

## REGULAR MEETING - JANUARY 5, 1998

The regular meeting of the Common Council of the City of Marshall was held on January 5, 1998. 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, Reynolds, and Stores. Absent: Rowe and Boedigheimer. 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; Robert Yant, 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 as presented.

Mayor Byrnes introduced and welcomed the newly hired Richard MacDonald, Director of Marshall Lyon County Library. Mr. MacDonald shared with the City Council some of his background and his observations of Marshall.

Stores moved, Doyle seconded, the minutes of the regular meeting held on December 15, 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 Preliminary Plat of Schott's Addition. Keith Nelson, Director of Public Works/City Engineer, reviewed with the council the preliminary plat for Schott's Addition. He indicated that a utility easement has been added to block one, lot one of the preliminary plat for Schott's Addition. With no questions or concerns brought forth, Edblom moved, Doyle seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the approval of the Preliminary Plat of Schott's Addition. All voted in favor of the motion.

Stores moved, Edblom seconded, the adoption of ORDINANCE NUMBER 383, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 383, Second Series is an ordinance approving the disposition of excess real property by the City of Marshall, a Municipal Corporation, to Schott Corporation. This ordinance provides for the sale of approximately .37 acres to Schott Corporation at a cost of \$3,750.00. All voted in favor of the motion.

Discussion was held at this time on the adoption of an ordinance amending Section 6.20 of the City Code regulating the licensing and sale of tobacco. Mr. Almich from County Market indicated that there should be mandatory punishment for violators of the ordinance. It was indicated that a violation of this ordinance would be a misdemeanor and that the fine is up to the Judge. Ruth Larson, District Chemical Coordinator Marshall Public Schools, indicated that they

## REGULAR MEETING - JANUARY 5, 1998

did a phone survey and the majority surveyed were in favor of the tobacco ordinance. David VanDePutte from the Chalet questioned if the businesses would be reimbursed for their expenses if the vending machines for tobacco products have to be removed. Stores thanked Mr. Almich for all of his time spent at the meetings discussing this ordinance and that this ordinance is only part of the answer regulating the sale of tobacco products. Stores moved, Doyle seconded, the adoption of ORDINANCE NUMBER 384, SECOND SERIES and that the reading of the same be waived. Ordinance Number 384, Second Series is 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. This ordinance will take effect 90 days after publication. All voted in favor of the motion.

Edblom moved, Stores seconded, the adoption of ORDINANCE NUMBER 385, SECOND SERIES and that the reading of the same be waived. Ordinance Number 385, Second Series is an ordinance amending Section 2.43 of the City Code of the City of Marshall, Minnesota, regulating the deferred payment of special assessments for senior citizens over the age of 65. All voted in favor of the motion.

Doyle moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2034, SECOND SERIES and that the reading of the same be waived. Resolution Number 2034, Second Series is a resolution approving the Final Plat for Schott's Addition. All voted in favor of the motion.

Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2035, SECOND SERIES and that the reading of the same be waived. Resolution Number 2035, Second Series is a resolution authorizing execution of MN/DOT Agreement for State Financial Assistance for runway crack sealing and replacement of an underground storage tank at the Marshall Municipal Airport. This agreement provides for a 60% reimbursement to the City for the estimated cost of these two projects of \$18,000. All voted in favor of the motion.

Doyle moved, Edblom seconded, the introduction of an ordinance vacating a portion of a right of way along South 7th Street and calling for a public hearing. This vacation request is for a portion of Heartland Foods Company building that extends into the right of way for South 7th Street. The public hearing will be held at 7:30 P.M. on January 20, 1998. All voted in favor of the motion.

Edblom moved, Doyle seconded, the introduction of an ordinance regulating the Manufactured Home Regulations. This ordinance would provide for revisions to Section 11.11 R-5 Manufactured Home Park District. All voted in favor of the motion.

Stores moved, Doyle seconded, the proper city personnel be authorized to advertise for bids for a survey vehicle for the Engineering Department. These bids are to be received at 2:00 P.M. on Friday, January 23, 1998. All voted in favor of the motion.

## REGULAR MEETING - JANUARY 5, 1998

On January 2, 1998 bids were received for the purchase of 17 Pentium 200 computer workstations, various RAM upgrades, plus 24 Microsoft OfficePro 97 software packages. Bids received were as follows:

The Computer Man  
Marshall, Minnesota  
\$43,488

Ryan Computer Consulting  
Marshall, Minnesota  
\$38,161 plus \$1600 for installation of RAM  
and Software

Doyle moved, Stores seconded, the proper city personnel be authorized to purchase 17 Pentium 200 computer workstations, various RAM upgrades, and 24 Microsoft OfficePro 97 software packages from Ryan Computer Consulting in the amount of \$39,761.00. All voted in favor of the motion.

Edblom moved, Stores seconded, the adoption of RESOLUTION NUMBER 2036, SECOND SERIES and that the reading of the same be waived. Resolution Number 2036, Second Series is a resolution designating the Marshall Minnesota "Independent" as the official newspaper for the City of Marshall for 1998. All voted in favor of the motion.

Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2037, SECOND SERIES and that the reading of the same be waived. Resolution Number 2037, Second Series is a resolution appointing the official depositories for city funds for 1998. All voted in favor of the motion.

Doyle moved, Stores seconded, the proper city personnel be authorized to execute an agreement with DCA Inc., for the administration of the dental claims for the City of Marshall employees. The agreement is effective January 1, 1998 at a cost of \$3.35 per unit per month. All voted in favor of the motion.

Reynolds moved, Edblom seconded, the proper city personnel be authorized to renew the City's workers compensation insurance with the League of Minnesota Cities Insurance Trust effective January 1, 1998. The City of Marshall will utilize the \$2,500 deductible per occurrence which will reduce the 1998 premium to \$73,210. All voted in favor of the motion.

Stores moved, Edblom seconded, the approval of an on-sale liquor license for Dakota Steaks. The fee for this license is \$3,500 and will expire on December 31, 1998. All voted in favor of the motion.

Edblom moved, Doyle seconded, the approval of a tobacco license for Dakota Steaks. The fee for this license is \$48.00 and this license will expire on December 31, 1998. All voted in favor of the motion.

## REGULAR MEETING - JANUARY 5, 1998

Reynolds moved, Stores seconded, that Kathleen Ashe and Tracy Veghlan each be reappointed to the Marshall Lyon County Library Board for three year terms to expire on December 31, 2000. All voted in favor of the motion.

Upon the recommendation of Jerry Boerboom, Chief Financial Officer for Weiner Memorial Medical Center, Reynolds moved, Stores seconded, that Weiner Memorial Medical Center be authorized to enter into a financing/lease agreement with GE Capital for the financing of the CT imaging system. This is a five year lease and the total cost to Weiner Memorial Medical Center will be \$768,600. All voted in favor of the motion.

Stores moved, Doyle seconded, that the gift in the amount of \$3,000 for the Marshall Fire Department Scholarship Trust Fund be referred to the Ways and Means Committee of the City Council for their review and recommendations. All voted in favor of the motion.

Edblom moved, Doyle seconded, the proper city personnel be authorized to execute a Travel Easement between the City of Marshall and L.F.T., LLC. 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 the Regional Development Commission have not met since the last council meeting.
- Stores        Hospital Board, J. Ice Facility Board, Legislative & Ordinance Committee, and Personnel Committee have not met since the last council meeting.
- Edblom       Utilities Commission minutes are included in the agenda packet. They are continuing to do test drilling for water and they also extended an invitation to the Mayor to attend the APPA Legislative Rally in Washington DC from January 26-28, 1998. They will be closed on Martin Luther King day for an in-house workshop and an employee appreciation dinner in the evening.
- Doyle        Housing Commission, Human Rights Commission and the Convention & Visitors Bureau will be meeting in the near future.
- Reynolds     Community Services Advisory Board be meet on Wednesday, January 7, 1998.

Other items of concern brought forth by the Mayor and Councilmembers included: the quarterly employee meeting will be held on January 27, 1998, the Ways and Means Committee needs to schedule a meeting - they need to review the travel policy.

Pending agenda items include the NSF Check Policy being reviewed by the Legislative and Ordinance Committee.




## REGULAR MEETING - JANUARY 5, 1998

Edblom moved, Reynolds seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher No. 13880 through 14111.

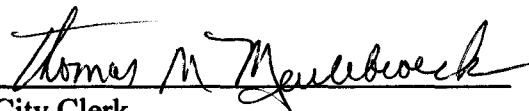
The following building permits previously approved by the Building Official were confirmed:

Randolph Johnson	301 Hudson Avenue	Reside Dwelling	\$4,000
Greig & Gregerson	307 West Marshall Street	Remodel Apartment Unit	\$2,500
Keith & Cheryl Derynck	1110 Bruce Circle	Install Window	\$300
Daniel VanHauwaert	305 West Marshall Street	Bathroom	\$4,000
Marshall Lumber Co.	800 East Main Street	Addition to Retail Store	\$48,000
Wayne Budde	705 East College Drive	Install Window	\$1,300
Matthew Pedersen	803 Colt Street	Bathroom Remodel	\$2,500
Southwest State University	1501 State Street	Remodel Laboratory	\$100,000
Greig & Gregerson	430 West Main Street	Additional Work -- Deck and Steps	\$1,000
Brad Knutson	1217 East College Drive	Interior Remodeling	\$6,000
Donald Ginder	615 West Lyon Street	Bathroom Remodel	\$700
Julie Kennedy	1004 West College Drive	Interior Remodel	\$8,000

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 - JANUARY 20, 1998

The regular meeting of the Common Council of the City of Marshall was held on January 20, 1998. 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 and Boedigheimer. Absent: Stores. Staff present at the meeting included: Michael Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Robert Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Thomas M. Meulebroeck, Finance Director/City Clerk; Dave 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.

Edblom moved, Doyle seconded, that the minutes of the regular meeting held on January 5, 1998 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 vacating of a portion of the right of way on South 7th Street. Keith Nelson, Director of Public Works/City Engineer, reviewed with the council this request. He indicated that when the Heartland Foods Company property was surveyed it was determined that a portion of the building extends into the right of way on South 7th Street. There were no objections or concerns received on the vacating of a portion of the right of way on South 7th Street, therefore Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of ORDINANCE NUMBER 386, SECOND SERIES and that the reading of the same be waived. Ordinance Number 386, Second Series is an ordinance vacating a portion of the right of way in the City of Marshall. This ordinance provides for a portion of South 7th Street to be vacated where the Heartland Foods Company building extends into the right of way. All voted in favor of the motion.

This was the date and time set for a public hearing on the proposed ordinance for Manufactured Home Park Regulations. Keith Nelson, Director of Public Works/City Engineer, reviewed with the council these regulations. He indicated that there have been several meetings between the City of Marshall, the owners of the mobile home parks and the managers of the mobile home parks in regard to the proposed changes. There were no objections or concerns received on the proposed ordinance, therefore Edblom moved, Doyle seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of ORDINANCE NUMBER 387, SECOND SERIES and that the reading of the same be waived. Ordinance Number 387, Second Series is an ordinance amending certain sections of the City Code regulating manufactured home

## REGULAR MEETING - JANUARY 20, 1998

installation and manufactured home park districts within the City of Marshall. All voted in favor of the motion.

Jackie Fowler, Communications Consultant for Dakota Telecommunications Group, DTG, made a presentation on their initial engineering and financial studies in regard to their new telecommunication technologies and expansion plans for the City of Marshall. They are requesting a the City of Marshall grant them a non-exclusive franchise, which will allow them to proceed with the plans. Rowe moved, Reynolds seconded, that this proposal be referred to the Legislative and Ordinance Committee for their review and recommendation. All voted in favor of the motion.

Upon the recommendation of the Marshall Cable Commission, Rowe moved, Boedigheimer seconded, the request for an increase in the franchise fee from 3% to 4% be referred to the Legislative and Ordinance Committee. All voted in favor of the motion.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2038, SECOND SERIES and that the reading of the same be waived. Resolution Number 2038, Second Series is a resolution extending the City's Appreciation to Kenneth Versaevel for his leadership and volunteering for the Marshall Volunteer Fire Department. This resolution will be presented to Mr. Versaevel at the annual Fire Department Banquet. All voted in favor of the motion.

After a detailed review by Fire Chief Dave Marks on the proposed emergency response and industrial training center, Doyle moved, Reynolds seconded, the proper city personnel be authorized to issue a letter of support for this project. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the proper city personnel be authorized to issue letters of support for the Marshall Flood Control Project and the SSU Library. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2039, SECOND SERIES and that the reading of the same be waived. Resolution Number 2039, Second Series is a resolution authorizing the City of Marshall support for the Performing Arts Center. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the proper city personnel be authorized to advertise for bids for two police squad units. All voted in favor of the motion.

Upon the recommendation of the Personnel Committee, Rowe moved, Edblom seconded, the approval of the Pay Equity Implementation Report for the City of Marshall effective December 31, 1997 and the approval of lump sum adjustments to seven job classifications. These lump sum adjustments will bring the City's underpayment ratio to 80.7 which meets the State's required ratio. All voted in favor of the motion.

## REGULAR MEETING - JANUARY 20, 1998

The Personnel Committee is recommending that the Travel Policy for the City of Marshall not be changed at this time.

Edblom moved, Reynolds seconded, that the proper city personnel respond to the League of Minnesota Cities indicating the City of Marshall's desire to host the 1998 League of Minnesota Cities Regional Meeting. There will be no significant out of pocket expenses incurred by the City of Marshall. All voted in favor of the motion.

Reynolds moved, Boedigheimer seconded, the proper city personnel be authorized to enter into an agreement with Banner Associates, Inc., to design the expansion of the existing Industrial Park at Michigan Road. The costs are based on hourly rates with a maximum fee estimated to be \$34,300. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the approval of Change Order No. 2 for Project 1997-002, S.P. 4208-43 (T.H. 59=17) East Main Street. This change order provides for changes in quantities of items caused by conditions discovered during construction. The primary cost increase was a result of the deteriorated condition of the concrete roadway base exposed upon the removal of the bituminous overlays. This change order is in the amount of \$51,290.02 which is 9.5% above the original contract amount. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the approval of Change Order No. 1 for Project 1997-003/S.A.P. 139-124-01, South 4th Street Project. This change order provides for a concrete poured in place structure at the intersection of T.H. 23 and South 4th Street in lieu of a precast concrete manhole as specified in the specs. This change order results in an increase in the contract of \$7,700. All voted in favor of the motion.

Rowe moved, Edblom seconded, the approval of a tobacco license for K.C. Pawn & Gun Shop at 1213 East College Drive. The fee for this license is \$48.00. All voted in favor of the motion.

Edblom moved, Doyle seconded, pursuant to Minnesota State Statutes M.S.A. 465.03, an anonymous gift of \$3,000 was accepted with the following stipulations:

1. Financial need shall not affect the offering of this scholarship.
2. Recipients must give their written authorization to their college or university to release his/her transcript to designated city staff.
3. Preference will be given to full-time students enrolled at Southwest State University.
4. One of the applicant's parents must be either an active or retired member of the Marshall Fire Department.
5. Each applicant shall complete an application form together with a written essay on the following subject. "How has having a parent on the Marshall Fire Department affected and/or influenced my life."
6. Scholarship awards will only be given to students that have successfully completed one (1) full year of education.

## REGULAR MEETING - JANUARY 20, 1998

All voted in favor of the motion.

Upon the recommendation of the Computer Committee, Doyle moved, Boedigheimer seconded, that the City of Marshall be authorized to purchase a Dell PowerEdge 4200 Server at a cost of \$9,049.00 plus tax and the windows network at a cost of \$1,029.95 plus tax. This server will allow the city to operate under a single server versus several servers as they do now. All voted in favor of the motion.

Mary Larson, General Manager of Bresnan Communications, was in attendance at the meeting to review the proposed changes in the Cable TV System for the City of Marshall. No action was taken by the City Council.

Edblom moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with Midwest Contracting Inc., Marshall, Minnesota for the lease of a motorgrader. This lease is to run from December 10, 1997 to April 10, 1998 at a fee of \$1,800 per month and an hourly rate of \$65.00 per hour which will be applied/credited towards the monthly charge of \$1,800. If the hourly rate is greater than the monthly fee of \$1,800, the greater hourly amount shall be paid. The City of Marshall will furnish and install cutting edges and provide liability and fire insurance on the motorgrader. 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 in the council agenda packet; Fire Relief Association and Regional Development Commission have not met.
- Edblom                  Cable Commission and Ways and Means Committee met last week; Planning Commission did not met; Utilities Commission held a special meeting last Tuesday to discuss the litigation regarding their supplemental power supply contract, they will hold their next meeting on January 30, 1998.
- Boedigheimer Airport Commission meeting was cancelled; Lyon County Enterprise Development Commission meeting was being held at the same time as the city council meeting; Jt. LEC will be having a meeting sometime in February, 1998.
- Doyle                    Housing Commission minutes are included in the council agenda packet; Human Rights Commission minutes are included in the council agenda packet; Convention and Visitors Bureau met last week; Transportation Committee will be meeting on January 28, 1998.
- Rowe                    Library Board met last week and are continuing to work on their budget.
- Reynolds               Community Services Advisory Board met on January 7th - they have received

## REGULAR MEETING - JANUARY 20, 1998

positive feed back on their winter brochure, Harry is continuing to interview for the Summer Academy Director.

Other items of concern brought forth by the Mayor and Councilmembers included: the Marshall Festival which will be held sometime in April; the Chamber of Commerce Government Affair; College Drive will be repaired this year; the Downtown Committee met last week and are working on cost estimates; extra lighting is needed in the parking lot behind the Municipal Building; the Humane Society and the local vets are looking into the possibility of issuing dog tags and possibly having the ordinance changed so they are a two year license, this was referred to the Legislative and Ordinance Committee; Mayor Byrnes will be in Washington DC from January 24 to 28 and he will be attending a Regional Development Commission meeting in St. Paul on January 29 and 30; Mayor Byrnes indicated that the council has completed their 45 month evaluation of City Administrator Michael Johnson and that he has met or exceeded in all areas. Byrnes moved, Doyle seconded, the salary for City Administrator Michael Johnson be set at \$34.64 per hour for 1998. All voted in favor of the motion.

Edblom moved, Reynolds seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 14111 through 14263.

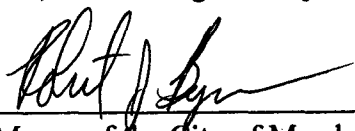
The following building permits previously approved by the Building Official were confirmed:

Ron Schultz	309 North High Street	Reside and Replace Window	\$15,000
Tom and Marie Sullivan	103 Elaine Avenue	Partial Finish Basement	\$2,000
Tom & Tamera Ogdahl	210 North High Street	Siding, Reroofing and Deck	\$3,000
James Knudson	220 Legion Field Road	Finish Basement	\$600
The Masonic Temple Incorporated	317 West Main Street	Interior Remodel	\$600
Mark & Tracy Veglahn	624 Kathryn Avenue	Bathroom Remodel	\$300
Scott & Lisa Truedson	100 East Maple Street	Kitchen Remodel	\$300
Richard Geske	102 Donita Avenue	Reside Dwelling	\$6,000
Lyon County Retirement Home	200 South 4th Street	Interior Remodel	\$600

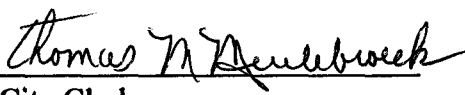
It was indicated that bids will be received on February 6, 1998 for the work on Minnesota Street and it was anticipated that work would be completed by August 31, 1998. It was also indicated that MN/DOT will be receiving bids on February 22, 1998 for construction of Highway 59.

