Mayor and Council General Professional Services 101-40141-3311 to allow for the expenditures.. All voted in favor of the motion, except Boedigheimer who voted no.

Edblom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 1985, SECOND SERIES and that the reading of the same be waived. Resolution Number 1985, Second Series is a resolution declaring a vacancy in the Common Council and providing for a special election to fill the vacancy of Eugene Roggeman who is resigning from the City Council First Ward effective June 6, 1997. The special election will be held on July 22, 1997. All voted in favor of the motion.

Stores moved, Doyle seconded, that Michael Johnson, City Administrator, be granted authorization to attend the ICMA Conference in Vancouver, Canada on September 14-17, 1997. All voted in favor of the motion.

Rowe moved, Edblom seconded, that the proper city personnel be authorized to enter into a contract for Appraisal Services with Robinson Appraisal Services for the U. S. Army Corps of Engineers Project. These appraisals need to be completed by the spring of 1998. Prior to the appraisal being completed each piece of property must have a survey completed. Because of the timeline it is the intent to have four properties surveyed and then have the same four properties appraised. This will speed up the process and hopefully all of the acquisitions will be completed on time. The cost for these services per the proposal is \$1,250.00 per parcel for 25 parcels for a total of \$31,250.00. All voted in favor of the motion.

Stores moved, Doyle seconded, the renewal of a two Special Vehicle Permits for Michael Boedigheimer (Hal's Pals) for the calendar year 1997. The fee for these permits is being waived. These carts and trailers are used to provide rides at the nursing home for their residents. All voted in favor of the motion, except Boedigheimer who abstained.

Edblom moved, Stores seconded, the approval of a one day on-sale beer license for the Marshall Eagles Club at a fee of \$25.00. This license is to be used on June 7, 1997 at the Lyon County Ice Arena for the Shades of the Past dance. All voted in favor of the motion.

Rowe moved, Edblom seconded, the approval of a one day consumption and display license for the Marshall Eagles Club. This license also needs to be approved by the State of Minnesota. There is currently no fee set for this license, but it was agreed that \$25.00 would be charged for the one day consumption and display license. This license is to be used on June 7, 1997 at the Lyon County Ice Arena for the Shades of the Past dance. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions, and boards were as follows:

REGULAR MEETING - MAY 19, 1997

Byrnes No report.

Roggeman No report.

Stores Hospital Board discussed Hill Street and indicated there are 75 people on the waiting list, the year 2000 conversion was discussed, and there are 6 candidates for the CEO position; 125th Celebration is moving forward, the City Council needs to decide how many units they will have in the parade.

Edblom Cable Commission met last week; Utilities Commission will meet Tuesday and Ways and Means Committee will meet on Wednesday.

Boedigheimer Airport Commission minutes are included in the agenda packet; Senior Citizen Center Commission did not meet; Lyon county Enterprise Development will meet on Tuesday; Joint LEC did not meet, but there is a packed of information included in you agenda packet.

Doyle Housing Commission meet last week and their minutes are included in your agenda packet; Human Rights Commission will meet on June 2, 1997.

Rowe Insurance Advisory Commission will meet on Thursday; Library Board met last week and ciscussed their budget

Other items of concern brought forth by the Mayor and Council included: the personnel committee needs to meet; the retreat was excellent, Jeff Kruse and Linda Nelson did a good job; the personnel committee would work with Jeff and Linda; the pot holes on East College Drive by Super American need to be fixed; an overlay on East Main Street from HyVee to College Drive will be done; the city has been receiving good applicants for their boards and commissions; the tree pickup is almost complete and there have been almost no complaints; the council would like to receive a monthly report by department; Ted Rowe was asked to serve on the Personnel Committee and Don Edblom to serve on the Planning Commission on an interim basis; Community Services, Joint Lyon County Law Enforcement and Legislative and Ordinance Committees do not have anyone to serve on an interim basis; Roggeman will be able to attend the Transit Advisory Committee meeting but indicated that another or other council members should also attend.

There were no pending agenda items discussed.

Edblom moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher No. 11294 to 11467.

REGULAR MEETING - MAY 19, 1997

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

Michael A. DeBoer
1205 Parkside Drive
Basement Remodel
\$3,000

Michael A. DeBoer
506 Carlson Street
Replace Steps
\$400

Jeffrey & Sharon Wenker
504 Lynd Street
Reroof Dwelling & Replace Steps
\$1,700

Robert L. Carr
205 West Saratoga Street
Interior Remodeling--Addl. Work
\$15,000

REM-Marshall, Inc.
1005 North 4th Street
Replace Steps & Replace Deck
\$2,500

Hiller Development Company
1107/1109 Eastwood Avenue
Two-Family Dwelling
\$125,000

Lee Lingbeek
616 Soucy Drive
Deck
\$800

Lyon County
Fairgrounds Road
Reroof Horse Barn
\$7,900

Randy & Cindi Viessman
303 Gray Place West
Replace Deck
\$1,000

Lawerence & Blanche Filter, Sr.
203 Lucille Street
Reroof Garage
\$600

Dawn DeSchepper
206 East Lyon Street
Replace Windows & Reside Dwelling
\$7,000

Heartland Food Company
112 South 6th Street
Reroof
\$29,700

Greig & Gregerson
313 East Main Street
Interior Remodel & Install Windows
\$1,600

Bladholm Construction
508 West Main Street
Loading Dock Addition & Entry
Remodel
\$32,000

True Value Home Center
105 Whitney Circle
Dwelling-Additional Work
\$117,000

Leo Bass
1302 Parkside Drive
Replace Steps
\$100

REGULAR MEETING - MAY 19, 1997

Jordy J. Beek Construction
124 East Saratoga Street
Family Room
\$13,000

Russell Dulek
704 Marguerite Avenue
Reroof Dwelling
\$2,500

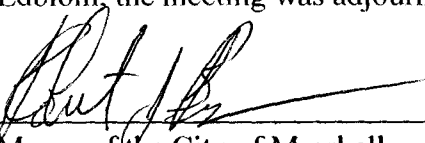
Harry & Margaret Morland
507 Kathryn Avenue
Install Door & Construct Deck
\$800

Geske Building & Supply Co.
121 North 3rd Street
Awning
\$3,800

Patrick J. & Jacqueline M. Louwagie
805 Viking Drive
Dwelling
\$100,000


Thomas M. Meulebroeck, Financial Director/City Clerk, briefly reviewed with the council the public hearing held on April 29, 1997 on the transit system and indicated that Western Community Action is looking for the City of Marshall to continue its support. Specs are being put together and will be available at their next meeting on May 27, 1997.

Upon motion by Stores, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

Attest:



Finance Director/City Clerk

REGULAR MEETING JUNE 2, 1997

The regular meeting of the Common Council of the City of Marshall was held on June 2, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Rowe, Doyle Edblom, Roggeman, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Brian Murphy, City Attorney, Mike Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the addition of item 13a which is a request to consider an ordinance to amend section 5.60 of the City Charter regulating hours and days of sale of liquor.

Rowe moved, Roggeman seconded, that the minutes of the regular City Council meeting held on May 19, 1997 be approved as corrected and as filed with each member and that the reading of the same be waived. The correction to the minutes provides for the date of the special election to be included in the motion adopting Resolution Number 1985, Second Series. All voted in favor of the motion.

This was the date and time set for a public hearing on the request of Carr Properties to rezone portions of Outlot B and Outlot C of the Villages Addition from R-2 (One to Four Family Residence District) / R-4 (High Density Multiple Family Residence District) to R-4 (Higher Density Multiple Family Residence District) at the 600 block of Village Drive. Keith Nelson, Director of Public Works/City Engineer reviewed with the council and those in attendance at the meeting the request by Carr Properties. James Carr was present at the meeting to discuss the request with the City Council. He indicated that the intent is to build an assisted living/congregate housing project on this parcel of land. This will be a 3 story unit with access to the unit on Village Drive; the unit would be set back 150' from Fairview Street; this project would be constructed in 3 phases with there being 140 units when phase 3 is completed. Councilperson Roggeman wanted to know if this was rezoned from R-2 to R-4 and divided in half how many units could be constructed. Keith Nelson indicated that he did not have an answer at this time. Councilperson Boedigheimer was concerned about the distance from the property on the south side; he indicated that if this unit was moved further down on the lot they would not need to rezone; he was concerned about the garages being so far from the apartment units. It was indicated that the unit, parking and garages have to all be zoned the same. Stores was concerned about the cost for rental and if there would be elevators. James Carr indicated that there would be 2 elevators and that the final rent has not been determined, but average income residents would be able to live there. He indicated that the assisted living package would consist of medical care, housekeeping and whatever items might be needed by the tenants and that it would probably be set up as chargeable units of 15 minutes.

REGULAR MEETING JUNE 2, 1997

Councilperson Boedigheimer wanted to know if they approve this now and 10 years from now the use changes and if there would be enough parking spaces at that time. It was indicated that if this would happen the Planning Commission would have to consider the parking issue at that time. Rowe was concerned about the flood plain issue. It was indicated that the garages were not above flood plain and that they would have to be constructed per code.

Chuck Michelson, 1305 Fairview, was concerned about the water drainage, the garages being constructed in the flood plain and felt that there were too many unanswered questions at this time to approve this request. Keith Nelson, Director of Public Works/City Engineer, indicated that drainage has been a problem in this area but Ditch 62 should take care of this and that the garages will be built above flood plain or would be constructed with flood type construction.

Wanda Thordson, 1227 Fairview, was concerned about the sewer backup problem they have in this area and how a new apartment unit would affect this. Keith Nelson, Director of Public Works/City Engineer, indicated that he did not have any answers at this time on the sanitary problems in this area. There was also a concern with the amount of additional traffic that would be generated on Fairview if this facility were constructed.

Rowe moved, Doyle seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Rowe seconded, the request from Carr Properties to rezone portions of Outlot B and Outlot C of the Villages Addition be denied. Boedigheimer indicated that he felt there were too many unanswered questions at this time and that it did not fit into the Comprehensive Plan of the City of Marshall. Voting in favor were: Boedigheimer, Rowe, Doyle, and Roggeman. Voting no were: Stores, Byrnes and Edblom. The motion passed 4 to 3.

Bids were received on May 30, 1997 at 2:00 P.M. in the Council Chambers of the Marshall Municipal Building for Project No. 1997-002 - East Main Street as follows:

McLaughlin and Schulz, Inc.
Box 201
Marshall, Minnesota
\$586,830.90

H & W Contracting, LLC
4612 W 12th St.
Sioux Falls, South Dakota
\$717,058.70

Edblom moved, Rowe seconded, the adoption of RESOLUTION NUMBER 1986, SECOND SERIES and that the reading of the same be waived. Resolution Number 1986, Second Series is a resolution declaring the cost to be assessed and ordering the preparation of the proposed assessment for the sanitary sewer improvement on East Main Street from the center line of "A" Street to the center line of "E" Street. The proposed assessments will be payable over 8 years with an interest rate of 8%. All voted in favor of the motion.

REGULAR MEETING JUNE 2, 1997

Roggeman moved, Store seconded, the adoption of RESOLUTION NUMBER 1987, SECOND SERIES and that the reading of the same be waived. Resolution Number 1987, Second Series is a resolution calling for a public hearing on the proposed assessment for the Sanitary Sewer on East Main Street between the center line of "A" Street and the center line of "E" Street. This public hearing is scheduled for 7:30 P.M. on June 30, 1997 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

Bids were received on May 30, 1997 at 2:00 P.M. in the Council Chambers of the Marshall Municipal Building for Project No. 1997-003/ S.A.P. 139-124-01 - South 4th Street as follows:

R & G Construction Co.
RR 1 Box 37A
Marshall, Minnesota
\$309,586.45

McLaughlin and Schulz, Inc.
Box 201
Marshall, Minnesota
\$317,457.96

Keith Nelson, Director of Public Works/City Engineer reviewed these bids and indicated to the council that all the property that drains into this area will be assessed a portion and the Municipal State Aid portion is approximately \$250,000.00

Doyle moved, Roggeman seconded, the adoption of RESOLUTION NUMBER 1988, SECOND SERIES and that the reading of the same be waived. Resolution Number 1988, Second Series is a resolution declaring the cost to be assessed and ordering the preparation of the proposed assessment for the improvement of South 4th Street between Elaine Avenue and T.H. 23. The proposed assessments will be payable over 8 years with an interest rate of 8%. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1989, SECOND SERIES and that the reading of the same be waived. Resolution Number 1989, Second Series is a resolution calling for a public hearing on the proposed assessment for the improvements on South 4th Street between the north right of way line of Elaine Avenue and the north right of way line of T.H. 23 by regrading, asphalt surfacing and storm sewer. The public hearing is scheduled for 7:30 P.M. on June 30, 1997 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

Edblom moved, Rowe seconded, the adoption of RESOLUTION NUMBER 1990, SECOND SERIES and that the reading of the same be waived. Resolution Number 1990, Second Series is a resolution authorizing the proper city officials to execute a deed to convey real estate owned by the City of Marshall to Lyon County Co-operative Oil Company. The original bond issue required that this property be deeded to the City of Marshall. Since the Industrial Development Bond issue to finance Lyon County Coop Facility is paid in full this property is now being deeded back to Lyon County Coop who is the owner of the property. All voted in favor of

REGULAR MEETING JUNE 2, 1997

the motion.

At this time Larry Hanson, K-9 Officer for the City of Marshall, informed the city council of the Region 18 U.S. Police Canine Association Trials that will be held in the City of Marshall on June 22-24, 1997. He indicated that the tentative schedule of events will be as follows:

- June 22 Registration, practice fields open, judges and participants meeting from 10:00 A.M. to 6:00 P.M.
- June 23 Competition from 7:00 A.M. to 5:00 P.M. at Southwest State University and the Marshall High School. 6:30 P.M. to 8:00 P.M. public demonstration at Southwest State University
- June 24 7:00 A.M. to 4:00 P.M. competition and 4:00 P.M. to 5:30 P.M. the awards banquet at Best Western.

He indicated that the all of the competitions and demonstrations are open to the public at no charge.

Stores moved, Doyle seconded, that the 1953 Dodge Civil Defense Vehicle known as the "Blue Goose" be donated to the Historical Society and that the City of Marshall will no longer be responsible for storage, maintenance and liability for this vehicle. All voted in favor of the motion.

Rowe moved, Roggeman seconded, the approval of a parade permit for Southwest State University on October 4, 1997 at 10:00 A.M.. The proposed route of the parade would be starting at East Lyon Street along Independence Part on to East Main Street and ending at 5th Street and Main Street. It was indicated that SSU officials are aware of the construction being done on East Main Street and that the parade route will have to be modified if the construction is not complete. All voted in favor of the motion.

Roggeman moved, Stores seconded, that the proper city personnel be authorized to execute the Certification of Local Performance Measures for Local Performance Aid Payable in 1998. All voted in favor of the motion.

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed with the City Council the application for deferral of special assessments for Harold & Ina Johnson. A financial hardship was not demonstrated by the Johnson's therefore, Boedigheimer moved, Roggeman seconded, the application for deferral of special assessments for Harold & Ina Johnson be denied. All voted in favor of the motion.

Roggeman moved, Doyle seconded, the approval of a Plumbers License for Gary Lee Hanson DBA G. H. Plumbing and Heating at a fee of \$35.00. This license will expire on March

REGULAR MEETING JUNE 2, 1997

31, 1998. All voted in favor of the motion.

Edblom moved, Roggeman 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 Minnesota Lawful Gambling Application for Authorization for an Exemption from Lawful Gambling License for the American Legion Post 113 to conduct gambling at the American Legion Post 113, 412 West Main Street, Marshall, Minnesota. All voted in favor of the motion.

Edblom moved, Doyle seconded, and it was unanimously approved that the following people be appointed to the various boards and commissions:

Community Services	Janet Vigna for a term to expire on February 28, 2000
Airport Commission	Mark Buss be reappointed for a 3 year term to expire May 31, 2000; Michael Anderson and Gary Schmidt each be appointed to a 3 year term to expire on May 31, 2000.
Cable Commission	Andy Endin for a 3 year term to expire May 31, 2000
Economic Dev	Readvertise for one opening.
Hospital Board	William Kremer be appointed for a 5 year term to expire May 31, 2002.
Housing Comm	Richard Shearer be appointed for a 5 year term to expire May 31, 2002.
Human Rights	Paul Evanson and Karen Mullin each be reappointed for a 3 year term to expire May 31, 2000.
Insurance Adv.	Readvertise for three openings.
Planning Comm	Mark Veglahn be reappointed for a 3 year term to expire May 31, 200 , David Sturrock and Molly Linstrom each be appointed to a 3 year term to expire May 31, 2000.
Police Civil Serv	Doug Hamilton be reappointed for a 3 year term to expire May 31, 2000.
Senior Citizen Cen	H. Clyde Pederson be appointed for a 3 year term to expire May 31, 2000 and readvertise for one opening
Utilities Comm	Daniel Baun be appointed for a 5 year term to expire May 31, 2002.

Mike Johnson, City Administrator, reviewed with the council the proposed ordinance for the change in the City Charter regulating the liquor sale regulations and hours and days of sale. Rowe moved, Edblom seconded, the introduction of an ordinance amending section 5.60, subd. 6 of the City Charter of the City of Marshall regulating liquor sale regulations and hours and days of sale. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes Regional Development Commission has not met, Fire Relief Association has not met and the EDA minutes are in the council agenda packet.

REGULAR MEETING JUNE 2, 1997

- Roggeman Community Services will meet on Wednesday, June 4, 1997 and hold their annual tour/picnic; Planning Commission items were discussed earlier in the meeting; Personnel Committee has not met; TAC met on May 27, 1997 to discuss the 3rd party contract.
- Stores Marshall Celebrates - 125th continues to met; Legislative and Ordinance Committee met and indicated that the whole council needs to meet to discuss the trailer park issues. This meeting was set for June 24, 1997 at 7:00 P.M.
- Edblom Cable Commission, Convention & Visitors Bureau and Ways & Means will be meeting in the next few weeks. Utilities Commission will meet to discuss Chapter 13 regulating the Utilities Commission.
- Boedlheimer Airport Commission and Senior Citizen Commission will meet next week; Lyon County Enterprise Development met but there are no minutes in the packet; Joint Law Enforcement Center has not met.
- Doyle Housing Commission will meet on June 9, 1997; Human Rights Commission met last week.
- Rowe Library Board has not met; Insurance Advisory Commission met but did not have a quorum, insurance for the 125 anniversary celebration events was discussed.

Other items of concern brought forth by the Mayor and Council included: the tour at MCP was very impressive and informative; Bobby Vee tickets are being sold; the City of Eveleth had a 1948 International Truck with mounted Rotary "SnoGo" snow plow for sale which is just like the one the City of Marshall has, maybe the City of Marshall could purchase it for parts; consider changing the \$50,000 net asset limit in reference to deferred special assessments for senior citizens; charging 8% interest on special assessments is more than the City of Marshall is paying - can we do this; the council wants the ability to set interest rate and # of years in resolutions for special assessments; they thanked the Public Works Department for the work on North 7th Street; the Mayor will send a note to Doug Sweetland on his recent appointment at SSU; construction bids are coming in very favorable, therefore maybe more work should be considered; three of the council members will not be in attendance at the next council meeting.

In regard to pending agenda items the dates for the future retreats are to be added to the list.

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher No. 11467 through 11613 and also the payment to Francile Bue in the amount of \$21,302.00.

REGULAR MEETING JUNE 2, 1997

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

Minnesota Sign Company
1309 East College Drive
Signs
\$14,000

David Pohlman
1303 Englewood Road
Fence
\$6,900

Pamela M. Esparza
618 Donita Avenue
Replace Wall
\$900

Jolene Nepp
300 Gray Place
Deck
\$1,600

Gary and Jayni Blough
209 East Main Street
Reroof Dwelling
\$2,300

James Hey
605 Prospect Circle
Basement Remodel
\$1,500

Patrick J. & Jacqueline M. Louwagie
805 Viking Drive
Dwelling-Additional Work
\$25,000

Schwan's Sales Enterprises, Inc.
208 West Saratoga Street
Demolish Dwelling
\$0

Gerald Radtke
411 North 3rd Street
Porch Addition
\$1,100

Russell Dulek
1004 Country Club Drive
Reroof Dwelling
\$4,500

North Star Modular Homes, Inc.
1202 Patricia Court
Prefabricated Dwelling
\$46,500

Babcock Construction
105 East Redwood Street
Partial Residing
\$700

Peggy Negaard & Paulette Marks
1115 East College Drive
Shop Remodel
\$10,000

Wholesale Distributors, Inc.
109 West James Avenue
Reside Dwelling & Replace Windows
\$18,900

Bruce Fox
605 North 4th Street
Deck Addition
\$1,600

Mark Harbo
307 East Lyon Street
Entry Deck
\$800

REGULAR MEETING JUNE 2, 1997

Schwan's Sales Enterprises, Inc.
111 East Greeley Street
Demolish Dwelling
\$0

David Evenson
1004 Boxelder Avenue
Replace Steps
\$300

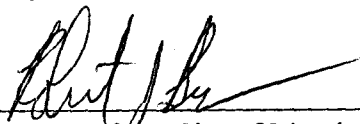
Dean Peterson
400 East Lyon Street
Deck
\$2,200

Bladholm Construction, Inc.
1600 West College Drive
Repair Hangar No. 5
\$38,600

Mayor Byrnes took this opportunity to present a plaque to Gene Roggeman and thank him for his many years of service and wish him well in the future.

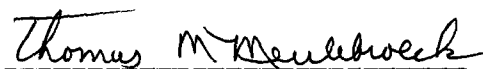
Thomas M. Meulebroeck, Financial Director/City Clerk, indicated the annual city audit will be presented at the regular city council meeting on June 16, 1997.

Upon motion by Roggeman, seconded by Stores, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



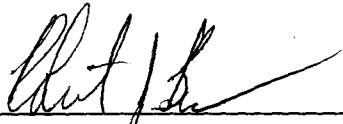
City Clerk

SPECIAL MEETING/WORKSHOP JUNE 16, 1997

A special meeting/workshop of the City Council was held on June 16, 1997 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 6:08 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doyle, Rowe and Stores. Others in attendance at the meeting included: Michael Johnson, City Administrator; Thomas M. Meulebroeck, Finance Director/City Clerk; Cal Barnett, City Assessor; Harry Weilage, Director of Community Services and LuAnn Anderson, Marshall-Lyon County Library.

The purpose of this special meeting/workshop was to allow the City of Marshall auditors Larson, Allen, Weishair and Company to make a presentation and review the 1996 Audit Report. Thomas Koop and Todd Wicklund, Larson, Allen, Weishair and Company, were introduced and provided a presentation and answered questions and concerns on the 1996 Audit Report. Mr. Koop briefly reviewed the communications letter prepared by Larson, Allen, Weishair and Company. Mr. Koop reviewed the financial statements for the various funds, provided various graphic analysis and also addressed the implementing of a fixed asset system and the certificate of achievement program.

The meeting/workshop was adjourned at 7:20 P.M.



Mayor of the City of Marshall

ATTEST:



City Clerk

REGULAR MEETING - JUNE 16, 1997

The regular meeting of the Common Council of the City of Marshall was held on June 16, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Doyle, Rowe, and Stores. Absent: Edblom and Boedigheimer. Staff present at the meeting included: Brian Murphy, City Attorney; Mike Johnson, City Administrator; Marv Bahn, Director of Public Safety; Keith Nelson, Director of Public Works; Thomas Meulebroeck, Finance Director/ City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the presentation by the Lyon County Historical Society by Mr. Goodenow being delayed until he arrives.

Doyle moved, Stores seconded, that the minutes of the regular City Council meeting held on June 2, 1997 be approved as corrected and as filed with each member and that the reading of the same be waived. The correction to the minutes provides for a change on the first page, last paragraph to include chargeable units of 15 minutes. All voted in favor of the motion.

The bids received, opened and read at 2:00 P.M. on March 31, 1997 in the Council Chambers of the Marshall Municipal Building for the reconstruction of Birch Street, Project No. 1997-001, were as follows:

Duininck Bros., Inc.
Prinsburg, Minnesota
\$693,338.40

Gaub, Inc.
Olivia, Minnesota
\$879,358.60

H & W Contracting, LLC
Sioux Falls, South Dakota
\$770,441.10

Hjerpe Corporation
Redwood Falls, Minnesota
\$734,680.55

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$736,939.86

Quam Construction Co., Inc.
Willmar, Minnesota
\$733,976.15

R & G Construction Co.
Marshall, Minnesota
\$690,116.05

Keith Nelson, Director of Public Works, indicated that the beginning date for the Birch Street Project has not been set but this project is scheduled to be completed by October 1, 1997. Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 1991, SECOND

REGULAR MEETING - JUNE 16, 1997

SERIES and that the reading of the same be waived. Resolution Number 1991, Second Series is a resolution awarding the contract for the reconstruction of Birch Street, Project No. 1997-001 to R & G Construction, Marshall, Minnesota in the amount of \$690,116.05. All voted in favor of the motion.

The bids received, opened and read at 2:00 P.M. on June 15, 1997 for a 4-wheel drive utility vehicle for the Police Department were as follows:

	Anton Chevrolet	Marshall Ford	Tholen Auto Sales
Proposal A: 4 door 4 Wheel Drive (117.5") with trade in of 1992 Chevy S-10 Blazer	Tahoe, \$24,369 Tahoe, \$24,413 No posi-trac	Expedition \$22,053	Yukon \$22,276
Proposal B: 4 Door, 4 Wheel Drive (117.5")	Tahoe, \$31,369 Tahoe, \$31,369 No posi-trac	Expedition \$30,553	Yukon \$30,776
Proposal C: 4 Door 4 Wheel Drive (105.9") with trade in of 1992 Chevy S-10 Blazer	Blazer \$18,019	Explorer \$18,810	Jimmy \$17,355
Proposal D: 4 Door 4 Wheel Drive (105.9")	Blazer \$25,019	Explorer \$27,310	Jimmy \$25,855
Proposal E: Purchase 1992 Chevy S-10 Blazer	\$7,000 with purchase	None	None

Upon the recommendation of Marvin Bahn, Director of Public Safety, Stores moved, Rowe seconded, the bid for a 1997 4 door, 4 wheel drive vehicle with a trade-in of a 1992 Chevy S-10 Blazer be awarded to Marshall Ford for a 1997 Expedition in the amount of \$22,053. It was indicated that considering the difference in the bids the larger vehicle was the better value and that these bids were under the budget amount. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of ORDINANCE NUMBER 372, SECOND SERIES and that the reading of the same be waived. Ordinance Number 372, Second Series is an ordinance Amending Section 5.60, Subd. 6 of the City Code of the City of Marshall, Minnesota, Regulating Liquor Sale Regulations and Hours and Days of Sale. This ordinance

REGULAR MEETING - JUNE 16, 1997

provides for the Marshall Municipal Liquor Store to be open on July 4th of each year. All voted in favor of the motion.

Tom Koop and Todd Wicklund, representatives from Larson, Allen, Weishair & Co., provided a brief summary of the 1996 Audit Report and indicated that the City of Marshall should build up the general fund balance and they also indicated that the City of Marshall was in compliance with the Federal Guide Lines. Mike Johnson, City Administrator, indicated that he felt the city was moving in the right direction. Doyle moved, Stores seconded, that the 1996 City of Marshall Audit Report be accepted. All voted in favor of the motion.

Upon the approval of the Planning Commission, Stores moved, Rowe seconded, that a variance adjustment permit be approved for Randy Schultz to construct a detached garage addition with a side yard of 3 ft. in lieu of 10 ft. as required by City Code at 300 East Main Street. The Planning Commission felt that undue hardship was shown because of a shared driveway and narrow lot. Keith Nelson, Director of Public Works, indicated that their department felt that undue hardship was not shown and that this permit should be denied. All voted in favor of the motion.

The request for a variance adjustment permit for Henle Printing Company was tabled until Mike Henle was in attendance at the meeting. Mr. Henle was told this item would be discussed at 8:00 P.M.

A discussion was held at this time on the request from Marshall Speedway, Speedway Promotions, for a Conditional Use Permit for a go-cart track in an Agricultural District at the Lyon County Fairgrounds. Keith Nelson, Director of Public Works, indicated that the track has been improved and that the Planning Commission did approve this request with the following conditions:

1. That the City staff continue to monitor and the cart track manager continue to work to modify direct lighting away from the residential district.
2. That the City staff continue to monitor and the cart track manager continue to modify the public address system to reduce noise.
3. That go-cart engines have mufflers required for no later than the 1998 racing year.
4. That any use of lighting at the track be dimmed after the race event.
5. That no cart engines be run after 11:00 P.M. except for 12 midnight for nationally sanctioned races and fair time race events.

David Grong, 1000 Country Club Drive, felt that the previous investment of owner and county affected the decision of the Planning Commission. He also was concerned about the noise. He indicated that this request should be turned down and sent back to the Planning Commission.