## REGULAR MEETING - JANUARY 20, 1998

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

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

ATTEST:

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

## REGULAR MEETING - FEBRUARY 2, 1998

The regular meeting of the Common Council of the City of Marshall was held on February 2, 1998. 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, Boedigheimer and Stores. Absent: Reynolds. Staff present at the meeting included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works; Thomas Meulebroeck, Finance Director/City Clerk; Rob Yant, 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 8a be added to the agenda, which is a presentation by Greg Sherman, Manager, Marshall Municipal Utilities in regard to their lawsuit with Heartland Consumers Power District; and item number 7c which is the use of facsimile signatures be tabled..

Edblom moved, Doyle seconded, the approval of the minutes of the regular meeting held on January 20, 1998 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Rob Yant, Director of Public Safety, was requesting out-of-state travel for Mike Leese to attend a Managing Criminal Investigations course to be held at Northwestern University Traffic Institute at Evanston, Illinois on February 9 through 13, 1998. Mr. Yant indicated that with the re-organization within the Police Department a sergeant will be heading the investigations unit. Boedigheimer moved, Edblom seconded, out-of-state travel be granted for Mike Leese to attend a Managing Criminal Investigations course in Evanston, Illinois on February 9 through 13, 1998. All voted in favor of the motion.

Rob Yant, Director of Public Safety, was requesting authorization to explore gang taskforce funding. Mr. Yant indicated that there is a State of Minnesota grant which would fund three investigators for the Quad-State Gang Taskforce. This grant would pay 75% of the cost of the wages and benefits for the assigned officer and it has been suggested that the 16 members of the Taskforce split the remaining 25% of the cost. Stores moved, Rowe seconded, that authorization be granted to Rob Yant, Director of Public Safety, to explore gang taskforce funding. All voted in favor of the motion.

Rob Yant, Director of Public Safety, indicated that the Brown/Lyon/Redwood Taskforce will be hiring a parttime employee to work as an undercover investigator. Employees of the Taskforce are rotated through the Taskforce membership of which Marshall is a member. It is the City of Marshall's turn to hire a parttime officer with the costs, including all wages and direct expenses being reimbursed by the Taskforce. Upon the recommendation of Rob Yant, Director of Public Safety, Boedigheimer moved, Stores seconded, that an undercover investigator be employed as a parttime police officer at the rate of \$13.80 per hour effective February 11, 1998. The following resolution was adopted: BE IT RESOLVED that an undercover investigator be



# REGULAR MEETING - FEBRUARY 2, 1998

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.

Bids were received, opened and read at 2:00 P.M. on January 23, 1998 for a survey vehicle for the City of Marshall Engineering Department. The bids received, opened and read were as follows:

Anton Chevrolet  
Marshall, Minnesota  
Proposal A \$24,745.28  
Proposal B No bid

Lockwood Motors  
Marshall, Minnesota  
Proposal A \$25,303.33  
Proposal B \$24,320.34

Marshall Ford  
Marshall, Minnesota  
Proposal A \$23,967.83  
Proposal B \$21,754.76

Tholen Auto Sales  
Marshall, Minnesota  
Proposal A \$24,055.24  
Proposal B \$22,277.63

Proposal A was the furnishing of a 1998 1/2 ton, four wheel drive pickup truck.  
Proposal B was the furnishing of a 1998 3/4 ton, two wheel drive pickup truck.

Stores moved, Doyle seconded, that the bid be awarded to Marshall Ford to purchase a 3/4 ton 2-wheel drive pickup truck at a cost of \$21,754.76 for the City of Marshall Engineering Department. All voted in favor of the motion.

Edblom moved, Rowe seconded, the proper city personnel be authorized to enter into an agreement with Bolton & Menk, Inc., Willmar, MN at a cost of \$66,200 to \$73,200. This agreement provides for Bolton & Menk, Inc., to provide professional engineering and surveying services related to the development and design of a new industrial park, Project no. 1998-002. This agreement was approved with the condition that Marshall Industries Foundation receive the option to purchase the property for the new industrial park. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Rowe moved, Doyle seconded, that Mayor Byrnes appoint an Ad Hoc Committee for the Cable Franchise. Mayor Byrnes appointed the following people to this committee: Michael Johnson, City Administrator; Harry Weilage, Director of Community Services; Robin Chaney, representative from the Cable Commission; Dan Bahn, representative from the Utilities Commission; Greg Sherman, Marshall Municipal Utilities Manager and Ted Rowe, representative from the City Council. All voted in favor of the motion.

## REGULAR MEETING - FEBRUARY 2, 1998

Rowe moved, Stores seconded, the proper city personnel be authorized to enter into an agreement with Moss & Barnett for the Cable Franchising legal process. The total cost of this agreement is not to exceed \$7,500. All voted in favor of the motion.

Stores moved, Edblom seconded, Mark Bureau be appointed to the Airport Commission for a term to expire on May 31, 1998. All voted in favor of the motion.

At this time Mr. Greg Sherman, Manager Marshall Municipal Utilities, presented to the council an update on the action being taken against Heartland Consumers Power District. He indicated that the auditors who performed the audit on Heartland Consumer Power District also performed an audit on the Marshall Municipal Utilities. Mr. Sherman felt that the Utilities and their customers were being overcharged by Heartland.

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

- Byrnes        EDA has not met; Mayor Byrnes indicated that he attended several meetings last Thursday and Friday at the State Legislature in regard to several projects for the City of Marshall
- Stores        Hospital Board - the Home Health Care store will be opening in March, the parking lot is still being worked on and they discussed the audit report.
- Edblom       Cable Commission will met next week; Utilities Commission met last Friday and discussed the lawsuit with Heartland; Ways and Means Committee have not met; Personnel Committee needs to set a date to meet.
- Boedigheimer Airport Commission did not meet in January; Senior Citizen Center Commission will meet next Wednesday; Lyon county Enterprise Development Commission met last Thursday.
- Doyle        Housing Commission met on Monday; Human Rights Commission will meet on Tuesday; Convention & Visitors Bureau met last week; Transportation Committee met Wednesday - WCA is pleased with the ridership and they indicated that the new bus will be available for use soon.
- Rowe        Library Board will meet next Monday; Legislative and Ordinance Committee minutes are included in the agenda packet.

Other items of concern brought forth by the Mayor and Councilmembers included: there was a quarterly employee meeting where John Paden, USCM, presented information on a plan to bank money for health care needs for retirement; the signage ordinance needs to be enforced - there is a temporary sign on East College Drive that has been there for more than 30 days; the

Legislative and Ordinance committee needs to discuss changing the dog license to a two year period and allow the veterinaries to issue these licenses; testimony will be needed within the next few weeks in regard to the Emergency Center and the Performing Arts Center; Mayor Byrnes will be in Washington DC sometime in March for the flood control project. Stores moved, Rowe seconded, that authorization for out-of-state travel for Mayor Byrnes be added to the agenda. All voted in favor of the motion.

Stores moved, Edblom seconded, that out-of-state travel be granted for Mayor Byrnes to travel to Washington DC during the month of March for the flood control project. All voted in favor of the motion.

In reviewing the pending agenda items it was indicated that there have been no new concerns expressed to the Chamber of Commerce in regard to the NSF Check policy.

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: Accounts Payable, Voucher No. 14264 through 14413.

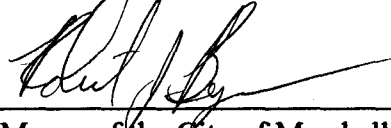
The following building permits previously approved by the Building Official were confirmed:

Lyon County Co-Op Oil Co.	401 Country Club Drive	Install Free Standing Sign	\$3,400
Josephine Neuman	1240 Patricia Court	Basement Remodel	\$8,000
James Blomme	504 Williams Street	Reside Dwelling and Replace Window	\$9,200
Edwin Dirckx	715 Nuese Lane	Basement Remodel	\$2,200
Curtis & Karen McMahon	305 George Street	Remove Kitchen Wall	\$400
Randy L. Hoffmann	406 Donita Avenue	Remove Windows	\$100

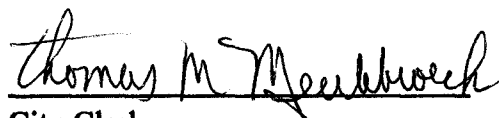
Mike Johnson and Dennis Simpson attended a meeting in Redwood Falls on the Ditch 37 Project.

Mayor Byrnes suggested that the April 6, 1998 City Council meeting be changed to April 7, 1998. This will be reviewed and considered at a later date.

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

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - FEBRUARY 17, 1998

The regular meeting of the Common Council of the City of Marshall was held on February 17, 1998. 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: Brian Murphy, City Attorney; Keith Nelson, Director of Public Works; Thomas M. Meulebroeck, Financial Director/City Clerk; 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 as presented.

Rowe moved, Doyle seconded, the minutes of the regular meeting held on February 2, 1998 be approved as corrected and filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Mr. Jim Hanko, Administrator Weiner Memorial Medical Center, gave a presentation on the audit report for the year ending September 30, 1997. Mr. Hanko updated the council on the following: ACMC needing more space; the expanded parking lot; the need for an Urgent Care Clinic; they are continuing to recruit for an Orthopedic specialist on staff; the Store Front for home health and medical equipment and the uniform shop is being constructed; and that with the renovation it is anticipated that the CT Scan will be here by April 20, 1998. Councilperson Edblom was concerned about the collateral issue in the audit. Mr. Hanko indicated that there was a problem with the collateral a financial institute was using, but that is has been resolved. Councilperson Boedigheimer indicated that he would like to meet with the staff of Weiner Memorial Medical Center to review further the audit report.

Boedigheimer moved, Edblom seconded, that the proper city personnel be authorized to enter into a Services Contract with Southwest and West Central Service Cooperatives. This contract provides for 16 hours per month of hardware/software troubleshooting computer networking services at a cost of \$7,150 for the period February 1, 1998 through December 31, 1998. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2040, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2040, Second Series is a resolution approving the reconstruction plans for Trunk Highway No. 59. This project includes East Main from Hwy 23 to Southview to receive an overlay and for lights to be installed beyond the city limits along Hwy 59 South. It was indicated that it is in the long range plans for this area to be annexed into the city limits. All voted in favor of the motion.

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2041,

## REGULAR MEETING - FEBRUARY 17, 1998

SECOND SERIES, and that the reading of the same be waived. Resolution Number 2041, Second Series is a resolution authorizing the City of Marshall to enter into a Cooperative Construction Agreement with the State of Minnesota/Department of Transportation for State Project No. 4208-39 (T.H. 59=017) which is the storm sewer, lighting, concrete walk construction and other construction to be performed upon, along and adjacent to Hwy 59 North to County State Aid Highway No. 6. All voted in favor of the motion.

Bids were received, opened and read on February 6, 1998 at 2:00 P.M. for the Minnesota Street Storm Sewer Project No. 1998-001. Bids received, opened and read were as follows:

Bartz Excavating Marshall, Minnesota \$390,606.50	H & W Contracting Sioux Falls, South Dakota \$454,200.90	Hjerpe Corporation Redwood Falls, Minnesota \$411,446.79
R & G Construction Marshall, Minnesota \$356,478.20	Quam Construction Co., Inc. Willmar, Minnesota \$393,468.10	

Edblom moved, Reynolds seconded, the bid for the Minnesota Street Storm Sewer Project No. 1998-001 be awarded to R & G Construction, Marshall, Minnesota in the amount of \$356,478.20. This project is part of a grant project and there will be no assessments for the property owners in this area. All voted in favor of the motion.

Edblom 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 application for Exemption from Lawful Gambling License for Southwest Great Divide RMEF (Rock Mountain Elk Foundation) for use at Best Western/Marshall Inn, 1500 East College Drive, Marshall, Minnesota. All voted in favor of the motion.

Stores moved, Rowe seconded, that a public hearing be scheduled for 7:30 P.M. on March 2, 1998 in the Council Chambers of the Marshall Municipal Building to consider a new on-sale liquor license for AmericInn at 1410 East Lyon Street. All voted in favor of the motion.

Rowe moved, Stores seconded, that the proper city personnel be authorized to publish the Notice by the City of Marshall, Minnesota of its Intent to Franchise a Cable Communications System. All voted in favor of the motion.

Reynolds moved, Edblom seconded, that Margaret (Peg) Cline be appointed to the Cable Commission for a term to expire on May 31, 2000. All voted in favor of the motion.

Duane Purrington, Chairman Marshall Municipal Utilities Commission; and Mr. Rusty Fifield, Ehlers & Associates, Inc., were in attendance at the meeting to review the issuance and

## REGULAR MEETING - FEBRUARY 17, 1998

sale of the \$5,900,000 utility revenue bonds series 1998. Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2042, SECOND SERIES and that the reading of the same be waived. Resolution Number 2042, Second Series is a resolution Approving the Action of the Board of Commissioners of the Marshall Municipal Utilities Commission of the City of Marshall, Minnesota, Authorizing the Issuance and Sale of \$5,900,000 Utility Revenue Bonds, Series 1998. 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 but Byrnes was not able to attend; Fire Relief Association and Regional Development Commission have not met.
- Stores        Hospital Board will met next week.
- Edblom        Cable Commission met last week and indicated they are adding 4 new channels - the History Channel; Comedy Central, Home & Garden and Food Channel; Planning Commission has not met; Utilities Commission met tonight; Ways and Means Committee has not met; and the Personnel Committee met last week and the minutes are included in the agenda packet.
- Boedigheimer Airport Commission meeting was cancelled; Jt. LEC have met and discussed the financing - Mike Johnson and Mark Jorgenson are to review this.
- Doyle        Housing Commission met last week and the minutes are included in the agenda packet; Human Rights Commission will met next Monday and the Convention and Visitors Bureau will met Wednesday morning; Transportation Committee has not met.
- Rowe        Insurance Advisory Committee met last Thursday and discussed workers comp insurance, the dental insurance administrator rates, the Liquor Liability insurance offered by the League of Minnesota Insurance Trust; and the possibility of using facsimile signatures being covered under the current insurance; Library Board met last Monday - the book sale will be held on March 7 for the childrens department and March 12 - 15 for all others, the fulltime employees have new uniforms; the Legislative and Ordinance Committee has not met.
- Reynolds      Community Services Advisory Board met on February 4, 1998 but Reynolds was unable to attend.

Other items of concern brought forth by the Mayor and Councilmembers included: lights behind the Municipal Building; with the adoption of the new tobacco ordinance it was suggested

## REGULAR MEETING - FEBRUARY 17, 1998

the Liquor store remove all tobacco products and that the temporary sign in front the Liquor store should be removed immediately; Jewett Street needs work - this will be included in the public improvement 5 year plan; Nona was congratulated on receiving the Quality Customer Service Award from the Marshall Area Chamber of Commerce; the dog license issue needs to be discussed by the Legislative and Ordinance Committee - they should include the local veterinarians and the Humane Society; the council was please with the report presented by Rob Yant, Director of Public Safety for the month of January, 1998; an update was given on the projects that the City of Marshall has before the State Legislature.

In reviewing the pending agenda items in was indicated that the Downtown Redevelopment Committee is continuing to work on the redevelopment of the downtown area.

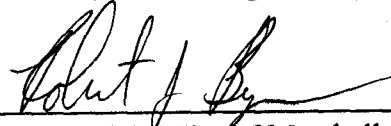
Stores moved, Edblom seconded, that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 14264 through 14637.

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


Randy Wartner	1300 Westwood Drive	Interior Remodel	\$12,000
Arnold Motor Supply	208 West College Drive	Flat Wall Signs	\$9,000
Schwan's Sales Enterprises	601 Michigan Road	Dry Storage Warehouse/ Office Remodeling	\$610,000
Lockwood Motors, Inc.	1310 East College Drive	Temporary Transportable Sign / 30 days	\$0
J.V.B. Enterprises, Inc.	303 West Main Street	Bathroom	\$4,000
Randy L. Hoffmann	406 Donita Avenue	Remove Windows	\$100

It was indicated that Angella Etter was leaving the Marshall Independent and this was her last city council meeting. The council wished her well in her new job.

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

  
Mayor of the City of Marshall

ATTEST:

  
City Clerk

## REGULAR MEETING - MARCH 2, 1998

The regular meeting of the Common Council of the City of Marshall was held on March 2, 1998. 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: Brian Murphy, City Attorney; Michael Johnson, City Administrator; 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, the minutes of the regular meeting held on February 17, 1998 be approved as corrected and filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Upon the request of Randy Otis, Reynolds moved, Edblom seconded, that the public hearing for a new liquor license for Americ Inn be continued until the regular meeting to be held on April 6, 1998 at 7:30 P.M.. All voted in favor of the motion.

Upon the recommendation of Robert Yant, Director of Public Safety, Doyle moved, Stores seconded, that Main Street be closed off from 1st Street to 5th Street on Tuesday, March 17, 1998 at 5:30 P.M. for approximately 1/2 hour for the Second Annual St. Patrick's Day Parade. All voted in favor of the motion.

Edblom move, Doyle seconded, that the proper city personnel be authorized to advertise for bids for a tractor/backhoe for the Marshall Street Department. All voted in favor of the motion.

Sheldon Kimpling reviewed with the Council and others in attendance at the meeting the recommendations of the Insurance Ad-Hoc Committee. He indicated that there have been some changes in the insurance industry, which affect an elected or appointed official who may be injured while serving in the capacity for the City and was being renumarated, and that the individual's health insurance from their primary employer would not necessarily cover the injury. It was the committees recommendation that the Council adopt an ordinance or resolution to provide workers compensation insurance for elected/appointed officials who are included in the city payroll. Discussion was also held in regard to all the other appointed officials and volunteer personnel being covered under a volunteer policy. Rowe moved, Doyle seconded, that the recommendation of the Insurance Ad-Hoc Committee be referred to the Legislative and Ordinance Committee for further review and consideration. All voted in favor of the motion.

Sheldon Kimpling reviewed the liquor liability coverage which is now available through



## REGULAR MEETING - MARCH 2, 1998

the League of Minnesota Cities. The city currently has liquor liability coverage with St. Paul Companies at a rate of \$4.65 per \$1,000 of receipts. The League of Minnesota Cities can provide liquor liability coverage at the rate of \$2.25 per \$1,000 of receipts. It was indicated that even with the penalty to cancel the policy with the St. Paul Companies, the city would save money by changing the liquor liability insurance to the League of Minnesota Cities. Sheldon indicated that when the City of Marshall renews its insurance in October, they will have the option of adding \$1,000,000 excess liability for the liquor liability. Boedigheimer moved, Edblom seconded, the proper city personnel be authorized to terminate the liquor liability coverage with the St. Paul Companies and to purchase liquor liability coverage through the League of Minnesota Cities at a rate of \$2.25 per \$1,000 of receipts. All voted in favor of the motion.