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Lowell Wulff, representative from Speedway Promotions, Inc., Brookings, South Dakota, was in attendance at the meeting. He indicated that the size of the go-cart motor is a 5 h.p. Briggs and Stratton; there are no mufflers at this time, but they will be required in 1998; he indicated that this is the 5th year that go-cart races have been held at the fairgrounds and there are approximately 10 events scheduled each year; most of the races are normally done by 10:15 P.M. but does not want to be restricted on this due to conditions that are beyond his control such as weather and safety of the drivers; he also felt that the lights for these events are no worse than the lights at Legion Field for ball games; and that they were not aware they needed a conditional use permit.

Councilmember concerns included: the number of national sanctioned races, it was indicated there were 2 scheduled for this year and if the Nationals were held in Marshall it would mean large dollars for the City of Marshall; could a time limit be set on the conditional use permit, no a conditional use permit goes with the property if it is sold; can there be a limit on the hp of the engines, it was indicated that all the engines are 5 hp Briggs and Stratton and if there are any adjustments made to these it is for speed only and does not affect the amount of noise.

It was indicated that the go-cart track was designed to hold Nationals and if they were held in Marshall it would involve 3 days of practice and 4 days of racing. This is only a one time event.

Barb Lipinski, RR 2 Marshall, indicated that she felt the go-cart races was a good event for Marshall for 3 reasons: it means income for the City of Marshall; an opportunity for kids to be involved in something; and it promotes family values because father and sons work together on their go-carts.

Don Stella, 1400 Westwood Drive, was concerned about the noise, wanted to know what conditions could be set, and if the races could start earlier. Councilperson Rowe felt a limit should be set on the hp and what does the County really want, since the conditional use permit goes with the property and Lyon County is the current owner of this property. Mark Goodenow indicated that the property is currently zoned agricultural which does not allow go-cart, car and snowmobile racing, but they are only interested in go-cart racing.

Byrnes moved, Stores seconded, the approval of the conditional use permit for Speedway Promotions, Inc./Owner Lyon County with the following conditions: that go-cart engines have mufflers required for no later than the 1998 racing year; that any use of lighting at the track be dimmed after the race event; that no cart engines be run after 10:00 P.M. and there be no more than 10 events per year. Mike Johnson, City Administrator, suggested that the lights be dimmed after the last race and be turned off within 30 minutes of the last race. Rowe moved, Stores seconded, that the motion be amended to restrict the engines to 5 hp.

Lowell Wolf stated that he would like the time limit to be 11:00 P.M. and 12 midnight for

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special races and that the only engines used are 5 hp Briggs and Stratton.

Byrnes moved, Rowe seconded, that 11:00 P.M. be the time limit for all races. All voted in favor of the amendment. All voted in favor of the motion as amended.

Rowe moved, Doyle seconded, that the proper city personnel work the Marshall Speedway, Speedway Promotions, Inc., on the lighting and noise at the go-cart tract. All voted in favor of the motion.

Keith Nelson, Director of Public Works, reviewed the application from Henle Printing Company for a variance use permit for signage at 208 West Main Street. Mike Henle was in attendance at the meeting and indicated that it was his intent to use the signs to cover up the windows that were there. He asked what he could put up and felt that each request should be looked at on an individual basis. It was indicated that there are standards set for all of the downtown area. Mike Johnson, City Administrator, indicated that the council should review the ordinance in regard to signage. Rowe was concerned with what the variance would allow. It was indicated that the variance specifies only the sign and not what the sign says. Upon the recommendation of the Planning Commission, Stores moved, Rowe seconded, the variance adjustment permit for Henle Printing Company be denied. All voted in favor of the motion, except Doyle who voted no. Rowe suggested that the sign ordinance be sent to the Legislative and Ordinance Committee to be reviewed. All voted in favor of the motion.

At this time James Dahl, Artist; Elaine Conyers, Lyon County Museum; and Mark Goodenow, Lyon County Commissioner; presented to the City of Marshall the Marshall Commemorative Print 1872-1997 number 1 of 125. Mr. Dahl indicated that it was a great honor for him to do this print and that he will be signing the mural at the Lyon County Museum on July 3, 1997. Byrnes thanked them for this print and all their hard work. He also indicated that additional prints can be purchased for \$125 for the first 15 and \$50.00 for number 16-125. Ms. Conyers took this opportunity to thank the City of Marshall for the donation of the Blue Goose to the Lyon County Historical Society.

Byrnes called for a 5 minute recess.

At this time Denise Brewster, Human Rights Commission, reviewed with the City Council the Bias/Hate Crime Response Plan. She indicated that the Plan is in place, but they hope they never need to use it. She indicated that if the plan is used only public information will be provided in the summary reports. Doyle moved, Stores seconded, that the Bias/Hate Crime Response Plan be approved. Stores thanked the Human Rights Commission for all their hard work on this plan. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the request for a budget adjustment for the Marshall Transit System. He indicated that there is a potential that an

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additional \$16,933 may be needed for the operation and capital purchases. He indicated that the intent is for Western Community Action to dispatch and provide the administrative portion and that bids be taken for a 3rd party to operate the system. Stores moved, Doyle seconded, the approval of a budget adjustment for the Marshall Transit System to allow for an additional \$16,933 if needed. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed with the council the Transportation Agreement between the City of Marshall and Western Community Action. Jeannette Acquire, Western Community Action, indicated that the Task Force Committee had identified the issues and concerns of the transit system, 6 people from WCA will continue to work on these issues, operating policies need to be set up, and that Marketing Committee is working with SSU. Stores moved, Doyle seconded, the proper city personnel be authorized to execute and agreement between the City of Marshall and Western Community Action, Inc., Transportation Agreement. Bids for the 3rd party will be received July 24, 1997. It is the intent that the current employees will have the opportunity to continue working through the 3rd party, it was also indicated that a survey of the general public needs to be conducted. All voted in favor of the motion.

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 1992, SECOND SERIES and that the reading of the same be waived. Resolution Number 1992, Second Series is a resolution authorizing the execution of a Sub-Grant Application. This grant provides for reimbursement assistance related to clean-up from the 1997 spring flooding. All voted in favor of the motion.

Rowe moved, Doyle seconded, the approval of change order number 1 with Buysse Roofing and Sheetmetal Company for the reroofing project at the Fire Station and the Wastewater Treatment Plant. This change order allows for an increase of \$3,055.50. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Rowe moved, Doyle seconded, the installation of "Caution/Deaf Child at Play" signs be installed in the area of Brian Street and Woodfern Street. Both parties are to be contacted and the pros and cons of these signs are to be reviewed with them. All voted in favor of the motion.

Stores moved, Doyle seconded, the approval of RESOLUTION NUMBER 1993, SECOND SERIES and that the reading of the same be waived. Resolution Number 1993, Second Series is a resolution providing for control signage in the City of Marshall. This resolution allows for the removal of yield signs on the southbound and northbound leg of Hill Street at the intersection of Marshall Street and for the installation of stop signs on the eastbound and westbound leg of Marshall Street at the intersection of Hill Street. All voted in favor of the motion.

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Stores moved, Doyle seconded, the approval of RESOLUTION NUMBER 1994, SECOND SERIES and that the reading of the same be waived. Resolution Number 1994, Second Series is a resolution declaring adequacy of petition and ordering preparation of report for watermain extension from Southview Court to the proposed Wilke-Miller-Buesing Subdivision. All voted in favor of the motion.

Rowe moved, Doyle seconded, the proper city personnel be authorized to execute an agreement between the City of Marshall and Geotek Engineering & Testing Services, Inc., for initial site assessment at the Marshall Municipal Airport in the amount of \$3,836.50 with up to 90% being reimbursed. All voted in favor of the motion.

Doyle moved, Stores seconded, the proper city personnel be authorized to execute an agreement between the City of Marshall and Bartz Excavating, Marshall, Minnesota to lower the Industrial Park sewer line at the Diversion Channel. Concern was expressed about violating the bidding requirements. It was indicated that the bids were expected to be under \$25,000 and that they did receive 2 proposals. All voted in favor of the motion.

Following discussion on the flower receptacles being placed on the sidewalks, Rowe moved, Doyle seconded, that the flower receptacles be left where they are for 1997. The flower receptacles are to be removed this fall and next spring they are to be located 3 ft. from the curb and 6 ft. from the building. All voted in favor of the motion.

Stores moved, Doyle seconded, the proper city personnel be authorized to execute an agreement between the City of Marshall and Group II Architects to prepare reroofing specifications for the Marshall Municipal Building and authorization to go out for bids on the reroofing of the Municipal Building. All voted in favor of the motion.

Rowe moved, Stores seconded, the proper city personnel be authorized to execute an Agreement between the City of Marshall and Alan M. Greig, Margaret Greig and Norman and Joanne Gregerson for a utility right-of-way easement for the construction, operation and maintenance of one or more underground electrical transmission and distribution lines on their property at a fee of \$110.00. This fee will be paid by the Marshall-Lyon County Library. This easement is necessary for the Marshall-Lyon County Library to relocate certain equipment closer to their mechanical room on the lower level. All voted in favor of the motion.

Rowe moved, Doyle seconded, the proper city personnel be authorized to execute an Agreement between the City of Marshall and LeRoy F. Affolter and Carol J. Affolter and Bruce Rohlin for a utility right-of-way easement for the construction, operation and maintenance of one or more underground electrical transmission and distribution lines on their property at a fee of \$687.50. This fee will be paid by the Marshall-Lyon County Library. This easement is necessary for the Marshall-Lyon County Library to relocate certain equipment closer to their mechanical room on the lower level. All voted in favor of the motion.

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Rowe moved, Doyle seconded, the proper city personnel be authorized to execute a Lease between the City of Marshall and LeRoy F. Affolter and Carol J. Affolter and Bruce Rohlin for property located behind the Marshall-Lyon County Library at a fee of \$137.50. This fee will be paid by the Marshall-Lyon County Library. All voted in favor of the motion.

Stores moved, Rowe seconded, the approval of a temporary on-sale non-intoxicating beer license for the Marshall Baseball Association. This license is to be used for July 6, 1997 at Independence Park at a fee of \$25.00. All voted in favor of the motion.

Doyle moved, Stores seconded, the approval of a refuse haulers license for Alan R. Martin DBA Martin Sanitary Service, Inc. The fee for this license is \$100 and it will expire on March 31, 1998. Discussion was held on whether or not the city could restrict where the garbage was taken to. It was indicated that the garbage would be hauled to the Lyon County Landfill. All voted in favor of the motion.

Stores moved, Doyle seconded, the approval of a transient merchants license for Charles F. Homier JR., DBA Homier Distributing Company. Homier Distributing Company will be having a tool, electronic, home furnishing and general merchandise sale at the National Guard Armory on August 4 & 5, 1997. The fee for this license is \$250.00 and it will expire on December 31, 1997. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA will meet on June 17, 1997; Fire Relief Association will meet July 8, 1997; Regional Development Commission will meet on June 19, 1997.

Stores Hospital Board meet earlier this evening. They will be holding interviews for 3 candidates on June 30 and July 1; the elevators are all working; there was discussion a 3rd floor for the clinic, there are 5 new doctors using the clinic on a short term basis; discussion was held on the emergency room being staffed 24 hours per day; Marshall Celebrates 125th celebration will be all over by the time the city council hold their next regular meeting; Legislative and Ordinance Committee minutes are included in the agenda packet for the June 16, 1997 council meeting, there will be a joint City Council and Legislative and Ordinance meeting on June 24, 1997; Downtown Redevelopment meet earlier today and will be meeting on June 23, 1997.

Doyle Housing Commission meet last Monday; Human Rights Commission will meet on June 23, 1997.

Rowe Library Board meet last week, they are continuing their search for a new director,

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some of the budget items that were discussed included window replacement, carpet replacement and converting the boiler from electric to gas.

Other items of concern brought forth by the Mayor and Council included: flags should be displayed on flag day; a grant is being processed for the bike path in Hiller Addition; RA Facility will receive bids on July 2, 1997; the Councilmembers should meet at 6:30 P.M. to review the League Conference they attended; the possibility of changing the City Logo.

Stores moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 11614 through 11830 and the check to Doom & Cuypers for Library ADA improvements.

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

Hiller Development Company
1115 Eastwood Ave./1008 Indiana Jones Ave.
Two-Family Dwelling
\$175,000

Dulas Construction
Fairgrounds Road
Food Stand Addition
\$22,000

Dulas Construction
202 Jewett Street
Car Wash Addition
\$20,000

Jeff Ellingson
905 Elaine Avenue
Remodel Roof
\$1,000

Scott VanOverbeke
313 North Hill Street
Reroof Dwelling
\$600

Ron & Linda Wilson
1312 Parkside Drive
Reroof Dwelling
\$1,700

Babcock Construction
409 Elm Street
Reside Dwelling
\$4,200

Lloyd White
302 South 4th Street
Utility Shed
\$4,500

Babcock Construction
407 North 3rd Street
Dwelling Addition and Reside
\$7,400

Judeth A. Christianson
120 North 3rd Street
Construct Signs
\$200

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Greig & Gregerson
212 West Main Street
Interior Remodel
\$500

James Allen
909 West Main Street
Reroof and Reside
\$8,000

Bakke's Home Repair & Construction
204 East College Drive
Door Replacement
\$600

Dwayne Murphy
900 South 4th Street
Deck
\$800

Russell Dulek
501 Kennedy Street
Reroof Dwelling
\$3,400

Steven Baumann Construction
903 Woodfern Drive
Reside Dwelling
\$4,000

Murray Sullivan
200 West College Drive
Replace Windows, Doors & Reside
\$4,500

Louise W. Schrunk
c/o Robert J. Tholen
904 East Main Street
Reroof Warehouse
\$11,200

Greg Dobrenski
615 West Marshall Street
Remodel Garage
\$500

Elizabeth DeVos
512 West Main Street
Demolish Shed
\$0

Jim & Jill Kontz
606 West Marshall Street
Reroof Dwelling
\$2,500

Bruce A. Nelson
407 South 2nd Street
Reroof Dwelling
\$1,300

Steven Baumann Construction
803 Colombine Drive
Reroof Dwelling
\$2,000

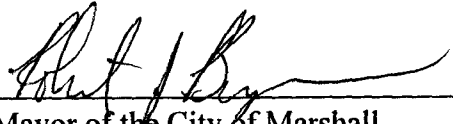
Richard & Robin Banbury
611 South 1st Street
Deck
\$2,500

Gale & Dianne Swart
606 Elaine Avenue
Garage Addition
\$6,000

Mike Johnson thanked the Councilmembers who took time out of their busy schedules to attend the League of Minnesota Cities Conference.

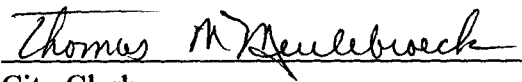
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Upon motion by Stores, seconded by Doyle, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk

SPECIAL MEETING - JUNE 24, 1997

A special meeting/work session of the Common Council of the City of Marshall was held on June 24, 1997 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by President Pro-Tem Stores at 7:00 P.M. In addition to President Pro-Tem Stores the following members were present: Edblom, Rowe and Boedigheimer. Absent: Doyle and Byrnes. City staff present were: Mike Johnson, City Administrator; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works; Dale Howe, Building Official; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

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

Rowe moved, Edblom seconded, the approval of a one day on-sale non-intoxicating beer license for the Marshall Eagles Club for July 5, 1996 at the Lyon County Ice Facility. The fee for this license is \$25.00. All voted in favor of the motion.

Edblom moved, Rowe seconded, the approval of a one day consumption and display license for the Marshall Eagles Club for July 5, 1996 at the Lyon County Ice Facility. The fee for this license is \$25.00. All voted in favor of the motion.

A discussion was held at this time on the request from the Village Park Mobile Home Park on Manufactured Home Park Regulations. Ken and Mary Fisher, Manager Village Park & Camelot Square, were in attendance at the meeting.

The main items of discussion at this meeting were the setbacks from the park limits and the individual home setbacks.

Councilmember Doyle arrived at 7:20 P.M.

The consensus was that the setbacks for the inside lots would be 15 ft front yard, 20 ft side to side and 15 ft end to end and the setback along the park boundaries would remain at 20 ft. It was also decided that the item would be on the City Council agenda for the July 21, 1997 meeting and the council would like to have a pre-meeting at 6:30 P.M. with the owners of the trailer parks.

The setback issue of future parks will be discussed by the Legislative and Ordinance Committee.

SPECIAL MEETING - JUNE 24, 1997

There will be a 6:30 P.M. council workshop on July 7, 1997 to review the information received from the League of Minnesota Cities Conference which several council members attended.

Upon motion by Rowe, seconded by Edblom, the meeting was adjourned. All voted aye.

Maurice Storer
President Pro-Tem

ATTEST:

Thomas M. Muehlebach
City Clerk

SPECIAL MEETING - JUNE 30, 1997

A special meeting of the Common Council of the City of Marshall was held on June 30, 1997 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 7:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Doyle, Edblom and Stores. Absent: Boedigheimer. City staff present were: Mike Johnson, City Administrator; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works; Kim Jergensen, Engineer Tech; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

Arlene Leweski, State Representative, was in attendance at the meeting to present the City of Marshall a Senate Resolution congratulating the City of Marshall on their 125th Anniversary Celebration.

This was the date and time set for a public hearing on the improvements to East Main Street, Project No. 1997-002. Keith Nelson, Director of Public Works, reviewed with the council and others in attendance at the meeting the assessment process and the proposed assessment for the improvements to East Main Street. He indicated that the property owners are only assessed for the portion of the contract that directly affects them. He indicated that 12" PVC pipe is being used but the property owners are only being assessed for the cost of 8" PVC pipe. He also indicated that the Marshall Municipal Utilities and MN/DOT will be paying for approximately \$334,375 of the total project. Questions and concerns from the general public included:

Gary Blough, 209 East Main Street - wanted to know how the city determined the # of services that would be assessed for this project. This was determined by using the video camera to look directly into the current sewer line.

Joyce Christianson, 305 East Main Street - wanted to know if the Coke Plant would be assessed more since they would have a larger volume of use than an residential property would. The assessments for this project are based on the number of services not on volume.

Gary Blough, 209 East Main Street indicated that he counted 52 buildings but only 44 are being assessed - assessment is based on 1 sanitary sewer per parcel and just because there is a house along the area does not mean their sanitary sewer is connected to this service, it may be connected to a different line.

Alice Cool, 406 East Main Street indicated that she owns a vacant lot that is not being developed at this time. It was indicated that it would be to her benefit to be connected to the sewer line at this time. It could cost her more money to wait and do it at the time the property is developed.

Gary Blough, 209 East Main Street wanted to know if the current pvc pipe is 12" and if it needs to be 12". It was indicated that the sanitary sewer line is currently a 12" pvc pipe

SPECIAL MEETING - JUNE 30, 1997

and it will be replaced with 12" pvc pipe but the property owner is only be assessed for the cost of 8" pvc pipe.

Daniel Wyffels, 307 East Main Street was concerned if the sewer pipe would be replaced up to the house or not. It was indicated that the sewer pipe would be replaced to just behind the side walk and that the property owner is responsible for the remainder of the line. It was suggested that there be a pre-construction meeting with the property owners and the contractors to allow the property owners to discuss with the contractors about replacing the remainder of the sanitary sewer line at the owners expense.

Glenn Christianson, 305 East Main Street was concerned about the sewer line and watermain line being 10 feet apart as required by city code. It was indicated that they would be 10 feet apart up to the property line at which point they would be connected to the lines that are currently there.

The assessment for this project includes sod to be placed on the affected property. These assessments will be charged interest at the rate of 8% with an 8 year payment period. The intent is to award the contract for this project on August 4, 1997. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that there is no interest charged if the assessment is paid prior to October 15, 1997 and if the property owner does not pay the assessment by November 15, 1997 it will be added to their tax statement over a period of 8 years at an interest rate of 8%.

A letter was received from Pete Linder, 315 East Main Street, objecting to the project.

Tammy VanOverbeke, 503 East Main Street was concerned about the amount of time the project would take. It was indicated that the intended completion date for this project is October 15, 1997.

Doyle moved, Rowe seconded, that the public hearing be closed at this time. All voted in favor of the motion.

Discussion was held on the wording of the resolution adopting the assessment roll. The areas of concern were: prepayment of assessments, applying for deferment of assessments; the interest rate and number of years. Mike Johnson, City Administrator, indicated that according to Springsted's, the financial advisors for the City of Marshall, 8% was a reasonable rate of interest to charge. This rate is normally about 2% higher than the cost to the City for borrowing money for bonding for the improvements.

Rowe moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1995, SECOND SERIES and that the reading of the same be waived. Resolution Number 1995, Second Series is a resolution adopting the assessment for the improvement of the sanitary sewer on East Main Street between the center line of "A" Street and the center line of "C" Street. All

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voted in favor of the motion.

This was the date and time set for a public hearing on the proposed assessment for the construction of South 4th Street from Elaine Avenue to T.H. 23, Project No. 1997-003/S.A.P. 139-124-01. Keith Nelson, Director of Public Works, reviewed with the council and others in attendance at the meeting the assessment process and the proposed assessment for the improvements to South 4th Street. He indicated that only the property owners adjacent to South 4th Street would be assessed for the street costs, only one side of the street would be assessed for the watermain, but that everyone on the assessment roll would be assessed for the storm sewer. MN/DOT will be paying for approximately \$250,000 of the total project. Questions and concerns from the general public included:

There were letters received in reference to the construction of South 4th Street from Elaine Avenue to T.H. 23, one was from Jeff Kuiper and the other from Paul Deutz.

Jeff Kuiper, 300 Elaine Avenue, concern was how the assessment was determined for each property owner. The property owners are only assessed for 3/7 of the cost of the bituminous and 1/2 of the cost of the storm sewer which is approximately \$0.07 per square foot. He was also concerned as to whether or not elevations were taken on his property. Grades were taken at 25 foot intervals in the whole area.

Paul Deutz was concerned with the total of his assessment being approximately \$44,800 and the total amount being assessed is approximately \$122,000. Paul is being assessed per lineal foot for curb & gutter and street, for watermain and for a portion of the storm sewer. He asked about this area being classified as green acres and the holding pond. Interest will accrue on the assessment, but not certified if the property is classified as green acres and that these assessments plus interest become due when the property is sold. Paul was also concerned about the assessments since he originally gave the land to the city to construct the road.

Kevin Honetschlager, 1101 Alan Street; and Doug Kunde 506 Elaine, made reference to a statement in their abstracts about special assessments.

Jeff Kuiper, 300 Elaine Avenue, wanted to know if he was being assessed for the total square footage of his lot, since most of the water drains to the back of his lot. Keith Nelson, Director of Public Works, will review this.

James Dempsey, 503 Elaine Avenue, questioned the dollar value of having a storm sewer. He also indicated that when he purchased his home in 1978 the appraisal indicated that there was a storm sewer in place at that time.

Paul Deutz was concerned about the responsibility of the sidewalk along the front of his

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property. The property owners are responsible for this, but Keith Nelson will review the policy.

Keith Nelson, Director of Public Works, indicated that the east half of the 600 block of Elaine and Thomas should have been included in the assessment, but by the time the error was discovered it was too late to change if the project was to be completed this year.

Brian Murphy, City Attorney, indicated that the city could do a reassessment of this project. This reassessment would then assess the property owners on Elaine and Thomas and possibly provide for a rebate for the property owners on the original assessment roll for storm sewer.

Paul Deutz indicated that the holding pond is to be given to the city and felt that the city should be responsible for the assessments for this area. The holding pond that Carr donated to the city was platted and the assessments were paid by Mr. Carr. Calvin Barnett, City Assessor, needs to work with Paul Deutz in determining how much of his property is green acres. It was indicated that the property owned by MSP is the part of his property that has been sold and the rest is covered under 1 tax statement and that it is being taxed as green acres.

Jeff Kuiper, 300 Elaine Avenue, asked if MSP was being assessed for this project. MSP is not being assessed for the storm sewer, but will be assessed for the curb & gutter and bituminous.

The traffic issue and the holding pond are two items that need to be addressed at another time.

Councilmember Rowe requested that the holding pond issue be addressed at this time. The holding pond donated by Carr was platted and then given to the city, Mr. Deutz has not done this. Byrnes felt that they should be treated the same.

Doyle moved, Stores seconded, the public hearing on be the improvements to South 4th Street from Elaine Avenue to T.H. 23 be closed. All voted in favor of the motion.

Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 1996, SECOND SERIES and that the reading of the same be waived. Resolution Number 1996, Second Series is a resolution adopting the assessment roll for improvements to South 4th Street from Elaine Avenue to T.H. 23. Edblom was concerned with the assessments for the area of Thomas and Elaine that were not originally included in the assessment roll and wanted to know who will pay for the holding pond. Byrnes indicated that the holding pond issue will be discussed at a different time. It was indicated that for the area of Thomas and Elaine to be assessed the council would need to do a reassessment on this project. Those on the original

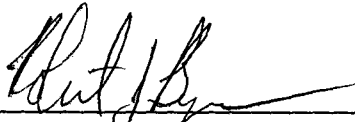
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assessment roll cannot be assessed more but could be given a rebate. In order to do a reassessment there needs to be public hearings for the affected property owners in the area of Thomas and Elaine. All voted in favor of the motion.

Rowe moved, Stores seconded, that the proper city personnel clarify the actual drainage area for the storm sewer project and if necessary proceed with the reassessment of this project and provide rebates if necessary. The reassessment could affect an additional 10 to 12 properties in the area of Thomas and Elaine. All voted in favor of the motion.

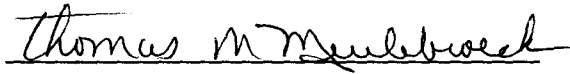
Councilmember Rowe suggested that when the pond is deeded to the city that a rebate be considered for Mr. Deutz at that time. The city staff will be working on this concern.

Upon motion by Edblom, seconded by Stores, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk

REGULAR MEETING - JULY 7, 1997

The regular meeting of the Common Council of the City of Marshall was held on July 7, 1997. The meeting was called to order at 7:35 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Doyle, Rowe, Edblom, Boedigheimer and Stores. Staff present at the meeting included: Michael Johnson, City Administrator; Keith Nelson, Director of Public Works; Thomas M. Meulebroeck, Finance Director/City Clerk; Calvin Barnett, City Assessor and Jane DeVries, Deputy City Clerk.

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.

Boedigheimer moved, Doyle seconded, that the minutes of the special City Council meeting held on June 16, 1997, the regular City Council meeting held on June 16, 1997, the special City Council meeting held on June 24, 1997 and the special City Council meeting held on June 30, 1997 be approved as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1997, SECOND SERIES and that the reading of the same be waived. Resolution Number 1997, Second Series is a resolution amending Resolution Number 1948, Second Series - The Bylaws of the Marshall Volunteer Firefighters Relief Association. The amendment provides for Resolution Number 1948, Second Series to be effective January 1, 1997 for the increase in the individual benefit to \$3,100 for each year of service. All voted in favor of the motion.

Edblom moved, Doyle seconded, the proper city personnel be authorized to execute Amendment No. 1 to Agreement No. 74822 with MN/DOT for the 1996 Airfield Improvements. This amendment provides for increased funding from the State of Minnesota to cover 90% of the cost of additional subgrade excavation. The increase for the State of Minnesota participation is \$59,514.27. All voted in favor of the motion.

Mike Johnson, City Administrator, reviewed with the City Council and others in attendance at the meeting the agreements with Maxfield Research Group and Dahlgren, Shardlow and Uban, Inc. The agreement with Maxfield Research Group provides research and consulting services to assess the potential demand for additional office, retail and hospitality space in downtown Marshall at a cost of \$14,800 with an additional estimated out of pocket expenses of \$800. This project is expected to take approximately 60 days. The agreement with Dahlgren, Shardlow and Uban, Inc., is set up in phases. It is the recommendation that only Phase I, the Physical and Market Analysis, and Phase II, the Downtown Framework and Master Plan, be approved at this time at an estimated cost of \$24,500 plus an optional charette charge of \$2,500 and estimated expenses ranging between \$5,000 and \$8,500 and should be completed by

REGULAR MEETING - JULY 7, 1997

September, 1997. Rowe moved, Doyle seconded, that the proper city personnel be authorized to enter into an agreement with Maxfield Research Group and Dahlgren, Shardlow and Uban, Inc. as presented by City Administrator, Michael Johnson. All voted in favor of the motion.

Councilmember Doyle volunteered to serve as the City Council representative to the Transit Advisory Committee.

Edblom moved, Stores seconded, the mayor/city councilmember salary compensation review be referred to the Personnel Committee. All voted in favor of the motion, except Boedigheimer who voted no.

Stores moved, Doyle seconded, the proper city personnel be authorized to advertise for bids for Project No. 1997-005 which is the annual bituminous overlay and sealcoating of various streets within the City of Marshall. All voted in favor of the motion.

Keith Nelson, Director of Public Works, reviewed with the council and others in attendance at the meeting the watermain extension project from Southview Court to the NE 1/4 of SE 1/4 of Section 9. Morry Chaplin, Marshall Municipal Utilities, indicated that this is the most effective and cost effective way to provide watermain service to this area. Due to the fact that 22/23 of the area is classified as green acres and the assessment would be deferred, Marshall Municipal Utilities would have to fund this project until such time that this area is no longer classified as green acres. Boedigheimer moved, that the resolution receiving the report and ordering the improvement and preparation of plans not be approved. The motion died due to the lack of a second. Tim Swenson, owner of the other parcel, was not aware that the remaining 22/23 of this area would remain as green acres. Morry Chaplin indicated that the Marshall Municipal Utilities Commission would have to review this project and determine if they were willing to fund this project until such time the area is no longer green acres. Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 1998, SECOND SERIES and that the reading of the same be waived. Resolution Number, 1998, Second Series is a resolution receiving the report and ordering improvement and preparation of plans for Project No. 1997-006 which is the watermain extension project from Southview Court to the NE 1/4 of SE 1/4 of Section 9 (proposed Wilke-Miller-Buesing Addition). All voted in favor of the motion, except Boedigheimer who voted no.

Rowe moved, Edblom seconded, the adoption of RESOLUTION NUMBER 1999, SECOND SERIES and that the reading of the same be waived. Resolution Number 1999, Second Series is a resolution approving the plans and specifications and ordering the advertisement for bids for Project No. 1997-006 watermain extension from Southview Court to the NE 1/4 of SE 1/4 of Section 9 (proposed Wilke-Miller-Buesing Addition). This resolution is approved contingent upon the Marshall Municipal Utilities Commission agreement to finance this project. All voted in favor of the motion, except Boedigheimer who voted no.

REGULAR MEETING - JULY 7, 1997

Edblom moved, Boedigheimer seconded, the approval of a tobacco license for the Mongeau-Tholen VFW Post 742 for use at the Lyon County Fairgrounds VFW Stand for the month of August, 1997 at a fee of \$48.00. It was the general consensus of the council that the fee not be pro-rated. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the approval of a temporary on-sale non-intoxicating beer license for the month of August, 1997 for the Mongeau-Tholen VFW Post 742 for use at the Lyon County Fairgrounds VFW Stand at a fee of \$25.00. It was the general consensus of the council that the fee not be pro-rated. All voted in favor of the motion.

Edblom moved, Stores seconded, the approval of an on-sale non-intoxicating beer license for the Marshall Amateur Hockey Association to be used at the Lyon County Ice Facility on September 13, 1997 at a fee of \$25.00. All voted in favor of the motion.

Rowe moved, Doyle 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 a One-Day Off-Site Lawful Gambling License for the Marshall Amateur Hockey Association, Marshall, Minnesota to be used at the Lyon County Fairgrounds on September 13, 1997. This application was approved with the understanding that the 60 day waiting period would be waived. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA and Fire Relief Association items were discussed at the meeting.

Stores Hospital Board met at 7:00 A.M. today to discuss the director position; Joint Ice Facility Board has not met but it was indicated that the Ice Facility was a great place for the dances that have been held; Marshall Celebrates - 125 was a success and it was suggested that a CD be purchased with some of the proceeds to be used for the next celebration; Legislative and Ordinance Committee needs to meet.

Edblom Cable Commission the Studio 8 personnel were busy videotaping the various activities at Independence Park during the Marshall Celebrates 125th; Utilities Commission will met on July 15, 1997; Convention & Visitors Bureau will meet on July 16, 1997 and it was indicated that they worked very hard on the 125th Celebration; the Ways and Means need to meet soon.

Boedigheimer Airport Commission will meet next week and it was indicated that the Air Show was a success; Senior Citizen Commission will met on July 9, 1997; Lyon County Enterprise Development needs to have a budget meeting and the Joint LEC schedule is included in the agenda packet with the pending council agenda items.

REGULAR MEETING - JULY 7, 1997

Doyle Housing Commission will meet on July 14, 1997 and the Human Rights Commission will meet on July 28, 1997.

Rowe Library Board minutes are included in the council agenda packet.

Other items of concern brought forth by the Mayor and Councilmembers included: an expression of appreciation was extended to Mayor Byrnes and Councilmember Stores for their hard work on the Marshall Celebrates 125th; the K-9 demonstration at SSU was very good; the Marshall internet page needs more work on; it was suggested that the Hwy 23 by-pass be called Hwy-23 parkway; Marshall should consider a celebration on a regular basis; the Historical Society did an excellent job on their display; a concern was raised about the speed limit being changed on Hwy 23; the wet land development and water retention in residential areas also needs to be discussed.

Doyle moved, Edblom seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 11831 through 12063.

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

Brad's One Stop Plus
1217 East College Drive
Impound Fence-Addl. Work
\$1,000

Dennis Lozinski
409 South 4th Street
Reroof
\$6,000

Brad's One Stop Plus
1217 East College Drive
Free Standing Sign
\$4,800

Frank Astar
109 "E" Street
Reroof Dwelling
\$500

ISD No. 413
600 East College Drive
Construct Partitions
\$1,600

Frank Astar
1004 North 4th Street
Reroof Dwelling
\$500

Jerry M. Fifield
204 South Hill Street
Install Window
\$2,000

Thor's Handyman Service
305 South 5th Street
Replace Garage Roof
\$3,000

John VanOverbeke
804 Woodfern Drive
Garage Addition
\$7,000

Wholesale Distributors, Inc.
902 Willow Avenue
Reside Dwelling & Replace Windows
\$16,000

REGULAR MEETING - JULY 7, 1997

Joseph Krogman
902 Silvertine Drive
Remodel Deck
\$600

J.R. Construction
407 Donita Avenue
Reroof Dwelling
\$2,000

George Jacob Construction
301 East Marshall Street
Reroof
\$2,500

True Value Home Center
605 Kennedy Street
Addition
\$30,000

Jeff Pieschke
801 Elaine Avenue
Install Windows & Finish Basement
\$1,000

Denison Roofing & Construction
1215 West Main Street
Partial Reroofing
\$500

**MANUFACTURED HOME
INSTALLATION**
Northgate Homes
220 Ash Drive

The council requested a yearly building permit summary report in addition to the quarterly one they received and expressed their appreciation to the Public Works department on their project status report.

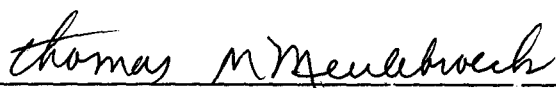
Mike Johnson, City Administrator, took this opportunity to thank everyone that was involved with the Marshall Celebrate 125th.

Upon motion by Stores, seconded by Edblom, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:


Finance Director/City Clerk

REGULAR MEETING - JULY 21, 1997

The regular meeting of the Common Council of the City of Marshall was held on July 21, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Doyle, Edblom and Stores. Absent: Boedigheimer. Staff present at the meeting included: Michael Johnson, City Administrator; Keith Nelson, Director of Public Works; Thomas M. Meulebroeck, Finance Director/City Clerk; Brian Murphy, City Attorney; Marvin Bahn, Director of Public Safety; Calvin Barnett, City Assessor; Mike Leese, Police Sergeant; Bruce Verdoes, Police Officer; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the addition of item no. 18a which is a request to consider an application for authorization to conduct excluded bingo for the Minneota American Legion Post 199.

Rowe moved, Edblom seconded, that the minutes of the regular City Council meeting held on July 7, 1997 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Keith Nelson, Director of Public Works, was recommending the award of the contract for Project 1997-002 for East Main Street since there has been no activity that would indicate that appeals of the assessments were pending and he suggested that the city not wait the 30 days for any appeals, therefore Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2000, SECOND SERIES and that the reading of the same be waived. Resolution Number 2000, Second Series is a resolution accepting the bid and awarding the contract for Project 1997-002 which is the improvement of sanitary sewer on East Main Street between the center line of "A" Street and the center line of "E" Street. The bid is awarded to McLaughlin & Schulz, Inc., in the amount of \$586,830.90. All voted in favor of the motion.

Rowe moved, Stores seconded, that Main Street be closed from 6:00 A.M. to 6:00 P.M. on Thursday, July 24, 1997 for Crazy Day. The Chamber of Commerce has agreed to pay \$225.00 for the Street department personnel costs related to the set up and taking down of the necessary signs. The Minnesota Department of Transportation has approved the requested closure of Main Street on July 24, 1997. All voted in favor of the motion.

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2001, SECOND SERIES and that the reading of the same be waived. Resolution Number 2001, Second Series is a resolution Authorizing Execution of a Grant Agreement for the 1998 Safe and Sober Grant Project. This grant is in the amount of \$20,000 and does not require matching funds from the City of Marshall. All voted in favor of the motion.

REGULAR MEETING - JULY 21, 1997

Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 2002, SECOND SERIES. Resolution Number 2002, Second Series is a resolution expressing the City of Marshall's Appreciation to Marvin H. Bahn, Director of Public Safety. This resolution was read by Mayor Byrnes. Marvin Bahn took this opportunity to thank the council and city staff for all of their help and support over the past 31+ years. There will be an open house on Thursday, July 31, 1997 from 4:00 P.M. to 6:30 P.M. at the Marshall Area Senior Citizen Center to honor Marvin Bahn. All voted in favor of the motion.

Upon the recommendation of Michael Johnson, City Administrator, Edblom moved, Stores seconded, Michael Leese be appointed as Acting Director of Public Safety effective August 1, 1997 at an hourly rate of \$22.67. All voted in favor of the motion.

Rowe moved, Doyle seconded, the approval of a transfer from Fire Department travel account number 101-50352-3331 to Data Processing account number 101-41641-5540 in the amount of \$2,500. This transfer allows for the purchase of computer equipment for the Fire Department. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Edblom moved, Doyle seconded, the approval of a Conditional Use Permit for a two-family dwelling under single ownership in an R-1 One Family Residence District for Michael & LaVae Ellingson at 101 Marlene Street with the following conditions: install a concrete or bituminous surfaced driveway to provide two garage and two driveway parking spaces within one year of the date of the permit; remove the existing kitchen facilities of the third apartment within one year of the date of the permit; and repair broken and rotten exterior siding, trim, and windows within one year of the date of the permit. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Edblom moved, Rowe seconded, the approval of a Variance Adjustment Permit to construct a garage addition with a side yard setback of less than required by ordinance in an R-1 One Family Residence District for Duane Labat at 405 Mill Street. This permit allows for Mr. Labat to add on the back of the existing garage. Keith Nelson, Director of Public Works, had recommended that this permit be denied since the property owner can not justify "undue hardship" and the property can be put to reasonable use without a variance adjustment permit. All voted in favor of the motion.

Doyle moved, Stores seconded, the introduction of an Ordinance Amending Chapter 11 of the City Code relating to Zoning and calling for a public hearing. This ordinance provides for the rezoning of a portion of Outlot B of the Villages Addition from R-2 (One to Four Family Residence District)/ R-4 (Higher Density Multiple Family Residence District) to R-4 (Higher Density Multiple Family Residence District) at the 600 block of Village Drive. The public hearing is scheduled for the 7:30 P.M. on August 4, 1997. All voted in favor of the motion.

REGULAR MEETING - JULY 21, 1997

At this time Mr. Tim Flaherty of the Coalition of Greater Minnesota Cities provided a brief presentation on the estimated tax bill changes for 1998. This was an information item only and required no action by the city council.

Rowe moved, Edblom seconded, the introduction of an ordinance amending certain parts of Section 11.19 regulating walls, retaining walls and fences in the City of Marshall. All voted in favor of the motion.

Rowe moved, Edblom seconded, the introduction of an ordinance amending certain sections of Section 3.10 of the City Code regulating connection permits in the City of Marshall. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2003, SECOND SERIES and that the reading of the same be waived. Resolution Number 2003, Second Series is a resolution authorizing the proper city personnel to execute an agreement with the State of Minnesota/Department of Transportation for the maintenance and operation of the Marshall Municipal Airport. This agreement provides for the State of Minnesota to reimburse the City of Marshall up to 2/3 of the cost of maintenance and operation of the Marshall Municipal Airport not to exceed \$42,000 per year. All voted in favor of the motion.

Edblom moved, Doyle seconded, the proper city personnel be authorized to execute an agreement with the State of Minnesota/Department of Transportation for the Flood Hazard Mitigation Grant Agreement and call for a public hearing on August 18, 1997. This agreement provides for an increase of \$376,000 to the initial agreement with the MN/DNR for Flood Hazard Mitigation. The additional \$376,000 was approved in the 1997 legislative session. All voted in favor of the motion.

Rowe moved, Doyle seconded, that authorization be granted to add additional language to the equipment transfer agreement between the Southwest Area Agency on Aging and the City of Marshall for the equipment at the Senior Center used for Senior Nutrition Program. This change provides that "whomever is granted the contract will be responsible for the repair and maintenance of the equipment" used to prepare meals for the Senior Nutrition Program. All voted in favor of the motion.

Edblom moved, Stores seconded, that a transient merchants license be approved for Donald Wayne Braband DBA Brabands Produce for the calendar year 1997 at a fee of \$250.00. This license allows for Mr. Braband to sell fruits and vegetables from his truck at Poor Borchs parking lot, Larson Furniture parking lot and the farmers market. All voted in favor of the motion.

REGULAR MEETING - JULY 31, 1997

It was the general consensus of the city council that a special city council meeting be held at 7:00 o'clock A.M. on Thursday, July 24, 1997 to canvass the election results of the special city election to held on Tuesday, July 22, 1997.

Stores moved, Edblom 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 Authorization to Conduct Excluded Bingo for the Minneota American Legion Post 199 for operation at the Lyon County Fairgrounds, Marshall, Minnesota on August 7-10, 1997. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

- Byrnes EDA did not have a quorum; Fire Relief Association met to discuss their retirement fund; Regional Development Commission held their annual meeting.
- Stores Hospital Board Mr. James Hanko will be employed as the Hospital Administrator effective September 1, 1997, the possibility of a parking lot across from the hospital was discussed; Jt. Ice Facility Board will be meeting within the next week; Marshall Celebrates 125th celebration is over; Legislative and Ordinance Committee minutes are included in the council agenda packet, they did not discuss the noise ordinance but felt it could be added to their list; Personnel Committee minutes are included in the council agenda packet.
- Edblom Cable Commission held their annual summer picnic and short meeting last week; Utilities Commission met last week and indicated bids for the construction of a partial lime softening water treatment plant will be opened on August 8, 1997, their annual picnic will be held on July 31, 1997, the watermain across Hwy 23 is being constructed; and they are up and running on the internet; Convention and Visitors Bureau are planning an Arts Festival for August 16-17, 1997.
- Doyle Housing Commission minutes are included in the city council agenda packet; Housing Commission met Monday; Transit help a pre-bid meeting in which 2 vendors attended, bids will be received on July 24, 1997 for a third-party operator.
- Rowe Insurance Advisory Commission has not met; Library Board is working on their budget, application deadline for the director position is August, and they are also on the internet.

Other items of concern brought forth by the Mayor and Councilmembers included: the Chamber of Commerce is working on making Marshall a regional center; there is a special election on Tuesday, July 22, 1997; Studio 8 will begin the play back on the Marshall Celebrate

REGULAR MEETING - JULY 21, 1997

125 events; the adult theater is presenting Our Town this week; Birch Street is under construction; the construction project reports prepared by the Public Works Department is appreciated; work is continuing on the new city logo.

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 12064 through 12290.

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

Midwest Recovery Systems, Inc. 1001 East College Drive Recovery Building \$16,000	Ronald Christopherson 610 DeSchepper Street Deck \$500
James & Bette Abel 306 West Marshall Street Deck \$3,000	Jeffrey Bailey 309 Lawrence Street Deck \$500
Emmet Bakke 614 Kathryn Avenue Replace Windows \$1,100	Fairmont Glass & Sign 703 Ontario Road Free Standing Sign \$1,300
James Hotovec 106 South High Street Deck \$1,700	Ray D. Henriksen 202 East Saratoga Street Fence \$400
Ted Geary 902 Pine Avenue Screen Porch \$1,000	Donald Jants 407 South 4th Street Garage \$5,500
Geske Building & Supply Co. 104 West James Avenue Install Window & Reside Dwelling \$9,500	Peter & Jean Metcalf 1116 Skyline Drive Deck \$2,300

REGULAR MEETING - JULY 21, 1997

Russell Dulek
613 Elaine Avenue
Reroof Dwelling
\$2,400

Babcock Construction
205 East Main Street
Reroof Dwelling
\$1,700

Sussner Construction
1602 Superior Road
Garbage Room Addition
\$80,000

Patricia A. Fisher
1006 Woodfern Drive
Install Window & Deck Railing
\$1,500

Lyle & Paula Pater
1218 Parkside Drive
Deck
\$1,200

Independent Lumber
1106 Bruce Circle
Addition & Reroof Dwelling
\$28,000

Duane Wyffels
612 Kathryn Avenue
Replace Windows
\$2,500

Kevin & Brenda Elton
603 Thomas Avenue
Basement Remodel, Fireplace, Window
\$5,000

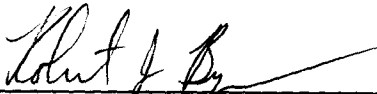
Timmy R. & Donna O. Swenson
301 South Highway 23 By-Pass
Retail Sales Building
\$200,000

Thomas Nichols
414 North 5th Street
Deck and Reside Garage
\$3,000

Robert C. Meyer, Jr.
418 North 5th Street
Storage Shed
\$1,300

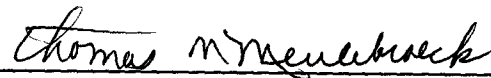
True Value Home Center
803 Viking Drive
Dwelling
\$150,000

Upon motion made by Doyle, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

SPECIAL MEETING - JULY 24, 1997

A special meeting of the Common Council of the City of Marshall was held on July 24, 1997. The meeting was called to order at 7:02 A.M. by Mayor Byrnes in the Marshall Municipal Building Council Chambers. In addition to the Mayor the following members were present: Rowe, Doyle and Stores. Absent: Edblom and Boedigheimer. Staff present at the meeting included: Michael Johnson, City Administrator and Thomas M. Meulebroeck, Finance Director/City Clerk.

The election returns as filed by the election judges of the Special Election held on July 22, 1997 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:

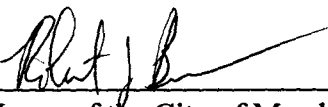
Michael G. Reynolds	15
Rise' Mitchell	<u>1</u>
Total Votes	16

Stores moved, Doyle seconded, that Michael G. Reynolds be declared duly elected as councilperson for Ward 1 of the City of Marshall for a term to expire on November 30, 1998. This position was vacated by the resignation of Eugene Roggeman. All voted in favor of the motion.

A brief discussion was held in regard to the concern of better informing the residence of a special election to get them to vote.

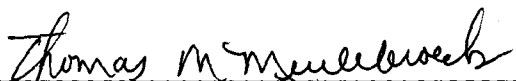
City Administrator, Mike Johnson, advised those in attendance at the meeting that he had received a resignation from David Frey, Wastewater Treatment Plant Superintendent, effective November, 7, 1997.

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



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

REGULAR MEETING - AUGUST 4, 1997

The regular meeting of the Common Council of the City of Marshall was held on August 4, 1997. The meeting was called to order at 7:34 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present at the meeting included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Thomas M. Meulebroeck, Finance Director/City Clerk; Michael Leese, Director of Public Safety; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

Thomas M. Meulebroeck, Finance Director/City Clerk, administered the Oath of Office to newly elected Councilperson Michael Reynolds.

It was the general consensus of the City Council that the agenda be approved with the addition of item no. 11a which is to consider the adoption of a resolution appointing Councilperson Reynolds to the HRA and also a resolution to appoint a new member to the Charter Commission.

Edblom moved, Stores seconded, that the minutes of the regular City Council meeting held on July 21, 1997 be approved as corrected and the minutes of the special City Council meeting held on July 24, 1997 be approved as filed and that the reading of the minutes be waived. All voted in favor of the motion.

Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2004, SECOND SERIES and that the reading of the same be waived. Resolution Number 2004, Second Series is a resolution Accepting the Bid and Awarding the Contract for Project No. 1997-003/S.A.P. 139-124-01 for the improvement of South 4th Street from Elaine Avenue to T.H. 23. This contract was awarded to R & G Construction, Marshall, Minnesota in the amount of \$309,586.45. The intended completion date for this project is October 15, 1997. All voted in favor of the motion.

This was the date and time set for a public hearing on the request of Carr Properties to rezone a portion of Outlot B of the Villages Addition from R-2 (one to four family residence district)/R-4(higher density multiple family residence district) to R-4 (higher density multiple family residence district) at the 600 block of Village Drive. Mike Johnson, City Administrator, reviewed with the council the concerns of the immediate neighbors which included: sanitary sewer capacity, local storm sewer capacity, increased traffic volumes and the type of construction required for the proposed garages. All of these items were discussed by the Planning Commission and approved by the Planning Commission. James Carr indicated that this property would be used to construct an assisted living/congregate housing facility. He indicated that there is a need for this type of facility in Marshall and that Hill Street is full with a waiting list of 80 people. The assisted living side would provide 24 hour care if needed; there would be room available for people that need 24 hour care on a temporary basis; there would be approximately 10 full time jobs. Rowe moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING - AUGUST 4, 1997

Boedigheimer moved, Edblom seconded, the adoption of ORDINANCE NUMBER 373, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 373, Second Series is an ordinance Amending Chapter 11 of the City Code relating to zoning. This ordinance provides for portion of Outlot B of the Villages Addition in the 600 block of Village Drive to be rezoned from R-2 (one to four family residence district) /R-4 (higher density multiple family residence district) to R-4 (higher density multiple family residence district). All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Rowe moved, Stores seconded, the adoption of ORDINANCE NUMBER 374, SECOND SERIES and that the reading of the same be waived. Ordinance Number 374, Second Series is an ordinance amending certain parts of section 11.19 regulating walls, retaining walls and fences in the City of Marshall, Minnesota. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Rowe moved, Edblom seconded, the adoption of ORDINANCE NUMBER 375, SECOND SERIES and that the reading of the same be waived. Ordinance Number 375, Second Series is an ordinance amending certain sections of section 3.10 of the city code regulating connection permits in the City of Marshall. All voted in favor of the motion.

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2005, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2005, Second Series is a resolution establishing specific fees to be charged by the City of Marshall for sanitary sewer connection and inspection fees. All voted in favor of the motion.

At this time Brennan McAlpin, North Medical Transportation Services, presented a financial and medial performance update to the City Council. Some of their accomplishments included: upgrading the service to Advanced Life Support offering advanced care and ALS Intercepts to the surrounding services without impending on Marshall coverage; developed and implemented a Bicycle Medic Program to promote safety in conjunction with the North Trauma Institute; they have placed over 400 bike helmets in the community; they have continued to expand their EMS Education business in the area; replaced a 1996 ambulance with a new 1997 ambulance; updated all their medical equipment with state of the art paramedic equipment; expanded their business line to include ALS Transfers (utilizing Paramedics) out of neighboring hospitals; and they have improved health care in neighboring communities by providing upgraded skills and training to their staff. Councilperson Stores was concerned about the increase in charges. It was indicated that the charges range from \$400 to \$1,800 depending on the type of service that is provided and that the basic life support charge is approximately \$550. It was also indicated that between 65-70% of the original staff is still with North Medical Transportation Services.

Stores moved, Rowe seconded, that Calvin Barnett, City Assessor, be granted out of state travel to attend the International Association of Assessing Officers Conference in Toronto, Ontario,

REGULAR MEETING - AUGUST 4, 1997

Canada from September 11, 1997 to September 17, 1997. All voted in favor of the motion.

Stores moved, Edblom seconded, that the proper city personnel be authorized to fill the position of police patrol officer. This position became vacant due to the resignation of Officer Randy Lavoie. All voted in favor of the motion.

Edblom moved, Rowe seconded, the approval of a tobacco license for Antonio Duenas-Pena DBA La Mexicana at 105 East College Drive. Th fee for this license is \$48.00 and will expire on December 31, 1997. All voted in favor of the motion.

Byrnes moved, Stores seconded, that the following appointments be made to the various boards and commissions: Don Bartz be appointed to the Airport Commission for a term to expire on May 31, 1999 and Cindy Olson be appointed to the Senior Citizen Commission for a term to expire on May 1, 2000. All voted in favor of the motion.

Rowe moved, Edblomseconded, the adoption of RESOLUTION NUMBER 2006, SECOND SERIES and that the reading of the same be waived. Resolution Number 2006, Second Series is a resolution appointing Michael Reynolds to the Housing and Redevelopment Authority. All voted in favor of the motion.

Rowe moved, Stores seconded, that Michael Reynolds be appointed to the Personnel Committee and Public Improvement/Transportation Committee; that he be the liaison to the Community Services Advisory Board, the Lyon County Ice Facility Board and the Joint Law Enforcement Committee; the appointment of John Doyle as the liaison to the Convention & Visitors Bureau and Don Edblom as the liaison to the Planning Commission. All voted in favor of the motion.

Byrnes moved, Stores seconded, the adoption of RESOLUTION NUMBER 2007, SECOND SERIES and that the reading of the same be waived. Resolution Number 2007, Second Series is a resolution nominating Councilmember Ted Rowe to the Charter Commission. All voted in favor of the motion.

Edblom moved, Stores seconded, that the public hearing originally scheduled for August 18, 1997 be changed to September 2, 1997 at 7:30 P.M. This public hearing is for additional State funding on the Corps of Engineers Flood Control Project. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA has not met; Fire Relief Association will meet on Tuesday, August 5, 1997; Regional Development Commission has not met.

REGULAR MEETING - AUGUST 4, 1997

- Stores Hospital Board will meet on August 18, 1997 and this will be Ron Jensen's last meeting as Director of Weiner Memorial Medical Center; Legislative and Ordinance Committee has not met and the Personnel Committee needs to meet.
- Edblom Cable Commission will meet on August 12, 1997; Utilities Commission will meet on Friday, August 15, 1997 to consider the award of a bid for the construction of a water filtration plant and their regular meeting will be held on August 19, 1997; Convention and Visitors Bureau will meet on August 20, 1997; Ways and Means Committee will be meeting soon and the Planning Commission will meet on August 13, 1997.
- Boedigheimer Airport Commission will meet on August 11, 1997; Senior Citizen Center Commission will meet on August 13, 1997; Lyon County Enterprise Development Commission met last week and discussed the budget; Joint Law Enforcement Center has nothing to report.
- Rowe Library Board the applicant deadline is August 1, 1997 for the Director position, the County and City need to hold a joint meeting to discuss the budget - the city is responsible for the building but the city and county share the expense of the operations of the Library; Insurance Advisory Commission the Legislative and Ordinance Committee needs to meet to dissolve this commission and form an Insurance Advisory Task Force; Joint Ice Facility Board met and discussed the fee the city pays for the amount of ice time they receive and indicated if their ice time is cut back then the amount the city pays should also be reduced.

Other items of concern brought forth by the Mayor and Councilmembers included: Ritter's Sanitary Service did not charge the City of Marshall for the extra garbage removal for the 125th Celebration; the detour should not have been set up until the project was ready to start and they felt that the detour should have been set up in a different way; a thank you was extended to the park maintenance parttime employee for finding and returning stolen items; the Legislative and Ordinance Committee needs to review the tobacco ordinance; the video and audio for the Council Chambers needs to be discussed; Ed Cain should attend a future council meeting; the future of the Municipal Building needs to be discussed and what is the possibility of sharing equipment with MN/DOT.

Edblom moved, Boedigheimer seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 12291 through 12428.