Stores moved, Doyle seconded, that Michael Troy Orton, DBA M. D. Mechanical, Baxter, Minnesota be granted a plumbers license at a fee of \$50.00. This license will expire on March 31, 1998. 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 a Premises Permit Renewal Application for the Marshall Eagles AERIE #3405 at 423 West Main Street, Marshall, Minnesota. 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, Fire Relief Association and Regional Development Commission</u> have not met.
Stores	<u>Hospital Board</u> met last week and they are continuing to work on providing space for an ambulatory care unit and discussing the pay equity issues.
Edblom	<u>Cable Commission</u> will meet next week; <u>Planning Commission</u> did not meet; <u>Utilities Commission</u> will meet at the end of the month; <u>Ways and Means Committee and Personnel Committee</u> have not met.
Boedigheimer	No report.
Doyle	No report.
Rowe	<u>Library Board</u> met today and they are working on the annual book sale, April 19-25 is Library Week, and they discussed changing their vacation policy to be consistent with the City of Marshall's.
Reynolds	<u>Community Services Advisory Board</u> will meet this week.

## REGULAR MEETING - MARCH 2, 1998

Other items of concern brought forth by the Mayor and Councilmembers included: the caucuses which will be held on Tuesday, March 3, 1998; an Eggs & Issues will be held on Saturday, March 7, 1998 with Arlene Lesewksi and Marty Seifert; the lights behind the Municipal Building have provided much needed light; a suggestion was made to install pedestrian crossing signs at East Lyon and "B" Street; there will be a special meeting of the Hospital Board next Monday at 5:30 P.M.; the Blue Ribbon Task Force which consists of city officials, county officials, school board members and representatives from the major employers need to make sure all the items are on the table for discussion; there was a League of Minnesota Cities Legislative meeting last week; Mayor Byrnes, Wastewater Assistant Superintendent Bob VanMoer, and Phil Dwire attended a conference at SSU.

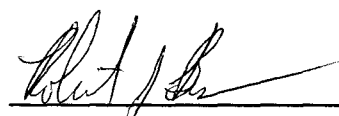
Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 14638 through 14771.

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

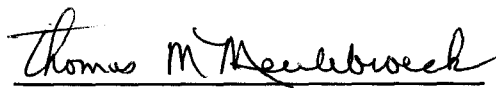
Adrian Golberg	1210 East College Drive	Remodel Entry	\$3,000
Lee Lingbeek	616 Soucy Drive	Reside Dwelling	\$6,500
Lyon Main Partnership	1100 East College Drive	Sign	\$1,800

A Joint LEC meeting was scheduled for 7:00 A.M. on March 10, 1998. A suggestion was made that there be a newsletter done in the Spring of 1998 which will address the construction of Hwy 59, the proposed Law Enforcement Center and other projects.

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

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

ATTEST:

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

## REGULAR MEETING – MARCH 16, 1998

The regular meeting of the Common Council of the City of Marshall was held on March 16, 1998. Mayor Byrnes called the meeting to order at 7:32 P.M. 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; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; 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 as presented.

Rowe moved, Reynolds seconded, that the minutes of the regular meeting held on March 2, 1998 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 March 6, 1998 in the Council Chambers for two (2) Police type vehicles for the Police Department. Bids received, opened and read were as follows:

NAME	BID SECURITY	BID AMOUNT				
		BASE PROPOSAL A	BASE PROPOSAL B	BASE PROPOSAL C	BASE PROPOSAL D	BASE PROPOSAL E
Anton Chevrolet 1608 East College Drive Marshall, MN 56258 507-532-2241	Bid Bond	(2) 1998 Lumina* (2) 1995 Trade-Ins \$37,645.24 - 5,700.00 - 5,700.00 \$26,245.24	(2) 1998 Lumina*   \$37,645.24	(1) 1998 Lumina* (1) 1995 Trade-In \$18,822.62 - 5,700.00 \$13,122.62	(1) 1998 Lumina*   \$18,822.62	(2) 1995 Trade-Ins - \$5,200.00 - 5,200.00 - \$10,400.00
	Bid Bond	(2) 1999 2WD Tahoes (2) 1995 Trade-Ins \$52,146.48 - 5,600.00 - 5,600.00 \$41,146.48	(2) 1999 2WD Tahoes   \$52,146.48	(1) 1998 2WD Tahoe (1) 1995 Trade-In \$26,073.24 - 5,600.00 \$20,573.24	1) 1998 2WD Tahoe   \$26,073.24	(2) 1995 Trade-Ins - \$5,200.00 - 5,200.00 - \$10,400.00
Marshall Ford 1102 West Main Street Marshall, MN 56258 507-537-0313	Bid Bond	(2) Crown Victorias (2) 1995 Trade-Ins 41,680.00 - 5,700.00 - 5,700.00 \$30,280.00		(1) Crown Victoria (1) 1995 Trade-In \$20,830.00 - 5,700.00 \$15,130.00	(1) Crown Victoria   \$20,830.00	
Tholen Auto Sales 1100 West Main Street Marshall, MN 56258 507-532-3291						
Cheyka Motors Inc. 815 Grand Avenue Schofield, WI 54476 715-359-2193						

\*Does not meet specifications.

The specifications allow for bidding as follows:

Base Proposal A:	Furnish two (2) police type vehicles and trade-in of existing vehicles.
Base Proposal B:	Furnish two (2) police type vehicles with no trade-in of existing vehicles.
Base Proposal C:	Furnish one (1) police type vehicle and trade-in of one existing vehicle.
Base Proposal D:	Furnish one (1) police type vehicle with no trade-in of existing vehicle.
Base Proposal E:	Purchase two (2) trade-in existing vehicles only.

## REGULAR MEETING – MARCH 16, 1998

Upon the recommendation of Rob Yant, Director of Public Safety, Stores moved, Reynolds seconded, that the bids for the police vehicles be awarded to: Anton Chevrolet, Marshall, MN for a 1998 Tahoe in the amount of \$26,073.24 less trade in of \$5,500.00 for a net bid of \$20,573.24 and to Marshall Ford, Marshall, MN for a 1998 Crown Victoria in the amount of \$20,830.00 less trade in of \$5,700.00 for a net bid of \$15,130.00. The total cost of these two vehicles is \$703 above the budgeted amount. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Stores moved, Edblom seconded, Richard Keimig be granted a conditional use permit for a home occupation for a massage therapy business in an R-1 One Family Residence District at 705 Sara Circle. All voted in favor of the motion.

Mr. Brennan C. McAlpin, Manager Marshall North Memorial Medical Transportation was in attendance at the meeting and provided the city council and others in attendance an overview of the annual report for 1997. Some of the highlights for 1997 included: upgraded Marshall to ALS; upgraded Redwood Falls to specialized ALS; upgraded Minneota to EMT-I level; increased the EMS Education position to .8 with Fairbault Region; developed a bike medic/safety program; placed over 500 bike helmets in the community; purchased a 1997 Type II for Marshall; entered into ALS Intercept agreements with all local BLS Services; Minneota received the C.A.A.S. Accreditation; maintained and further developed the tactical medic team; provided all First Responders in the region with auto defibs and training; have taken over all local training from Vo-techs; exceeded volumes and revenues in Marshall; employee of the year – Cindy McAlpin, Marshall; maintained steady staff rosters in all cost centers and finished promotion brochure for the Marshall region.

Rowe moved, Edblom seconded, that a public hearing to consider applications for the Granting of a Franchise to Construct and Operate a Cable Communications Systems in the City of Marshall be held at 7:30 P.M. on Monday, April 6, 1998. All voted in favor of the motion.

Edblom moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2042, SECOND SERIES and that the reading of the same be waived. Resolution Number 2042, Second Series is a resolution Approving the action of the Board of Commissioners of the Marshall Municipal Utilities Commission, Authorizing the Issuance and Delivery of \$5,900,000 Utility Revenue Bonds, Series 1998. All voted in favor of the motion.

Harry Weilage, Director of Community Services, presented to the City Council and others in attendance at the meeting the Partnership Logos that are currently being used by various agencies in the City of Marshall. Rowe moved, Stores seconded, that the City of Marshall adopt the new logo and refer this to the Personnel Committee for review and to develop color schemes. All voted in favor of the motion.

## REGULAR MEETING – MARCH 16, 1998

Boedigheimer moved, Stores seconded, that the proper city personnel be authorized to receive bids for the purchase of a truck and plow for the Marshall Municipal Airport. MN/DOT has approved a grant for 60% of the purchase price of a used 27-foot, folding wing, two-way plow and truck. The purchase price is \$45,000 with the estimated value from the existing truck and plow to be between \$17,000 to \$18,000. All voted in favor of the motion.

Jeanette Aguirre from Western Community Action reviewed with the City Council and others in attendance the operations for M.A.T.(Marshall Area Transit) for the 4<sup>th</sup> quarter of 1997. She indicated they are in need of a storage place for the vehicles; that the maintenance costs are high for the vehicles; they are conducting safety and customer training for their employees; and they are still considering having routes in the City of Marshall. She also indicated that there is an interest in adding a fixed route from 11:00 P.M. to 2:00 A.M. from the area bars and that the bars may help subsidize the system to help cover the costs the hours of the service.

A 5-minute recess was called at this time.

Rowe moved, Edblom seconded, that a Refuse Haulers License be approved for Ritter's Sanitary Service and Martin Sanitary Service at a fee of \$120.00 each. These licenses are for the period April 1, 1998 through March 31, 1999. All voted in favor of the motion.

Edblom moved, Rowe seconded, and it was unanimously approved that the following Plumbers Licenses be approved for the period April 1, 1998 through March 31, 1999 at a fee of \$50.00:

Andrew Maertens DBA Andy Maertens' Plumbing  
 Rodney Bruflat DBA Bruflat Plumbing & Heating  
 Ron Sussner DBA Frank's Electric, Plumbing & Heating  
 Gary Hanson DBA G. H. Plumbing & Heating  
 Gary Smidt DBA Gary's Plumbing & Heating  
 John Jenniges DBA Jenniges Plumbing & Heating  
 Mike Lund DBA Mike's Plumbing & Heating  
 Mike Paulson DBA Mike's Plumbing & Heating  
 Neil Kroger DBA Neil's Plumbing & Heating  
 Kenneth Grindeland DBA Olson Hardware Corp.  
 Dick Winter DBA Schwan's Sales Enterprises, Inc.  
 Mike Orthaus DBA Tri-State Mechanical  
 Vern Goslar DBA Trio Plumbing & Heating  
 Joseph Mortier DBA Bisbee Plumbing & Heating  
 Ken Holm DBA Heartland Mechanical

Edblom moved, Reynolds seconded, that the renewal of the Consumption and Display License for the Marshall VFW Post 742 be approved for the period April 1, 1998 through March 31, 1999 at a fee of \$100.00. All voted in favor of the motion.

## REGULAR MEETING – MARCH 16, 1998

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

- Byrnes      EDA minutes are included in the agenda packet; Fire Relief Association met on Sunday; the Regional Development Commission will be meeting on Thursday.
- Stores      Hospital Board has not met but she indicated that they would be having a retreat on April 17-18, 1998.
- Edblom      Cable Commission and Planning Commission minutes are included in the agenda packet; Utilities Commission will be holding a meeting on March 31, 1998 at 5:30 P.M. for the annual review of the audit; Ways and Means Committee and Personnel Committee have not met.
- Boedigheimer      Airport Commission minutes are included in the agenda packet; Senior Citizen Center Commission met last Wednesday; Lyon County Enterprise Development Commission will be meeting on Tuesday; Jt. LEC met on March 10, 1998; Public Improvement/Transportation Committee needs to schedule a meeting.
- Rowe      Insurance Advisory Committee, Library Board and Legislative & Ordinance Committee have not met. Legislative & Ordinance Committee needs to schedule a meeting.
- Reynolds      Community Services Advisory Board summer registration will be held on May 4, 1998. Jt LEC discussed the floor plan and scheduled meetings for 7:00 A.M. on April 10, 1998 and a joint City Council and Lyon County Board of Commissioners meeting for April 13, 1998.

Other items of concern brought forth by the Mayor and Councilmembers included: Mike Johnson, Mike Reynolds and Maureen Stores recently attended a Leadership group; several students from Mr. Gary Grabau government class were in attendance at the City Council meeting; and there will be a stew supper at the Senior Center following the St. Patrick's Day Parade.

There were no comments on pending agenda items.

It was indicated that there would be a council/staff retreat on March 31, 1998.


Stores moved, Edblom seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 14772 through 15002.

## REGULAR MEETING – MARCH 16, 1998

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

Jeff Williams	100 Ranch Avenue	Remove Door	\$200
Judy Erickson	208 Legion Field Road	Partial Finish Basement	\$1,000
Michael Hulsizer	1203 Patricia Court	Finish Basement	\$5,000
Schwan's Sales Enterprises, Inc.	1602 Superior Road	Remodel Office	\$23,000
Randy Hess	601 North Highway 59	Partition Walls	\$2,800
Lyon County Co-Op Oil Co.	401 Country Club Drive	Install Sign	\$700
Michelle Williams	601 North 6th Street	Finish Basement	\$1,600
Four Seasons Company	301 East College Drive	Interior Remodel	\$10,000
Robert Cole	613 East Southview Drive	Exterior Remodeling	\$4,500
Rick & Michelle Schaeffer	808 Viking Drive	Dwelling	\$189,400
Greig & Gregerson	347 West Main Street	Remodel Retail	\$51,000

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



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

ATTEST:



\_\_\_\_\_  
Financial Director/City Clerk

## REGULAR MEETING – APRIL 6, 1998

The regular meeting of the Common Council of the City of Marshall was held on April 6, 1998 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 7:30 P.M. 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; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the following additions to the agenda: the items being considered for the Weiner Memorial Medical Center include consideration of computer software and the dedication agreement for O'Connell Street be considered.

Rowe moved, Doyle seconded, that the minutes of the regular meeting held on March 16, 1998 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.

Doyle moved, Stores seconded, that the minutes of the special meeting held on March 30, 1998 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 the continuation of a public hearing for the liquor license for the AmericInn at 1410 East Lyon Street. A request was received from Randy Otis to delay the consideration of the liquor license for approximately 2 months, therefore Boedigheimer moved, Stores seconded, the request to consider the liquor license for the AmericInn at 1410 East Lyon Street be delayed for two months or until such time another application is received. All voted in favor of the motion, except Edblom who voted no.

This was the date and time set for a public hearing to consider the granting of a franchise to construct and operate a cable communications system in the City of Marshall. Mike Johnson, City Administrator, provided a brief outline as to the sequence of events that have taken place starting in January of 1998 when a letter of interest was received from DTG, Dakota Telecommunications Group, requesting a cable franchise for the City of Marshall. Mr. Johnson stated that the procedure for the city to operate under for the governing of a franchise is dictated by Minnesota Statutes 238.081. Per this statute the city has to acknowledge the request of DTG which in no way implies that there are problems with the current cable franchise. In late February of 1998 the City of Marshall had engaged Moss and Barnett to serve as legal counsel for the City of Marshall on the cable franchise request.

Jackie Fowler, representative from DTG, provided a brief synopsis of their company and introduced other members of their company who were in attendance at the meeting. Ms. Fowler indicated that their company currently provides a service to 26



## REGULAR MEETING – APRIL 6, 1998

cities in 3 states including South Dakota, Minnesota and Iowa. The basic rate for their service ranges from \$17.95 per month to \$22.74 per month. DTG does provide an Internet service. Ms. Fowler did indicate that they were interested in working and assisting the City of Marshall with a means of providing technology to keep the youth in Marshall and not migrating to other places where the technology and jobs are provided. By them working with the City of Marshall they will bring and retain current families in the City of Marshall and they provide technology to allow for the people within the City of Marshall to reach out and communicate beyond the City of Marshall.

Patrick Jr. Bresnan, Vice President of Communication Development from Bresnan Communication from New York where the home office is located, was in attendance at the meeting to address the concerns of Bresnan Communications. Mr. Bresnan indicated that they have been in operation for 32 years. Mr. Bresnan's job is to interface with city officials, community leaders, and customers. Bresnan currently serves 70,000 cable customers in the State of Minnesota. Through acquisition that they have pending they hope to grow to 200,000 customers, which would make them the second largest cable company in the State of Minnesota. Mr. Bresnan addressed a recent ad that was placed in the Marshall Independent that identified various services that Bresnan does provide and will be providing in the near future. Mr. Bresnan also introduced various representatives from Bresnan Communication who were in attendance at the meeting.

Jane Bremer, local counsel for Bresnan Communications, addressed the application of DTG and presented their findings encountered in reviewing the application of DTG. Ms. Bremer indicated that it is Bresnan's position that the City should deny the application of DTG for a cable television franchise since it is determined on their behalf as a financially risky, technically inexperienced, legally insufficient and highly speculative venture. Their conclusion is that the application fails to meet minimum statutory requirements imposed by Minnesota law and therefore should be denied. Bresnan's purpose in participating in this process is to assure parity among prospective competitors and adhere to the law, which applies to cable operators and city. Ms. Bremer indicated the rational and support for their recommending denial of the application were as follows:

- 1) DTG's proposal does not comply with Minnesota Statutes 238.081, Subdivision 4, which is a minimum legal requirement in Minnesota;
- 2) DTG is a small telephone company with limited cable television experience and no experience in providing any service in a market the size of Marshall;
- 3) DTG is not financially solid and its refusal to answer legitimate questions posed by the city's consultant raises serious concerns regarding its qualifications and business practices. Ms. Bremer addressed DTG's leverage ratio, which is 17 to 1, and the standard ratio is usually 6 to 1. DTG's loan with RTFC restricts its proceeds to telecommunications services – cable television services are not mentioned. Ms. Bremer also addressed a number of other areas of financial concerns based on the information provided by DTG.
- 4) DTG is overextending their capital.
- 5) DTG has not been subjected to the same diligent inquiry, which Bresnan was when it acquired the Marshall Franchise.

## REGULAR MEETING - APRIL 6, 1998

- 6) The economics of a second franchise does not work.
- 7) There is absolutely no bar to denial of a franchise to an unqualified and unresponsive applicant.
- 8) Bresnan Communication Company is a proven industry leader who has made a substantial contribution to the city and whose investment would be irresponsibly undermined by a decision to authorize an unqualified competitor.

Sandy Keith, a former State Judge who now service as an attorney, expressed a concern with the city being able to support two systems. He indicated that he was not aware of any city in the state that had two cable franchise and felt that if they did there must be a subsidy of some sort for the operations. Mr. Keith did indicate that it does take a large sum of money to operate a system and that the cities legal counsel should look at the finance of DTG, especially in light of the number of areas that DTG is looking at expanding into and at the fact that DTG has never been in a city the size of Marshall. Mr. Keith also felt that DTG was not complying with the State Statutes.

Robin Chaney, Chairperson of the Marshall Cable Commission, presented the following questions that were addressed from the Cable Commission:

- 1) What specific channels will be in the original 60 offered?
- 2) How many levels/types of "channel packages" or tiers will be offered? What will be in each? What will each cost?
- 3) What will the installation/hookup cost be?
- 4) How long will it take for an individual to get hooked up? What will be the process?
- 5) Will there be a local phone number and person in Marshall for repair and services?
- 6) Where will the head end/offices be in Marshall?
- 7) How many employees will be in Marshall? What will their jobs be? Will they be hired locally or brought in?
- 8) Has a FCC license been acquired for Marshall? If so, on what date?
- 9) Will DTG build an I-net as specified by the franchise?
- 10) How many access channels (PEG) will be available to the City of Marshall?
- 11) What are DTG's plans for the access studio to house the equipment specified by the franchise? Co-locate with their office? Assist in design, maintenance and placement? Other?
- 12) Will there be the necessary equipment to put programming (not just teletext) on the access channels?
- 13) DTG's materials mention having advertising space to sell on an access channel. Since this is not permitted on a community access channel, will it be put on a LO channel?

Councilperson Boedigheimer addressed concerns with the cable franchise request. Mr. Boedigheimer expressed the importance of needing a level playing field and did indicate that the city has retained a law firm that will represent the city and respond to various comments that were made at this hearing and make sure that the applicant

complies with the applicable State Statutes. Mr. Boedigheimer indicated that certain financial information does not have to be divulged which is classified as privileged information. Mr. Boedigheimer was concerned with some information in the SB2 filing which indicated that the per share value is \$12.50 as of March, 1998. Mr. Boedigheimer indicated that this value is a value that is determined internally and felt that it is an artificial number, but DTG is presenting it as a fact. Mr. Boedigheimer was concerned with the equity as of 12/31/97 which identifies the common stock and other equity as \$10,809,551 and that in the financial statements that were provided to the city council it indicated their equity was \$7,804,072 and he recommended there be a clarification of the approximately three million dollar difference. Mr. Boedigheimer was concerned with their 1997 long term financing from the Rural Telephone Finance Cooperative (RTFG) and if the company could use the funds for non-telephone related expenditures. He was also concerned with the new development having \$35,000,000 of common stock ready to file with the FTC, if this stock would be available to the general public, what price per share was used in arriving at the \$35 million figure and who made the determination of the \$35 million figure. He addressed the restricted stock subscription offer made to stock holders and employees that expired on 3/11/98 and how many of the 400,000 shares were subscribed by that group and what are the plans for the unsubscribed shares. In conclusion Boedigheimer indicated that the city was not going into this process blind, that he did favor competition and does like to see the consumer have options.

Don Stella, Chairperson for the Industrial Development Committee of the Marshall Area Chamber of Commerce, submitted a resolution of support encouraging the city council to pursue all available opportunities to expand communications services to businesses and residents of Marshall and to promote legitimate competition as a means of expanding their services.

Mayor Byrnes briefly reviewed the process for this cable franchise request once the public hearing has been closed. Mayor Byrnes indicated that the disputed concerns would be reviewed by the city's legal counsel, Brian Grogan from Moss & Barnett, who will investigate and respond to these concerns at the April 20, 1998 city council meeting. The city council could consider the introduction of an ordinance for the granting of a franchise at the April 20<sup>th</sup> meeting. If the city council introduces an ordinance for the granting of a cable franchise at the April 20, 1998 meeting, the city council could consider at a special meeting or the next regular meeting the adoption of an ordinance granting the cable franchise.

In DTG's proposal they expressed a concern with the legal counsel retained by the city and the possibility of it being considered a conflict of interest.

With no further concerns brought before the public hearing Edblom moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 8:37 P.M.

Richard MacDonald, Director of the Marshall Lyon County Library, was in attendance at the meeting to provide city council an update on the activities at the Marshall Lyon County Library for the month of April, 1998. Of particular importance is the designation of April 19 – 25, 1998 is National Library Week. A concern was expressed about the possibility of receiving an energy grant from the Marshall Municipal Utilities for the replacement of the windows at the library.

Jerry Boerboom, Finance Officer Weiner Memorial Medical Center, was in attendance at the meeting to present to the council the bids that were received for the hospitals computer hardware and software. As recommended by the Weiner Memorial Medical Center Hospital Board, Boedigheimer moved, Rowe seconded, the bid for the computer hardware be awarded to Keane, Inc., in the amount of \$88,200. All voted in favor of the motion.

Upon the recommendation of the Weiner Memorial Medical Center Board, Boedigheimer moved, Stores seconded, the bid for the hospital computer operating system software, current application, upgrade application, and new application be awarded to Keane, Inc., in the amount of \$532,712. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUITON NUMBER 2043, SECOND SERIES and that the reading of the same be waived. Resolution Number 2043, Second Series is a resolution declaring the official intent regarding the reimbursement of expenditures with the proceeds of tax-exempt bonds. The proceeds of these bonds will be used to purchase the computer hardware and software replacement, upgrade and new applications. The funds for the reimbursement paid will be from the Weiner Memorial Medical Center operating account. All voted in favor of the motion.

Upon the recommendation of the Weiner Memorial Medical Center Hospital Board, Stores moved, Edblom seconded, the bid for the hematology analyzer be awarded to Abbott in the amount of \$58,595. The bid received from Abbott was not the lowest bid, but when the operating costs are analyzed for an 11-year period of time the bid from Abbott is considered the low bid. All voted in favor of the motion.

A discussion was held at this time in regard to the recommendation of the Public Improvement Transportation Committee, to declare O'Connell Street from State Street to East College Drive as a snow emergency route, that there be a 2 hour parking limit in this area, and the possibility of allowing parking on both sides of the street was discussed. It was also suggested that this street be renamed. The Public Improvement Transportation Committee had also agreed that SSU be authorized to issue citations along O'Connell Street from East College Drive to State Street. Following a discussion in regard to the recommendations for O'Connell Street, Stores moved, Reynolds seconded that the recommendation of the Public Improvement Transportation Committee be tabled until such time more information is provided from representatives at SSU. All voted in favor of the motion.

## REGULAR MEETING - APRIL 6, 1998

Rowe moved, Doyle seconded, BE IT RESOLVED THAT the City of Marshall endorse of a variance granting the Minnesota Department of Transportation authority to construct a 10,000 gallon above-ground fuel storage tank. All voted in favor of the motion.

As recommended by the Public Improvement Transportation Committee, Boedigheimer moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2044, SECOND SERIES and that the reading of the same be waived. Resolution Number 2044, Second Series is a resolution providing for control signage in the City of Marshall. This resolution provides for the removal of the Yield Sign on the westbound leg of East Lyon Street at the intersection of "A" Street and the installation of a Stop Sign on the westbound leg of East Lyon Street at the intersection of "A" Street. All voted in favor of the motion.

As recommended by the Public Improvement Transportation Committee, Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2045, SECOND SERIES and that the reading of the same be waived. Resolution Number 2045, Second Series is a resolution providing for control signage in the City of Marshall. This resolution provides for the installation of a Stop Sign on the southbound leg of South 4<sup>th</sup> Street at the intersection of Elaine Avenue. All voted in favor of the motion.

As recommended by the Public Improvement Transportation Committee, Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2046, SECOND SERIES and that the reading of the same be waived. Resolution Number 2046, Second Series is a resolution providing for control signage in the City of Marshall. This resolution provides for the installation of a Stop Sign on the eastbound leg of Charles Avenue at the intersection of Hill Street and the installation of a Stop Sign on the westbound leg of Charles Avenue at the intersection of Hill Street. All voted in favor of the motion.

Edblom moved, Stores seconded, the proper city personnel be authorized to execute a Memorandum of Agreement between the City of Marshall and the "Enhanced Floodwarning System Cooperating Agencies" including the Department of Public Safety, Division of Emergency Management, Department of Natural Resources, Division of Waters, National Weather Service, United States Geological Survey and Federal Emergency Management Agency. This agreement outlines the duties and responsibilities of the various agencies for the installation of a river and weather monitoring station on the Redwood River near Russell. This equipment would provide the river and rainfall information and advance flood warning for the City of Marshall. Along with the benefits for the installation of this equipment the city must provide a telephone line and pay its monthly charge. A concern in discussing this agreement was that the City of Marshall Emergency Plan being up to date. All voted in favor of the motion.

City Administrator Johnson extended his appreciation to Mayor Byrnes for all his efforts in working with the Flood Control Program for the City of Marshall.

## REGULAR MEETING – APRIL 6, 1998

Edblom moved, Reynolds seconded, that the proper city personnel be authorized to execute a farm lease agreement with Paul Deutz for approximately 29 acres of farm land adjacent to the City's County Ditch #62 Project north and northwest of Southwest State University. This lease is for a one year period of time and does not provide for any rent due, since the tenant will be required to remove and disk down all weeds growing upon the leased premises. All voted in favor of the motion.

Stores moved, Rowe seconded, that the following plumbers licenses be approved for the period April 1, 1998 through March 31, 1999 at a fee of \$50.00. All voted in favor of the motion.

Robert VanderLinden DBA Countryside Plumbing  
Ed Duthoy DBA Ed's Plumbing & Heating  
David Kemen DBA Kemen Plumbing & Heating, Inc.  
James Wambeke DBA Wambeke Plumbing

Rowe moved, Boedigheimer seconded, a Sunday Liquor License be granted to Dakota Steaks and Pastas Inc., at 1407 East College Drive. The fee for this license is \$200 and it will expire on December 31, 1998. All voted in favor of the motion.

Jeanette Aquirre, Western Community Action, was in attendance at the meeting to discuss with the council the appropriating of additional funds for the purchase of a second vehicle in 1998 for the Marshall Area Transit System. This request had been discussed with the public improvement transportation committee and they have suggested that consideration be given to looking at a smaller vehicle. Tom Gottfried, Minnesota/DOT Project Manager, did suggest that the City of Marshall consider purchasing a smaller size vehicle for its transit operations. Boedigheimer moved, Doyle seconded, the revenue account number 101-33421 be increased by \$36,000 for the state share of the purchasing of an additional transit vehicle in 1998 and that the corresponding expense account of 101-41923-5550 be increased by \$45,000, which includes a transfer from 101-40141-7210 the Mayor and Council contingency of \$9,000 for the purchase of an additional transit vehicle in 1998. It was suggested that before the final decision is made to purchase a vehicle that a recommendation be made to the Public Improvement Transportation Committee and then on to the City Council as to whether or not a smaller vehicle or a similar vehicle to what the city currently has be purchased. All voted in favor of the motion.

Byrnes moved, Reynolds seconded, that the following individuals be appointed to the Community Services Advisory Board: Dirk Halverson be reappointed for three years to expire on February 28, 2001; Jerald Huber, Jim Smally and Steven Titus all be newly appointed members to the Community Services Board for a three year term to expire on February 28, 2001. All voted in favor of the motion.

Per the recommendation of City Attorney Brian Murphy, Rowe moved, Reynolds seconded, the proper city personnel be authorized to execute a Dedication Agreement between The 1923 Company and the City of Marshall for the property referred to as

## REGULAR MEETING – APRIL 6, 1998

O'Connell Street adjacent to the Best Western property to be deeded back to the City of Marshall. 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.

Stores Hospital Board will be holding a retreat on April 17-18, 1998.

Edblom Cable Commission will be meeting on April 7, 1998; Planning Commission will be meeting on April 8, 1998; the Municipal Utilities did receive their audit report and they did agree on the consideration of workers comp insurance for the commissioners and the Personnel Committee of the Council needs to meet.

Boedigheimer No report

Doyle Human Rights Commission was requesting that the school district do a hate/crime survey.

Rowe Legislative and Ordinance Committee minutes are included with the agenda packet.

Reynolds Community Services Advisory Board did met but he was unable to attend the meeting.

Other items of concern brought forth by the Mayor and Councilmembers included a concern with the deterioration on an annual basis of Horizon Drive and it was indicated that the sub-grade is not substantially enough and that eventually work will need to be done for drainage under the street and a good mat placed on this street; in regard to tornado's it was suggested that representatives from the city attend a readiness preparation program and that the city employees become involved in this program; a concern was expressed with the interference of trees and other objects at corners that interfere with the view and the compliance with city ordinances; thank you's were expressed to Councilperson Boedigheimer for his questions raised in regard to the cable franchise ordinance, to the Mayor for all his work he has done on the flood control, and to the library director for his presentation at the meeting; it was indicated that the street department has begun the clean up of the streets in the City of Marshall and the concern of bike safety was addressed as well as that of walkers and people jogging; a concern was expressed with Joe Blanchette from the Street Department who's wife would be undergoing major surgery; Paula Curry was recognized for her presentation that she had made on gang development and drug involvement in the community and it was suggested that her presentation be made to the city council; the activities of the Legislature were briefly discussed and in particular as it relates to the training center which looks like it is going to be approved at this time and that the recipient of the fund would be the

## REGULAR MEETING – APRIL 6, 1998

Southwest Regional Development Commission; appreciation was extended to Dave Marks for his time and effort that he has put in with the Legislature for the Fire Training Center; the City of Marshall has made an offer of assistance to the Cities of Comfrey and St. Peter that were recently struck by a tornado – the city has provided a water truck to Comfrey for water supply and employees from the Municipal Utilities have assisted in the City of St. Peter.

Edblom moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE Voucher No.15003 through 15144 as well as the payment to Robinson Appraisal Company in the amount of \$9,583 for phase II of the Marshall Flood Control Project.

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

Jesse Thordson	226 London Road	Reside Dwelling and Replace Windows	\$15,000
United Prairie Bank	105 Market Street	Install Sign	\$12,000
MN Military Affairs	500 Artillery Drive	Accessibility Remodeling	\$70,000
Lynda Schmidt	408 Donita Avenue	Install Window	\$3,000
National Lodging Companies, Inc.	1406 East Lyon Street	Motel	\$1,250,000
John Nuese	404 Dogwood Avenue	Replace Deck	\$4,500
Dave & Donna Schaefer	1248 Patricia Court	Dwelling	\$185,000
Doug & Jackie Lage	818 Viking Drive	Dwelling	\$145,000
Pat & Christina Blomme	705 DeSchepper Street	Dwelling	\$95,000
Jeffrey & Jackie Thomas	814 Viking Circle	Dwelling	\$220,000
City of Marshall	344 West Main Street	Reroof	\$50,900
William Schmidt	407 North 5th Street	Deck	\$1,500
Daryl St. Aubin	214 DeSchepper Street	Deck	\$800
Lyon County Co-Op Oil Co.	401 Country Club Drive	Install Signs	\$1,000
Don L. & Lisa D. Raveling	807 Elaine Avenue	Four-Season Porch	\$3,500
Minnesota Corn Processors, Inc.	400 West Erie Road	Remodel Offices/CSU Link	\$122,500
Roberto Rodas	702 South 4th Street	Install Window	\$400
Michael Schultz	307 Lawrence Street	Garage	\$5,500
Rodney Tholen	412 North 5th Street	Move Out Garage	\$0
Deutz & Hess, Inc.	111-D South 10th Street	Warehouse Roof Shelter	\$500
Glenn Bayerkohler	601 Arbor Court	Finish Basement	\$1,500
Roger Wartner	204 Robert Street	Family Room Addition	\$20,000

The council was reminded of the Joint LEC public hearing to be held at 7:00 o'clock P.M. on April 13, 1998 at the Lyon County Commissioners room.

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

  
Mayor of the City of Marshall

ATTEST:

  
Finance Director/City Clerk



## SPECIAL MEETING – APRIL 13, 1998

A special meeting of the Joint City Council/Lyon County Board of Commissioners was held on Monday, April 13, 1998 in the Commissioners Room at the Lyon County Courthouse. The City Council meeting was called to order by Mayor Bynres at 7:00 P.M. In addition to Bynres the following members were present: Edblom, Doyle, Rowe, Boedigheimer, Stores and Reynolds. Staff present was: Michael Johnson, City Administrator; Rob Yant, Director of Public Safety and Jane DeVries, Deputy City Clerk.

Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2047, SECOND SERIES and that the reading of the same be waived. Resolution Number 2047, Second Series is a Sponsoring Resolution for Bendrite Fabrication, Inc., Loan Request to Southwest Minnesota Foundation. All voted in favor of the motion.

The Lyon County Board of Commissioners meeting was called to order at 7:04 P.M. by Commissioner Fenske. In addition to Fenske the following members were present: Buysse, Goodenow, Gladis and VandenLanotte. Staff present was: Mark Jorgenson, County Administrator and Don Stokke, Lyon County Sheriff.

The purpose of the special meeting was to hold a public hearing on the Joint Law Enforcement Center Project. City Administrator Michael Johnson briefly reviewed the time frame of this project since it was started in late 1993 and the projected time frame for this project to be completed.

At this time Rob Yant, Director of Public Safety, reviewed several reasons why the Joint Law Enforcement Center should proceed:

One-stop location for emergency services:

- 1) Establishment of county-wide emergency dispatching for Lyon County, with one set of equipment and single site staffing to handle larger workloads.
- 2) Lyon County Jail, Marshall Police Department, Lyon County Sheriff's Department, area BCA agents and emergency services would all be at the same location.
- 3) One location for reporting accidents and crimes, picking up accident reports and tours.

Cost effectiveness:

- 1) One radio system.
- 2) One computer and phone system.
- 3) One set of equipment for drunk driving testing and other equipment shared.
- 4) Pooling of law enforcement resources, equipment and training.
- 5) Shared funding for LEC facility.

Centralized training – reduced liability and better capabilities:

- 1) Police and Sheriff trainers at the same location.
- 2) Pooling or sharing expensive training equipment.
- 3) Indoor firing range.
- 4) Large training facility available for emergency service training county wide.

## SPECIAL MEETING – APRIL 13, 1998

- 5) Conference room available for planning or smaller training sessions.

## Improved law enforcement coordination and cooperation:

- 1) Administrators in the same location for better planning and coordination.
- 2) Supervisors and officers in same location for better interaction and patrol coverage.
- 3) Investigators at the same location for intelligence sharing and joint investigations.
- 4) D.A.R.E. officers, emergency response personnel, and firearm's armors at the same location.

Ron Halgerson, Group II Architect, was in attendance at the meeting to review the plans for the proposed Law Enforcement Center. He indicated that the Police department will have approximately 2,678 square feet, the Sheriff's department will have approximately 3,233 square feet and that there will be approximately 19,001 square feet of shared space. He indicated that the bids were less than the estimate and it would take approximately 9 months for the construction of the addition and 2 more months for the remodeling of the existing structure.

Gerard Shannon a representative from Springsteds, financial advisors for the City of Marshall, was in attendance at the meeting. He briefly reviewed the financing process that would take place to fund the Law Enforcement Center. He indicated that the bonds would be a Lease Revenue Bond, which does not count against the debt capacity for either the City of Marshall or Lyon County. He indicated that the rate for these bonds would be approximately 4.75% to 5.25% and that it would take 60 days for the proceeds to be available.

Councilmember Stores asked if the city would need to levy for their share of the bond payment. Mr. Johnson, City Administrator indicated that the city would pay for these bonds with the amount that was already budgeted for the police department.

Jim Holt from Marcom Radio informed the council and commissioners that if they are considering replacing the radio/console equipment that they consider all the new changes in technology in this area.

Commissioner Gladis questioned if there was enough money allowed for the Architect/Engineering costs, furniture and fixtures, and site work and that there would be no surprises in these areas. It was indicated that the estimates for these areas are high and that they need to work within these limits.

Paul Knoblauch, former County Commissioner, indicated that a joint law enforcement facility was discussed when the new jail was constructed and he felt that this would be beneficial to both the City of Marshall and Lyon County.