REGULAR MEETING - AUGUST 4, 1997

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

Donald Jants
205 South 5th Street
Install Windows
\$600

Patricia Hay
106 "F" Street
Basement Remodel
\$500

Hiskin Construction
1102 Jefferson Avenue
Install Windows and Interior Remodel
\$2,000

Guy & Teri Finstrom
507 West Southview Drive
Install Window & Demolish Wall
\$500

D & G Excavating
104 West Lyon Street
Demolish Dwelling
\$0

William Krakowski
904 North 4th Street
Deck
\$1,000

Joseph A. Krogman
902 Silvervine Drive
Reroof Dwelling
\$1,500

Geske Building & Supply
803 North 6th Street
Reside Dwelling
\$4,000

Doug Schuttler
109 South 10th Street
Replace Garage Floor
\$200

Johnson Construction
915 Pine Avenue
Replace Doors
\$600

Norman Schnieder
404 West Saratoga Street
Demolish Garage
\$0

Norman Schnieder
404 West Saratoga Street
Replace Basement
\$27,000

Paul & Lois Johnson
800 Lawrence Court
Deck
\$700

Johnson Construction
306 Sunrise Lane
Basement Bathroom
\$800

Geske Building & Supply
202 Donita Avenue
Install Windows & Siding
\$3,000

Ivan Basche
426 North 5th Street
Garage
\$7,570

REGULAR MEETING - AUGUST 4, 1997

Geske Building & Supply
406 Walnut Street
Reside Dwelling
\$9,000

Duane Summerfelt
903 Cheryl Avenue
Deck
\$800

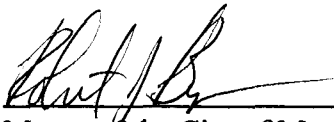
Tate Doom
309 North 7th Street
Deck
\$500

Johnson Construction
109 East Southview Drive
Install Window
\$700

Duane Labat
405 Mill Street
Garage Addition & Remodeling
\$5,800


Fairview, LLC
601 Village Drive
Apartment-Phase I-Footings & Foundation
\$400,000

Upon motion by Stores, seconded, by Reynolds, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

REGULAR MEETING - AUGUST 18, 1997

The regular meeting of the Common Council of the City of Marshall was held on August 18, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present at the meeting included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Thomas M. Meulebroeck, Financial Director/City Clerk; Keith Nelson, Director of Public Works; Bob VanMoer, Wastewater Assistant Superintendent; Mike Leese, Director of Public Works; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the addition of item no. 12a which is the consideration of a request for the "Pursuit of Excellence" - Southwest Minnesota Marching Band Festival parade to be held on September 20, 1997.

Rowe moved, Edblom seconded, that the minutes of the regular City Council meeting held on August 4, 1997 be approved as corrected and that the reading of the minutes be waived. All voted in favor of the motion.

A bid was received, opened and read for the annual overlay and sealcoating of various streets on August 13, 1997 from McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$103,595.30. Rowe moved, Stores seconded, the bid for Project No. 1997-005 which is the annual overlay and sealcoating of various streets within the City of Marshall be awarded to McLaughlin & Schulz, Inc., in the amount of \$103,595.30. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Edblom moved, Rowe seconded, the approval of a Variance Adjustment Permit to construct an apartment building at 601 Village Drive in a R-4 Higher Density Multiple Family Residence District with one off-street parking space per unit in lieu of two parking spaces per unit as required by Ordinance. Councilperson Boedigheimer was concerned with the granting of this request as a senior citizen housing project with only 1 parking stall per unit and the possibility that there would not be enough parking if at a later date this apartment building was not longer a senior citizen housing project. Councilperson Rowe was concerned with the expansion of this facility and how that would affect the parking area. Keith Nelson, Director of Public Works, indicated that if the facility was expanded the parking area would also have to be expanded. Boedigheimer suggested there should be at least one parking space per unit plus additional spaces for employees. All voted in favor of the motion, except Boedigheimer who voted no.

Rowe moved, Stores seconded, the introduction of an ordinance to amend Chapter 11 of the City Code relating to zoning and to call for a public hearing. This ordinance provides for the property at 1800, 2400, 2500 and 2701 North 7th Street to be rezoned from Agricultural to I-2 General Business District as requested by the Minnesota Corn Processors. The public hearing

REGULAR MEETING - AUGUST 18, 1997

will be held at 7:30 P.M. on September 2, 1997. All voted in favor of the motion.

Edblom moved, Stores seconded, the introduction of an ordinance to amend Chapter 11 of the City Code relating to zoning and to call for a public hearing. This ordinance provides for the property at 516 East Main Street to be rezoned from R-4 Higher Density-Multiple Family Residence District to B-3 General Business District as requested by Jonathan and Patricia Mellenthin/Thomas and Debra Werpy. The public hearing will be held at 7:30 P.M. on September 2, 1997. All voted in favor of the motion.

Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2008, SECOND SERIES and that the reading of the same be waived. Resolution Number 2008, Second Series is a resolution declaring the adequacy of a petition and ordering the preparation of a report for curb and gutter and sidewalk improvements on Lucille Street from 209 Lucille Street to 201 Lucille Street. All voted in favor of the motion.

At this time Bob VanMoer, Assistant Wastewater Treatment Superintendent, reviewed with the City Council and others in attendance at the meeting the 1997 MPCA Report for Wastewater Treatment Facilities. The sections and scores (where 0 is best and 100 is the maximum) were as follows:

- Section one - Treatment System Physical Condition - score of 10
- Section two - System Loadings and Performance (from your DMR's) - score of 3
- Section three - Collection System - score of 15
- Section four - Biosolids - score of 10
- Section five - Septage - score of 0
- Section six - Treatment System Operation and Maintenance - score of 0
- Section seven - Financial and Ordinance status - score of 13

The council thanked Mr. VanMoer for this report.

Edblom moved, Stores seconded, the proper city personnel be authorized to utilize Mr. David M. Otterstatter for Uniform Relocation Assistance and Real Property Acquisition Services for the Army Corp Project. All voted in favor of the motion.

Upon the recommendation of the Interim Director of Public Safety Michael Leese, Stores moved, Edblom seconded, that Sara VanLeeuwe be employed as a fulltime Police Officer with the City of Marshall at the rate of \$13.34 per hour effective September 4, 1997. The following resolution was adopted: BE IT RESOLVED that Sara Jean VanLeeuwe be a duly appointed, qualified and acting fulltime 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

REGULAR MEETING - AUGUST 18, 1997

and Fire Fund. All voted in favor of the motion.

Rowe moved, Boedigheimer seconded, the approval of an Off-Sale Beer license for Antonio Duenas-Pena DBA La Mexicana at 105 East College Drive at a fee of \$50.00. This license will expire on December 31, 1997. All voted in favor of the motion.

Edblom moved, Stores 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 renewal of the Premises Permit License for the VFW Post 742 for operation at 1507 East College Drive, Marshall, Minnesota. All voted in favor of the motion.

Boedigheimer moved, Edblom seconded, Bruce Haug be appointed to the Economic Development Authority for 6 year term to expire on May 31, 2003. All voted in favor of the motion.

Stores moved, Reynolds seconded, that the Marshall Music Boosters, Marshall Senior High School and Southwest State University be granted permission to hold a parade on September 20, 1997 beginning at 12:30 P.M. The route for this parade will be starting at 5th Street & Main Street proceeding down Main Street to College Drive, turning right for one block on West College Drive and then turning left on Marvin Schwan Memorial Drive. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

- Byrnes Economic Development Authority will meet on Tuesday, August 19, 1997; Fire Relief Association will meet on Tuesday, August 19, 1997; Regional Development Commission met last Thursday and discussed their budget.
- Stores Hospital Board met earlier and discussed the proposed parking lot, their space needs and indicated that several of their employees had attended a Customer Focus Care Seminar; Personnel Committee has not met.
- Edblom Cable Commission met last week but did not have a quorum; Planning Commission met last week and their minutes are included in the Council packet; Utilities Commission will meet on Tuesday, August 19, 1997 and they also met on Friday, August 15, 1997 to award the bid for the construction of a partial lime softening water treatment plant.
- Boedigheimer Airport Commission met last week but did not have a quorum; Lyon County Enterprise Development will meet in September; Jt Law Enforcement Center will meet in September.

REGULAR MEETING - AUGUST 18, 1997

Thomas M. Meulebroeck, Finance Director/City Clerk, gave a brief update on the transit merger between the City of Marshall and Western Community Action.

Rowe Library Board has not met but the Search Committee is continuing to meet and considering the new director position; Legislative and Ordinance Committee met but did not have a quorum; they did briefly discuss Chapter 13 and Marshall Municipal Utilities entering into another utility and felt that this item should be added to the next regular city council meeting; they will discuss the tobacco ordinance and the undue hardship issue at their next meeting.

Reynolds Community Services Advisory Board met on August 6, 1996.

Other items of concern brought forth by the Mayor and Councilmembers included: the Industrial Expansion and Downtown Regional Development Committees will be having meetings in the near future; there was a concern about signs on 4th Street on snow advisory routes and where tenants will parking during this time - this was referred to the Public Improvement Committee; City Administrator Michael Johnson and Councilprson Stores are attending a 2 day strategic planning at the school; the detour signs for East Main Street are to be left where they are; there was a concern about the material on Cable 8 being outdated.

Boedigheimer moved, Stores seconded, that City Administrator Michael Johnson, request that the City of Marshall be allowed by pay the increase in dues to the Coalition of Greater Minnesota Cities over a 2 year period. All voted in favor of the motion.

The Arts Festival, the Lyon County Fair and the VFW Tournament were all a success; the Marshall Municipal Utilities and the City Council will meet on Tuesday, August 19, 1997; temporary stop signs will be installed on Saratoga Street due to the increase in traffic and school starting soon; the possibility of the City of Marshall hosting the League of Minnesota Cities Regional Meeting next year will be considered.

Edblom moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 12428 through 12607.

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

Andrew H. Maertens
501 West Southview Drive
Replace Windows
\$800

JAN Properties
426 North 5th Street
Move Out Garage
\$0

REGULAR MEETING - AUGUST 18, 1997

JAN Properties
506 South 1st Street
Move In Garage
\$1,000

Patricia Hay
106 "F" Street
Install Window
\$500

Greig & Gregerson
413 North 7th Street
Reroof Dwelling & Garage
\$1,200

True Value Home Center
407 "A" Street
Reroof Dwelling & Gazebo
\$13,600

A & B Improvements
901 Country Club Drive
Reroof Apartment
\$17,000

Independent Lumber
614 West Thomas Avenue
Reroof Dwelling
\$1,500

Independent Lumber
200 Stephen Avenue
Dwelling
\$107,000

Michael Boedigheimer
432 Legion Field Road
Replace Windows
\$3,000

Rick Slagel Construction
402 West Thomas Avenue
Reroof Dwelling
\$2,400

Greig & Gregerson
313 East Main Street
Remodel - Addl. Work
\$900

Schaefer Woodworks
1111 Jefferson Avenue
Install Windows
\$2,500

Gina Hasch
514 Hudson Avenue
Garage
\$15,000

Neil & Sandy Nath
804 Elaine Avenue
Garage addition, deck & ext remodeling
\$22,000

Schaefer Woodworks
400 Charles Avenue
Reroof Dwelling
\$5,000

Russell Dulek
1100 Parkview Drive
Reroof Dwelling
\$2,000

Tholen Auto Sales
1103 West Main Street
Addition & Remodeling
\$80,000

REGULAR MEETING - AUGUST 18, 1997

Tracy Cummings
1217 Prospect Road
Reroof dwelling
\$2,500

Brian & Michelle Boersma
510 West Marshall Street
Reroof
\$2,000

North Star Modular Homes
1106 Skyline Drive
Prefabricated dwelling
\$40,000

Brent & Mary Jeffers
1104 Skyline Drive
Finish basement
\$2,000

Mark Jacobs
1123 Sunset Circle
Install window
\$2,000

Babcock Construction
1320 Horizon Drive
Reside dwelling
\$4,300

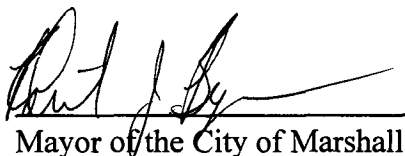
True Value Home Center
102 "C" Street
Garage
\$11,600

Fairview, LLC
601 Village Drive
Three garages
\$60,000

Roger Porter
707 DeSchepper Street
Fence
\$2,500


The City Council will tour the Marshall Lyon County Library at 6:45 P.M. on Monday, September 15, 1997.

Upon motion made by Stores, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk

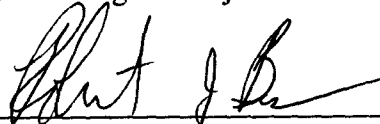
SPECIAL MEETING - SEPTEMBER 2, 1997

A special meeting of the Common Council of the City of Marshall was held on September 2, 1997. The meeting was called to order at 6:34 P.M. by Mayor Byrnes in the Cottonwood Room of the Marshall Municipal Building. In addition to Byrnes the following members were present: Stores, Rowe, Edblom, Boedigheimer and Reynolds. Absent: Doyle. Staff present at the meeting included: Michael Johnson, City Administrator; Keith Nelson, Director of Public Works; Dale Howe, Building Official and Jane DeVries, Deputy City Clerk.

The purpose of the special meeting was to discuss the proposed manufactured home park regulations ordinance. John Bonner, Marshall Plan Inc.; and Ken and Mary Fisher, Managers of Village Park; were in attendance at the meeting to discuss the proposed ordinance with the city council. This proposed ordinance would affect Village Park, Camelot Square and all future manufactured home parks. After discussion and some minor changes to the proposed ordinance the general consensus was that the proposed ordinance be referred to City Attorney Brian Murphy for his review.


Be it noted the arrival of Council Doyle.

Upon a motion and a second the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING - SEPTEMBER 2, 1997

The regular meeting of the Common Council of the City of Marshall was held on September 2, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Stores, Rowe, Edblom, Boedigheimer, Doyle and Reynolds. Staff present at the meeting included: Michael Johnson, City Administrator; Keith Nelson, Director of Public Works; Harry Weilage, Director Community Services; Brian Murphy, City Attorney; Thomas M. Meulebroeck, Financial Director/City Clerk; David Marks, Fire Chief and Jane DeVries, Deputy City Clerk.

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.

Rowe moved, Stores, seconded, that the minutes of the regular City Council meeting held on August 18, 1997 be approved 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 request from Minnesota Corn Processors to rezone 1800, 2400, 2500, 2701 North 7th Street from A - Agricultural District to I-2 General Industry District. Keith Nelson, Director of Public Works reviewed this request with the City Council and others in attendance at the meeting. There were no questions or comments therefore, Doyle moved, Edblom seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Doyle seconded, the adoption of ORDINANCE NUMBER 376, SECOND SERIES and that the reading of the same be waived. Ordinance Number 376, Second Series is an Ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for the property at 1800, 2400, 2500 & 2701 North 7th Street to be rezoned from A -Agricultural District to I-2 General Business District. All voted in favor of the motion.

This was the date and time set for a public hearing on the request from Jonathan & Patricia Mellenthin / Thomas & Debra Werpy to rezone 516 East Main Street from R-4 Higher Density-Multiple Family Residence District to B-3 General Business District. Keith Nelson, Director of Public Works, indicated that this request was approved by the Planning Commission, but that the City Staff is recommending this request be denied because it is not compatible with the 1996 Comprehensive Plan. Patricia Mellenthin was in attendance at the council meeting and indicated that they would not be able to expand or even replace these units if the area is not rezoned. Councilperson Boedigheimer indicated that the council should decide how they want this part of town to look in 20 years before they approve this request. Mayor Byrnes indicated that this request would allow the zoning to fit what the property is being used for. Stores moved, Rowe seconded, that the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING - SEPTEMBER 2, 1997

Stores moved, Edblom seconded, the adoption of ORDINANCE NUMBER 377, SECOND SERIES and that the reading of the same be waived. Ordinance Number 377, Second Series is an Ordinance amending Chapter 11 of the City Code relating to zoning. This ordinance provides for the property at 516 East Main Street to be rezoned from R-4 Higher Density Multiple Family Residence District to B-3 General Business District. All voted in favor of the motion, except Rowe and Boedigheimer who voted no.

This was the date and time set for a public hearing on Marshall Flood Control Project (U.S. Army Corps of Engineers). Dave Rassch, Project Manager, was in attendance at the meeting and gave an update on the flood control project and what is being proposed. Don Delanghe, RR 2, Marshall wanted to know how this ten million project was being funded. It was indicated that the federal government would fund 75% and the city would fund 25% of which the state will split 50/50 with the city. Denny Oeltjenbruns, Cottonwood River Basin Association, expressed his objection to this project. He indicated that the Cottonwood River Basin Association did not want more water dumped into the Cottonwood River. Dave Rassch indicated that they are trying to maintain the flow on the Redwood River and the Cottonwood River. Harlan Magnuson indicated that this project would change the flow to the Cottonwood River more than to the Redwood River. Robert Blomme, Redwood River Association, indicated that Green Valley now receives 4 flooded rivers because of this project. In Don Delanghe's opinion it was a waste of money to stop the water before it goes North of Marshall. Harlan Magnuson suggested that there should be some type of agreement to solve this where everyone can benefit. Don Delanghe suggested that the City of Marshall, the Redwood River Basin Association and the Cottonwood River Basin Association should all work together on the flood control project so that everyone involved could have a win win situation. Gordon Brezczinski, RR, Marshall, indicated that in 1963 when the by-pass was put in, instead of it being done for water retention it was because the city did not care about the people downstream and they still feel the same way. Stores moved, Doyle seconded, the public hearing be closed. All voted in favor of the motion.

Edblom moved, Reynolds seconded, the proper city personnel be authorized to enter into a Partnership Agreement between the City of Marshall and Marshall Municipal Utilities. This agreement provides for the transfers between the City of Marshall and the Marshall Municipal Utilities for the year 1998. This agreement allows the Marshall Municipal Utilities to charge the City of Marshall: \$151,000 for street lighting to be paid to MMU at the rate of 1/12 per month or \$12,583.33; \$145,000 for fire protection to be paid to MMU at the rate of 1/12 per month or \$12,083.33; and electric service charges to be based on monthly cost of service. And also, provides for the Marshall Municipal Utilities to transfer to the City: a payment to the City in lieu of taxes in 1998 = \$574,501 to be paid at the rate of 1/12 per month or \$47,875.09 and the continuation of the \$15,000 contribution for EDA funding. This agreement provides for the Marshall Municipal Utilities Commissioners stipend to be \$75.00 per quarter. All voted in favor of the motion.

REGULAR MEETING - SEPTEMBER 2, 1997

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2009, SECOND SERIES and that the reading of the same be waived. Resolution Number 2009, Second Series is a resolution receiving the report and ordering the improvement and preparation of plans for curb and gutter and sidewalk on Lucille Street from 209 Lucille Street to 201 Lucille Street. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2010, SECOND SERIES and that the reading of the same be waived. Resolution Number 2010, Second Series is a resolution calling for a hearing on the improvement on South 4th Street between the North right of way line of Elaine Avenue and the North right of way line of T.H. 23. This public hearing will be held at 7:30 P.M. on Monday, September 15, 1997 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

Rowe moved, Doyle seconded, the introduction of an ordinance amending Ordinance 41, Second Series vacating part of Hahn Road in the City of Marshall. This ordinance provides for a small portion of Hahn Road (in the Industrial Park) that was not included in an earlier vacation of that road to be vacated. All voted in favor of the motion.

Stores moved, Doyle seconded, the proper city personnel be authorized to hire RCM to perform a sewer rate study for the City of Marshall. Councilperson Rowe wanted to know if other firms were considered for this study. It was indicated that RCM is the most familiar with our system. It was also stated that an informal study was done in 92/93. Local industries are aware that this study will be done and they will be asked to provide some input. All voted in favor of the motion.

Dave Marks, Marshall Fire Chief, was in attendance at the meeting to request that the Marshall Volunteer Fire Department be allowed to add two new members to their department. He indicated that they had one firefighter retire and another one leave town and he would like to replace them. They currently have a waiting list of 3 people, but one has indicated he is no longer interested. Boedigheimer moved, Edblom seconded, that Randy Felton and Mike Versavel be added to the Marshall Volunteer Fire Department. All voted in favor of the motion.

A five minute recess was taken at this time.

Due to medical reasons Councilmember Doyle excused himself from the meeting at 9:00 P.M.

Gregg Sherman, Manager Marshall Municipal Utilities, was in attendance at the meeting to review with the council their intent and desire to create and establish a communications utility for the City of Marshall. Rowe moved, Reynolds seconded, the introduction of an ordinance amending certain sections of Chapter 11 and Chapter 13 of the City Charter regulating the public ownership and operation of utilities and the activities of the Marshall Municipal Utilities

REGULAR MEETING - SEPTEMBER 2, 1997

Commission in the City of Marshall, Minnesota. All voted in favor of the motion.

Stores moved, Boedigheimer seconded, the approval of a temporary on-sale liquor license for the Southwest State University Alumni Association for operation at Mattke Field, Southwest State University on Saturday, October 4, 1997. All voted in favor of the motion.

At this time Mike Johnson, City Administrator, congratulated Jim Babcock, who was in attendance at the council meeting, on SSU's ranking as the top Midwestern Public Regional Liberal Arts College by U.S. New & World Report magazine.

Edblom moved, Rowe seconded, the approval of a Sunday Liquor License for the American Legion Post 111 at 413 West Main Street at a fee of \$200.00. This license will expire on December 31, 1997. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA, Fire Relief Association and Regional Development Commission have not met.

Stores Hospital Board the new administrator began working on September 2, 1997; Legislative and Ordinance Committee the mobile home park ordinance will be sent to City Attorney Brain Murphy for his review; Personnel Committee met last week.

Edblom Cable Commission, Planning Commission and Utilities Commission will meet in the near future; Ways and Means Committee met and discussed the budget.

Boedigheimer Airport Commission, Senior Citizen Center Commission, Lyon County Enterprise Development and the Jt. LEC will met next week.

Rowe Insurance Advisory Commission, and Library Board will meet next week.

Reynolds Community Services Advisory Board will meet on Wednesday.

Other items of concern brought forth by the Mayor and Councilmembers included: SSU being #1; the RW22 hearing at the County Board Meeting; the diseased elm tree program being considered again; trees hanging over signs; Cities Week coming up; contacting MCP about ice removal; working with the Redwood and Cottonwood River Basin on the flood control project; street lights not working; city staff/council shirts with the Marshall logo; stop signs being installed at the corner of Saratoga and "C" Street; a league regional meeting in Tracy; the SSU Parade and the completion of East Main Street; the City has supported upstream improvements;

REGULAR MEETING - SEPTEMBER 2, 1997

sending informational letters to property owners along the Redwood River.

Edblom moved, Rowe seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 12607 through 12695.

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

Daniel VanHauwaert
305 West Marshall Street
Deck
\$1,800

J. C. Penney Co.
1420 East College Drive
Remodel retail store
\$3,000

Mark & Mary Prevost
415 North 6th Street
Deck
\$1,000

Schaefer Woodworks
308 North High Street
Bathroom Remodel
\$4,000

Jane Malo
414 East Main Street
Reroof Garage
\$500

Marshall Auto Mall
905 East College Drive
Sign
\$500

Sussner Construction
108 Park Avenue
Install Window
\$3,000

Weldon & Shirley Powelson
407 North 7th Street
Utility Shed
\$500

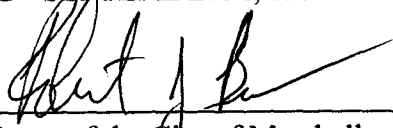
Thor's Handyman Service
1403 Westwood Drive
Reroof dwelling
\$5,500

Dulas Construction
701 North 7th Street
Scale Enclosure
\$75,000

Bernie Wyffels
407 Elm Street
Install Door
\$300

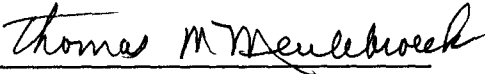
Upon motion made by Rowe, seconded by Stores, the meeting was adjourned. All voted aye.

REGULAR MEETING - SEPTEMBER 2, 1997



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING - SEPTEMBER 10, 1997

A special meeting of the City Council of the City of Marshall was held on September 10, 1997. The meeting was called to order at 6:40 P.M. by President Pro-Tem Stores in the Cottonwood Room of Marshall Municipal Building. In addition to Stores, the following members were present: Rowe, Edblom, Doyle, Reynolds and Boedigheimer. Absent: Byrnes. Staff present at the meeting included: Michael Johnson, City Administrator, and Thomas Meulebroeck, Finance Director/City Clerk

The purpose of this special meeting was to consider and adopt resolutions for the Preliminary Tax Levy and Preliminary Budget for 1998.

Mike Johnson, City Administrator, briefly reviewed the proposed tax levy for 1998 of \$2,169,965 consisting of a general levy of \$1,660,825 and special levies of \$509,140; the minutes from the August 27, 1997 joint Personnel and Ways & Means Committee were reviewed as it relates to budget concerns; the rationale for the preliminary 1998 Property Tax Levy that Mr. Johnson hi-lighted were the levy limitations impact for 1998 preliminary levy, the discussion on the preliminary levy for 1998 establishes the base levy for 1999, the continued local investment in the Marshall Flood Control Project, the minimal change in Minnesota State Aids (30% of revenue in General Fund), and the opportunity to evaluate needs identified by the City Council as it relates to the Municipal Building/Library improvements, technology, flood control and public works/street improvements. Mike reviewed the 1998 Levy Limitation Notice provided by the Minnesota Department of Revenue, a comparison of the tax levy, State aid, and General Fund expenditures for 1995 through the preliminary 1998; and the requested General Fund and Capital Equipment Fund capital expenditures requests for 1998.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2011, SECOND SERIES and that the reading of the same be waived. Resolution Number 2011, Second Series is a resolution adopting the proposed budget for 1998. The budget amount included in this resolution is for the 1998 General Fund providing revenues of \$6,633,995 and expenditures of \$6,921,052 of which the revenues will be supported with a tax levy of \$2,005,548. All voted in favor of the motion.

Edblom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2012, SECOND SERIES and that the reading of the same be waived. Resolution Number 2012, Second Series is a resolution adopting the proposed tax levy for 1998. The proposed levy includes a general levy of \$1,660,825 and special levies of \$509,140 for a total levy of \$2,169,965. This resolution also sets the "Truth in Taxation" Public Hearing for 7:00 P.M. on Thursday, December 4, 1997 with a continuation of the hearing to be set for Thursday, December 11, 1997 if necessary. All voted in favor of the motion.

Upon motion made by Rowe, seconded by Doyle, the meeting was adjourned. All voted aye.

SPECIAL MEETING - SEPTEMBER 10, 1997

Maureen Stores
President Pro-Tem

ATTEST:

Thomas M. Meulbroeck
Financial Director/City Clerk

REGULAR MEETING - SEPTEMBER 15, 1997

The regular meeting of the Common Council of the City of Marshall was held on September 15, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Stores, Rowe, Doyle, Reynolds and Boedigheimer. Edblom arrived 5 minutes late. Staff present at the meeting included: Thomas M. Meulebroeck, Finance Director/City Clerk; Kim Jergenson, Engineer Technician; Brian Murphy, City Attorney; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the deletion of item number 14 which was the consideration of an appointment to the Police Civil Service Commission.

Rowe moved, Doyle seconded, that the minutes of the regular City Council meeting held on September 2, 1997 and the special City Council meeting held on September 2, 1997 and September 10, 1997 be approved 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 assessment for Project No. 1997-003/S.A.P. 139-124-01 for South Fourth Street. During the original assessment hearing process it was determined that additional properties should be included in the assessment roll for the storm sewer portion of the improvements. Richard Branting, 1102 Alan Avenue, was concerned with the assessments for this project being due by October 15, 1997 or if they would extend this date with the recertifying of the assessment. It was indicated that the due date could possible change. There was also a concern if the change in the assessment roll would delay the project. It was indicated that the change in the assessment roll would not delay the project. Councilperson Boedigheimer was concerned if the project was not completed this year could the City certify the assessments for this project. The council has the option of certifying the assessment this year or waiting until next year when the project is completed. Doyle moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

Edblom moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2011 A, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2011A, Second Series is a resolution calling for a public hearing on the proposed assessment for Project No. 1997-003/S.A.P. 139-123-01 for South Fourth Street. The date for this public hearing was set for October 6, 1997 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Councilperson Edblom reviewed with the City Council the recommendation of the Planning Commission to deny the request of Bradley VanBinsbergen for a Variance Adjustment Permit at 201 North 5th Street to construct a garage. He indicated that the Planning Commission felt that there is no "undue hardship" in that the property can be put to reasonable use without a

REGULAR MEETING - SEPTEMBER 15, 1997

variance adjustment permit. Mr. VanBinsbergen was in attendance at the meeting and indicated to the council that he felt there was a hardship due the snow removal and parking problem in this area. Boedigheimer moved, Stores seconded, that the request from Bradley VanBinsbergen for a Variance Adjustment Permit at 201 North 5th Street to construct a garage be referred back to the Planning Commission. Mr. VanBinsbergen agreed to waive the time line on the request. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Boedigheimer moved, Doyle seconded, Frank Stephens be granted a five-year renewal for a Conditional Use Permit for a home occupation for a photography business at 410 East Main Street with the condition that he comply with the sign ordinance. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Boedigheimer moved, Edblom seconded, Marissa Kunde be granted a two year renewal of a Conditional Use Permit for a home occupation of a mortgage loan business at 506 Elaine Avenue. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Edblom moved, Reynolds seconded, Winona Barber be granted a five year renewal of a Conditional Use Permit for a home occupation of a wholesale and computer embroidery business at 204 East Saratoga Street. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Stores moved, Edblom seconded, Arnold Zimmerman be granted a five year renewal for a Conditional Use Permit for a home occupation for a gun sale business at 1307 Westwood Drive. This conditional use permit was approved with the following conditions: 1) that the business remain a special order business; 2) that there will be no gun displays; 3) that there will be no mass merchandising; 4) that there will be no signs. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Stores moved, Doyle seconded, the Good Shepherd Lutheran Church be granted a Conditional Use Permit to construct an advertising sign at 1600 East College Drive. This conditional use permit was approved with the following conditions: 1) that the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such premises are located therein shall be conformed with; 2) that the City reserves the right to revoke the conditional use permit in the event that the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default; 3) that the owner maintain the property to conform with the Housing Code, Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereof; 4) the size of the sign to be 8 ft. x 16 ft. and conform to other requirements of the Ordinance. This conditional use permit replaces the conditional permit issued in 1996 for an 8'x12' advertising sign. All voted in favor of the motion.