Councilperson Boedigheimer felt that this was a win win situation for all parties involved. He also indicated that there should be a committee of the Director of Public

## SPECIAL MEETING – APRIL 13, 1998

Safety, Lyon County Sheriff, City Adminsitrator, County Administrator, one councilmember and one commissioner and that they should meet monthly during the construction of the LEC facility.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2048, SECOND SERIES and that the reading of the same be waived. Resolution Number 2048, Second Series is a resolution approving the Joint Law Enforcement Center Project with Lyon County. All voted in favor of the motion.

Vandelanotte moved, Goodenow seconded, the adoption of the county resolution approving the Joint Law Enforcement Center Project with the City of Marshall. All voted in favor of the motion.

Goodenow moved, Gladis seconded, the award of the contracts for the construction of the Joint Law Enforcement Center to:

General Construction:

Bladholm Construction, Marshall Minnesota – Base Bid \$919,150.00

Mechanical Work:

Holm Bros., Plumbing & Heating, Inc., Atwater, Minnesota

Base Bid \$226,000.00, Alternate Bid \$ 33,900.00 for a total bid of \$259,900.00

Electrical Work:

Meier Electric, Marshall, Minnesota – Base Bid \$230,700.00

All voted in favor of the motion.

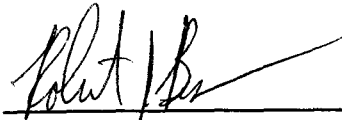
Mike Johnson and Bob Fenske took this opportunity to thank Sheriff Stokke for all of his time and work that he spent on this project.

It was indicated that the county would be fully responsible for all of the dispatchers but they were hoping that Lyon County would hire some of the city dispatchers. The sheriff's office currently handles all of the dispatching for the 911 system with the exception of the City of Marshall. When the LEC facility is complete they will then handle the 911 calls for the City of Marshall.

Councilperson Boedigheimer was appointed to the committee as the council representative with Reynolds being the alternate and Commissioner Goodenow was appointed to the committee as the commissioner's representative with VandenLanotte as alternate. Commissioner Gladis felt that this committee should continue quarterly once the construction of the LEC is complete.

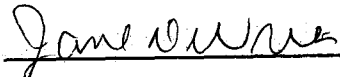
## SPECIAL MEETING – APRIL 13, 1998

Upon motion and second, the public hearing was closed and the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

1998 LOCAL BOARD OF REVIEW  
THURSDAY, APRIL 16, 1998  
6:00 P.M.  
CITY COUNCIL CHAMBERS

Board Members Present: Mayor Robert Byrnes, John Doyle, Ted Rowe, Maureen Stores, Don Edblom, Michael Reynolds

Board Members Absent: Mike Boedigheimer

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

Lyon County Assessor's Office Staff Present: Dean Champine, Caroline Runholt

Others Present: Chuck Bladholm, Doug Mosch, Christine Armitage – Marshall Independent

Mayor Byrnes, as presiding officer, called the 1998 Local Board of Review to order with opening remarks. Byrnes requested City Assessor Calvin Barnett review the purpose of the Local Board of Review, and to present a brief review of the 1998 assessment. Barnett briefly outlined the responsibilities of the Local Board of Review and identified the factors affecting the 1998 assessment. Barnett indicated the 1998 assessment is based on sales occurring between October 1, 1996 and September 30, 1997, which is a uniform sales study period for all taxing jurisdictions in Minnesota. Barnett briefly reviewed the necessity to equalize property for improved quality of assessment annually, and the need to restore a declining assessment level to the targeted assessment level of 95% to 96% of true value. Byrnes questioned an average sale price of \$92,400; indicating it was the average of the sales within the study.

The following property owners addressed 1998 assessment concerns with the Council. Barnett indicated there were no letters of appeal to the Local Board of Review on file with the County or City.

Property Owner: Mr. Charles Bladholm

Property Address: 305 Legion Field Road

Concern: Bladholm identified the subject site as a manufacturing property consisting of a manufacturing building of 3 years age, an office/warehouse with ages of two years and 21 years respectively, and a storage quonset of 35 years age. Bladholm's concern initially related to the increases in value for the current assessment. Bladholm's concern also related to the total property value, whereby his opinion of value was \$280,850. Bladholm indicated he could construct a new building similar to the manufacturing building at \$15 per square foot. Further, Bladholm indicated he was concerned about the location with residential properties abutting the subject manufacturing property indicating the negative impact of the neighborhood on the subject property.

Property Owner: Mr. Chuck Bladholm

Property Location: 750 West College Drive

Concern: Bladholm asked what the \$5,600 in new construction related to for the current assessment.

Barnett responded to Bladholm indicating Mr. Bladholm may have the wrong assessment years since his records indicate no value change for the 1998 assessment year. Barnett indicated he would meet with Bladholm to discuss the current assessment, and that Mr. Bladholm would be advised of Barnett's recommendation to the Local Board of Review prior to the meeting date.

Property Owner: Doug Mosch

Property Location: 804 West College Drive

Concern: Mosch indicated his concerns related to the higher property values for the 1998 assessment on the cold storage facility he owns on West College Drive. His primary concern was with the newer storage facility where the value had increased \$30,000 from \$107,400 to \$137,400. Mosch indicated he was experiencing some vacancy and questioned the percentage increase for the storage facilities.

Property Owner: Doug Mosch

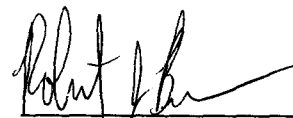
Property Location: 900 Highway 59 North

Concern: Mosch questioned the increase in value and property value for the Auto Salvage property he owns on Highway 59 North.

Barnett indicated the \$30,000 increase in the one storage facility related to a re-equalization of value where it was determined the one unit of Mr. Mosch's had not been re-evaluated at the same frequency as the other storage facilities, and was therefore considered low. Barnett informed Mosch he would review with him the current assessments and would advise him of his recommendation to the Local Board of Review prior to the meeting date.

Barnett was requested to have his final report on the 1998 assessment to the Marshall City Council for consideration on May 4, 1998.

There being no further business before the 1998 Local Board of Review, the meeting was adjourned at 7:00 p.m.



Mayor of the City of Marshall

ATTEST:



Director of General Services Division

## REGULAR MEETING – APRIL 20, 1998

The regular meeting of the Common Council of the City of Marshall was held on April 20, 1998 in the Council Chambers of the Marshall Municipal Building. President Pro-Tem Stores called the meeting to order at 7:30 P.M. 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/City Engineer; Thomas Meulebroeck, Finance Director/City Clerk; 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 council that the agenda be approved with the addition of item 11a, which is the Real Estate Purchase Agreement with Steve Horning.

Rowe moved, Edblom seconded, that the minutes of the regular meeting held on April 6, 1998 and the special meeting held on April 13, 1998 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 10:00 A.M. on April 14, 1998 for the purchase of a new tractor/loader/backhoe and the selling of an existing 1990 Ford Model 655-C for the Street Department. Bids received, opened and read were as follows:

BIDDER'S NAME	BID SECURITY	PROPOSAL/BID AMOUNT			COMMENTS
		A	B	C	
Long Lake Tractor & Equipment Attn: Dan Debe 2073 W. Highway 12 Long Lake, MN 55356	Cert. Check	\$29,593.16	\$49,828.16	--	555E Ford New Holland + \$2,000 for ride control.
		\$31,297.16	--	--	655E Ford New Holland + \$2,000 for ride control.
Piorier Equipment Co. Attn: Alan Vogl 4201 N. Cliff Ave., Box 527 Sioux Falls, SD 57104	Bid Bond	\$42,544.68	\$58,281.06		580 Super L Series 2 CASE
RDO Equipment Attn: John Bot 703 Ontario Rd. Marshall, MN 56258	Surety Bond	\$36,595.53	\$51,505.53	--	310SE John Deere + \$2,000 for ride control.
		\$43,316.75	\$58,226.75	--	410E John Deere + \$2,000 for ride control.
Ziegler's Attn: Dave Larsen 1200 N. Highway 59 P.O. Box 1064 Marshall, MN 56258					

PROPOSAL A: BIDDER TO FURNISH (1) NEW TRACTOR/LOADER/BACKHOE  
BIDDER TO PURCHASE TRADE-IN (1) EXISTING 1990 FORD MODEL 655-C

PROPOSAL B: BIDDER TO FURNISH (1) NEW TRACTOR/LOADER/BACKHOE

PROPOSAL C: BIDDER TO PURCHASE TRADE-IN (1) EXISTING 1990 FORD MODEL 655-C

## REGULAR MEETING – APRIL 20, 1998

Ziegler did not submit a bid, but submitted a proposal under the State of Minnesota State Contract. This proposal provides for a guaranteed buy back in 5 years. They felt that the City of Marshall should purchase locally rather than from a dealer in Minneapolis or Sioux Falls for a few thousand-dollar savings. Councilperson Boedigheimer questioned if the State of Minnesota State Contract can avoid the bidding process. It was indicated that they need to follow the same bidding process. Rowe questioned if all of the equipment depreciated at the same rate.

Upon the recommendation of Keith Nelson, Director of Public Works/City Engineer, Boedigheimer moved, Rowe seconded, that the bid for a tractor/loader/backhoe for the Street Department be purchased from Long Lake Tractor & Equipment, Long Lake, Minnesota in the amount of \$33,297.16 and that the Street Department Maintenance budget, 101-60211-2227, be reduced by \$6,298.00 and the transfer to Capital Equipment Fund, 101-96520-7112, be increased by \$6,298.00 and to the Capital Equipment Fund transfer in account number 104-39221 be increased by \$6,298.00 and the expenditure account number 104-670211-5540 also be increased by \$6,298.00. This bid is for a 655E Ford New Holland and includes a ride control. All voted in favor of the motion, **except** Edblom who voted no.

Bids were received, opened and read at 2:00 P.M. on April 14, 1998 for the purchase of a one (1) 27-foot folding wind plow and truck and the selling of one (1) 1985 International dump truck and 12-foot plow for the Marshall Municipal Airport. Bids received, opened and read were as follows:

NAME	BID SECURITY	BID AMOUNT			COMMENTS
		PROPOSAL A	PROPOSAL B	PROPOSAL C	
MacQueen Equipment 595 Aldine Street St. Paul, MN 55104	Bid Bond	--	\$45,262.50		
Olson & Johnson International Attn: Warren 410 N. Highway 59, Box 410 Marshall, MN 56258	Bid Bond	--		\$12,000	Delivery required prior to May 14, 1998.
City of Dawson P.O. Box 552 Dawson, MN 56232				\$7,987.50	

The specifications allow for bidding as follows:

- Proposal A -- Furnish one (1) 27-foot folding wing plow & truck AND Purchase one (1) 1985 International dump truck & 12-foot plow
- Proposal B -- Furnish one (1) 27-foot folding wing plow & truck only
- Proposal C -- Purchase existing 1985 International dump truck & 12-foot plow



## REGULAR MEETING – APRIL 20, 1998

Upon the recommendation of Keith Nelson, Director of Public Works/City Engineer, Boedigheimer moved, Rowe seconded, the bid for the purchase of the 27-foot folding wing plow and truck be awarded to MacQueen Equipment, St. Paul, Minnesota in the amount of \$45,262.50 and the sale of the 1985 International dump truck and 12-foot plow be awarded to Olson & Johnson International in the amount of \$12,000. The State of Minnesota Department of Aeronautics will pay for 60% of the purchase price or \$27,157.50 and the remaining \$18,105 will be paid with the \$12,000 received from the sale of the 1985 International dump truck and 12-foot plow plus \$6,105 from the capital outlay in the Airport budget. By using the funds from the capital outlay of the Airport budget the seal coat project will be postponed until the 1999 budget and that the adjustments to the budget include an increase in revenues of \$15,158 to account number 101-33465 and \$12,000 to account number 101-39121 and an increase in expenditures of \$27,158 to account number 101-60364-5530. All voted in favor of the motion.

This was the date and time set for a public hearing for a conditional use permit/home occupation for Marie Vlaminck at 1209 Westwood Drive for a beauty consultant business. Upon the recommendation of the Planning Commission, Edblom moved, Doyle seconded, the approval of a Conditional Use Permit/Home Occupation for Marie Vlaminck at 1209 Westwood Drive for one year with the understanding that on-street parking will be monitored and off-street parking will be encouraged. All voted in favor of the motion.

This was the date and time set for a public hearing for a variance adjustment permit for a side yard of less than required by ordinance in an R-1 One Family Residence District for John Zerr at 207 North 6<sup>th</sup> Street. Upon the recommendation of the Planning Commission, Boedigheimer moved, and Edblom seconded, the approval of a variance adjustment permit for a side yard of 2 feet in lieu of 5 feet as is required by ordinance in an R-1 One Family Residence District. Keith Nelson, Director of Public Works/City Engineer, indicated that the staff was opposed to this request due to the lack of Undue Hardship as the property can be put to reasonable use under the provisions of the Ordinance. A smaller, conforming structure could be constructed. All voted in favor of the motion.

At this time City Administrator Michael Johnson reviewed with the City Council and others in attendance the time frame and schedule that has taken place in regard to the proposed cable franchise for DTG. He then introduced Brian Grogan, representative from Moss & Barnett legal counsel, who has reviewed the reports and information provided for the proposed franchise. Mr. Grogan reviewed his findings with the council and indicated that there are State Statutes, 238.081, which the city is required to follow. Mr. Grogan indicated that according to his findings DTG is authorized under state law to provide cable service in the State of Minnesota; that they are technically qualified to provide cable service and they are financially qualified to construct a cable system in the City of Marshall. He also indicated that they checked with 10 communities where DTG currently operates and indicated that they all had favorable reports about DTG. Mr. Grogan indicated that if the council has the option of disagreeing with his findings and

## REGULAR MEETING – APRIL 20, 1998

not adopting the resolution or introducing the ordinance at this time, but based on his findings he felt they could not legally deny this proposed franchise. Mr. Grogan indicated that according to the ordinance DTG is required to post a construction bond in the amount of \$500,000 and his recommendation is that the resolution and acceptance agreement require the parent company to also guarantee construction.

Councilperson Rowe asked from what date DTG has 30 days to accept the franchise. It was indicated that DTG has 30 days from the date the ordinance is adopted to accept the franchise. Rowe moved the introduction of the ordinance but was informed that the resolution should be adopted first. Rowe moved, Doyle seconded, the adoption of RESOLUITON NUMBER 2049, SECOND SERIES and that the reading of the same be waived. Resolution Number 2049, Second Series is a resolution Regarding the City of Marshall, Minnesota's findings of fact with respect to Dakota Telecom, Inc.'s proposal for a cable communications franchise. Councilperson Boedigheimer asked about the construction bond being in the resolution. It was indicated that this requirement is in the ordinance. Pat Bressnan indicated his disappointment in the report and felt that DTG did not meet the financial requirements. All voted in favor of the motion, except Edblom who voted no.

Councilperson Edblom questioned the financial position of DTG according to the report and that he was not convinced that they have the financial strength to operate in the City of Marshall. Mr. Grogan indicated that his findings were only based on DTG's financial ability to construct a cable system, not whether or not they could operate in the long-term basis. Rowe moved, Reynolds seconded, the introduction of an ordinance granting a Franchise to Dakota, Telecom, Inc., Doing Business as Dakota Telecommunications Group ("DTG"), to operate and maintain a cable system in the City of Marshall; setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system; and prescribing penalties for the violation of its provisions. All voted in favor of the motion, except Edblom who voted no. A special City Council meeting was scheduled for 5:15 P.M. on April 27, 1998 to consider the adoption of this ordinance.

Leeann Jorgensen, President of MAFAC (Marshall Area Fine Arts Council), was in attendance at the meeting to request current funding and inclusion in future city budgets for a regional arts and exhibition center. She provided two short videos of past exhibits and presented a brief overview of the 1997 and 1998 activities. She indicated that the Prairie Dance Alliance has received a grant for a Mylar floor for the arts center. The council was concerned what other communities were providing for funding and if they could find a facility to use rent free.

A 5-minute recess was taken at 8:55 P.M.

Upon the recommendation of the Planning Commission, Edblom moved, Doyle seconded, the introduction of ordinances and called for a public hearing to be held on May 4, 1998 for the rezoning of various "Public Lands". These "Public Lands" included: 400 West College Drive (a portion of Legion Field Road); 905 East Main Street (Calvary Cemetery); 401 South Saratoga Street (Marshall Senior High School); 201 East Saratoga

## REGULAR MEETING – APRIL 20, 1998

Street and 301 East Saratoga Street (Fire Station and Tiger Lake); and 500 Artillery Drive (National Guard Armory). All voted in favor of the motion.

Rowe moved, Edblom seconded, that 3<sup>rd</sup> Street between Main Street and East Lyon Street be blocked off on Friday, June 5, 1998 from 5:00 P.M. to 10:00 P.M. for the Shades of Past Car Club to park and show their vehicles. All voted in favor of the motion.

Edblom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2050, SECOND SERIES and that the reading of the same be waived. Resolution Number 2050, Second Series is a resolution amending an assessment roll for Project 1997-002, East Main Street Sanitary Sewer Project. This resolution provides for the assessment in the amount of \$2,409.99 on Parcel No. 27-114001-0 to be deleted and the amount be paid by the Wastewater Treatment Facility Fund. All voted in favor of the motion.

The Real Estate Purchase Agreements with William Hisken and Steve Horning were discussed at this time. It was indicated that an independent appraiser was hired to do the appraisal on these properties; Cal Barnett, City Assessor, reviews the appraisals and submits them to the Corp of Engineers to be certified before an offer is presented to the owner of the property. Upon the recommendation of City Attorney Brian Murphy, Rowe moved, Reynolds seconded, the proper city personnel are authorized to enter into a Real Estate Purchase Agreement with William Hisken in the amount of \$81,800.00 and Steve Horning in the amount of \$126,000.00. The acquisition of these parcels is a part of the Corp of Engineers – City of Marshall Flood Control Project. All voted in favor of the motion.

Boedigheimer moved, Edblom seconded, the proper city personnel be authorized to enter into a lease agreement with the Humane Society of Lyon County, Inc., for 1998. All voted in favor of the motion.

Upon the recommendation of the Legislative and Ordinance Committee, Rowe moved, Doyle seconded, the introduction of an Ordinance Relating to Noise, Providing for the Elimination and Prevention of Prohibited Noise, and Imposing Penalties for Violation. Some questions included hocking horns at weddings, go carts, and vehicles with back up signals being operating during the late evening hours. All voted in favor of the motion, except Boedigheimer who voted no.

Edblom moved, Doyle seconded, that a public hearing be held at 7:30 P.M. on May 4, 1998 for the transfer of an On-Sale Intoxicating Liquor License. This transfer is from Saad and Somnia Tohme, Marshall Management Services, Inc., DBA Best Western-Marshall Inn to Scott Hicks and Jeff Freeburg DBA Best Western-Marshall Inn, LLC. All voted in favor of the motion.

Edblom moved, Rowe seconded, the approval of Special Vehicle Licenses for Robert Egly, Steven Kane, Robert Swisher and James Zmeskal. The fee for this license

## REGULAR MEETING – APRIL 20, 1998

is \$25.00 and this license will expire on December 31, 1998. All voted in favor of the motion.

Boedigheimer moved, Edblom seconded, the approval of an On-Sale Non-Intoxicating beer license for the Marshall Softball Association. This license is for the period May 11, 1998 through September 11, 1998 at a fee of \$100.00. All voted in favor of the motion.

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

- Stores        Hospital Board met this evening – they indicated that the Urgent Care Clinic is open; the land for the proposed parking lot would need to be rezoned and they also discussed additional medical office space needs.
- Edblom        Planning Commission items were discussed earlier at the meeting; Utilities Commission will meet in the next week or two; Ways and Means Committee has not met; Personnel Committee will be meeting on Wednesday; Cable Commission met Tuesday after the public hearing on the proposed cable franchise.
- Boedigheimer Airport Commission did not have a quorum but he indicated that the Airport Symposium is being held this week; Senior Citizen Center Commission met last Wednesday but Mr. Boedigheimer was out of town; Lyon County Enterprise Development Commission has not met; Public Improvement/Transportation Committee needs to meet.
- Doyle        Economic Development Commission, Housing Commission minutes are included in the agenda packet; Human Rights Commission met on Monday; and the Convention and Visitors Bureau meets on Wednesday.
- Rowe        Library Board has not met but Rowe indicated that Cake Day will be held on April 21, 1998; Legislative and Ordinance Committee is working on items that will be coming to the city council in the near future.
- Reynolds     Community Services Advisory Board will meet on April 26, 1998.

Other items of concern brought forth by the Councilmembers included: the Legislative and Ordinance Committee needs to review the Transient Merchants License; the Hospital Board needs to review their lease between Weiner Memorial Medical Center and Affiliated Medical Center; East Main Street is like a roller coaster – the City Council was informed that the City Engineer is working with the contractor and MN/DOT, and that it is the contractor's responsibility for the necessary repairs; there needs to be a Joint City Council/Lyon County Commissioners meeting set for the month of May – one item to be discussed is the go carts; it was also indicated that Paula Curry's report on Gang Activity should be presented at a joint city/school board meeting; the League of

## REGULAR MEETING – APRIL 20, 1998

Minnesota Cities Conference will be held in June; and the council requested the bi-weekly memo from the City Administrator continue.

In review of pending agenda items: the Legislative and Ordinance Committee will meet on May 13, 1998; bids will be received on the codification of ordinances.

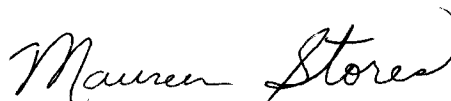
Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 15145 through 15301 as well as the payment to Barbara Benson in the amount of \$255.44.


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

Brian Besse	1403 Parkside Drive	Garage Addition & Reside Dwelling	\$14,000
Bradley VanBinsbergen	201 North 5th Street	Interior Remodeling	\$3,300
Alan Johnson	610 Elaine Avenue	Replace Windows	\$2,500
Dale Erickson	1314 Parkside Drive	Interior Remodel	\$1,000
PBK Investments, Inc.	Market Street	Install Advertising Sign	\$14,200
Hiller Development	1002/1004/1006 Indiana Jones Ave.	Three-Unit Condominium	\$245,000
Scott Stattelmann	702 West Lyon Street	Interior Remodeling	\$4,300
Joe Andries	905 Hackberry Drive	Reside Dwelling	\$3,000
Randolph Johnson	301 Hudson Avenue	Deck	\$4,000
Jim Lerdal	1102 Eastwood Avenue	Basement Remodel	\$4,000
Todd Schweer	602 Jefferson Circle	Deck	\$1,200
Lawerence H. Moorse	200 South 8th Street	Remodel Roof	\$4,000
William & Ann Curwick	1101 East Fairview Street	Basement Remodel	\$13,400
Debra VanUden	103 Church Street	Interior Remodel	\$3,000
Linda Schaffran	603 North 4th Street	Reroof Garage	\$400
Cal Jeremiason	108 Elaine Avenue	Finish Basement	\$4,500
Tholen Auto Sales	1100 East College Drive	Temporary Transportable Sign	\$0
Michael Buysse	1004 Dano Circle	Three-Unit Apartment	\$125,000
Richard & JoAnn Dorman	204 South Whitney Street	Entry Addition	\$3,900
David Kock	1209 Patricia Court	Dwelling	\$172,000
Mike Orthaus	1508 Westwood Drive	Addition to Dwelling	\$41,000

There is a League of Minnesota Cities Legislative Session in Montevideo on April 28, 1998. Councilmember Rowe indicated that he would attend this session. The City of Marshall has received their workers compensation dividend.

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

  
President Pro-Tem

  
Finance Director/City Clerk

## SPECIAL MEETING – APRIL 27, 1998

A special meeting of the Common Council of the City of Marshall was held on April 27, 1998 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:17 P.M. 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; Harry Weilage, Director of Community Services; and Jane DeVries, Deputy City Clerk.

The purpose of this special meeting was to consider the adoption of an ordinance granting a franchise to Dakota, Telecom, Inc., DBA Dakota Telecommunications Group to operate and maintain a cable system in the City of Marshall. Mr. Johnson, City Administrator, indicated that they received a 12-page fax from Bresnan at approximately 4:00 P.M. Councilperson Edblom was concerned with DTG's financial ability. He also read the following statement that was signed by the Cable Commission members of the City of Marshall.

We, the Marshall Cable Commission, wish to go on record that we favor competition, however, the feasibility of two companies thriving in Marshall's limited cable market is of great concern to us. It there is a failure of one of the companies; we are worried about the financial ramifications for the city and its residents. The survival and financing of Public Access could also be a risk. Furthermore, we do not believe the practical aspects of two franchised cable companies within one community have been fully explored.


Robin Chaney  
Sandra Altman  
Margaret Cline  
Laura Murphy  
Andy Hedlin

Councilperson Rowe indicated that all the meetings were open to the public and proper notice was given for them. Councilperson Boedigheimer indicated that he does not like getting information at the last minute and be expected to respond to the questions. City Administrator, Michael Johnson, felt that this was a delay tactic on the part of Bresnan Communication and there were no issues contained in the fax. There is some concern about the Public Cable Access Channel.


Rowe moved, Stores seconded, the adoption of ORDINANCE NUMBER 388, SECOND SERIES and that the reading of the same be waived. Ordinance Number 388, Second Series is an ordinance granting a Franchise to Dakota, Telecom, Inc., DBA Dakota Telecommunications Group ("DTG"), to operate and maintain a cable system in the City of Marshall; setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system; and prescribing penalties for the violation of its provisions. All voted in favor of the motion, except Edblom who voted no.

## SPECIAL MEETING – APRIL 27, 1998

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

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

ATTEST:

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

LOCAL BOARD OF REVIEW  
MAY 4, 1998

The continuation of the Local Board of Review meeting was called to order at 7:16 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, Boedigheimer and Stores. Absent Reynolds.

Mayor Byrnes called upon City Assessor Calvin Barnett to provide the city council with his recommendations from the Local Board of Review meeting held on April 16, 1998. At the Local Board of Review held on April 16, 1998 two property owners, Charles Bladholm and Doug Mosch, appeared at this meeting. As recommended by City Assessor Calvin Barnett, Doyle moved, Stores seconded, the recommendations provided by Mr. Barnett be approved as follows:

Charles Bladholm, Parcel No. 27-157003-0, 750 West College Drive, that there be no change in the valuation of this property.

Charles Bladholm, Parcel No. 27-600139-0, 305 Legion Field Road, the valuation be decreased from \$335,100 to \$330,500.

The following parcels owned by Doug Mosch were recommended with no change in valuation:

Parcel No. 27-157002-0, DJM Development, 800 West College Drive.

Parcel No. 27-157002-2, West College Storage Center, 804 West College Drive.

Parcel No. 27-157002-1, Four Seasons Stor-All of Marshall, 804 W. College Dr.

The following changes are attributable to clerical errors and requests for inspections and/or value change following the valuation notice mailing date and prior to the Local Board of Review date:

Parcel No. 27-819009-0, Lyon Motel, LLC, East Lyon Street – the valuation was reduced from \$50,500 to \$20,500 as a result of a clerical error.

Parcel No. 27-160006-0, Jeffrey Meyer, 110 Circle Drive – the valuation was reduced from \$114,900 to \$110,500 since there was more deferred maintenance that had been estimated.

Parcel No. 27-571006-0, Robert Hoof, 604 South 1<sup>st</sup> Street – the valuation was reduced from \$70,000 to \$67,500, as there was more deferred maintenance to the interior of this property than was originally estimated.

Parcel No. 27-599027-0, Donald Jants, 407 South 4<sup>th</sup> Street – property valuation was reduced from \$63,300 to \$60,300 as a result of an inspection to the property to better target the property's market value based upon current sales data and the significant remodeling to the property by Jants.



LOCAL BOARD OF REVIEW  
MAY 4, 1998

All voted in favor of the motion to approve the report.

Upon motion by Rowe, seconded by Stores, the meeting was adjourned.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

The regular meeting of the Common Council of the City of Marshall was held on May 4, 1998 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, 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; Rob Yant, Director of Public Safety; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The Pledge of Allegiance was recited at this time.

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

Edblom moved, Rowe seconded, that the minutes of the regular meeting held on April 20, 1998 be approved as filed and corrected and the approval of the special meeting held on April 27, 1998 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Jeanette Acquirre, Transportation Coordinator for Western Community Action, was in attendance at the meeting to review with the city council the bids that were received by the Minnesota Department of Transportation for transit vehicles. The bids that were received by the State for transit vehicles were from Boyer Ford, Minnesota Body and Equipment, Grande American, and Hoglund. The bids of interest to the M.A.T. operation were for vehicles with a 138" wheelbase and also 158" wheelbase. The bids also provided for different seating positions and wheel chair positions. Jeanette Acquirre had done an in depth review of the bids that were received and had shared these bids with the Transit Advisory Committee. A sub-committee of the Transit Advisory Committee had reviewed the bids and per their recommendation, Doyle moved, Boedigheimer seconded, that the proper personnel be authorized to purchase a transit vehicle from Boyer Ford at a base price of \$38,174 and also a vehicle from Minnesota Body at a base price of \$39,160 with a 158" wheel base, an E40 engine, and with 10 seating positions and 2 wheelchair tie downs. All voted in favor of the motion.

Jim Hanko, Administrator Weiner Memorial Medical Center, was in attendance at the meeting to discuss with the city council the bid that was received for the entrance driveway modification for the Weiner Memorial Medical Center. Per the recommendation of the Weiner Memorial Medical Center Hospital Board, Boedigheimer moved, Doyle seconded, the bid for the entrance modifications to the Weiner Memorial Medical Center be awarded to McLaughlin & Schulz, Marshall, Minnesota in the amount of \$87,674.50. All voted in favor of the motion.

This was the date and time set for a public hearing to consider the transfer of an on-sale intoxicating liquor license for Marshall Management Services Inc., DBA Best Western Marshall Inn to Best Western Marshall Inn LLC. Director of Public Safety Yant had done a review of the application and it was found to be in order, therefore Rowe

## REGULAR MEETING – MAY 4, 1998

moved, Stores seconded, the on-sale intoxicating liquor license be transferred from the Marshall Management Services Inc., DBA Best Western Marshall Inn to Oregon Group LLC DBA Best Western Marshall Inn. All voted in favor of the motion. After the public hearing the new owners were advised that due to legal implications they could not use Marshall Inn, LLC DBA Best Western Marshall Inn.

This was the date and time set for a public hearing to consider the rezoning of various public lands. Keith Nelson, Director of Public Works/City Engineer, conducted the public hearing and reviewed the properties that were being considered for rezoning. These properties included: 400 West College Drive (a portion of Legion Field Park); 905 East Main Street (Calvary Cemetery); 401 South Saratoga Street (Marshall Senior High School); 201 East Saratoga Street and 301 East Saratoga Street (Fire Station and Tiger Lake); and 500 Artillery Drive (National Guard Armory). Mr. Nelson indicated that the rezoning of these public lands is a housekeeping procedure. With no questions or concerns brought forth at the public hearing, Edblom moved, Rowe seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of ORDINANCE NUMBER 389, SECOND SERIES and that the reading of the same be waived. Ordinance Number 389, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning and provides for the property at 400 West College Drive, Howard's Addition, Lots 1 & 2 (a part of Legion Field Park) to be removed, from the R-1, One Family Residence District and placed in an A, Agricultural District. All voted in favor of the motion.

Edblom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 390, SECOND SERIES and that the reading of the same be waived. Ordinance Number 390, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning and provides for the property at 905 East Main Street (Calvary Cemetery) to be removed, from the R-1, One Family Residence District and placed in an A, Agricultural District. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, the adoption of ORDINANCE NUMBER 391, SECOND SERIES and that the reading of the same be waived. Ordinance Number 391, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning and provides for the property at 401 South Saratoga Street which is Marshall Senior High School to be removed, from the A, Agricultural District and placed in an R-1, One Family Residence District. All voted in favor of the motion.

Doyle moved, Edblom seconded, the adoption of ORDINANCE NUMBER 392, SECOND SERIES and that the reading of the same be waived. Ordinance Number 392, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning and provides for the property at 201 East Saratoga Street, the fire hall, and the property at 301 East Saratoga Street, Tiger Lake, to be removed, from an I-1, Limited Industry District and placed in an R-1, One Family Residence District. All voted in favor of the motion.

## REGULAR MEETING – MAY 4, 1998

Boedigheimer moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 393, SECOND SERIES and that the reading of the same be waived. Ordinance Number 393, Second Series is an ordinance amending Chapter 11 of the City Code relating to zoning and provides for the property at 500 Artillery Drive, the National Guard Armory to be removed, from the R-1, One Family Residence District and placed in an B-2, Central Business District. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of ORDINANCE NUMBER 394, SECOND SERIES and that the reading of the same be waived. Ordinance Number 394, Second Series is an ordinance relating to noise, providing for the elimination and prevention of prohibited noise, and imposing penalties for violation. Director of Public Safety Yant was in attendance at the meeting and expressed his support of the adoption of this ordinance. All voted in favor of the motion, except Boedigheimer who voted no.

Upon the recommendation of the Planning Commission, Rowe moved, Edblom seconded, that a conditional use permit be granted to the Marshall Cemetery Association, Marshall, Minnesota for the Marshall Cemetery at 600 North Bruce Street to be used as a cemetery in an A, Agricultural District. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Stores moved, Reynolds seconded, that a conditional use permit is granted to the Calvary Cemetery Association, Marshall, Minnesota for the Calvary Cemetery at 900 East Main Street to be used as a cemetery in an A, Agricultural District. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Edblom moved, Doyle seconded, that a conditional use permit be granted to the City of Marshall, Marshall, Minnesota to permit a Fire Station and a central public utilities structure in an R-1, One Family Residence District at 201 East Saratoga Street and 301 East Saratoga Street. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Stores moved, Rowe seconded, that a conditional use permit be granted to the Marshall Golf Club, Marshall, Minnesota for the property at 800 Country Club Drive, the Golf Club House, as a allowable use in an A, Agricultural District. All voted in favor of the motion.

Ed Cain from Legislative Associates, Inc., was in attendance at the city council meeting to provide the city council with a brief overview of the 1998 Minnesota Legislative Session. Mr. Cain was assisting the City of Marshall in lobbying for funding for the flood control project for the City of Marshall, the training tower and the fine arts facility. Mr. Cain expressed his appreciation to City Administrator Mike Johnson, Mayor Bob Byrnes, and others from the City of Marshall who made trips up to testify for the various projects he was working on for the City of Marshall. The city council in return expressed its appreciation to Mr. Cain for his help and support in lobbying for the City of Marshall.

## REGULAR MEETING – MAY 4, 1998

Jerry Shannon from Springsted's Inc., was in attendance at the meeting to review with the city council three resolutions as they relate to bond issues for the City of Marshall. Bond issues that Mr. Shannon reviewed with the city council were for the Law Enforcement Center Lease Revenue Bonds; the General Obligation Wastewater System Revenue Refunding Bonds; and the General Obligation Improvement Bonds. Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2051, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2051, Second Series is a resolution relating to the issuance of \$2,115,000 Law Enforcement Center Lease Revenue Bonds. Mr. Shannon briefly reviewed the law enforcement project with those in attendance at the meeting and did indicate that approximately 50.5% of the costs of this facility will be borne by Lyon County and 49.5% will be borne by the City of Marshall. All voted in favor of the motion.

Edblom moved, Stores seconded, the adoption of RESOLUTION NUMBER 2052, SECOND SERIES and that the reading of the same be waived. Resolution Number 2052, Second Series is a resolution relating to the issuance of General Obligation Wastewater System Revenue Refunding Bonds, Series 1998C in the amount of \$4,850,000. Mr. Shannon indicated that this bond issue is to refinance the 1990A General Obligation issue which will save the city approximately \$80,860 the 1992A bond issue, which will save the city approximately \$272,620. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2053, SECOND SERIES and that the reading of the same be waived. Resolution Number 2053, Second Series is a resolution relating to the issuance of General Obligation Improvement Bonds in the amount of \$370,000. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 8:55 P.M.

Mike Johnson, City Administrator, reviewed with the city council and others in attendance the resolution approving the Joint Powers Agreement and authorizing the Grant Participation in the Lyon County Down Payment Assistance Program. Mr. Johnson indicated that the city's participating in this program included: Lynd, Cottonwood, Balaton, Marshall, Marshall EDA and Lyon County. The criteria required for applicants for this program was briefly reviewed. A concern was expressed in regard to the dissolution of this program and it was indicated that if this program was dissolved that the funds remaining in the amount would be disbursed to each participating municipality pro-rated based upon their initial contribution. Boedigheimer moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2054, SECOND SERIES and that the reading of the same be waived. Resolution Number 2054, Second Series is a resolution authorizing the grant participation and the execution of a joint powers agreement for the Lyon County Down Payment Assistance Program. This resolution was approved with the understanding that the city's financial commitment was approved subject to all other entities contributing their committed amount. Included in the motion was the transfer from the Mayor and Council contingency account, account number 101-40141-7210 to account number 101-40141-3311 in the amount of \$15,000 for the city's contribution to this program. All voted in favor of the motion.

## REGULAR MEETING – MAY 4, 1998

Boedigheimer moved, Stores seconded, that John Doyle be appointed as the City Council representative to serve on the Loan Review Program for the Lyon County Down Payment Assistance Program. All voted in favor of the motion.

City Council briefly reviewed the recommendation of the Personnel Committee to approve the new City logo with the colors of blue and green incorporated within the logo. Various combinations of blue and green on the logo were presented to the city council.

Upon the recommendation of the Personnel Committee, Stores moved, Edblom seconded, that the city pays up to 50% of a membership in one civic club for a division head of the City of Marshall. There was a concern expressed about the efforts being made for the division heads to diversify themselves as being involved in different civic groups rather than all being involved in one specific civic group. All voted in favor of the motion, except Byrnes who voted no.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2055, SECOND SERIES and that the reading of the same be waived. Resolution Number 2055, Second Series is a resolution authorizing the proper city personnel to enter into an agreement with the State of Minnesota for the 1998 Marshall Area Transportation Planning Study. This resolution was approved contingent upon the review and the approval of the agreement by the City Attorney Brian Murphy. This study will result in the development of a 20-year transportation plan to address anticipated transportation needs for the area. The study will determine forecasted future traffic volumes, traffic flow patterns, actual or community perception of transportation, deficiencies and recommendations to improve these deficiencies. The cost of this project is \$75,000 of which the Minnesota Department of Transportation will pay 80% and the remaining 20% will be shared evenly between the City of Marshall and Lyon County. All voted in favor of the motion.