REGULAR MEETING - SEPTEMBER 15, 1997

John Olson, representative of the CaMedia Group Inc., was in attendance at the council meeting to answer any questions in regard to the request of Michael Hoff, The CaMedia Group, Inc., (for Ed Evans) for a Conditional Use Permit for an advertising/graphic design business at 403 West Marshall Street. Brian Murphy, City Attorney, questioned this application as to whether or not it complied with the City's ordinance for Conditional Use Permits. Boedigheimer moved, Stores seconded, that the request for a conditional use permit for the CaMedia Group Inc., at 403 West Marshall Street, be tabled until the next regular city council to allow time for the CaMedia Group Inc., and the City of Marshall staff to review this application and ordinance. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of ORDINANCE NUMBER 377A, SECOND SERIES and that the reading of the same be waived. Ordinance Number 377A, Second Series is an ordinance amending Ordinance Number 41, Second Series vacating a portion of Hahn Road in the City of Marshall. All voted in favor of the motion.

Stores moved, Edblom seconded, the proper city personnel be authorized to conduct a City auction for the abandoned vehicles and bicycles that the Police Department currently has along with any other items other city departments may have. It was also indicated that the City of Minnesota would like to put a few items on this auction. This auction will be held sometime in October. All voted in favor of the motion.

At this time Russ Labat, representative of the Marshall Volunteer Firefighters Relief Association, reviewed with the City Council the status of the Relief Association including their audit for the fiscal year ending December 31, 1996 and the schedule of lump sum pension plans. The Marshall Volunteer Firefighters Relief Association is also requesting that their by-laws be amended to increase their service pension benefit from \$3,100 to \$3,300 per year of service. Stores moved, Doyle seconded, that the request of the Marshall Volunteer Firefighters Relief Association be referred to the Ways and Means Committee. All voted in favor of the motion.

Sheldon Kimpling, First American Insurance Agency, reviewed his recommendations with the City Council for the liquor liability, airport liability, property and auto liability, excess liability and boiler insurance coverage for the City of Marshall for the period October 1, 1997 to October 1, 1998.

Rowe moved, Reynolds seconded, the liquor liability be renewed with St. Paul Companies for a premium of \$9,522. This is based on receipts of \$2,028,000. All voted in favor of the motion.

Rowe moved, Stores seconded, the airport liability be renewed with AIG / National Union Insurance for a premium of \$3,250. This is based on liability limits of \$5,000,000. All voted in favor of the motion.

REGULAR MEETING - SEPTEMBER 15, 1997

Boedigheimer moved, Rowe seconded, the boiler/equipment breakdown coverage be awarded to Hartford Steam Boiler for a premium of \$9,136.00. This coverage provides for a per accident limit of \$12,000,000 and the business interruption at \$1,000,000. All voted in favor of the motion.

Rowe moved, Edblom seconded, the League of Minnesota Cities Insurance Trust be renewed for a premium of \$138,642.00. All voted in favor of the motion.

Doyle moved, Stores seconded, the League of Minnesota Cities Insurance Trust excess liability coverage be renewed for a premium of \$32,615.00. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA will meet on Tuesday; Regional Development Commission met last Thursday.

Stores Hospital Board met earlier tonight. This was Jim Hanko's first meeting as Hospital Administrator. He presented a written report for the commission. It was indicated that Ron Jenson will continue to cover the nursing home until such time as Mr. Hanko receives his nursing home administrative license. Legislative and Ordinance need to set a meeting date; Personnel Committee minutes are included in the council packet; 125th met last week - they have \$10,000 in a revolving loan fund to be used for future celebrations.

Edblom Cable Commission met last Thursday and discussed the franchise; it was indicated that Studio 8 would not be covering any school events due to lack of funding; Planning Commission met last week - there was a concern with how new members learn the zoning for the City of Marshall and the commission needs to start working with the Council in regard to the 2 mile area around the city limits; Utilities Commission will meet Tuesday night, construction has begun on their new plant; Ways and Means Committee needs to discuss the budget for the Fire Relief Association.

Boedigheimer Airport Commission minutes are included in the council packet; Senior Citizen Center Commission, Lyon County Enterprise Development and Jt. LEC have not met.

Doyle Housing Commission minutes are included in the council packet; Human Rights Commission will meet next Monday; Convention and Visitors Bureau will meet next Wednesday; Transit Advisory Committee will meet next week.

REGULAR MEETING - SEPTEMBER 15, 1997

Rowe Insurance Advisory Commission met last week; Library Board received \$20,000 in endowments; there will be a retirement party on October 26, 1997 at the Senior Center for Margaret Bosshardt.

Reynolds Community Services Advisory Board fall brochure was sent out on September 3, 1997 and they are using computerized registration.

Other items of concern brought forth by the Mayor and Councilmembers included: because of the hit and run accident that recently occurred involving a person in a wheelchair maybe they need to look at the sidewalk and safety issue; Cities Week will be held October 5-10, 1997; the council felt that there should be a recognition for all city employees, board members and etc; there was a concern about the number of go cart races held this year - the limit was to be 10; September 29, 1997 was the date set for a Library tour, Hospital tour and a meeting with Ed Cain.

Doyle moved, Edblom seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 12696 through 12935.

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

Schwan's Sales Enterprises, In 315 South 1st Street Office remodel \$12,000	Brian F. Greve & Laura M. Hess 304 South 5th Street Deck and install doors \$1,400
Thomas M. Sullivan 408 West Marshall Street Reroof dwelling \$2,000	LaVern Gawarecki 604 Charles Avenue Move out garage \$0
Kerry Kerr 613 Winifred Circle Replace steps \$300	Peter and Linda Nielsen 502 South 1st Street Reroof dwelling \$800
Murray's Auto Glass 200 West College Drive Install sign \$1,000	David Evenson 1004 Boxelder Street Replace windows \$2,300

REGULAR MEETING - SEPTEMBER 15, 1997

Babcock Construction
402 West Saratoga Street
Reside dwelling
\$5,800

Bladholm Construction
104 South "H" Street
Demolish dwelling
\$0

John Purdy
604 Charles Avenue
Garage and deck
\$7,500

Kesteloot Construction Inc
1309 Horizon Drive
Replace windows and reside dwelling
\$10,500

Sam Lynch
500 Central Avenue
Reroof dwelling
\$1,800

Sussner Construction
123 Marvin Schwan Memorial Drive
Office building
\$82,000

Johnson Construction
1404 Westwood Drive
Install window
\$1,000

Paxton Signs
200 O'Connell Street
Signs
\$7,900

Lisa Olson
604 West Erie Road
Move out shed
\$0

George J. Jacob Construction
305 West Lyon Street
Reside dwelling
\$3,000

Richard & Eileen Binnebose
413 North 4th Street
Garage
\$8,000

Bladholm Construction
804 East Main Street
Storage building
\$24,000

Kris Lastine
308 Carrow Street
Deck
\$3,500

Michael A. DeBoer
504 West Marshall Street
Replace stairs
\$500

Russell Dulek
202 West Redwood Street
Partial reroof
\$1,200

Greig & Gregerson
430 West Main Street
Wall demolition and install door
\$800


REGULAR MEETING - SEPTEMBER 15, 1997

REM-Southwest Services Inc
206 North Whitney Street
Replace door
\$300

S & L Siding
620 West Main Street
Reside dwelling
\$12,000

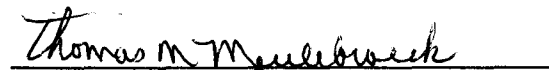
Dennis Chesney
103 Spruce Drive
Install mobile home

Upon motion by Stores, seconded by Reynolds, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk

SPECIAL MEETING - SEPTEMBER 27, 1997

A special meeting of the Common Council of the City of Marshall was held on September 27, 1997. The meeting was called to order at 8:00 A.M. by Mayor Byrnes in the Commissioners Room of the Marshall Municipal Utilities Building. In addition to Byrnes the following members were present: Doyle, Edblom, Stores, Reynolds, and Rowe. Absent: Boedigheimer. Staff present at the meeting included: Michael Johnson, City Administrator.

The purpose of the meeting was to conduct interviews on the 4 candidates for the Director of Public Safety position for the City of Marshall. The 4 candidates interviewed by the City Council and the order that they were interviewed were: Michael Leese, (Acting Director of Public Safety) City of Marshall, Minnesota; Byron Sieber, Lieutenant, Grand Forks, North Dakota; Larry Thoren, Chief of Police, Rock Falls, Illinois; and Robert Yant, Captain, Muscatine, Iowa.

At the conclusion of the four interviews, Mayor Byrnes asked the council to rank the candidates according to each members preference. Upon reviewing the rankings, candidates Sieber (Grand Forks, North Dakota) and Yant (Muscatine, Iowa) appeared to be the top two candidates.

Mayor Byrnes asked City Administrator Johnson and Councilmembers Stores (chair of the community panel interviews) what the community panel and division heads felt about the four candidates. Councilmember Stores indicated that Yant from Iowa was their top selection, but Sieber was also a strong candidate. She also reviewed the summaries on the other three candidates. City Administrator Johnson reported that Mr. Sieber was the top choice of the division heads. He also reviewed the summaries on the other three candidates as well.

Mayor Byrnes asked City Administrator Johnson what his recommendation was. Mr. Johnson provided the council with a brief overview of the candidate's strengths/limitations based on the position profile that had been created for the Director of Public Safety Position. He also shared with the city council the results of the oral/written examinations, the Disc analysis (dimension of behavior) which address potential leadership/management styles, and the results of the preliminary background investigations that were completed by Labor Relations, Inc. Based upon all that information and the personal interviews that he had held with the four candidates, Mr. Johnson recommended that Mr. Sieber of Grand Forks, North Dakota be appointed as the Director of Public Safety.

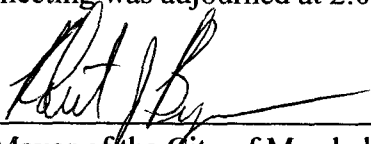
The council continued discussion on candidates Sieber and Yant, assessing their potential strengths and abilities to meet the needs of the department and the community.

After considerable discussion, motion by Byrnes, second by Edblom, to authorize the City Administrator to formally offer the position and to appoint Mr. Byron Sieber of Grand Forks, North Dakota as Director of Public Safety based on the council interviews and the City Administrator's recommendation. The proposed offer and appointment will be subject to a

SPECIAL MEETING - SEPTEMBER 27, 1997

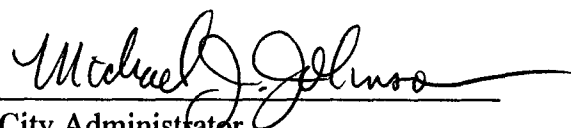
satisfactory background investigation being completed, satisfactory obtainment of POST License, and a psychological examination, a physical examination and a salary/benefit package commensurate with the city's compensation plan and comparable moving package similar to what was offered to the City Engineer. All voted in favor.

Upon motion and second, the meeting was adjourned at 2:00 P.M. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Administrator

SPECIAL MEETING - SEPTEMBER 29, 1997

A special meeting of the Common Council of the City of Marshall was held on September 29, 1997. The meeting was called to order at 7:00 P.M. by Mayor Byrnes in the Marshall-Lyon County Library Building. In addition to Byrnes the following members were present: Boedigheimer, Doyle, Edblom, Stores, Reynolds and Rowe. Staff present at the meeting included: Michael Johnson, City Administrator.

The purpose of the special meeting was to tour the Marshall-Lyon County Library facility to get a feel for the proposed 1998 budget improvements that were being recommended and to have the councilmembers familiarize themselves with the entire Library facility.

At the conclusion of the tour of the Library, the council proceeded to the Weiner Memorial Medical Center. At the hospital, the council met with Jim Hanco, Hospital Administrator, Lee Warne, Chairman of the Hospital Board, Jerry Boerboom, Chief Financial Officer, and Tom Osterberg, Architect from Group II. The council was given a brief presentation on the proposed improvements for the Phase II Hospital Improvements and a tour of the improvements that were constructed in Phase I. At the conclusion of the hospital tour, the council and the hospital representatives returned to the Council Chambers of the Marshall Municipal Building.

City staff members Keith Nelson, Director of Public Works/City Engineer and Harry Weilage, Director of Community Services joined the council and hospital representatives.

Upon returning to the Municipal Building, it was the intent of the council to take action on awarding various bids for the hospital related improvement projects.

Hospital Administrator Jim Hanco reviewed with the council the results of the construction bids that were taken for the Phase II remodeling improvements at the Weiner Memorial Medical Center. Mr. Hanco indicated four bids were received and that the low bid on the project was \$870,000 by Sussner Construction, Inc., of Marshall, Minnesota. The hospital board had reviewed the various bids at their September 22, 1997 Hospital Board Meeting and were recommending to the city council that they award the bid to Sussner Construction. Motion by Doyle, seconded by Stores, to award the hospital construction bid for Phase II to Sussner Construction of Marshall, Minnesota in the amount of \$870,000. All voted in favor.

Hospital Administrator Jim Hanco reviewed with the council that there had been two bids received for the plumbing and heating bids for the Phase II remodeling project. The low bid for this portion of the project was Bisbee Plumbing & Heating from Marshall, Minnesota in the amount of \$549,625. Motion by Edblom, seconded by Rowe, to award the plumbing and heating bid to Bisbee Plumbing & Heating from Marshall, Minnesota in the amount of \$549,625. All voted in favor.

Hospital Administrator Jim Hanco reviewed with the council the bids that were received

SPECIAL MEETING - SEPTEMBER 29, 1997

for the electric improvements to the Phase II improvements at the Weiner Memorial Medical Center. Mr. Hanko informed the council that three bids had been received and that the low bid was for \$196,590 by Mendota Electric, Inc., out of Mendota, Minnesota. Motion by Stores, seconded by Boedigheimer, to award the electric bid to Mendota Electric, Inc., out of Mendota, Minnesota in the amount of \$196,590. All voted in favor.

Hospital Administrator Jim Hanko reviewed with the council the bids that were received for the patient headwall equipment. Mr. Hanko informed the council that the only bid that was received for the equipment was from Hill-Rom Industries in the amount of \$40,207. After discussion, motion by Doyle, second by Reynolds, to award to the patient headwall equipment bid to Hill-Rom Industries in the amount of \$40,207. All voted in favor.

The last item of business for the hospital improvements was for hospital signage. Hospital Administrator Jim Hanko reviewed with the council the bids that had been received from ASI Sign Systems for a comprehensive sign system for the entire Weiner Memorial Medical Facility. He indicated that the low bidder submitted a price of \$72,498.70 and that the signage was necessary to provide compliance with the ADA requirements and to provide visitors to the hospital with the ability to find their way around the entire facility. After considerable discussion, motion by Stores, seconded by Edblom, to award the hospital signage to ASI Sign Systems in the amount of \$72,498.70. All voted in favor.

Tom Osterberg of Group II Architects provided the council with a review of the scheduling, timing and awarding of the bids by the council for the entire Phase II improvement project. He indicated that upon award of bids, the contractor has 300 calendar days to complete the Phase II improvements. It is anticipated that upon the completion of the Phase II improvements the Phase III improvements would be ready to start and that it would be approximately 10 months before the Phase III improvements would begin. It is anticipated that it will take approximately 2 years before completion of the entire project is finished.

The last item of business for the city council was a discussion regarding projects/issues/budgeted for 1998. City Administrator Johnson and Mayor Byrnes began this portion of the meeting by bringing the council up to speed on the status of the Corp of Engineers Project and what funding would be needed for 1998 and beyond. Mr. Johnson indicated that the next two years of financing from the non-federal share of the project would amount to approximately \$1,454,000. It is anticipated that the City of Marshall would attempt to get 50% of that amount or \$727,000 from the State of Minnesota. In addition there may also need to be a catch up from the first two years of funding by the State of Minnesota in the amount of \$17,000. In looking at the dollars that would be needed from the federal government, it appeared that the total amounted to \$5,018,000. Mayor Byrnes indicated that 1998 would be pivotal year in trying to secure both state and federal funding for the Marshall Flood Control Project.

The council then returned to the discussion on the tour of the Library that had been held


SPECIAL MEETING - SEPTEMBER 29, 1997

early in the meeting. The council briefly touched on issues that were related to the library including the downtown redevelopment project that is occurring, issues pertaining to parking, a need to modernize and potentially reconfigure the library, the need for new carpeting on the stairs, the window replacement project, and the upcoming interviews for the candidates for the Director of Library Services.


Mayor Byrnes outlined from his perspective three options that may need to be considered by the city and library and that would be to No. 1 renovate or modernize or update the existing library facility, No. 2 consider the possible relocation of the library and No. 3 in conjunction with city hall take a look at modernization of the Municipal Building, Library and the potential connections between the facilities with the US West building. It was discussed that parking is still a concern with any option in the downtown. No final action was taken on this matter.

Ed Cain, from Legislative Associates, Inc., out of Stillwater, Minnesota appeared before the city council at approximately 9:00 P.M. Mr. Cain gave the city council an overview of the funding process for 1997 at both the state and federal level. Mr. Cain indicated that the House/Senate Conference Committee had made a decision on the FY1998 funding for the Marshall Flood Control Project in the amount of a \$500,000. Mr. Cain indicated that the House had recommended \$500,000, while the Senate had recommended \$1,500,000. He also pointed out that the President's budget had contained an allocation of \$500,000. Mr. Cain and Mr. Johnson informed the council that in the three years of funding from the federal level the city will have received \$1,750,000 and at the state level for the last two years the city will have received \$621,000, for a grand total of \$2,371,000 for the Marshall Flood Control Project. Mr. Cain informed that the council that Congressman Minge was extremely helpful to the project, and that both Senator Grames and Wellstone had worked together very well and provided joint letters on behalf of the Marshall Flood Control Project.

Motion by Edblom, seconded by Doyle, the meeting was adjourned at approximately 9:42 P.M. All voted in favor.


Mayor of the City of Marshall

ATTEST:


City Administrator

REGULAR MEETING - OCTOBER 6, 1997

The regular meeting of the Common Council of the City of Marshall was held on October 6, 1997. The meeting was called to order at 7:30 P.M. by President Pro-Tem Stores in the Council Chambers of the Marshall Municipal Building. In addition to Stores, the following members were present: Doyle, Rowe, Edblom, Reynolds, and Boedigheimer. Absent Mayor Byrnes. Staff present at the meeting included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

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.

Rowe moved, Doyle seconded, that the minutes of the regular City Council meeting held on September 15, 1997 and the minutes of the special City Council meeting held on September 27, 1997 and September 29, 1997 be approved 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 September 25, 1997 in the Council Chambers for the reroofing project of the Marshall Municipal Building. Bids received, opened and read were as follows:

Neiman Roofing
New Prague, MN
\$56,240.00
Unit Price of \$3.00

Buyse Roofing
Marshall, MN
\$53,910.00
Unit Price of \$2.65

Schwickert, Inc.
Mankato, MN
\$50,900.00
Unit Price of \$1.80

Herzog Roofing
Detroit Lakes, MN
\$61,510.00
Unit Price of \$2.25

Horizon Roofing
Waite Park, MN
\$54,600.00
Unit Price of \$1.85

Laraway Roofing, Inc.
New Ulm, MN
\$51,100.00
Unit Price of \$2.00

Rowe moved, Reynolds seconded, the bid for the reroofing project of the Marshall Municipal Building be awarded to Schwickert, Inc., Mankato, Minnesota in the amount of \$50,900.00. This project will be completed this fall or next spring prior to June 1, 1998. All voted in favor of the motion.

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This was the date and time set for a public hearing on the proposed assessment for South 4th Street, Project No. 1997-003/S.A.P. 139-124-01. Councilperson Boedigheimer was concerned about property owners having to pay for an assessment before the project is completed. Keith Nelson, Director of Public Works, indicated that the project should be completed by October 15, 1997. The property owners have until November 15, 1997 to pay this assessment before interest will begin to accumulate. Rowe moved, Doyle seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2012A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2012A, Second Series is a resolution Adopting the Assessment Roll for improvements to South 4th Street from Elaine Avenue to T.H. 23 and Repealing Resolution Number 1996, Second Series. All voted in favor of the motion.

The discussion continued on the request of Michael Hoff, The CaMedia Group, Inc., for a Conditional Use Permit for a Home Occupation for an advertising/graphic design business in an R-1 One Family Residence District at 403 West Marshall Street. City Attorney Brian Murphy indicated that this request does comply with the Ordinance regulating Conditional Use Permits, therefore Boedigheimer moved, Edblom seconded, the approval of a Conditional Use Permit for a home occupation for an advertising/graphic design business in a R-1 One Family Residence District at 403 West Marshall Street for Michael Hoff, The CaMedia Group, Inc., for 1 year, at which time it could be renewed for up to 5 years. All voted in favor of the motion.

A discussion continued on the request of Bradley VanBinsbergen for a Variance Adjustment Permit to construct a garage at 201 North 5th Street. Mr. VanBinsbergen was in attendance at the meeting and indicated that he has worked with Dale Howe, Building Official for the City of Marshall, and they agreed that the proposed location is the best place for him to construct a garage on his property. Brad stressed the fact that it is a hardship for him not to have a garage and the ability to get out of his current driveway to get his wife to work at the hospital on time. Edblom moved, Doyle seconded, the request of Bradley VanBinsbergen for a Variance Adjustment Permit to construct a garage with a rear yard setback of less than required by Ordinance in an R-3 One to Four Family Residence District at 201 North 5th Street be denied. Voting in favor of the motion to deny the permit were: Stores, Doyle and Edblom. Voting no were: Reynolds, Boedigheimer and Rowe. This motion needs a majority, therefore the permit was denied.

Upon the recommendation of the Planning Commission, Boedigheimer moved, Doyle seconded, Norma Raske be granted a five year renewal of a Conditional Use Permit for a home occupation to conduct a beauty shop business in an R-1 One Family Residence District at 1105 Washington. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Edblom moved, Doyle seconded, Clarene Schroeder be granted a two year renewal of a Conditional Use Permit for a home occupation to conduct a ceramic class business in at R-1 One Family Residence District at

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602 Lawrence Street. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Boedigheimer moved, Edblom seconded, Greg Schultz agent for Arthur B. Reese be granted a Conditional Use Permit to classify as a conforming use a nonconforming dwelling existing in a B-2 Central Business District at 106 North 5th Street with the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the Class of District which such premises are located therein shall be conformed with.
2. That the City reserves the right to revoke the Conditional Use Permit in the event that the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.
3. The use and structures cannot be expanded beyond that which is existing at the date of this permit.
4. If the building has been damaged by fire, explosion, act of God, or the public enemy, to the extent of more than fifty percent of its market value as established by a third party fee appraiser, it cannot be restored as a dwelling use and this permit becomes null and void.
5. In the event the dwelling use is discontinued for a period of one year, this permit becomes null and void.

All voted in favor of the motion.

Discussion was held at this time on a request of Jeff Kuiper for a Variance Adjustment Permit to construct a detached garage with a rear yard setback of less than required by Ordinance in an R-3 Low to Medium Density-Multiple Family Residence District at 307 South 4th Street. There was some concern about the property line being in the center of the river or not. Jeff Kuiper agreed to waive the time limit therefore, Edblom moved, Rowe seconded, the request for a Variance Adjustment Permit at 307 South 4th Street to construct a detached garage be tabled. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Doyle moved, Edblom seconded, Carl & Elaine Hamner be granted a Variance Adjustment Permit to enclose a porch with a front yard setback of less than required by Ordinance in an R-1 One Family Residence District at 622 South 4th Street. All voted in favor of the motion.

Mike Engler was in attendance at the City Council meeting to review with the Council his request to construct an addition to his garage at 305 Lawrence Street with a rear yard setback of less than required by Ordinance in an R-1 One Family Residence District. He indicated that the original garage was constructed in 1972 within 9 feet of the rear property line with a Variance Adjustment Permit and he wants to continue the rear wall of that building. Boedigheimer moved, Doyle seconded, Mike Engler be granted a Variance Adjustment Permit to construct a garage addition with a rear yard setback of 9 feet which is less than the 15 feet as required by Ordinance in an R-1 One Family Residence District at 305 Lawrence Street. All voted in favor of the motion, except Stores and Edblom who voted no.

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Upon the recommendation of the Planning Commission, Edblom moved, Boedigheimer seconded, Carr Properties be granted a Variance Adjustment Permit to permit parking for an apartment building within a rear yard setback of 75 feet in lieu of 111 feet as required by City Ordinance in an R-4 Higher Density-Multiple Family Residence District at 601 Village Drive. All voted in favor of the motion.

Tom Osterberg was in attendance at the City Council meeting to review the following recommendations that the Marshall Industries Foundation made to the Economic Development Commission:

1. Acceptance of Market Feasibility Study (Maxfield Research Group) and Opportunities Analysis (Dahlgren, Shardlow and Uban, Inc., - DSU) for future Industrial Park expansion and development.
2. Recommend proceeding with engineering design and development options for Site 1 (heavy industrial) and Site 4 (light industrial as identified in DSU report). Other options included in the report shall remain open for future considerations.
3. Conduct Engineering Feasibility Analysis on road improvements/utility extensions for London Road and Madrid Road (connection to Channel Parkway) in order to open entire area for future development
4. Conduct planning analysis (land use and zoning) for entire area bordered by Main Street, railroad tracks and Channel Parkway to avoid future conflicts and enhance compatible development opportunities.
5. Authorize proceeding with study to determine need and feasibility for expanding railhead off-loading facilities within the tax increment areas of the city to facilitate regional industrial shipping needs.

Doyle moved, Rowe seconded, that these recommendations be accepted and that they continue to work on the recommendations. All voted in favor of the motion.

A 5 minute recess was called at this time.

Rowe moved, Doyle seconded the adoption of RESOLUTION NUMBER 2013, SECOND SERIES and that the reading of the same be waived. Resolution Number 2013, Second Series is a resolution approving the Flow Distribution Agreement for the Redwood River at Marshall, Minnesota. This agreement provides for no change from the present condition to the proposed condition. All voted in favor of the motion.

Rowe moved, Doyle seconded, the introduction of an ordinance repealing Section 2.30 of the City Code Establishing and Regulating the Insurance Advisory Commission in the City of Marshall, Minnesota. All voted in favor of the motion.

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Doyle moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2014, SECOND SERIES and that the reading of the same be waived. Resolution Number 2014, Second Series is a resolution establishing an Ad Hoc Insurance Advisory Committee for the City of Marshall. All voted in favor of the motion.

Patrick Weidemann, District Planner with Minnesota Department of Transportation, was in attendance at the meeting to discuss with the City Council the proposed 1998 Marshall Area Transportation Planning Study. This study needs to be a three way agreement between MN/DOT, the City of Marshall and Lyon County. There would be 2 representatives from each group who would select the consultant for the project. The study will determine forecasted future traffic volumes, traffic flow patterns, actual or community perception of transportation, deficiencies and recommendations to improve those deficiencies. The project cost is \$75,000 with MN/DOT paying 80%. The remaining 20% would be shared equally by the City of Marshall and Lyon County. Public Works Director Keith Nelson was in support of the project and recommended that the City of Marshall should participate. Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2015, SECOND SERIES and that the reading of the same be waived. Resolution Number 2015, Second Series is a resolution of Support for the 1998 Marshall Area Transportation Planning Study. All voted in favor of the motion.

Boedigheimer moved, Edblom seconded, the application for an on-sale non-intoxicating beer license and a wine license for J & W Wink, Inc., DBA The Daily Grind be approved at a fee of \$17.30 for the on-sale non-intoxicating beer license and at a fee of \$80.75 for the wine license. These licenses will expire on December 31, 1997. Jackie Kniggi also requested that the City Council review the annual wine license fee of \$700.00 and consider a lesser fee for an establishment that serves wine on a limited basis. This request was referred to the Ways and Means Committee. All voted in favor of the motion.

Doyle moved, Edblom seconded, Mark Burau be appointed to the Housing Commission for a term to expire May 31, 2002, Ali Jaffery be appointed to the Police Civil Service Commission for a term to expire May 31, 1999 and to readvertise the opening on the Cable Commission. All voted in favor of the motion.

Rowe moved, Doyle seconded, that the Gislason Law Firm be retained to assist the City of Marshall on the Redwood River Diversion Channel legal issues. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Stores Legislative and Ordinance Committee minutes of the meeting are included in the council packet; Personnel Committee needs to set a date for a meeting.

Edblom Cable Commission will meet on Thursday; Planning Commission met last week

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and their minutes are included in the council packet; Utilities Commission have met and are continuing to look for new sources of water; Ways and Means Committee need to set a date for their next meeting.

- Boedigheimer Airport Commission and Senior Citizen Center Commission will be having a meeting soon; Lyon County Enterprise Development met but no minutes were included in the packet and he was not able to attend the meeting; Jt. LEC has not met.
- Doyle Housing Commission, Human Rights Commission and Convention & Visitors Bureau will all meet within the next two weeks.
- Rowe Charter Commission meeting was well reported on in the newspaper. They recommended the proposed changes in the City Clerk's duties. Library Board will meet next week and they interviewed the second candidate for the Director position earlier today; Ice Facility Board a second sheet of ice should be open by mid November and will provide for more ice time; they discussed the county being reimbursed \$2,000 that they will lose in revenue by not being able to rent out the 4-H building.
- Reynolds Community Services Advisory Board met Wednesday, October 1, 1997, they are working at setting the winter rates for ice time and the amount of ice time Community Services will have. The minority liaison, Carlos Mendez was introduced.

Other items of concern brought forth by the Mayor and Councilmembers included: with the city no longer providing police security at SSU is there a need for the cushman that the city used at SSU; the Legislative and Ordinance Committee needs to review the undue hardship issue as it relates to variance permits; Channel 10 is being working on; discussion needs to take place in regard to the go cart races for next year; Thursday evening there will be an appreciation night for all city employees, committee members, commission members and liaisons; Thomas M. Meulebroeck was thanked for all his time and work on the transit merger; there will be a ribbon cutting ceremony on Wednesday, October 1, 1997 for the transit merger with WCA; the tour of the Marshall Lyon County Library and Weiner Memorial Medical Center was well done.

Pending agenda items discussed were: the entrance signs to the City of Marshall are on hold - the City Logo may be changing; the NSF Check Policy needs to be reviewed.

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 12935 through 13060.

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

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Mark Timmerman	1214 Parkside Drive	Reside Dwelling & Utility Shed	4,000
Robert L. Carr Co.	601 Village Drive	81-Unit Apartment (Phase II - Above Slab)	1,000,000
Paxton Signs	1101 East College Drive	Install Signs	600
Nolan Anderson	352 Timberlane Drive	Reside Manufactured Home	2,000
Rick Slagel Construction	101 West Marshall Street	Reroof Dwelling	2,700
Julius H. Walters	501 E. Main Street	Reside Garage	1,200
Sussner Construction	1602 Superior Road	Ethnic Foods Room Addition	166,400
Betty Smith	707 South 2nd Street	Deck	400
Thomas S. Percy	514 East Main Street	Garage	8,500
Sussner Construction	1600 West College Drive	Interior Remodeling	20,000
Geske Building & Supply Co.	811 Boxelder Avenue	Reside Dwelling	1,000
Timothy Guetter	506 Thomas Avenue	Utility Shed	1,800
Geske Building & Supply Co.	508 Lawrence Street	Reside Dwelling	6,500
Geske Building & Supply Co.	110 Ranch Avenue	Reside Dwelling and Install Window	10,000
Linda Curry	422 North 5th Street	Repair Roof	400
DeVries Construction, Inc.	620 South 4th Street	Reside Dwelling	3,200
Sussner Construction, Inc.	113 South 6th Street	Receiving Bay Addition	70,000
J. Scott Hiller	202 North 3rd Street	Interior Remodeling	1,000
Thomas Werner	401 West College Drive	Reside Dwelling	1,600
Russell Dulek	621 Donita Avenue	Reroof Dwelling	2,400
Dennis Krull for Norwest Bank	220 Legion Field Road	Finish Dwelling	7,600
Randy J. Schultz	300 East Main Street	Garage	8,400
True Value Home Center	102 Elaine Avenue	Dwelling	250,000
Babcock Construction	407 North 3rd Street	Deck	500
Babcock Construction	712 Marguerite Avenue	Reside Dwelling	3,500
David & Diane Fiegen	601 Hawthorn Drive	Garage	4,000

The Wastewater Treatment Plant is operating at normal capacity - costs for the recent problems will be passed on to MCP; discussion was held on Dave Frey's position at the

REGULAR MEETING - OCTOBER 6, 1997

Wastewater Treatment Plant; the Public Safety employees and Street Department employees were thanked for their work on SSU's Parade; Nick Barlow is leaving the KMHL-KKCK radio station.

President Pro-Tem, Maureen Stores adjourned the city council meeting at 10:00 P.M.

Maureen Stores
President Pro-Tem

ATTEST:

Thomas R. Deuellmoeck
City Clerk

REGULAR MEETING - OCTOBER 20, 1997

The regular meeting of the Common Council of the City of Marshall was held on October 20, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Doyle, Rowe, Edblom, Reynolds, Stores and Boedigheimer. Absent: none. Staff present at the meeting included: Thomas M. Meulebroeck, Financial Director/City Clerk; Michael Johnson, City Administrator; Brian Murphy, City Attorney; Harry Weilage, Director of Community Services; Mike Leese, Acting Director of Public Safety; and Jane DeVries.

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.

Rowe moved, Doyle seconded, that the minutes of the regular City Council meeting held on October 6, 1997 be approved as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Proposals were received for the replacement of the underground fuel storage tank at the Marshall Municipal Airport. The proposals that were received are as follows:

O'Day Equipment, Inc.	9562.79
Kleespie Tank & Petroleum Equipment	13644.28
B & H Petroleum Equipment Co.	14833.43

Upon the recommendation of Keith Nelson, Director of Public Works/City Engineer, Doyle moved, Boedigheimer seconded, the bid for the replacement of the underground fuel storage tank at the Marshall Municipal Airport be awarded to O'Day Equipment, Inc., in the amount of \$9,562.79. All voted in favor of the motion.

Rowe moved, Stores seconded, the adoption of ORDINANCE NUMBER 378, SECOND SERIES and that the reading of the same be waived. Ordinance Number 378, Second Series is an ordinance Repealing Section 2.30 of the City Code establishing and regulating the insurance advisory commission in the City of Marshall, Minnesota. All voted in favor of the motion.

Stores moved, Edblom seconded, Harry Weilage, Director of Community Services, be allowed out-of-state travel to attend the North American Conference on Recreation Programming from December 4-6, 1997 in San Diego, California. All voted in favor of the motion.

Upon the recommendation of Interim Director of Public Safety Mike Leese, Doyle moved, Reynolds seconded, that Chad Earl Dietz, Jason John Kopitski, Craig Alan Lange and Kevin Lee Nieman be employed as parttime Police Officers with the City of Marshall at the rate of \$9.83 per hour effective October 21, 1997. The following resolution was adopted: BE IT

REGULAR MEETING - OCTOBER 20, 1997

RESOLVED that Chad Earl Dietz, Jason John Kopitski, Craig Alan Lange and Kevin Lee Nieman be duly appointed, qualified and acting parttime police officer(s) 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 and Fire Fund. All voted in favor of the motion.

Stores moved, Edblom seconded, that Mr. Robert A. Yant be appointed as the Director of Public Safety effective November 10, 1997. All voted in favor of the motion.

Edblom moved, Doyle seconded, that the proper city personnel be authorized to execute an Employment Agreement between the City of Marshall and Mr. Robert A. Yant effective November 10, 1997. All voted in favor of the motion.

Rowe moved, Stores seconded, the introduction of an ordinance and the calling for a public hearing on amending Section 3.02 of the City Charter regulating the duties of the City Clerk/Finance Director. The public hearing will be held in the Council Chambers of the Marshall Municipal Building on Monday, November 3, 1997 at 7:30 P.M. All voted in favor of the motion.

Rowe moved, Doyle seconded, the introduction of an ordinance and the calling for a public hearing on amending Sections 11 and 13 of the City Charter regulating the public ownership and operation of utilities and the activities of the Marshall Municipal Utilities. The public hearing will be held in the Council Chambers of the Marshall Municipal Building on Monday, November 3, 1997 at 7:30 P.M. City Attorney Brian Murphy indicated that if the ordinance does not pass by a unanimous vote then the only way the Charter can be changed is by an election. All voted in favor of the motion.

Stores moved, Edblom seconded, the introduction of an ordinance amending the salaries and compensation of the Mayor and Councilpersons. This proposed ordinance provides for the salary for the Mayor to be \$477.41 per month and the salary for the Councilpersons to be \$344.79 per month effective January 1, 1998. All voted in favor of the motion.

Rowe moved, Stores seconded, that a public hearing be scheduled for Monday, November 3, 1997 at 7:30 P.M. in the Council Chambers of the Marshall Municipal Building to consider a request to vacate an easement in Capitol Hill Addition. Mary Alice Matthews of 1106 Washington Avenue has requested that the east 5 feet of the 10 foot easement on the west side of her lots be vacated. All voted in favor of the motion.

Item number 12 was tabled until such time Director of Public Works/City Engineer Keith

REGULAR MEETING - OCTOBER 20, 1997

Nelson was in attendance at the meeting.

Edblom moved, Doyle 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 Minnesota Lawful Gambling Premises Permit for the Knights of Columbus Council 1621 for use at the Chalet Club, East College Drive, Marshall, Minnesota, and also for use at Sam's Place, 236 West Main Street, Marshall, Minnesota. All voted in favor of the motion.

Stores moved, Reynolds seconded, and it was unanimously approved that the following people be appointed to the Ad Hoc Insurance Advisory Committee:

Rick Ramert
Sheldon Kimpling
Karl Porisch
Thomas M. Meulebroeck
Jerry Boerboom
William Larson

Byrnes moved, Edblom seconded, that Dirk Halverson be appointed to the Community Services Advisory Board for a term to expire on February 28, 1998 and Cynthia Vermeersch be appointed to the Community Services Advisory Board for a term to expire on February 28, 1999. All voted in favor of the motion.

Doyle moved, Reynolds seconded, that the City of Marshall be authorized to participate in the Blue Ribbon Task Force for Collaboration. The purpose of this task force is to look at common goals of the City, County and Public School Systems. It was also indicated that this would include the Marshall/Lyon County Library and the Marshall Municipal Utilities. All voted in favor of the motion.

Stores moved, Reynolds seconded, that Jeff Downen of the Thrifty White Drug Store be granted permission to occupy the Main Street sidewalk adjacent the their building at 321 West Main Street during normal business hours on October 21-22, 1997. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA met last Tuesday; Fire Relief Association their request for changes in the by-laws has been referred to the Ways and Means Committee; Regional Development Commission have had several meetings, they now have 2 revolving loan funds available, the Marshall Schott Corporation has received a loan in the amount of \$100,000.

REGULAR MEETING - OCTOBER 20, 1997

Stores Hospital Board their new director and the Affiliated Medical Center are working together to find additional space to fit their needs; Redevelopment Committee the most current maps are on display outside the Council Chambers; Personnel Committee the minutes are included in the agenda packet.

Edblom Cable Commission did not meet; Utilities Commission will meet on Tuesday night; Ways and Means Committee met last week.

Boedigheimer Airport Commission meeting was cancelled; Senior Citizen Center Commission no minutes in the agenda packet; Lyon County Enterprise Development and the Jt LEC did not meet.

Doyle Housing Commission met last week, the parking lot at the High Rise on North 1st Street has been completed; Human Rights Commission will meet next Monday; Convention and Visitors Bureau met last week - they held elections and discussed their budget; Transit Committee met last week the are looking for storage for the transit buses.

Rowe Library Board Mr. McDonald has tentatively agreed to accept the position of Library Director, there is a open house farewell for Margaret Bosshardt, Library Director, on Sunday, October 26, 1997 from 2:00 P.M. to 4:00 P.M. at the Senior Center, the library is looking at coordinating their new logo with the City of Marshall logo.

Reynolds Community Services Advisory Board will meet on November 5, 1997.

Other items of concern brought forth by the Mayor and Councilmembers included: the changes in the tobacco regulations by the federal and state government; appreciation was extended to Maureen Stores and Mike Boedigheimer for all her work on the employee appreciation open house; the stop signs on the corner of Southview and Saratoga are going to stay there but the stop signs on the corner of "C" Street and Saratoga will be removed; there will be an employee quarterly meeting on October 28, 1997; a question was raised if the problem with moisture in the homes in the metro area could happen in Marshall; there have been several people expressing their desire to no longer help at the animal impound facility.

At this time, Director of Public Works/City Engineer, Keith Nelson reviewed with the council the request to acquire ownership of Wayside Rest. The Army Corp of Engineers Flood Control Project Stage 2 will begin in the summer of 1998. Part of the project will include the construction of grass trails in the wooded area along the Redwood River between County Road 7 and Wayside Rest. The construction of a levee, weirs, and channel within the rest area will significantly alter its appearance and function, therefore the city would need to acquire permits or easements from the Department of Transportation in this area. Rowe moved, Reynolds

REGULAR MEETING - OCTOBER 20, 1997

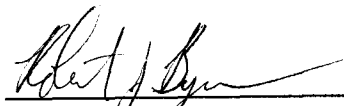
seconded, the proper city personnel be authorized to request the transfer of Wayside Rest property from the State of Minnesota to the City of Marshall. All voted in favor of the motion.

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorize for payment: VOUCHER NO. 13061 THROUGH 13280.

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

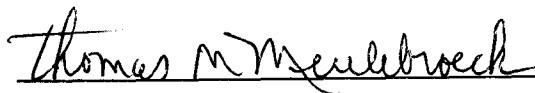
John and Judy DeCramer	113 "G" St.	Reroof and Reside Garage	5,000
Rusell Dulek	901 Woodfern Dr.	Reroof Dwelling	3,200
Lyon County	Fairgrounds Rd.	Reroof Office	1,300
Chuck Fennell	501 Garden Cir.	Reside Dwelling and Enclose Deck	14,000
Stan Stensrud	107 Marlene St.	Replace Steps	500
Michael Engler	305 Lawrence St.	Addition to Garage	2,500
Chris Madden	508 West Redwood St.	Kitchen Remodel	3,500
Denny Miller Construction	809 North 5th St.	Addition to Garage and Reside Garage	4,800
Betty Lockwood	200 Carrow St.	Replace Windows and Interior Remodel	5,000
Weiner Memorial Medical Center	300 South Bruce St.	Hospital Remodeling -- Phase II	1,616,200
Geske Building & Supply Co.	407 South 1st St.	Install Window	3,000

Upon motion by Stores, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk

REGULAR MEETING - NOVEMBER 3, 1997

The regular meeting of the Common Council of the City of Marshall was held on November 3, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Doyle, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: City Administrator, Michael Johnson; Thomas M. Meulebroeck, Finance Director/City Clerk; Brian Murphy, City Attorney; Harry Weilage, Director of Community Services; Robert VanMoer, Interim Superintendent Wastewater Treatment Plant; Karna Janiszski, Secretary Wastewater Treatment Plant.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the addition of item number 8A, which was the consideration of receipt of a grant for the Safe & Sober Campaign.

Stores moved, Doyle seconded, the minutes of the regular City Council meeting held on October 20, be approved as corrected and 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 utility easement on the east 5 feet of the west 10 feet on Lots 4 and 11, Block 3, Capitol Hill Addition to the City of Marshall. This public hearing was being held at the request of Mary Alice Matthews owner of the property. Keith Nelson, City Engineer/Director of Public Works, conducted the public hearing. Mr. Nelson indicated that the various utilities companies including the water, electric, gas and cable have been contacted in regard to this vacation and that none of the utility companies have an objection to the vacating of this utility easement. With no further questions or concerns brought forth at the public hearing, Rowe moved, Edblom seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Doyle seconded, the introduction of an ordinance to vacate a utility easement in the City of Marshall consisting of the east 5 feet of the west 10 feet on Lots 4 and 11, Block 3, Capitol Hill Addition to the City of Marshall. All voted in favor of the motion.

This was the date and time set to consider an ordinance amending Section 3.02 of the City Charter regulating the duties of the City Clerk/Finance Director. Mike Johnson, City Administrator, addressed this ordinance which gives the City Clerk/Finance Director the authority to designate a person to perform specific duties as identified in the City Clerk/Finance Director position. City Attorney Brian Murphy, advised the city council that a change in the city charter requires a unanimous vote of all city council members and if there is not a unanimous vote on an amendment to the city charter that the item being considered reverts back to the Charter Commission for further consideration. With no further concerns or questions brought forth at the public hearing, Edblom moved, Stores seconded, the public hearing be

REGULAR MEETING - NOVEMBER 3, 1997

closed. All voted in favor of the motion.

Rowe moved, Edblom seconded, the adoption of ORDINANCE NUMBER 379, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 379, Second Series is an ordinance amending Section 3.02 of the City Charter of the City of Marshall, Minnesota regulating the duties of the City Clerk/Finance Director in Marshall, Minnesota. All voted in favor of the motion.

A public hearing was held at this time in regard to an ordinance amending Sections of Chapter 11 and 13 of the City Charter regulating the public ownership and operation of Utilities and the activities of the Marshall Municipal Utilities Commission. Mike Johnson City Administrator, addressed those sections of Chapter 11 and 13 being considered for amendment. The areas being considered in the ordinance as amendments included: Section 11.01, acquisition and operation of utilities; Section 11.02, rates and finances; Section 11.03, purchases in bulk; Section 11.04, lease of plant; Section 11.05, public utility discontinuance; Section 13.01, Subd. 1, commission generally; Section 13.03, Subd. 1, division of commission; Section 13.03, Subd. 3, general manager; Section 13.04, Subd. 6, rates; Section 13.05, Subd. 1, disposition of Marshall Municipal Utilities. Mike Johnson City Administrator, reviewed each of these areas of the ordinance considering to be amended. Mr. Johnson indicated that the changes are coming forth as a recommendation from the City of Marshall Charter Commission. Mr. Johnson stated that a committee consisting of non-profit entities including the city, county, municipal utilities, hospital, school district, chamber of commerce and the representatives from the private industry have been meeting over the past 18 months and considering improvements or enhancements to the tele-communications in the City of Marshall. Over this period of time no one has come forth to provide improvements or enhancements to the tele-communications in the City of Marshall, therefore Marshall Municipal Utilities is considering the creating and establishing of a Digital Communication Utility. A Digital Communication Utility would operate separately from the water and electric utilities.

Jane Bremer, legal counsel for Bresnan Communications, was in attendance at the meeting to address the amendments to Chapter 11 and 13 of the city charter. Ms. Bremer indicated that the comments that she would be addressing to the council would be on behalf of Bresnan Communications. Her comments were relevant to other communities who have considered tele-communications in the past and she did indicate that historically municipally owned tele-communication operations have not survived beyond 3 to 5 years. Ms. Bremer indicated that since congress is promoting competition there are no legal barriers to the action that is being considered by the City of Marshall. Bresnan Communications does have plans of supplementing its operation with fiber optics. They have submitted an application for construction of fiber optics in the City of Marshall. Ms. Bremer did indicate that Bresnan Communication has been working with the PraireNet Consortium. She also did express a concern with the use of public money for a tele-communications venture.

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Greg Sherman Superintendent of the Marshall Municipal Utilities, addressed the charter amendments for the city council. Mr. Sherman did indicate that the amendments to the charter does not give the utilities authority to enter in digital communications, but does give that authority to those in the elective body of the City of Marshall. The Marshall Municipal Utilities has not promoted the concept of becoming involved in digital communications, but it has been promoted by interested citizens of the community and individuals from various industries in the City of Marshall. By becoming involved in the digital communications it insures that there is a potential for tele-communications, which the City of Marshall is already 5 years behind other communities. The Marshall Municipal Utilities does not intend to compete with the private industry, but would provide an opportunity for the community to move forward. The Municipal Utilities is capable of doing anything that the city council would like them to do. Mr. Sherman did indicate that Don Stella is in attendance at the meeting and would address his concerns with digital communications and that he had also received correspondence from Southwest Coaches that they are in need of the digital communications that is being considered by the municipal utilities.

Brian Murphy, City Attorney, did respond to a concern as to what effect the changes in the Sections of Chapter 11 and 13 of the City Charter actually mean. He responded by indicating that it allows the municipal utility if it so chooses to become involved in tele-communications. It were to consider tele-communications utilities it would have to receive the authorization from the city council to proceed. Councilperson Boedigheimer expressed his appreciation to the Utility Commission and Charter Commission for their time and effort that they have put in to the recommended changes to the City Charter chapters 11 and 13. Mr. Sherman stated that with the municipal utilities installing the fiber optic cable it is a cost savings measure to the general public and that they do not intend to compete private industry and there have some prime industries in the community who have gone ahead and installed fiber optics and have partnered with the municipal utilities for the installation of a fiber optics cable in the city. Ms. Bremer indicated that they have submitted a construction permit to the city and as soon as it is approved they will proceed with the implementation of an upgrade to their system.

Don Stella stated that the City of Marshall is behind times in its tele-communications capabilities and indicated that there have been citizens that have come forth and requested fiber optics communications in the City of Marshall and that he does not see the utilities as being a competitor in this field but is there to provide a service to the citizens and industries in the community. Mr. Sherman indicated that the municipal utilities are in a position to help and not to stop anyone from becoming involved in the tele-communications. Brian Murphy, City Attorney, briefly reviewed the use of right-of-way for the construction of fiber optic lines. Ms. Bremer indicated that they have submitted an application to the city for the installation of a fiber optic system for Bresnan Communications and in turn have received a lease option with no price, which Bresnan is assuming is the city's response to their application. Ms. Bremer indicated that Bresnan Communications does not intend to lease, but does need established poles to install their cable. Dwayne Purrington on behalf of the Marshall Municipal Utilities understood Bresnan

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Communications was requesting a letter of intent which the municipal utilities did send to the corporate office. It was determined at this time that what Bresnan was submitting and the Marshall Municipal Utilities responded to were different and that there may have been a miscommunication. Councilperson Edblom requested that since the amendments to the City Charter is what was being considered, the city continue their discussion in regard to those amendments and not considering construction documents or lease agreements at this time. With no further concerns brought before the public hearing, Rowe moved, Edblom seconded, the public hearing be closed. All voted in favor of the motion.

Stores moved, Doyle seconded, the adoption of ORDINANCE NUMBER 380, SECOND SERIES and that the reading of the same be waived. Ordinance Number 380, Second Series is an ordinance amending certain sections of Chapter 11 and Chapter 13 of the City Charter regulating the public ownership and operation of utilities and the activities of the Marshall Municipal Utilities Commission in the City of Marshall, Minnesota. All voted in favor of the motion.

Edblom moved, Stores seconded, the adoption of ORDINANCE NUMBER 381, SECOND SERIES and that the reading of the same be waived. Ordinance Number 381, Second Series is an ordinance amending the salaries and compensation of the Mayor and Councilmembers for the City of Marshall, Minnesota. This ordinance provides for effective January 1, 1998 the salary of the Mayor to be \$477.41 per month and the salary for the Councilmembers to be \$344.79 per month. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2016, SECOND SERIES and that the reading of the same be waived. Resolution Number 2016, Second Series is a resolution expressing the City of Marshall's appreciation to David A. Frey who has served at the Wastewater Treatment Plant Superintendent for the City of Marshall for the period July 1, 1975 to November 7, 1997. Mayor Byrnes presented this resolution to Mr. Frey in deep appreciation to Mr. Frey for his many years of services and contributions to the City of Marshall. All voted in favor of the motion.

Jane Bremer, Legal Counsel for Bresnan Communications, provided an update on the new fiber optic system for Bresnan Communications. Ms. Bremer indicated that Bresnan Communications has submitted a proposal to the City of Marshall to extend 20 miles of fiber optic cable within the City of Marshall which will enhance the capabilities of the system and their plans to rebuild the system from scratch. Ms. Bremer indicated that the upgrade are within the current franchise agreement and that this type of enhancements usually begin towards the end of the current franchise agreement. Ms. Bremer indicated that Bresnan Communications plans are to purchase the cable company in other communities and to be install a fiber interconnect between theses various communities in Southwestern Minnesota. Ms. Bremer indicated that once the construct permit has been approved that within 6 months the upgrade should be completed.

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Greg Sherman, Manager of the Marshall Municipal Utilities, provided a brief overview of the 1998 Budget for the Marshall Municipal Utilities. Mr. Sherman did indicate that the Municipal Utilities will be bonding for the water plant expansion and that they did not plan for any increase in their rates. In response to a question raised on the equipment charges included in their budget these rates were for the equipment only.

Mayor Byrnes called for a 5 minute recess at 8:55 P.M.

Stores moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2017, SECOND SERIES and that the reading of the same be waived. Resolution Number 2017, Second Series is a resolution authorizing the acceptance of a traffic safety award in the amount of \$1,000. This mini grant in the amount of \$1,000 has been awarded to the City of Marshall Police Department as a second place prize in the 1996 Minnesota Safe and Sober Challenge. The proceeds of this grant must be used for traffic safety purchases and as additional funding to benefit the agency. All voted in favor of the motion.

Stores moved, Doyle seconded, the proper city personnel be authorized to advertise for bids for a new or used mid-sized 4 door sedan vehicle for the Police Department and include the trading in or selling of the 1989 Chevrolet Celebrity. This vehicle would replace the vehicle that is currently being used by the detectives within the Marshall Police Department. The bid will be received at 2:00 o'clock P.M. on November 20, 1997. All voted in favor of the motion.

Upon the recommendation of the Marshall Senior Citizens Commission, Doyle moved, Boedigheimer seconded, the proper city personnel be authorized to execute the agreement between the Marshall Area Senior Citizens and the City of Marshall for the utilizing of the Marshall Area Senior Center for the period January 1, 1998 through December 31, 1998 at a fee of \$550 per month payable from the Marshall Area Senior Center Inc., to the City of Marshall by the 25th of each month. All voted in favor of the motion.

Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2018, SECOND SERIES and that the reading of the same be waived. Resolution Number 2018, Second Series is a resolution declaring the cost to be assessed and ordering the preparation of the proposed assessment for the extension of the watermain from Southview Court southwest under T.H. 23 to the proposed development area. The total cost of this improvement is \$46,040.00. The recommended pay back period on this assessment is 8 years at 8% interest. All voted in favor of the motion.

Reynolds moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2019, SECOND SERIES and that the reading of the same be waived. Resolution Number 2019, Second Series is a resolution providing for control signage at various locations in the City of Marshall, Minnesota. All voted in favor of the motion.

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Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2020, SECOND SERIES and that the reading of the same be waived. Resolution Number 2020, Second Series is a resolution adopting the assessment for the installation of backwater valves. This resolution provides for a pay back period of 4 years and no interest to be assessed. All voted in favor of the motion.

Rowe moved, Stores seconded, the approval of a temporary on-sale liquor license and a temporary on-sale beer license for the Marshall Area Chamber of Commerce for December 9, 1997 at the Southwest State University Student Center West Facilities for the Chamber to celebrate their accomplishments. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the approval of a temporary loan in the amount of \$400,000 at 5 1/4% interest from the 1997A TIF Construction Fund to the 1997-429 Public Improvement Fund. The interest on this loan is effective the date of the temporary loan and until such time the City of Marshall receives the bond proceeds for the 1997 construction account. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA minutes are included with the agenda packet; Fire Relief Association will be meeting on November 4, 1997 and the Southwest Regional Development Commission will be meeting on November 13, 1997.

Stores Legislative and Ordinance Committee did address the tobacco ordinance, addressed the undue hardship as it relates to variances, considered loud noise ordinance and addressed the ordinance for the deferral of special assessments for retired and disabled; Quarterly Employee Meeting established a uniform pay date which will be implemented in January of 1998, the quarterly committee was looking at the goals and objectives of this committee and for some direction from the City Council as the intended purpose of this committee; Downtown Redevelopment Committee have established their priorities and forwarded them on to the consultants for their review and recommendation; the Personnel Committee of the City Council will be held at 5:15 P.M. on November 4, 1997.

Edblom Planning Commission and Cable Commission meetings will be held in the near future; Ways and Means Committee met and reviewed various licenses and fees established by the city and also met with Russ Labat, President of the Fire Relief Association, in regard to the service pension benefit amount.

Boedigheimer Airport, Senior Citizen Commission and Lyon County Enterprise Development

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meetings will be in the near future.

Doyle EDA reviewed the actions of the their meeting and briefly reviewed the brochure that has been compiled by the Human Rights Commission and the Convention and Visitors Bureau will be holding their meeting in the near future.

Reynolds Community Services will be holding their meeting on November 5, 1997.

Rowe Library Board meeting is upcoming.