Per the recommendation of the Director of Public Safety Rob Yant, Rowe moved, Edblom seconded, that Dan DeSmet be hired as a fulltime Police Officer for the Marshall Police Department effective May 25, 1998 at a rate of \$13.64 per hour. All voted in favor of the motion.

Per the recommendation of City Attorney Brian Murphy, Stores moved, Doyle seconded, the proper city personnel be authorized to execute an agreement to purchase real estate from Keith P. Brockberg and Gay L. Brockberg for parcel no. 239 within the flood control project. The purchase price of this property is \$44,250 plus a temporary easement in the amount of \$110. All voted in favor of the motion.

Per the recommendation of City Attorney Brian Murphy, Rowe moved, Reynolds seconded, and the proper city personnel are authorized to execute an agreement to purchase real estate from Keith M. Cocker and Betty E. Cocker. The property acquired is parcel no. 202 within the flood control project. The acquisition includes property in the

## REGULAR MEETING – MAY 4, 1998

amount of \$8,200, a road easement of \$1,250 and a temporary work easement of \$266 for a total of \$9,716. All voted in favor of the motion.

Upon the recommendation of City Attorney Brian Murphy, Doyle moved, Reynolds seconded, and the proper city personnel are authorized to execute an agreement to purchase real estate from Gary Lavern Eick. This property is referred to as parcel no. 220 within the city's flood control project. This agreement provides for the payment of \$400 to Gary Eick, which consists of \$178 for temporary area work easement, \$172 for permanent easement and \$50 for trees. All voted in favor of the motion.

Upon the recommendation of City Attorney Brian Murphy, Edblom moved, Reynolds seconded, the proper city personnel be authorized to execute an agreement to purchase real estate from Peter Baerg Jr., and Bobbi LaJean Baerg. The parcel being acquired is parcel no. 244 within the City of Marshall's flood control project. This agreement provides for payment to the Baerg's in the amount of \$21,000. All voted in favor of the motion.

Doyle moved, Edblom seconded, that a special vehicle license be granted to Jack Schroeder to operate a golf cart type vehicle on designated streets within the City of Marshall. This license is for the calendar year 1998 and the fee is \$25.00. 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 held a special meeting but did not have a quorum, therefore no action was taken.
- Stores        Hospital Board meeting will be held next week; the Chamber of Commerce held its after hours gathering at the newly opened Home Health Care Center.
- Edblom        Utilities Commission met and it was indicated that the water treatment plant construction is ahead of schedule and that the utilities is continuing to work on water development with new wells; Personnel Committee of the City Council did met and the City Council did consider the logo and payment for civic club activities, but a full meeting with the city council was suggested for the 5<sup>th</sup> Monday in June to have a debriefing of the League of Minnesota Cities meeting and to discuss personnel issues. The quarterly employee meeting was held on April 28, 1998 and a request was made to provide the employees with an updated personnel policy booklet.
- Boedigheimer Airport Commission he had attended the Airport Symposium on April 22-24, 1998 and did give a brief review of some of the sessions he attended at this symposium and did share with the council the importance of the first

## REGULAR MEETING – MAY 4, 1998

impression people receive when they enter the community by way of the Marshall Municipal Airport.

Doyle      Human Rights Commission minutes were included with the agenda packets, there was a concern expressed by this commission of designating interest areas to be represented on this commission, such as the school and the ministerial association; Convention and Visitors Bureau did met and they did have a presentation from the Lyon County Fair Board on a two day rodeo during the fair of August 13 – 16, 1998; Transportation Advisory Committee had met also.

Rowe      Library Board will be meeting on May 11, 1998 and the Legislative and Ordinance Committee will meet on May 13, 1998 to review the proposals received for codification.

Reynolds      Community Services Advisory Board will meet on May 6, 1998. The sign up for the summer activities was taking place on this evening, Monday, May 4, 1998.

Other items of concern brought forth by the Mayor and Councilmembers included a concern with the activities taken place at Liberty Park and whether or not the area is being patrolled; the status of repainting the tennis courts at Legion Field Park was questioned, and whether or not there would be tennis courts installed at Independence Park and if they would have lights and if the courts were constructed at Independence Park what would be happening to the courts at Legion Field and East Side School; appreciation was extended to the work being done on Minnesota Street and it was indicated that the majority of the work on this project would be done by early summer; a concern was expressed with the seeding of lawns on East Main Street Boulevards for those properties adjacent to the improvements that were done along East Main Street in the summer of 1997, since some property owners have done their own seeding and why the contractor is not seeding the lawn and who these property owners may contact to complete the project. City Engineer/Public Works Director Keith Nelson, indicated to the council that he had met with the contractor in regard to the improvements that took place on East Main Street and did discuss with them the settling of the street and the contractor did indicate that they would take care of the problem and that they would also be working on the boulevards. The contractor has hired a consultant to do boring tests to see what is happening to the settling along East Main Street. The guarantee period by the contractor for this project extends through October, 1998. A concern was expressed in regard to the street sweeping being done by the Street Department. Mr. Nelson indicated that to his knowledge this process is ahead of schedule this year. A concern was expressed in regard to the parking lot area across from the Marshall Theatre as to its deterioration and difficulty with keeping this parking lot clean. Along with this concern was a question in regard to the city's master plan on how to cover the cost and redo the parking lots and streets within the City of Marshall. Councilperson Rowe and City Administrator Johnson did attend the League of Minnesota Cities Legislative Rap Up session in Montevideo on April 28, 1998. Councilperson Edblom did indicate to the



## REGULAR MEETING – MAY 4, 1998

council that he had recently attended a District DFL Meeting where they had passed a resolution expressing their support of a 4-lane divided highway along Hwy 212 and Hwy 23 from the Minneapolis/St. Paul area to Sioux Falls. It was suggested that the Public Improvement/Transportation Committee of the City Council revisit the city's policy in regard to sidewalks within the City of Marshall. A concern was expressed in regard to the media reports on the Marshall Municipal Utilities and in particular to the adjustment to their budget of \$65,000 for generators in which they would be looking at providing to the Tiger Lake and Fire Hall and the Senior Center being included in the development of an emergency plan. Properties available for possible annexation including the property along North 7<sup>th</sup> Street; MCP properties, the property being purchased by the city for the Corp of Engineers Project; and the Southwest Coaches property was briefly discussed. City Attorney Brian Murphy, suggested that the City's orderly annexation resolutions be brought up to date and that the city staff review the various parcels mentioned and make a recommendation to the city council. It was also indicated that with the potential of a second cable franchise in the City of Marshall that the Cable Commission begin looking at the opportunity to improve the public broadcasting and their viewing equipment needs and the need to improve the equipment and the location of the studio.

Stores moved, Edblom seconded, and it was unanimously that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 15302 through 15413.

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

Hisken Construction & Handiman Service	508 Carlson Street	Garage Addition	\$6,800
Herbert VanMoer	204 West Southview Drive	Reroof Dwelling	\$2,500
Babcock Construction	503 North Bruce Street	Reside Dwelling	\$3,200
Marc Milbradt	401 North 4th Street	Demolish Garage	\$0
Kevin Hoffmann	706 Nuese Lane	Utility Shed	\$2,000
Joseph H. Louwagie	511 Central Avenue	Garage Floor Replacement	\$1,000
Randy Hoffmann	402 Donita Avenue	Install Doors	\$700
Geske Building & Supply Co.	112 West Southview Drive	Install Window	\$2,000
Chris Miller	605 East Genesis Avenue	Reroof Dwelling	\$1,800
Timmy R. Swenson	301 South Hwy. 23 By-Pass	Storage Building	\$25,000
Mark Jensen	609 West James Avenue	Replace Porch	\$500
Steve Tutt Construction	300 Donita Avenue	Reroof Dwelling	\$1,500
Curt VanOverbeke	1200 West Main Street	Repair Garage	\$49,000
Todd Schroeder	210 Walnut Street	Replace Porch	\$10,000
True Value Home Center	102 East Thomas Avenue	Dwelling	\$185,000
Ewald Pagel	1227 Winchester Avenue	Safety Disclosure Repairs	\$100
Dulas Construction, Inc.	804 West Erie Road	Remodel Truck Wash and Addition	\$65,000
Steven Baumann Construction	233 North Hill Street	Reside Dwelling	\$6,500
Steven Baumann Construction	404 Dogwood Avenue	Reroof Dwelling	\$2,300
Steven Baumann Construction	1219 Prospect Road	Reroof Dwelling	\$2,000
True Value Home Center	419 North 3rd Street	Garage	\$13,300
Babcock Construction	400 South Hill Street	Install Window	\$700
Babcock Construction	117 Ranch Avenue	Reside Dwelling	\$4,300

## REGULAR MEETING – MAY 4, 1998

John Zerr	207 North 6th Street	Demolish Garage	\$0
Johnson Construction	320 South 6th Street	Install Door	\$300
Ken's Karpentry & Krafts	702 South 4th Street	Replace Steps	\$500
Dolores VanMeveren	109 Marlene Street	Install Brick Veneer	\$600
Dave Rasmussen	419 North 3rd Street	Move Out Garage	\$0
D&G Excavating	906 West Main Street	Demolish Dwelling	\$0
Marc & Janna Milbradt	401 North 4th Street	Garage, Install Windows, Reside Dwelling and Interior Remodel	\$37,000

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



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

## REGULAR MEETING – MAY 18, 1998

The regular meeting of the Common Council of the City of Marshall was held on May 18, 1998 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: Doye, Edblom, Reynolds, and Stores. Absent: Rowe and Boedigheimer. 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; 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 council that the agenda be approved as presented.

Bids were received, opened and read on May 7, 1998 for Project S.P. 139-090-02, which is the Bike Trail and Pedestrian Bridge Project. The bids received, opened and read were from:

Duininck Bros., Inc.  
Pringsburg, Minnesota  
\$120,417.00

McLaughlin & Schulz, Inc  
Marshall, Minnesota  
\$138,395.00

M & K Bridge Const., Inc  
Walnut Grove, Minnesota  
\$138,434.50

Lakeland Nurseries  
Willmar, Minnesota  
\$228,461.00

This project is for a bike trail from County Road 7 then along the Diversion Channel and going behind the Ice Facility at the Lyon County Fairgrounds and also for an overlay of the current bike trail from Country Club Drive to the Golf Club entrance. Doyle moved, Reynolds seconded, the bid for Project No. 139-090-02, Bike Trail and Pedestrian Bridge Project, be awarded to Duininck Bros., Inc., in the amount of \$120,417.00. The city's share is 20% or \$36,483.40 of which \$15,180.00 was budgeted in 1996 Community Services Budget and the balance of \$21,303 will be paid out of the State Aid Funds. All voted in favor of the motion.

The proposals for the recodifications of the City Ordinances were received from:

General Code Publishers  
Rochester, NY  
Base bid \$9,850.00

League of Minnesota Cities/American Legal  
St. Paul, MN  
Base bid \$12,650.00

Municipal Code Corporation  
Tallahassee, FL  
Base bid \$10,800.00

Municipal Ordinance Codifiers  
Minneapolis, MN  
Base bid \$19,200.00

Sterling Codifiers, Inc., Coeur d'Alene, ID, Base bid \$6,625.00

## REGULAR MEETING – MAY 18, 1998

Thomas M. Meulebroeck, Finance Director/City Clerk presented a brief overview of these proposals and also the recommendations of the Legislative and Ordinance Committee. Upon the recommendation of the Legislative and Ordinance Committee, Stores moved, Doyle seconded, the contract for the recodification of City Ordinances be awarded to Municipal Code Corporation at there base bid of \$10,800. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Edblom moved, Reynolds seconded, the approval for a Conditional Use Permit for a home occupation for a beauty shop business in an R-1 One Family Residence District at 808 Viking Drive for Michelle Schaeffer. It was indicated that there were two letters received requesting conditions be added to this home occupation permit. Mr. Keith Nelson, Director of Public Works/City Engineer, indicated that these concerns were addressed by the Planning Commission. All voted in favor of the motion.

Stores moved, Edblom seconded, that Greig & Gregerson be granted authorization to move a garage from 311 Jean Avenue to 313 East Main Street. All voted in favor of the motion.

Doyle moved, Stores seconded, that the FBO Lease between Midwest Aviation and the City of Marshall be increased from \$300.00 per month to \$325.00 per month effective June 1, 1998. All voted in favor of the motion.

Reynolds moved, Edblom seconded, that North 3<sup>rd</sup> Street between Lyon Street and Main Street be closed from 7:00 P.M. on Friday, June 26, 1998 until 3:00 P.M. on Sunday, June 28, 1998. This area is to be used by the Marshall Jaycees for a sand court volleyball tournament and beach dance. All voted in favor of the motion.

Stores moved, Doyle seconded, that the proper city personnel be authorized to advertise for bids to remove a house as part of the Flood Control Project. The house to be removed is the house that the city acquired from Steve and Barbara Horning, which is located adjacent to Wayside Park. These bids are to be received on July 1, 1998 and the house is to be removed by October 1, 1998. All voted in favor of the motion.

Michael Johnson, City Administrator, reviewed with the City Council the recommendations of the Downtown Redevelopment Committee. The recommendations of the Downtown Redevelopment Committee include:

1. To proceed with the acquisition/relocation of the Taylor/Breyfogle properties as a first step in the redevelopment process.
2. To obtain assistance to develop a design for this property including the riverfront area.
3. To investigate the purchase of properties that are vacant/underutilized/available in the 100 block of East Main Street.

## REGULAR MEETING – MAY 18, 1998

Stores moved, Doyle seconded, that the recommendations of the Downtown Redevelopment Committee be approved and that the following steps be undertaken in the ultimate acquisition of the two identified properties:

1. Phase I Environment Assessment
2. Review survey/legal description
3. Appraisal
4. Relocation
5. Acquisition
6. Demolition/removal

All voted in favor of the motion.

Edblom moved, Doyle seconded, that the proper city personnel be authorized to enter into a Real Estate Purchase Agreement with Great Plains Natural Gas Company for their property within the City of Marshall's Flood Control Project. The purchase price of this property is \$3,340.00. All voted in favor of the motion.

Edblom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2056, SECOND SERIES and that the reading of the same be waived. Resolution Number 2056, Second Series is a resolution approving the proper city personnel to execute the 1998 Flood Damage Reduction Grant Assistance Program Application with Minnesota DNR. The grant is in the amount of approximately \$744,000 and will be used to assist the city in the acquisition of real estate for the Flood Control Project. All voted in favor of the motion.

Doyle moved, Edblom seconded, that the personnel within the Finance/Clerk's Department be allowed to make a temporary loan between Capital Project Funds. This temporary loan will provide monies for Capital Project Fund (481) Corp of Engineers/Redwood River to acquire real estate for the Flood Control Project. The interest rate on this temporary loan is 5.25%. All voted in favor of the motion.

Edblom moved, Stores seconded, the property city personnel be authorized to make arrangements for a City auction to dispose of surplus city property. All voted in favor of the motion.

Upon the recommendation of Director of Public Safety Robert Yant, Stores moved, Reynolds seconded, that Jason Patrick Buysse be employed as part-time Police Officer with the City of Marshall at the rate of \$9.83 per hour effective June 1, 1998. The following resolution was adopted: BE IT RESOLVED that Jason Patrick Buysse be duly appointed, qualified and acting part-time 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.

Edblom moved, Stores seconded, the approval of a temporary on-sale non-intoxicating beer license for the Marshall Baseball Association. This license is for the period May 20, 1998 through August 20, 1998 at a fee of \$75.00. All voted in favor of the motion.

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

- Byrnes        Regional Development Commission met last Thursday – their new year will begin on July 1<sup>st</sup> and they have a tax levy of approximately \$202,000 of which 18% comes from properties within the City of Marshall.
- Stores        Hospital Board met earlier this evening - they have adopted a consent agenda format; the Auxiliary and Thrift Shop donated \$102,000 to WMMC, the Home Health Care is doing good, golf carts are being used to transport people during the construction of the parking lot, and ways to add on to the ground floor level were discussed.
- Edblom        Planning Commission met last week; Utilities Commission meets on Tuesday; Ways and Means Committee and Personnel Committee have not met; Cable Commission met last week and discussed live broadcast of the City Council meetings.
- Doyle        Housing Commission met May 11, 1998 – there will be tighter security for the Parkview residents and an application has been made for funding for the elevator at Parkview Apartments; Convention and Visitors Bureau will meet later this month.
- Reynolds      Community Services Advisory Board – Community Services had their annual summer registration on May 4, 1998 – totals are not available at this time; and it was indicated that this is the first summer for the Summer Academy program.

Other items of concern brought forth by the Mayor and Councilmembers included the possibility of a consent agenda; summer hours for the council meetings; appreciation was given to the Police Department, city personnel and parents of students involved with the prom at the high school, the spot light in the parking lot provided additional security; on May 28, 1998 the council will interview candidates for the various city boards and commissions at 6:15 P.M.

In review of pending agenda items it was indicated that Councilmember Stores will be available to attend the Downtown Redevelopment Committee meetings.

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 15414 through 15661.

## REGULAR MEETING – MAY 18, 1998

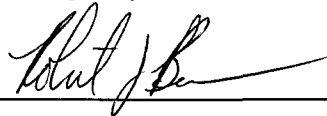
The following building permits previously approved by the Building Official were confirmed.

Geske Building & Supply Co.	900 Cheryl Avenue	Reside Dwelling and Install Window	\$11,000
Geske Building & Supply Co.	204 West James Avenue	Install Window	\$2,000
Geske Building & Supply Co.	113 West Thomas Avenue	Reside Dwelling	\$9,500
Rodger Burgess	902 West Main Street	Partial Reroof Dwelling	\$1,000
Bladholm Construction, Inc.	1005 Channel Parkway	Welding/Fabrication Shop	\$220,000
Culligan Water Conditioning of Marshall	301 East College Drive	Temporary Transportable Sign	\$0
Independent Lumber of Marshall, Inc.	301 East Main Street	Garage	\$7,000
Minnesota Cabinets, Inc.	419 West College Drive	Install Door	\$2,500
Schlenner Construction Co.	811 Viking Drive	Dwelling	\$273,000
Bakke's Home Repair & Construction	300 East College Drive	Reroof and Interior Remodel	\$17,500
James & Judith Haar	502 DeSchepper Street	Deck	\$1,500
Brian Gadd	611 West Thomas Avenue	Basement Remodel	\$2,000
Rolle Bolle Association	518 Fairgrounds Road	Shelter	\$5,000
Donald & MarLien Bartz	712 West College Drive	Office Addition	\$6,000
Independent Lumber of Marshall, Inc.	807 Viking Drive	Dwelling	\$145,000
Joel Oolman	909 Woodfern Drive	Reroof and Reside Dwelling	\$4,500
Thomas Ricke	105 "H" Street	Reside Dwelling	\$2,900
Minnesota Department of Transportation	1800 East College Drive	Storage Building	\$25,000
John Zerr	207 North 6th Street	Garage	\$8,000

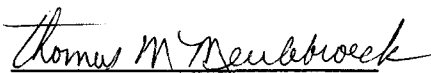
City Attorney Brian Murphy indicated that the City Code regulates the days and time that City Council meetings can be held.

There will be a budget-planning meeting at 5:30 P.m. on June 8, 1998.