Other items of concern brought forth by the Mayor and Councilmembers included: a reminder that the Chamber of Commerce will have a Legislative Review Session at the Marshall Golf Club on the evening of November 18, 1997, Margaret Bosshardt's retirement party was well attended and had a good program. Margaret will be working at the Library through the first week of December with her last date of employment being January 7, 1998. A concern was expressed with the safety of the school crossing guards at the intersection of Main Street and "C" Street. The procedure for areas where sidewalks have not been cleared after a storm was discussed and it was suggested that any complaints be addressed to the City Engineer. Councilperson Boedigheimer and County Commissioner Goodenow will be meeting with the Humane Society to address activities at the animal impound facility. When an easement is being considered for a vacating a question was addressed as to whether or not both of the affected property owners should receive equal benefit in the vacating of an easement. Parking in the area of the Post Office after the recent snow storm was addressed. A discussion was held in regard to a meeting that was held at the fire hall whereby the fire hall was being considered a regional training center. A meeting was held with Lesewski and Seifert in regard to the needs of the community as a regional center and the proposal for a fine arts facility was also discussed. The employees of the City Engineers Office were commended for their work and efforts in relationship to the 1997 construction projects. It was noted that the Women of Today have made a contribution to the City of Marshall for their share of the playground equipment at Independence Park.

Edblom moved, Stores seconded, and it was unanimously approved that the following bills be approved for payment: ACCOUNTS PAYABLE, Voucher No. 13281 through 13378.

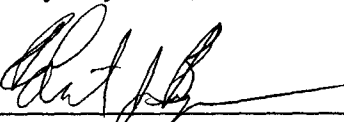
The following building permits previously approved by the Building Official were confirmed:

Hess Flooring	601 North Highway 59	Bathroom Remodel	\$3,500
Robert J. Tholen	401 Sunrise Lane	Bathroom and Solarium Addition	\$10,000

REGULAR MEETING - NOVEMBER 3, 1997


Material Distributors Incorporated	425 North 7th Street	Warehouse Partitions	\$9,000
John Purdy	604 Charles Avenue	Porch Addition	\$8,000
Koch Materials Company	903 North 7th Street	Warehouse Addition	\$3,500
Dr. Dwayne Tegels	503 Lincoln Avenue	Storage Building	\$1,300
Hiller Rentals	230 West Lyon Street	Sign	\$300
Western Human Development Center	1106 East College Drive	Office Remodeling	\$600
Carl Hamner	622 South 4th Street	Enclose Porch	\$2,200
Paul G. Rehkamp	200 East Marshall Street	Addition to Dwelling	\$35,000
Timmy R. & Donna O. Swenson	301 South Highway 23 By-Pass	Signs	\$3,100
Randall Hess	601 Highway 59 North	Install Windows	\$2,000
Thomas C. Werpy	516-B East Main Street	Remodel Warehouse Roof	\$8,000

Upon motion made by Doyle, seconded by Reynolds, the meeting was adjourned.



 Mayor of the City of Marshall

ATTEST:



 Finance Director/City Clerk

SPECIAL MEETING - NOVEMBER 13, 1997

A special meeting of the Common Council of the City of Marshall was held on November 13, 1997. The meeting was called to order at 6:23 P.M. by Mayor Byrnes in the Cottonwood Room of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Doyle, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Michael Johnson, City Administrator; Keith Nelson, City Engineer/Director of Public Works; Harry Weilage, Director of Community Services; Thomas M. Meulebroeck, Finance Director/City Clerk; and Rob Yant, Director of Public Safety.

Michael Johnson, City Administrator, introduced the new Director of Public Safety Robert Yant. Mr. Yant shared a few comments on the activities of his position to date.

The purpose of this special city council meeting was for the council to review the proposed 1998 Budget for the City of Marshall. Michael Johnson, City Administrator, indicated to the City Council that over the last four years the city council and staff have been working on the refining of the city's budget and planning process to get the City of Marshall in order as a regional leader. City Council and city staff have been working together to not allow deficit spending, to balance the budget, to improve planning and becoming more organized in meeting the needs and demands of the citizens of the City of Marshall. Mr. Johnson indicated that the city continues to assess its service delivery and that efforts have been taken to position the city in being more cost effective and efficient in the delivery of its service and this has been accomplished in 1996 by the city transferring the ambulance system to North Memorial, in 1997 merging the City of Marshall transit system with Western Community Action, and in 1998 and 1999 the possibility of a joint law enforcement center with Lyon County. The city has also done some reorganization in establishing four divisions consisting of Community Services, Public Works, Public Safety and General Government Services. This reorganization has been done to provide better planning, accountability and service delivery. The city has made some changes in technology internally and externally. The city has purchased new financial/budgetary/payroll software and hardware and a computer committee has been formed of employees to look at the needs and wants of the city and the city has also been working with the Municipal Utilities, the county, school and ECSU in trying to avoid duplication of efforts. The city has been doing some future visioning with the tax increment financing issues totaling 7.2 million that were issued in 1996 and 1997 for the downtown and industrial development project. The city placed emphasis on employee/family recruitment; worked on improved partnering/collaboration; is working on being a good steward of buildings and has made some improvements to the fire station, library and city hall. The city is also being creative in establishing ways to provide better service to its customers such as the city leasing a motor grader for \$7,500 in lieu of purchasing one for \$150,000 and the possibility of the city constructing a fuel system with another agency. In summary, Mr. Johnson indicated that the city has been asked to partner and collaborate and to use the citizens dollars and resources effectively in which much progress has been made but their needs to be a continued clarification, direction and strategic planning.

Mike Johnson continued to provide an overview of the general fund budget by briefly

SPECIAL MEETING - NOVEMBER 13, 1997

going through the materials that were provided to them. Mr. Johnson indicated that at this time the budget as presented has expenditures in excess of revenues in the amount of \$44,243 and there are also been a request to increase the amount budgeted for the Humane Society by \$2,300 and a request for the fire service pension by \$400. The proposed levy for 1998 consists of \$2,005,548 for the General Fund which is an increase of \$117,040 over the 1997 levy and the Debt Service is proposed to be \$164,417 and increase of \$52,254 over the 1997 levy. The total levy proposed for 1998 is \$2,169,965 and increase of \$169,294 or 8.5%. If the \$50,000 was not included in the 1998 levy for the 1997 storm sewer project the levy increase would only be 5.9%.

Mike Johnson reviewed the proposed 1998 revenues for the General Fund and continued on to review the line item expenditures by department for each of the departments within the General Fund. Mr. Johnson provided a listing of some of the major changes in personnel, program or project changes from 1997 to 1998. The Humane Society had requested an increase of \$2,300 above the amount being appropriated in the animal control account for the city's contribution to the Humane Society. The Humane Society was requesting the increase to assist with the cost associated with the potential of a hired person working approximately 20 hours per week. It was suggested that an increase in the license fee should be considered to off set this cost. An additional position was requested in the budget for the Municipal Airport. With the improvements that have taken place at the Marshall Municipal Airport there is an increase in the maintenance obligation of the airport. The agreement that the City of Marshall has with the State of Minnesota provides for an increase from \$22,500 to \$42,000 for the states participation in the maintenance of the Marshall Municipal Airport. Included in the budget are capital expenditures whereby the city will share with the State of Minnesota on either a 50/50 or 60/40 share for capital improvements. Included in the budget request for Community Services is a Community Plus Program whereby \$10,000 would be supported by a grant and \$10,000 would be coming from the county. Also, included in the Community Services budget is a program for the Summer Academy. The amount of funds transferred from the General Fund to the insurance reserve account was also reviewed. Included in the Street Department budget was a request for a backhoe. There was concern expressed with the possibility of the Street Department and the Marshall Municipal Utilities co-owning a backhoe. A brief discussion was held in regard to the proposed salary increases for 1998. Included in the budget at this time is a 3% increase and if this increase was reduced to 2.25% it could potentially reduce the budget by approximately \$22,000. It was indicated that the personnel committee is looking at holiday, vacation accumulation for new employees and also establishing a sick leave accumulation cap of total hours for new employees.

In reviewing the budget some of the suggested changes were to: reduce the total General Fund budget of personnel by approximately \$22,000; there be \$3,000 deleted from the Assessor's operating expense, \$15,000 be removed from the Airport budget for personnel and a \$10,000 insurance contingency reduction. These recommended changes total approximately \$50,000.

SPECIAL MEETING - NOVEMBER 13, 1997

Upon motion made by Doyle, seconded by Stores, the meeting was adjourned and the City Council will again meet on the budget at 6:00 o'clock P.M. on Monday, November 17, 1997. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



City Clerk

SPECIAL MEETING - NOVEMBER 17, 1997

A special meeting of the Common Council of the City of Marshall was held on November 17, 1997. The meeting was called to order at 6:05 p.m. by Mayor Byrnes in the Cottonwood Room of the Marshall Municipal Building. In addition to Byrnes, the following members were present: Rowe, Doyle, Edblom, Reynolds, Boedigheimer and Stores. Absent: None. Staff in attendance at the meeting were: Michael Johnson, City Administrator, Rob Yant, Director of Public Safety, Keith Nelson, Director of Public Works/City Engineer, Harry Weilage, Director of Community Services and Thomas M. Meulebroeck, Finance Director/City Clerk.

Michael Johnson updated the council on the status of the 1998 proposed General Fund budget which provides for expenditures exceeding the revenues by \$44,243. Mr. Johnson met with staff and they identified \$62,657 of potential expenditure reductions. Those reductions included: \$3,000 from Mayor and Council for consulting assistance, \$3,000 for Historical Society, and \$5,000 from the Contingency; \$19,500 from the Administrative budget for an intern; \$4,000 from the City Assessor budget for professional assistance; \$2,500 from the Municipal budget for needs survey; \$15,657 from the Airport budget, which eliminates the proposed new position and reduces it to part-time, leaving \$7,500 in the budget; and \$10,000 from the Insurance Contingency.

If these reductions were accepted, the General Fund/levy could be reduced by \$18,414 to \$98,626, or a 5.2% increase over the prior year levy. If the salary increases were reduced from 3% to 2.25%, there could be an additional reduction in the levy of approximately \$13,703, for a total levy of \$84,923, or an increase of 4.49% over the prior year levy. It was suggested that the difference between a 2.25% and 2.50% increase, or \$6,842, (\$95,129 - \$88,287) be set aside in a separate account for future retirements. Boedigheimer moved, Reynolds seconded, as recommended by the personnel committee that a 2.25% increase in salaries be included in the 1998 budget, and that a 1/4 of a percent be set aside in a separate account to begin accumulating funds for future retirements. The council was advised that a position vacated by retirement may have been left vacant for some time to recover the added cost incurred with a retirement. All voted in favor of the motion.

The discussion continued on the suggested reduction in the 1998 proposed budget. The areas discussed included the amount budgeted for Codification, the Administrative intern position, the additional amount requested for the animal impound operations, and the amount budgeted for the Historical Society. Harry Weilage, Director of Community Services, offered \$4,000 included in the Community Services budget for part-time salaries to be transferred from the Community Services budget to the Administrative budget for the Administrative intern position.

Stores moved, Rowe seconded, to add \$9,750 to the 1998 Administrative budget for an Administrative Intern and that \$4,000 be deleted from the Community Services part-time salaries to compensate for the administrative intern position. All voted in favor of the motion.

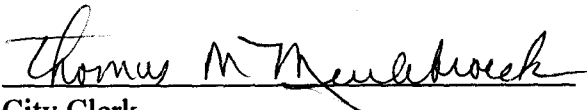
Stores moved, Reynolds seconded, that the 1998 levy for the general fund be set at \$1,979,181, an increase of \$90,673 over the prior year, which provides for a 4.80% increase. In addition to the General Fund levy, is \$164,417, for the Debt Service levy which provides for a total levy of \$2,143,598, or a 7.14% increase in levy over the prior year. All voted in favor of the motion.

Upon motion by Stores and second by Reynolds, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



City Clerk

REGULAR MEETING - NOVEMBER 17, 1997

The regular meeting of the Common Council of the City of Marshall was held on Monday, November 17, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Doyle, Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Michael Johnson, City Administrator; Thomas M. Meulebroeck, Finance Director/City Clerk; Keith Nelson, Director of Public Works; Brian Murphy, City Attorney; Robert Yant, Director of Public Safety; Harry Weilage, Director of Community Services; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the addition of item number 8A, which was the consideration of an agreement between the City of Marshall and D. C. McFarland.

Rowe moved, Doyle seconded, the minutes of the regular City Council meeting held on November 3, 1997 and the special City Council meeting held on November 13, 1997 be approved as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Quotations were received, opened and read on November 12, 1997 for the crack sealing at the Marshall Municipal Airport. The quotations received, opened and read were as follows:

Bergman Companies
Eau Claire, Wisconsin
\$0.398/L.F.

McLaughlin & Schulz, Inc
Marshall, Minnesota
\$0.6925/L.F.

Rowe moved, Edblom seconded, the contact be awarded to Bergman Companies, Eau Claire, Wisconsin for the crack sealing at the Marshall Municipal Airport at a rate of \$0.398/L.F. with an estimated 13,000 L.F. of cracks. MN/DOT will reimburse the City of Marshall 60% of the costs of this project. This work is to be completed in the spring of 1998. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of ORDINANCE NUMBER 382, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 382, Second Series is an ordinance vacating a utility easement in Block 3 of Capitol Hill Addition (1106 Washington Avenue). All voted in favor of the motion.

Keith Nelson, Director of Public Works, reviewed with the City Council the request from Mr. Shawn Myers for a variance adjustment permit to construct a garage addition with a rear yard of 4 ft in lieu of 25 1/2 ft as required by city code at 602 North 4th Street. Mr. Nelson recommended that this request be denied and that the planning commission action ended in a tie.

REGULAR MEETING - NOVEMBER 17, 1997

Edblom moved, Stores seconded, that the variance adjustment permit for Shawn Myers for a rear yard of 4 ft in lieu of 25 1/2 ft. as required by city code be denied. Mr. Myers was in attendance at the meeting and presented pictures of his property. He indicated that he intends to construct a garage where the carport was located. The carport was damaged by snow last winter and had to be removed. He felt that carport was not a separate building since the carport was connected to the house by a door and he was requesting to replace the carport with a garage. He indicated that there is no other place on his property to construct a garage. Councilperson Boedigheimer asked when the carport was constructed and if this was grandfathered in. Councilperson Edblom indicated that there is no compelling reason to grant this variance and called for the motion to be voted upon. All voted in favor of the motion to deny the variance permit.

Discussion was held at this time on a resolution of intent to participate in T.H. 59 reconstruction costs. Keith Nelson, Director of Public Works, indicated that there is no estimate of the cost at this time but does not expect the cost to be over \$100,000; this would be a 1998 project. Councilperson Boedigheimer was concerned about the wording of the resolution which stated "The City of Marshall shall participate" if this resolution was only to indicate the City of Marshall's intent. Boedigheimer moved, Rowe seconded, that the Resolution of intent to participate in T.H. 59 reconstruction costs be referred to the Public Improvement/Transportation Committee for their review and recommendation at a later date. All voted in favor of the motion.

Upon the recommendation of City Administrator Michael Johnson, Stores moved, Edblom seconded, that Robert Yant be employed as the fulltime Director of Public Safety with the City of Marshall at the rate of \$25.00 per hour effective November 10, 1997. The following resolution was adopted: BE IT RESOLVED that Robert Yant be duly appointed, qualified and acting fulltime Director of Public Safety 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 and Fire Fund. All voted in favor of the motion.

A discussion was held at this time on the extension of a work agreement with Legislative Associates, Inc. A question was raised as to where the money for this agreement comes from and if the city receives a monthly report of actual hours worked. It was indicated that the expenditures as they relate to this agreement are paid from the 429 revolving fund and there is no hourly accounting for this agreement as this is an annual contract. Stores indicated that she felt the City could not place a price tag on the work that Mr. Cain performs for the City of Marshall. Edblom moved, Stores seconded, that the proper city personnel be authorized to enter into an Extension of Work Agreement with Legislative Associates, Inc., through December, 1998 at a cost of \$26,715. All voted in favor of the motion.

REGULAR MEETING - NOVEMBER 17, 1997

Jim Hanko, Administrator/CEO for Weiner Memorial Medical Center, was in attendance at the meeting to make a recommendation to the City Council for the purchase of Computed Tomography (CT) System. His recommendation was that the CE Scanner/Bone Mineral be purchased from GE Medical in the amount of \$601,292.00; the Injection System be purchased from Medrad in the amount of \$18,676.00; and the Dryview Laser Printer be purchased from Imation in the amount of \$61,471.00. It was indicated that with the purchase of this equipment Weiner Memorial Medical Center will no longer have a need for the trailer unit. Stores moved, Doyle seconded, Weiner Memorial Medical Center be authorized to purchase the CT Scanner/Bone Mineral from GE Medical in the amount of \$601,292.00; the Injection System from Medrad in the amount of \$18,676.00; and the Dryview Laser Printer from Imation in the amount of \$61,471.00. Boedigheimer was concerned if the hospital would be bonding for this equipment. It was indicated that the hospital would be requesting tax exempt financing for the purchase of this equipment at a later date. All voted in favor of the motion.

Jim Hanko, Administrator/CEO for Weiner Memorial Medical Center, reviewed the bids for the purchase of the Bronchoscopy Equipment. His recommendation was that this equipment be purchased from Olympus in the amount of \$45,006.06. Rowe moved, Edblom seconded, Weiner Memorial Medical Center be authorized to purchase the Bronchoscopy Equipment from Olympus in the amount of \$45,006.06. All voted in favor of the motion.

Jim Hanko, Administrator/CEO for Weiner Memorial Medical Center, reviewed with the council the bids that were received on September 18, 1997 for Phase II of the comprehensive remodeling project. Mr. Hanko was recommending that the bids for Phase II be awarded to Sussner Construction, Bisbee Plumbing and Heating, and Mendota Electric in the amount of \$151,029. It was indicated that Sussner Construction was not the low bid for Phase II, but since they are the general contractor for the other phases of construction they would prefer to continue with Sussner Construction as the general contractor. Rowe moved, Reynolds seconded, Weiner Memorial Medical Center be authorized to award the bids for Phase II of the comprehensive remodeling project to Sussner Construction, Bisbee Plumbing and Heating, and Mendota Electric in the amount of \$151,029. All voted in favor of the motion.

Stores moved, Doyle seconded, the proper city personnel be authorized to enter into an agreement with Mr. D. C. McFarland, Jr. This agreement authorizes Mr. McFarland, Real Estate Agent, authority to acquire said real estate within the Army Corps of Engineers Project. The cost of this agreement shall be at the rate of \$100.00 per hour. It was indicated that there is no cap on the total cost of this agreement, but that Calvin Barnett, City Assessor, would be working with Mr. McFarland on this agreement. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA will meet on Tuesday; Fire Relief Association met with the Ways and

REGULAR MEETING - NOVEMBER 17, 1997

Means Committee; Regional Development Commission has not met.

- Stores Hospital Board met earlier and discussed the remodeling of Phase II - Communicare, the possibility of a store front with home care products, the parking lot cost is up to \$143,000 and they need to discuss crosswalks, they also discussed tax exempt financing for the purchase of the CT Scanner; Legislative and Ordinance Committee needs to set a meeting date; Personnel Committee met and discussed a wage increase.
- Edblom Cable Commission and Utilities Commission will be meeting on Tuesday; Ways and Means Committee needs to meet in the near future; Planning Commission met last week, there needs to be a better understanding of what undue hardship means.
- Boedigheimer Airport Commission met on Monday, November 10, 1997, Dave Grong has resigned from the Airport Commission, there will be a request from Mr. Johnson for a new hangar in the near future; Senior Citizen Center Commission met and discussed the agreement for the equipment which needs to be changed before it is signed; Lyon County Enterprise Development will meet Thursday in Lynd; Jt. LEC and the Public Improvement/Transportation Committee need to meet in the near future.
- Doyle Housing Commission met on November 10, 1997 and discussed the document for HUD; Human Rights Commission will meet on November 24, 1997; and the Convention and Visitors Bureau will meet on Wednesday morning.
- Rowe Insurance Advisory Committee has not met; Library Board has set transition goals for the new director, the Friends of the Library donated the front desk and they will be holding their annual book sale in a few months.
- Reynolds Community Services Board met on November 5, 1997 and discussed the new Marshall Summer Academy Program that will be held next summer. This is a 3 week program for 3rd grade through Junior High and will provide educational opportunities.

Other items of concern brought forth by the Mayor and Councilmembers included: the Mayor has signed the American Education Week Proclamation; a question was raised concerning the budget levy for the library - does it or does it not included the carpet; the Street Department has done a good job in removing the snow from the city streets; there was concern as to when the bid for the next phase of Ditch 62 would be, this phase is for the storm sewer in the area of Minnesota Street, what is the estimated cost and is their any grant money or matching funds available for this phase. It was also indicated that a budget summary of the costs for Ditch 62 should be made available to the city council.

REGULAR MEETING - NOVEMBER 17, 1997


Review of pending agenda items included: a Jt. LEC meeting and EDA will make a presentation at the December 1, 1997 meeting.

Edblom moved, Rowe seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 13379 through 13588.

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

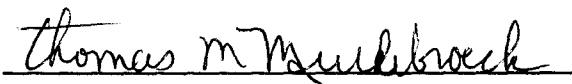
Earl Rich	606 West Southview Drive	Reside Dwelling	\$2,000
Schott Corporation	604 West Erie Road	Addition to Manufacturing Facility	\$510,000
Shawn and Susan Doyle	300 James Avenue	Install E/R Window	\$500
Riedar Sivertson	708 South 4th Street	Window Replacement	\$1,100
James S. & Jeanine M. Barker	704 Lawrence Street	Finish Basement	\$2,000
Robert & Janice Mann	303 North 5th Street	Reside Dwelling	\$14,000
True Value Home Center	1206 Patricia Court	Dwelling	\$110,000
Gary Johnson (Agent: Gerald Hetland)	416 Maple Lane	Safety Disclosure Requirements	\$400
Steve Paxton	107 "E" Street	Install Window	\$1,700
Cyril Schroeder	602 West Lyon Street	Sunroom Addition	\$5,500
Scott Youngberg	203 Donita Avenue	Install Window	\$2,200
Neal Ingebrigtsen	701 South 1st Street	Gas Fireplace	\$2,700
Tim Oines	502 Lawrence Street	Basement Remodel	\$2,000

Upon motion by Edblom, seconded by Doyle, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk

SPECIAL MEETING - NOVEMBER 28, 1997

A special meeting of the Common Council of the City of Marshall was held on November 28, 1997. The meeting was called to order at 12:15 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Doyle and Stores. Boedigheimer arrived at 12:20 P.M. Absent were Reynolds and Edblom. Staff in attendance at the meeting were: Keith Nelson, Director of Public Works/City Engineer and Jane DeVries, Deputy City Clerk.

The purpose of this special meeting was to consider the adoption of the following resolutions: resolution adopting assessment for watermain extension, Action Sports/Tim Swenson; resolution requesting a variance from the state aid standards for the construction of a bicycle path; and a resolution redistributing assessments for Lot 3, Block 2 in McLaughlin Industrial Park Addition.

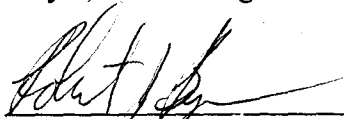
Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2021, SECOND SERIES and that the reading of the same be waived. Resolution Number 2021, Second Series is a resolution adoption the assessment for the watermain extension from Southview Court to the NE 1/4 of the SE 1/4 of Section 9, T111N, R41W. This project will be paid initially by the Marshall Municipal Utilities. Mr. Swenson will pay the entire assessment over a period of 8 years at 8% interest. Mr. Swenson will possibly be reimbursed for part of this assessment as the property in this area is purchased and connected to the watermain. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2022, SECOND SERIES and that the reading of the same be waived. Resolution Number 2022, Second Series is a resolution requesting a variance from the State Aid Standards for the construction of a bicycle path. The driveway and intersections ramps of the existing bicycle trail are 8 feet wide, therefore this resolution allows for the bicycle trail to be 8 feet wide as opposed to 10 feet as required by the State of Minnesota. All voted in favor of the motion.

SPECIAL MEETING - NOVEMBER 28, 1997


Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2023, SECOND SERIES and that the reading of the same be waived. Resolution Number 2023, Second Series is a resolution redistributing assessments for Lot 3 of Block 2, McLaughlin Industrial Park Addition. The assessments for this parcel of land were split per square foot. All voted in favor of the motion.

Upon motion by Rowe, seconded, by Doyle, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk

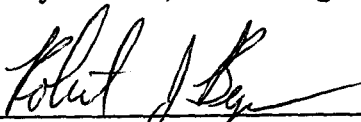
SPECIAL MEETING - DECEMBER 1, 1997

A special meeting of the Common Council of the City of Marshall was held on December 1, 1997. The meeting was called to order at 6:05 P.M. by Mayor Byrnes in the Cottonwood Room of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Edblom, Reynolds and Stores. Absent: Boedigheimer and Doyle. Staff in attendance at the meeting were: Michael Johnson, City Administrator; Harry Weilage, Director of Community Services; Calvin Barnett, City Assessor; and Thomas M. Meulebroeck, Finance Director/City Clerk.

Mike Johnson, City Administrator updated the City Council on the status of the 1998 proposed General Fund Budget. Mike indicated there were some changes in the amount that was budgeted for personnel for 1998. The change computed for personnel was a reduction of \$19,777 which was the result of a position being vacated by retirement or other individuals severing their employment with the City of Marshall. With this change in the amount budgeted for personnel, this amount was placed in the Mayor and Council Contingency increasing it to \$44,777. Mr. Johnson indicated that the council could consider reducing the General Fund Levy, increasing the amount allotted for retirement, leaving the amount in the contingency or allocating this amount back to personnel. Following a discussion in regard to the General Fund Reserve, the amount set aside for retirement and the other options suggested, Reynolds moved, Stores seconded that the reserve in General Fund be budgeted at \$44,777 and that there be a discussion with the auditors in regard to the setting aside of monies for future retirements. All voted in favor of the motion.

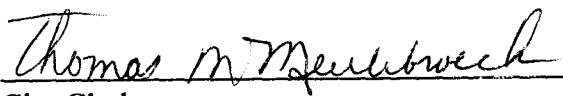
Michael Johnson, City Administrator, provided an overview of the proposed 1998 budget for the Municipal State Aid Fund, 429 Revolving Fund and the Liquor Fund. Thomas M. Meulebroeck, Finance Director/City Clerk, provided an overview of the proposed budget for the Special Revenue Funds, Debt Service Funds and the Wastewater Debt Service Funds. Keith Nelson, Director of Public Works/City Engineer, provided an overview of the proposed budget for the Wastewater Treatment Facility Operating Fund. Mr. Nelson indicated that there may be some changes in the proposed revenues, but at this time there were not requesting any rate adjustment for 1998.

Upon motion made by Rowe, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk

REGULAR MEETING - DECEMBER 1, 1997

The regular meeting of the Common Council of the City of Marshall was held on December 1, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Edblom, Reynolds and Stores. Absent: Doyle and Boedigheimer. Staff present at the meeting included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Dave Marks, Fire Chief; Mike Leese, Sergeant Police Department; Calvin Barnett, City Assessor; Harry Weilage, Director of Community Services; Keith Nelson, Director of Public Works; Thomas M. Meulebroeck, Finance Director/City Clerk and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the following changes: item number 4 which is the presentation by Maxfield Research Inc., and Dahlgren, Shardlow and Uban, Inc., on the Downtown Redevelopment Project be moved to the end of the meeting; and item number 8 which is the consideration for the renewal for the 1998 licenses be deleted.

Rowe moved, Stores seconded, the minutes of the regular City Council meeting held on November 17, 1997 and the minutes of the special City Council meeting held on November 28, 1997 be approved 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 P.M. on November 20, 1997 for a 4 door sedan for the Marshall Police Department. Bids received, opened and read were as follows:

Lockwood Motors, Inc.
Marshall, Minnesota
1996 Buick Century
\$10,200 less trade in of \$1,000
net bid of \$9,200

Lockwood Motors, Inc.
Marshall, Minnesota
1996 Buick Century
\$10,200 with no trade in

Anton Chevrolet, Co., Inc.
Marshall, Minnesota
1995 Chevrolet Lumina
\$12,650 less trade in of \$1,616.25
net bid of \$11,033.75

Marshall Ford Lincoln Mercury, Inc.
Marshall, Minnesota
1997 Ford Taurus Sedans
3 to choose from, silver, white, tan
choice for \$12,000 after trade-in
and including the tax, license and title transfer

Upon the recommendation of Mike Leese, Sergeant Marshall Police Department, Edblom moved, Stores seconded, the bid for the 4 door sedan for the Marshall Police Department be awarded to Marshall Ford Lincoln Mercury, Inc., for the silver Ford Taurus in the amount of

REGULAR MEETING - DECEMBER 1, 1997

\$12,000 including the trade-in of a 1989 Chevrolet Celebrity, sales tax, license and title transfer. All voted in favor of the motion.

Mayor Byrnes moved, Stores seconded the adoption of RESOLUTION NUMBER 2024, SECOND SERIES. Resolution Number 2024, Second Series is a resolution expressing the City of Marshall's appreciation to Margaret Bosshardt for her 29 plus years of service. This resolution was read by Mayor Byrnes. Margaret Bosshardt took this opportunity to thank the council and city staff for all of their help and support during her 29 plus years of service. All voted in favor of the motion.

Dave Marks, Fire Chief for the City of Marshall, was in attendance at the meeting to discuss with the council an amendment to the agreement with Legislative Associates, Inc., for and Emergency Response Training Center. This Emergency Response Training Center would cost approximately 1.5 million dollars of which 80% would be from federal and state funding. There are approximately 90 fire departments in the surrounding region that could possibly use the training center. The training center could also be used by several other agencies and business for training activities. This agreement would allow Mr. Cain to assist the city in its efforts of obtaining possible state and federal assistance for this project. This amendment provides for cost to Legislative Associates Inc., of approximately \$8,775 over the next 13 months. Stores moved, Rowe seconded, the proper city officials be authorized to execute an amendment to the agreement with Legislative Associates, Inc. for Mr. Cain to assist the city in its efforts of obtaining possible state and federal assistance for an Emergency Response Training Center. All voted in favor of the motion.

A short recess was taken at this time to set up for the next agenda item.

At this time Geoff Martin, Dahlgren, Shardlow and Uban, Inc., presented to the City Council the City of Marshall Downtown Redevelopment Plan Interim Report. Mr. Martin reviewed several Traditional Small Town Design Principles:

1. Symbol of a City and Region
2. Site for Special Activities
3. Respect for Existing Pattern of Development
4. Market Synergy
5. Compactness of Development
6. Open Space Framework
7. Connections Within and Between Districts
8. Balance Pedestrian and Vehicular Needs
9. Historic Qualities and Preservation

He briefly reviewed the Project Goals and Policies as related to the Downtown Marshall from the 1996 Comprehensive Plan. Other areas reviewed included:

- 1) Downtown Marshall Issues Identification:
 - Strengths and Opportunities

REGULAR MEETING - DECEMBER 1, 1997

Weaknesses and Threats

Specific issues, objectives and physical improvements

2) Summary of Market Findings for Downtown Marshall Redevelopment Study:

Demographic Trends

Retail Space

Office Space

Hospitality

Demand Estimates

3) Physical Analysis:

Land Use

Development Pattern

Districts

Community Facilities

Transportation

Parking

Marshall Downtown Parking

Pedestrian Patterns

Environmental Features

Bicycle Routes

4) Redevelopment Program - Synthesis:

Potential Redevelopment Sites

Redwood River

Parking Lots

Streetscape

Open Space Connections

Downtown Approach Routes

Five Minute Walk Distance

Third Street Convertible Space

5) Concept Alternatives:

Short Term Downtown Redevelopment Plan

Long Term Downtown Redevelopment Plan

Mary Bujold, Maxfield Research Inc., reviewed the Market Analysis for Downtown Marshall. She indicated that Marshall is a regional center that draws from an area of 30 to 35 miles. She reviewed the demographics of Marshall, the results of the survey of the downtown businesses, the challenges for growth/expansion in the downtown area and the potential demand for retail and hospitality for the downtown area.

REGULAR MEETING - DECEMBER 1, 1997

A this time there was a slide presentation which showed several of the ideas for the downtown area.

Stores moved, Rowe seconded, that the proper city personnel be authorized to enter into an agreement with DSU for Phases III and IV of the Downtown Redevelopment Plan. All voted in favor of the motion.

A 5 minute recess was taken at 8:55 P.M.

Stores moved, Edblom seconded, that the proper city personnel be authorized to call for a public hearing to establish the 1998 wastewater rates. This public hearing is scheduled for 7:30 P.M. on Monday, December 15, 1997. All voted in favor of the motion.

Upon the recommendation of Brian Murphy, City Attorney, Edblom moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with McLaughlin, et. al., for the property acquisition for the Ditch 62 and Marshall Flood Control Project. This acquisition is for approximately 81.11 acres. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes Fire Relief Association and Regional Development Commission have not met.

Stores Legislative and Ordinance Committee will meet on December 10, 1997; Hospital Board will meet on December 22, 1997 not December 15, 1997.

Edblom Utilities Commission the water treatment plant construction is going good; they are working with Bresnan Communication on a pole agreement and on the fiber optic, they are doing more test drilling for water; Cable Commission met last week they are discussing raising the franchise fee from 3% to 4%; Ways and Means Committee will meet next week.

Rowe Library Board will meet next week.

Reynolds Community Services Advisory Board will meet next week.

Other items of concern brought forth by the Mayor and Councilmembers included: bell ringers are need for the Salvation Army; the City of Marshall received a \$1,000 American Home Town Leadership Award from WalMart. Mayor Byrnes recommended the \$1,000 be allocated as follows: \$500 to the Marshall Leadership Academy; \$250 to the Humane Society; and \$250 for the Annual St. Patrick Day Parade. Mike Johnson, City Administrator, indicated that Flow Distribution Agreement has been signed by the county. Mike was thanked for his efforts on the

REGULAR MEETING - DECEMBER 1, 1997

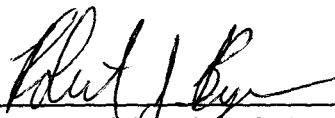
flood control project and efforts need to continue to support upstream measures for flood control.

Edblom moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE: Voucher Number 13589 through 13674.

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

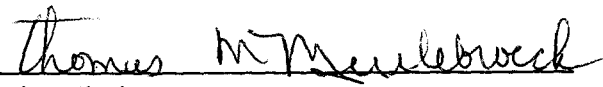
Scott and Staci Saugstad	301 Elaine Ave.	Install Fireplace	\$1,800
Rodney & Carole Tholen	412 North 5th St.	Garage	\$6,000
Darwood Ekness	448 West Main St.	Reroof	\$4,000
Brian Besse	1403 Parkside Dr.	Finish Bathroom	\$1,000
Investors Real Estate Trust	1305 Birch St.	Replace Decks	\$4,000
William A. Sullivan	400 East Southview Dr.	Install Window	\$2,200
Lucille Nylan	304 North 4th St.	Garage Repairs	\$1,500
Craig Louwagie	405 South Whitney St.	Finish Second Floor	\$3,000
Almich's County Market	405 Country Club Dr.	Entrance Addition	\$16,500
Richard and Janet Doom	118 "F" Street	Addition to Dwelling	\$16,000
Schwan's Sales Enterprises	115 West College Dr.	Remodel Offices	\$19,000

Upon motion by Edblom, seconded by Stores, the meeting was adjourned. All voted aye.



 Mayor of the City of Marshall

ATTEST:



 City Clerk

TRUTH AND TAXATION HEARING - DECEMBER 4, 1997

The Truth and Taxation Hearing was called to order at 7:00 o'clock P.M. in the Council Chambers of the Marshall Municipal Building by Councilperson Edblom. In addition to Edblom the following members were in attendance at the meeting: Rowe, Doyle and Reynolds. Absent: Byrnes, Boedigheimer and Stores. Others in attendance at the meeting included city staff: Michael Johnson, City Administrator; Thomas M. Meulebroeck, Finance Director/City Clerk; Calvin Barnett, City Assessor; and Teri McClausland from Studio 8; one representative from the press, one county commissioner and two from the general public.

The Truth and Taxation Hearing is an opportunity to provide information on the proposed 1998 General Fund Budget and a means for the general public to comment on various items included in the budget before it is adopted.

Mike Johnson, City Administrator, presided over the public hearing. Mr. Johnson provided a brief overview of the budgeting process which begins in July and with the assistance of the Finance Director/City Clerks Office a preliminary budget is prepared and adopted by September 15th. Following the adoption of the preliminary budget a thoroughly analysis is made of each departments budget and their requests. Meetings are held with the city council to address the various concerns of the budget. Mr. Johnson briefly reviewed the City of Marshall 1997 Accomplishments and the 1998 Issues Confronting the City. The City of Marshall 1997 Accomplishments identified were as follows:

1. Federal/State funding for flood control/Diversion Channel restoration.
2. Construction of County Ditch #62 improvements - local storm water drainage.
3. Final closeout of 1995-1996 Airport improvements.
4. Marshall 125th Anniversary Celebration.
5. Main Street, Birch Street & S. 4th Street construction projects.
6. Marshall Area Transit Program conversion with WESCAP
7. Joint City/County Law Enforcement Center planning.
8. Kickoff of major planning effort for downtown/industrial development.
9. Technology (software/hardware) improvements at City Hall for financial/budgetary/payroll systems.
10. Implementation of re-organization plan (Division Head system).
11. Successful transition with employee retirements.
12. Interaction with PraireNet Consortium and future community technology.
13. Traffic signal at Main Street/Southview Drive.
14. Enhanced interaction, communication and coordination with Marshall School District, Lyon County, Marshall Municipal Utilities, Southwest State University and Weiner Memorial Medical Center.

The 1998 Issues Confronting the City of Marshall were as follows:

TRUTH AND TAXATION HEARING - DECEMBER 4, 1997

1. Secure Federal/State funding for Flood Control Project.
2. Land acquisition/construction for Flood Control Project.
3. Implementation of downtown development/industrial development plans.
4. Construction of Joint City/County Law Enforcement Center.
5. Development of alternative revenue sources to maintain current City services.
6. Municipal Building needs/space study.
7. Community and City technology enhancements.
8. Highway #159 construction improvements
9. Secure funding for emergency response training center.
10. Codification of City ordinances.
11. Wastewater Treatment operation rate analysis.
12. Minnesota Street storm sewer project.

Mr. Johnson continued to review with those in attendance at the meeting the hand out that was provided on the 1998 budget and tax levy data. Mr. Johnson briefly reviewed the general fund revenues and expenditures as they compared from one year to the next from 1988 through 1998. The other information that Mr. Johnson reviewed and was included in the handouts included a document that addressed how property taxes were determined, a comparison of the state aid and tax levies, how the 1998 proposed budget impacts the city taxes, a review of the City of Marshall tax capacity, a breakdown of the total tax capacity rate paid by Marshall residents from 1984 to the present, a history of the local tax capacity rate, the average property tax bill and the breakdown between city, school, county and other; and also a handout was provided from the comparison of Greater Minnesota Cities with populations over 8,000 and their 1997 tax capacity rates. Mr. Johnson did indicate that the proposed 1998 General Fund Budget is down \$70,384 from the 1997 budget.

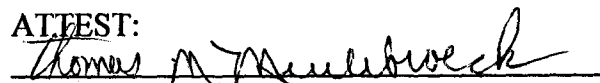
With no questions or concerns brought forth at this hearing, Doyle moved, Reynolds seconded, that the hearing be adjourned at 7:40 P.M. All voted in favor of the motion.

The city council and others in attendance at the meeting were advised that the 1998 budget and City of Marshall tax levy will be considered for adoption at the City Council meeting held at 7:30 P.M. on Monday, December 15, 1997.



Councilperson Edblom

ATTEST:



City Clerk

REGULAR MEETING - DECEMBER 15, 1997

The regular meeting of the Common Council of the City of Marshall was held on December 15, 1997. The meeting was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Doyle, Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Dave Marks, Fire Chief; Bob VanMoer, Assistant Superintendent Wastewater Treatment Plant; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the City Council that the agenda be approved with the addition of the following: item number 3c which is authorization for Weiner Memorial Medical Center to purchase Pulmonary Function Testing Equipment; item number 29a which is the consideration of a farm lease with Michael Mortier; and item number 29b which is the hours of operation of the City of Marshall employees on December 24, 1997.

Edblom moved, Doyle seconded, the minutes of special meeting and regular meeting held on December 1, 1997 and the minutes of the Truth in Taxation hearing held on December 4, 1997 be approved 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 1998 Wastewater Treatment rates. Keith Nelson, Director of Public Works, City Engineer, indicated that he worked with Bob VanMoer, Assistant Superintendent Wastewater Treatment Plant, on the 1998 budget for the Wastewater Treatment Facility, and it was their recommendation that the 1998 Wastewater Rates remain the same for 1998 as they were in 1997. Stores moved, Rowe seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2025, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2025, Second Series is a resolution Revising the User Rates for Wastewater Service. All voted in favor of the motion.

Upon the recommendation of the Weiner Memorial Medical Center Board of Trustees, Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2026, SECOND SERIES and that the reading of the same be waived. Resolution Number 2026, Second Series is a resolution Declaring Official Intent to Reimburse. This resolution provides for all permitted costs of the Project (Acquisition and installation of a CAT Scanner and related Hospital equipment) paid prior to the issuance of tax-exempt bonds be qualified for reimbursement from the proceeds of issuance of such tax-exempt bonds. All voted in favor of the motion.

REGULAR MEETING - DECEMBER 15, 1997

Discussion was held at this time on the proposal for a Weiner Memorial Medical Center for an off-site for home medical equipment, home health and uniform store. It was indicated that they would be competing with existing drug stores on a limited number of items. There was also a concern about renting space outside of the hospital and the hospital renting space to the Affiliated Medical Center. It was indicated that the hospital will receive a net gain on the two rentals. Upon the recommendation of Weiner Memorial Medical Center's Board of Trustees, Reynolds moved, Stores seconded, that Weiner Memorial Medical Center be authorize to enter into a five-year lease with Carr Properties for 4,000 square feet of space in the Main Street Center on East Main Street at \$10.50 per square foot per year. All voted in favor of the motion.

Upon the recommendation of Weiner Memorial Medical Center Board of Trustees, Rowe moved, Doyle seconded, Weiner Memorial Medical Center be authorized to purchase Pulmonary Function Testing Equipment from Sensormedics in the amount of \$26,463.90. All voted in favor of the motion.

Edblom moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2027, SECOND SERIES. Resolution Number 2027, Second Series is a resolution Approving the By-Laws of the Marshall Volunteer Firefighters Relief Association. Effective December 16, 1997 this resolution provides for the pension benefit to be increased to \$3,225.00 for each year of service that a member of the Volunteer Firefighters Relief Association has served as an active member of the Marshall Volunteer Fire Department. All voted in favor of the motion.

Reynolds moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2028, SECOND SERIES and that the reading of the same be waived. Resolution Number 2028, Second Series is a resolution Approving the 1997 Tax Levy, Collectible in 1998. The levy for General Fund is \$1,979,181 and for Debt Service Fund is \$164,417 to a total levy of \$2,143,598. All voted in favor of the motion.

Stores moved, Doyle seconded, that the 1998 budget be amended to increase the Lyon County Historical Society allocation by \$2,500 and the Mayor and Council Contingency be reduced by \$2,500. Councilperson Boedigheimer felt that the budget should be approved as is and the request for the change be brought forth at later date. Rowe indicated that the Lyon County Historical Society is supported by other sources than the City of Marshall. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2029, SECOND SERIES and that the reading of the same be waived. Resolution Number 2029, Second Series is a resolution Adopting the Budget for 1998. All voted in favor of the motion.

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Edblom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2030, SECOND SERIES and that the reading of the same be waived. Resolution Number 2030, Second Series is a resolution Declaring General Obligation Improvement Bonds, Series 1998A, Paid in Full and the Distribution of the Remaining Funds. Councilperson Boedigheimer was concerned as to why there is so much excess in this fund. It was indicated that when these assessments are paid early, interest accumulates on this money. Boedigheimer also felt that these funds should be distributed earlier and not wait until the end of the issue. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2031, SECOND SERIES, and that reading of the same be waived. Resolution Number 2031, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year Ending December 31, 1997. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that these adjustments are reclassifications from one account number to another or adjustments that were requested by the various departments. All voted in favor of the motion.

Upon the recommendation of the Ways and Means Committee of the City Council, Edblom moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2032, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2032, Second Series is a resolution Approving Specific Fees to be Charges by the City of Marshall. All voted in favor of the motion.

Stores moved, Edblom seconded, the approval of the recommendations of the Personnel Committee regarding the 1998 Compensation Plan/Health Insurance for the City of Marshall employees. The recommendations are as follows:

- 1) That there be a 2.25% wage increase effective January 1, 1998.
- 2) That there be no change to the current wage schedule for employees outside of Step 5 (2.25% lump sum).
- 3) That the pay Plan will be increased 2.25% effective January 1, 1998 for all steps.
- 4) That with the health insurance coverage as reflected in the renewal from Minnesota Municipal Utilities Association: a) \$10.00 co-pay per (eligible) prescription may be flexed by employee; b) the City will waive the 5.0% increase to family health insurance premium for employee for 1998 only.
- 5) That there be no change in the Personnel Policy for newborn or adopted children at this time. The Personnel Committee is willing to look into this policy change during 1998.
- 6) That the Personnel Committee is willing to begin discussion on wage/benefit package starting in July, 1998 for 1999.

All voted in favor of the motion.

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Stores moved, Doyle seconded, the introduction of the Preliminary Plat of Schott's Addition and the calling for a public hearing on the proposed plat. The public hearing is scheduled for the next regular City Council meeting to be held on January 5, 1998 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

Reynolds moved, Edblom seconded, the introduction of an ordinance approving the disposition of excess real property by the City of Marshall, a Municipal Corporation, to Schott Corporation. Calvin Barnett, City Assessor, was thanked by the council for all his work on the Schott Addition Project. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, that the proper city personnel be authorized to execute the Certificate of Final Acceptance for the 1996 Airport improvement Project as completed and authorization be granted to make the final payment to the contractor. The original contract price was \$1,580,723.13 with the completed project being \$1,645,303.05. The price increase was directly related to the required overexcavation and granular backfill that was determined to be necessary at the time of construction. All voted in favor of the motion.

Doyle moved, Edblom seconded, that the proper city personnel be authorized to execute a Grant of Easement - Parcel Number P-10-3-22 between the City of Marshall and Clarice E. Boyer. This Grant of Easement is to correct an error in the legal description on the easement that was granted in 1993 for the purpose of construction the trunkline sanitary sewer. All voted in favor of the motion.

Rowe moved, Edblom seconded, that the proper city personnel be authorized to advertise for bids for the Minnesota Street Storm Sewer Project. These bids are to be received in February, 1998. All voted in favor of the motion.

Stores moved, Reynolds seconded, that the proper city personnel be authorized to execute an easement between the City of Marshall and Lyon County for the construction of a bike trail. This bike trail will be constructed in the spring of 1998. All voted in favor of the motion.

Stores moved, Reynolds seconded, that the proper city personnel be authorized to advertise for bids for the constriction of a bike trail and a pedestrian bridge. This project provides for the bridge in Legion Field Park to be replaced. All voted in favor of the motion.

Rowe moved, Boedigheimer seconded, the proper city personnel be authorized to execute the Final Acceptance for the 1996 Reroofing Project of the Wastewater Treatment Plant and the Fire Station. The original contact price was \$93,337.00 with the final cost being \$96,392.00. The additional cost was due to additional flashing of roof vents and the need for additional wood blocking. All voted in favor of the motion.

Discussion was held at this time on the proposed ordinance amending Section 6.20 of the

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City Code regulating the licensing and sale of tobacco. Brian Murphy, City Attorney, briefly reviewed the proposed ordinance. He indicated that if the ordinance is adopted and published there is a 90 day delay after publication before the ordinance becomes effective. This delay provides the necessary time for all retailers to be in compliance with the ordinance. Stores thanked all the people who took the time to work on the proposed ordinance. Rowe indicated that the city could do nothing or they could be a leader in the area for other cities to follow. Boedigheimer was concerned with the actual cost of enforcing the proposed ordinance and if these cost could be tracked and the license fee for 1999 be adjusted accordingly. Keith Edwards, C & N Sales, was in attendance at the meeting and indicated that they service some of the vending machines in Marshall that sell tobacco products. He indicated a lock-out can be installed on the vending machines which provides for an employee to press a button before an individual can get cigarettes from the vending machine which would allow for checking of ID's before cigarettes are sold. It was indicated that the proposed ordinance does not provide for this and that the vending machines would have to be removed unless they are installed behind the counter and the employees would then operate the vending machine for the customer. Bob Almich from County Market felt the ordinance was discriminating. He stated that this ordinance would penalize the retailer not the minors. He felt that an ordinance is needed but this one is not the answer and he would oppose the proposed ordinance as written. Pat Mellenthin, representative from MN Smoke Free Coalition, felt that the retailers should not be punished if enforcement is not carried through to the minors. Brad Knutson, Brads One Stop, indicated there was a State Law and the city should not try to duplicate this, he felt the problem starts with the parents and they need to control their kids. The businesses want mandatory fines for minors caught and a question was raised about putting this in the ordinance. It was also indicated that the Legislative and Ordinance Committee was aware of the lock-out device that was available for the vending machines. Rowe moved, Stores seconded, the introduction of an Ordinance Amending Section 6.20 of the City Code of Marshall, Minnesota, Regulating the Licensing and Sale of Tobacco in the City of Marshall, Minnesota. All voted in favor of the motion.

A five minute recess was called at 8:50 P.M.

Rowe moved, Stores seconded, the introduction of an Ordinance Amending Section 2.43 of the City Code regulating the Deferred Payment of Special Assessments for Senior Citizens over the age of 65. This ordinance provides for the total asset limit to not exceed \$100,000 which includes the homestead. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, that the proper city personnel be authorized to execute a Memorandum of Agreement between Senior Nutrition Services, Western Community Action, Inc., and the Senior Citizens Commission, City of Marshall for the year January 1, 1998 through December 31, 1998. All voted in favor of the motion.

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Edblom moved, Doyle seconded, that the proper city personnel be authorized to allow the Minnesota Army National Guard to use the City of Marshall property for training purposes and to execute the Permission/Waiver of Liability. The property being used for training is the City of Marshall Disposal site located at the north end of town on North 7th Street. All voted in favor of the motion.

Edblom moved, Doyle seconded, the approval of the amendments to the City's Travel Policy. Councilperson Boedigheimer questioned why the city requires receipts for all meal expenses and does not allow for per diem as is allowed by the IRS. All voted in favor of the motion.

Stores moved, Reynolds seconded, out-of-state travel be allowed for David Marks, Fire Chief, to travel to Columbia, South Carolina, to tour their training facility with Adam Piskura, Director of the State Fire/EMS Center. All voted in favor of the motion.

Edblom moved, Reynolds 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 Minnesota Lawful Gambling Premises Permit for the Celebrity Bowl Charities Inc., for use at Marshall Bowl, 1417 East College Drive, Marshall, Minnesota. All voted in favor of the motion.

Edblom moved, Doyle 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 Minnesota Lawful Gambling Premises Permit for Marshall Amateur Hockey Association for use at the Wooden Nickel, 448 West Main Street, Marshall, Minnesota. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that a police check is done on all applicants for 1998 licenses and the real estate taxes need to be current on all applicants for on-sale liquor licenses.

Edblom moved, Boedigheimer seconded, and it was unanimously approved that the following on-sale liquor licenses be approved for the calendar year 1998 at fee of \$3,500:

American Legion	Chalet Club
Rumours (Corner Bar)	Eagles Club
Gambler	Marshall Golf Club
Marshall Inn	Sam's Place
Wooden Nickel	Marshall Bowl

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Edblom moved, Doyle seconded, and it was unanimously approved that the following wine license be approved for the calendar year 1998 at a fee of \$700:

Daily Grind

Boedigheimer moved, Reynolds seconded, and it was unanimously approved that the following Sunday liquor licenses be approved for the calendar year 1998 at a fee of \$200:

American Legion	Chalet Club
Rumours	Eagles Club
Marshall Golf Club	Marshall Inn
Sam's Place	Wooden Nickel
Marshall Bowl	

Boedigheimer moved, Reynolds seconded, and it was unanimously approved that the following off-sale non-intoxicating beer licenses be approved for the calendar year 1998 at a fee of \$50.00 per year:

Casey's General Store	Freedom Value Center
Hy-Vee Food Store	LaMexicana
Cattoor Phillipps 66	Marshall Holiday Express
Texaco	VFW Post #742

Edblom moved, Reynolds seconded, and it was unanimously approved that the following on-sale non-intoxicating beer licenses be approved for the calendar year 1998 at a fee of \$150.00 per year:

Godfathers Pizza	Daily Grind
Pizza Hut	VFW Club

Rowe moved, Reynolds seconded, and it was unanimously approved that the following tobacco licenses be approved for the calendar year 1998 at a fee of \$48.00 per year:

American Legion	Bookstore Corral SSU	Brad's One Stop
Chalet Club	Casey's General Store	Rumours
County Market	Eagles Club	Freedom Value Center
Gambler	Hy-Vee Food Store	LaMexicana
KMart	Lyon County Coop Oil	Cattoor Phillipps 66
Marshall Golf Club	Marshall Holiday Express	Marshall Inn
Marshall Liquor	Sam's Place	Super America
Video & Music Latin	Texaco	Travelers Lodge
WalMart	Wooden Nickel	Marshall Bowl

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Edblom moved, Doyle seconded, and it was unanimously approved that the following transient merchants licenses be approved for the calendar year 1998 at a fee of \$250.00 per year:

Pacesetter Corporation

Clothing Concepts

WVS Marketing

Doyle moved, Reynolds seconded, and it was unanimously approved that the following towing and storage license be approved for the calendar year 1998 at a fee of \$150.00 per year:

Brad's One Stop

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2033, SECOND SERIES and that reading of the same be waived. Resolution Number 2033, Second Series is a resolution approving the Reappointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution provides for the reappointment of Donald Edblom and Michael Boedigheimer for a period of 5 years. All voted in favor of the motion.

Edblom moved, Stores seconded, and it was unanimously approved that the meeting dates for the City Council meetings be changes as follows:

January 19 - Martin Luther King Jr. Day - to be held on Tuesday, January 20, 1998

February 16 - Presidents Day - to be held on Tuesday, February 17, 1998

September 7 - Labor Day - to be held on Tuesday, September 8, 1998

Rowe moved, Doyle seconded, that the proper city officials be authorized to execute a Farm Lease with Mike Mortier. This farm lease is for approximately 15.5 acres of land in the Northeast Corner of Section Six. The fee for this lease is \$85.00 per acre. All voted in favor of the motion.

Stores moved, Reynolds seconded, that the non-shift City offices will close for business at 3 P.M. on Wednesday, December 24, 1997 in observance of Christmas Eve. All voted in favor of the motion.

Reports by the Mayor and Councilmembers of the various committees, commissions and boards were as follows:

Byrnes EDA will meet on Tuesday, December 16, 1997; Fire Relief Association has not met; Regional Development Commission met last week and discussed the Legislative Associates agreement about lobbying for the Performing Arts Center.

Stores Hospital Board met last week and discussed a machine used to test the hearing on newborns, they are considering golf type shirts for casual day at the hospital; the

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hospital will be providing meals to the tenants at the new care facility being constructed by R. L. Carr; they are also in the process of purchasing art work for the hospital decor; Personnel Committee needs to complete the evaluation on Mike Johnson; Legislative and Ordinance Committee items were discussed earlier in the meeting.

- Edblom Cable Commission and Utilities Commission will meet on Tuesday, December 16, 1997; Planning Commission met last week; Ways and Means Committee met last week.
- Boedigheimer Airport Commission met last Monday; Senior Citizen Center Commission will meet on Wednesday; Lyon County Enterprise Development will meet in January; Public Improvement/Transportation Committee has not met.
- Doyle Housing Commission met last Monday; Human Rights Commission met last week; Convention and Visitors Bureau will meet in January.
- Rowe Library Board this was Margaret Bosshardt's last meeting as Director of the Library. The library employees will also receive a 2.25% increase in wages for 1998.
- Reynolds Community Services Advisory Board met on December 3, 1997 and reviewed their new software program for class registration; Joint Law Enforcement Committee has reviewed the proposed floor plan.

Other items of concern brought forth by the Mayor and Councilmembers included: the review of the NSF Check policy; they would like a report on the go cart races for the year 1997; the annual Airport Convention will be held in Minneapolis during April, 1998; and anyone wishing to change their council committees for 1998 needs to make a request to Mike Johnson before the next regular city council meeting.

There were no pending agenda items discussed at this time.

Edblom moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 13674 through 13879.

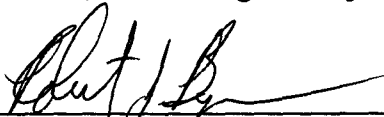
The following building permits previously approved by the Building Official were confirmed:

Steve DeBates	904 Birch Street	Remodel Roof	\$2,400
Charles Sanow	507 Carlson Street	Finish Basement	\$2,500

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Brownlee & Hayes	905 Channel Parkway	Warehouse Addition	\$48,400
City of Marshall	1600 West College Drive	Install Door	\$4,200
Sophie Sumerfelt	406 Legion Field Road	Reside Dwelling	\$4,500

Upon motion by Stores, seconded by Edblom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



City Clerk