Upon motion by Doyle, seconded by Reynolds, the meeting was adjourned. All voted in favor of the motion.

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

ATTEST:

  
\_\_\_\_\_  
Finance Director/City Clerk

## SPECIAL MEETING – MAY 20, 1998

The special meeting of the Common Council of the City of Marshall was held on May 20, 1998 at the Marshall Golf Club. The meeting was called to order at 7:00 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Boedigheimer, Doyle, Edblom, Reynolds, and Store. Absent: none. Staff present at the meeting included: City Administrator Johnson, Director of Public Safety Yant, City Engineer/Director of Public Works Nelson, and Library Director MacDonald.

Representing Lyon County was: Commissioners Fenske, Goodenow, Vandelanotte, and Gladis. Staff present included: County Administrator Jorgenson, Sheriff Stokke, County Attorney Maes, County Engineer Vogt, and Ditch Inspector/Zoning Administrator Hammer.

The City Council and Lyon County Board of Commissioners began to review approximately 15 different items of general discussion between the two governmental entities.

1. 1999 Library Budget. Library Director MacDonald provided a brief overview of the upcoming 1999 budget. Mr. MacDonald also provided a brief overview of some of the program changes and facility changes that are taking place at the library.
2. Joint Planning/Annexation Issues. The City Administrator and County Administrator provided a brief overview of possible joint planning/annexation that needs to take place between the two entities. Both administrators indicated a need to improve and provide for better planning and avoid getting caught in any problem situations in the borders surrounding the community of Marshall. There was discussion about the need to possibly explore a joint planning board with possible inclusion from township representatives.
3. Condition Use Permit for Flood Control Project. City Engineer Nelson indicated that the City would be taking a conditional use permit application to the Lyon County Planning Commission on June 9<sup>th</sup>. Materials and information have been provided to the County and there has been significant interaction between the City Engineer's Office and Todd Hammer. There was discussion regarding the City's flood control and possible expansion of the ditch 62 pond that will need to be dealt with in the near future. It is anticipated that if funding comes from the federal government, construction is slated for 1999 and 2000. The ditch 62 project from 1997 is scheduled for a final closeout sometime in mid-1998.
4. Telecommunications. City and County administrators provided a brief overview of the City's cable television franchising and the coordination and interaction that is going on between the City, County, School, Utilities and Library for internet usage.
5. Joint City/County/School Newsletter. The City and County administrators provided a brief overview of the recent newsletter that was sent out on behalf of the City/County/School with the goal that this could possibly become a future quarterly newsletter. There seemed to be a general consensus and support to continue these efforts.
6. Industrial Park Expansion (County Road #33). City Engineer Nelson provided both boards with an overview of the City's Industrial Park Expansion Program. Mr. Nelson indicated that issues dealing with wetland and mitigation need to be resolved for the north industrial park expansion. The City asked the County to consider possible solutions and



## SPECIAL MEETING - MAY 20, 1998

- use of their wetland banking to aid the City in solving their industrial park problem. County Engineer Vogt indicated that the County Road #33 improvements were being reviewed as part of the study with the City/County/State of Minnesota.
7. City/County/MnDOT Transportation Planning Study. City Engineer Nelson and County Engineer Vogt indicated that the three entities are involved in working with a consultant in putting together a 20-year transportation plan for the general area. Specifically, they are taking a look at traffic problems, traffic counts, and future needs. It is anticipated that this study will be complete some time in December 1998.
  8. Joint Law Enforcement Center. County Administrator Jorgenson informed the group that the ground breaking had recently taken place and that construction was underway. City Administrator Johnson indicated that issues involving City personnel that may become County dispatchers need to get resolved in the near future to avoid personnel problems at the City. County Administrator Jorgenson and City Administrator Johnson indicated that there would need to be a review of the County's radio system in the near future to see what would be beneficial to both the City and County law enforcement agencies.
  9. 1999 Legislative Issues/Successes. County Administrator Jorgenson indicated that the issues affecting counties that were of concern pertained to taxation and levy limits, sales tax, and joint planning/annexation with townships. City Administrator Johnson indicated that the City's involvement with the Legislature this past year dealt with flood control, the fire training center and the performing arts center.
  10. Blue Ribbon Task Force. The two administrators provided a brief overview of where the City/County/School planning efforts have gone regarding the assembly of a blue ribbon task force. Commissioners Fenske and Goodenow from the County and Councilmembers Doyle and Reynolds, along with Mayor Byrnes, have been involved from the City's perspective. The primary purpose and intent of the committee is to take a look at discussing community priorities and issues pertaining to the possible coordination of long term facility sharing.
  11. City/County Maintenance Shop. County Administrator Jorgenson informed the group that the County would be interested if the City felt the desire to participate in the possible coordination and sharing of facilities or operations at the County Shop. Although there are no current plans at the present time, the offer for joint sharing was provided by the County. There is discussion presently occurring regarding the possibility of a fuel center being shared between the two entities. Sheriff Stokke and Director of Public Safety Yant indicated that there was no secure place for impounded vehicles in storage and that this would need to be dealt with long term between the City and the County.
  12. Joint City/County Government Center. County Administrator Jorgenson indicated that the County is interested in leasing out or renting the third floor of the County building. It is their desire to lease or rent the entire 17,000 sq. ft. to one party versus piece-mealing it. The offer for use of the floor was extended to the City if there is a desire in the near future.

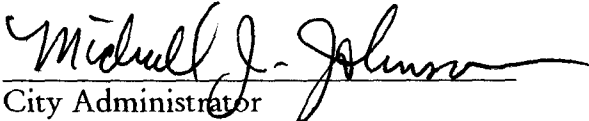
## SPECIAL MEETING - MAY 20, 1998

13. Go-Carts at Lyon County Fairgrounds. Councilmember Stores asked the County to provide a brief update and status concerning go-carts at the fairgrounds. Commissioner Goodenow provided a brief overview of the current activity and proposed future activity.
14. Library Director Hire. Commissioner Goodenow complimented those involved with the recent hiring of Mr. MacDonald as the new Library Director.
15. Bike Trail Project. Commissioner Goodenow indicated that the City and County, based on a recent County public hearing, may need to send a joint letter to MnDOT regarding the proposed bike trail along highway 23. It was indicated that if it became necessary, that the City and County could go together on a joint letter for improved signage and markings for this project.

There being no other business before the joint meeting of the County Board and City Council, the meeting was adjourned at approximately 8:40 P.M.

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

ATTEST:

  
\_\_\_\_\_  
City Administrator

## REGULAR MEETING – JUNE 1, 1998

The regular meeting of the Common Council of the City of Marshall was held on June 1, 1998 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: Edblom, Rowe, Doyle, Stores, Reynolds and Boedigheimer. 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; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the deletion of item 8, which was the consideration of an ordinance and the calling of a public hearing to vacate an easement.

Doyle moved, Reynolds seconded, that the minutes of the regular meeting held on May 18, 1998 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 application for a new liquor license for Randy Otis, Americinn. Per a memo received from Mr. Otis he is requesting that the liquor license application be extended to coordinate with their final plat of the land. City Attorney Brian Murphy, recommended that a letter be sent to Mr. Otis indicating that if the public hearing is not held at the next regular City Council meeting to be held on June 15, 1998, that he will have to reapply for a liquor license at a later date. Edblom moved, Boedigheimer seconded, that the proper city personnel send a letter to Mr. Otis stating Mr. Murphy's recommendation. A question was raised about the costs that the city has incurred with this application. All voted in favor of the motion.

Stores moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2057, SECOND SERIES and that the reading of the same be waived. Resolution Number 2057, Second Series is a resolution Approving the Modification to the Joint Powers Agreement between the City of Marshall and Lyon County concerning the Joint Law Enforcement Center. This agreement is being revised in order to bring it into compliance with the proposed bond documents and lease agreements that have been developed for this project. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2058, SECOND SERIES and that the reading of the same be waived. Resolution Number 2058, Second Series is a resolution Concerning the Issuance of \$2,115,000 Law Enforcement Center Lease Revenue Bonds, Series 1998A (Lyon County, Minnesota Unlimited Tax Lease Obligations). All voted in favor of the motion.

Edblom moved, Stores seconded, the adoption of RESOLUTION NUMBER 2059, SECOND SERIES and that the reading of the same be waived. Resolution Number 2059, Second Series is a resolution Authorizing and Awarding the Sale of, and

Providing the Forms, Terms, Covenants and Directions for \$370,000 General Obligation Improvement Bonds Series 1998B. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2060, SECOND SERIES and that the reading of the same be waived. Resolution Number 2060, Second Series is a resolution Authorizing and Awarding the Sale of, and Providing the Form, Terms, Covenants and Directions for \$4,835,000 General Obligation Wastewater System Revenue Refunding Bonds Series 1998C. All voted in favor of the motion.

Rowe moved, Stores seconded, the proper city personnel be authorized to enter into an agreement with Springsted, Inc., for Amendment to Addendum "B" of Agreement for Arbitrage and Rebate Monitoring to cover \$2,115,000 Law Enforcement Center Lease Revenue Bonds, Series 1998A and for Amendment to Addendum "A" and "B" of Agreement for Continuing Disclosure and/or Arbitrage and Rebate Monitoring to cover \$370,000 General Obligation Improvement Bonds, Series 1998B and \$4,835,000 General Obligation Wastewater System Revenue Refunding Bonds, Series 1998C. All voted in favor of the motion.

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2061, SECOND SERIES and that the reading of the same be waived. Resolution Number 2061, Second Series is a resolution Authorizing the Execution of an Agreement. This agreement allows for the Marshall Police Department to enter into a grant agreement with the Minnesota Department of Public Safety, Bureau of Criminal Apprehension, Criminal Gang Strike Force Council. This agreement is for the period January 1, 1998 and December 31, 1998. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the introduction of an ordinance and call for a public hearing for the renaming of State Street. The public hearing will be held at 7:30 P.M. on June 15, 1998. Boedigheimer moved, Rowe seconded, that the Public Improvement Transportation Committee hold a meeting to discuss this name change before the City Council meeting to be held on June 15, 1998. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the approval of out-of-state travel for Keith Nelson, Director of Public Works/City Engineer, to attend the 1998 Public Works Congress and Exposition to be held on September 14-17, 1998 in Las Vegas, Nevada. All voted in favor of the motion.

The next item was a request for out-of-state travel for two Cable Commission members to attend a conference in Madison, Wisconsin. Council approval is not required for out-of-state travel to adjacent states; therefore no action was taken.

Reynolds moved, Doyle seconded, the proper city personnel be authorized to enter into a Wire Transfer Agreement with Community First National Bank. It was indicated that agreement was a result of the auditors for Community First National Bank.

It was indicated that the City of Marshall does not have Wire Transfer Agreements with any other banks. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the approval of a Transient Merchants License for The Country Stop, Inc., at a fee of \$250.00. This license will expire on December 31, 1998. This license allows for the retail sale of fresh produce in the parking lot of the large Dairy Queen on East College Drive. All voted in favor of the motion.

Reynolds moved, Stores seconded, the approval of a temporary on-sale non-intoxicating beer license for the Marshall Jaycees on June 27, 1998 at a fee of \$25.00. This license will be used in conjunction with the Sand Volleyball event on 3<sup>rd</sup> Street between Main Street and Lyon Street. All voted in favor of the motion.

Reynolds moved, Edblom seconded, the approval of a one-day on-sale non-intoxicating beer license for June 6, 1998 and for July 3, 1998 at the Lyon County Ice Facility. The fee for this license is \$25.00 per day. All voted in favor of the motion.

Edblom moved, Rowe seconded, the approval of a one-day Consumption and Display license for June 6, 1998 and for July 3, 1998 at the Lyon County Ice Facility. The fee for this license is \$25.00 per day. All voted in favor of the motion.

Edblom moved, Doyle seconded, the approval of two Special Vehicle Permits for Michael Boedigheimer (Hal's Pals). This permit will expire on December 31, 1998 and the fee for this permit was waived. All voted in favor of the motion, except Boedigheimer who abstained.

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

Airport Commission    Mark Burau be reappointed for a 3-year term to expires on May 31, 2001, and to readvertise for another vacancy on the board.

Cable Commission    Sandra Altmann and Robin Chaney be reappointed for 3-year terms to expire on May 31, 2001.

EDA    Sara Titus be appointed for a 6-year term to expire on May 31, 2004.

Hospital Board    Joe Cool be appointed for a 5-year term to expire on May 31, 2003.

Human Rights Commission    Eileen VanWie and Geraldine LaFountaine be appointed to 3-year terms to expire on May 31, 2001.

## REGULAR MEETING – JUNE 1, 1998

- Planning Comm. Loren Arvidson be reappointed for a 3 year term to expire on May 31, 2001 and Jon Gustad and Daniel Anderson be appointed for 3 year terms to expire on May 31, 2001.
- Police Civil Service Commission C. Dwayne Boerner be reappointed for a 3 year term to expire on May 31, 2001
- Senior Citizen Center Commission Pat Schultz be reappointed for a 3-year term to expire on May 1, 2001 and Mary Nelson be appointed for a 3-year term to expire on May 1, 2001.
- Utilities Comm. Dwayne Purrington be reappointed for a 5-year term to expire on May 31, 2003.

Stores moved, Reynolds seconded, the proper city personnel be authorized to enter into a Real Estate Purchase Agreement with Minnesota Corn Processors for the purchase of a small portion of their property within the City of Marshall's Flood Control Project and also the approval of a Road Easement and Temporary Work Area Easement with Fairview Township. 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, Fire Relief Association and Regional Development have not met.
- Stores Hospital Board met earlier this evening and discussed the space needs at the clinic; Jt. Ice Facility Board minutes are included in the agenda packet.
- Edblom Cable Commission, Planning Commission, Ways and Means Committee and Personnel Committee have not met; Utilities Commission discussed the electric rate study; the lawsuit is in the pre-trial stage, a change of venue was requested, discussion of the internet use policy will be finalized in the next few months.
- Boedigheimer Airport Commission will met next week; Senior Citizen Center Commission and the JT LEC has not met; Public Improvement/Transportation Committee needs to schedule a meeting.
- Doyle Marshall Area Transit and Convention & Visitors Bureau minutes are in the agenda packet.
- Rowe Insurance Advisory Committee will meet this Friday; Library Board met and discussed their building and the budget.

## REGULAR MEETING – JUNE 1, 1998

Reynolds Community Services Advisory Board meets this Wednesday for their annual park tour and picnic.

Other items of concern brought forth by the Mayor and Councilmembers included: the Marshall High School receiving the Kick Butt Award for all of their work on the tobacco ordinance; the city will hold an employee picnic on July 31, 1998; the City/County held their annual dinner meeting; the grant for the ethanol vehicles was for an 18 month period and during that time reports were sent to the State; SSU submitted the highest bid for the cushion; that a police vehicle should be in the area of the high school at 3:15 on a regular basis; the new logo was discussed for the entrance signs.

Stores moved, Rowe seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 15662 through 15753.

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

Rodney DeGraaf	803 Brian Street	Install Window	\$1,100
Lawrence & Roseann Varpness	603 North 6th Street	Install Doors and Deck	\$1,500
Blia-Thae Moua	1229 East Fairview Street	Reroof Duplex	\$1,000
Richard Breckenridge	701 South 2nd Street	Deck	\$600
Gloria Sabin	112 South High Street	Garage	\$10,600
Bladholm Construction, Inc.	611 West Main Street	Law Enforcement Center Addition	\$1,355,500
Marlin Besse	105 Elaine Avenue	Dwelling	\$85,000
Cyril & Donna Schroeder	602 West Lyon Street	Garage	\$11,000
Joel & Mindy Haney	622 Soucy Drive	Reroof Dwelling	\$2,900
Todd Sonnenburg	301 Donita Avenue	Remove Door	\$100
Daniel Carrow	1112 Horizon Drive	Utility Shed	\$800
Space Development Company	302 East Saratoga Street	Reside Apartment Building	\$8,000
French Construction	308 Legion Field Road	Roof and Interior Remodeling	\$2,500
Marcia Sik	713 North 6th Street	Replace Window	\$1,000
Steve Bareis	504 DeSchepper Street	Deck	\$1,400
Babcock Construction	403 West College Drive	Reside Dwelling and Remove Windows	\$7,300
Donald Jants	506 West Marshall Street	Reside, Install Door, Install Window	\$6,100
Robert J. Tholen	1217 West Main Street	Demolish Dwelling	\$0
Sussner Construction, Inc.	1420 East College Drive	Remodel Office / Space 800	\$20,900

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

  
Mayor of the City of Marshall

ATTEST:

  
Finance Director/City Clerk

The regular meeting of the Common Council of the City of Marshall was held on June 15, 1998 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: Doyle, Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included, Brian Murphy, City Attorney; Thomas M. Meulebroeck, Finance Director/City Clerk; Calvin Barnett, City Assessor; Dale Howe, Building Official; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

It was the general consensus of the council that the agenda be approved with the deletion of item 4, which was the consideration of a side yard variance adjustment permit for Ron Jensen at 109 Parkview Drive and the addition of item 9a, which is the consideration of a resolution to add two part-time police officers to PERA.

Edblom moved, Doyle seconded, that the minutes of the regular meeting held on June 1, 1998 and the minutes of the special meeting held on June 8, 1998 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Per the request of Keith Nelson, Public Works Director/City Engineer, Doyle moved, Edblom seconded, the public hearing to rename a street be continued to the regular meeting to be held on July 6, 1998. All voted in favor of the motion.

This was the date and time for the continuation of a public hearing for a new liquor license application for Randy Otis, Americinn. Per a memo from Mr. Otis, they are withdrawing their application at this time, therefore Rowe moved, Stores seconded, that the public hearing be closed. The fee of \$1,750 less expenses to date will be refunded to Americinn. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Edblom moved, Boedigheimer seconded, William Vlainck be granted a variance adjustment permit for a front yard of 25' in lieu of the required 48' in an R-3 Low to Medium Density-Multiple Family Residence District at 404 South Saratoga Street. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Reynolds moved, Stores seconded, the introduction of an ordinance and the calling for a public hearing per the request of Art Driggs to rezone the property at 105 South 6<sup>th</sup> Street from B-2 Central Business District to B-1 Limited Business District. The public hearing will be held at 7:30 P.M. at the July 6, 1998 regular city council meeting. All voted in favor of the motion.

Upon the recommendation of the Planning Commission, Stores moved, Edblom seconded, the introduction of an ordinance and the calling for a public hearing per the request of Dakota Telecommunications Group, Inc., to rezone property on the 1500 block of East Lyon Street from A Agricultural District to B-3 General Business District. The public hearing will be held at 7:30 P.M. at the July 6, 1998 regular city council meetings. All voted in favor of the motion.



Rowe moved, Reynolds seconded, the introduction of an ordinance adding certain sections to the City Code regarding the providing of workers' compensation insurance for certain elected or appointed officials within the City of Marshall, Minnesota. Councilperson Boedigheimer requested that the total cost for this be available at the next regular meeting to be held on July 6, 1998. All voted in favor of the motion.

A recommended by Robert Yant, Director of Public Safety, Doyle moved, Stores seconded, that the proper city personnel be authorized to enter into an agreement between the City of Marshall and the State of Minnesota, Department of Public Safety for motorcycle skill testing. This is for an area described as "an area on the street located at the junction of Michigan Road and Halbur Road between the hours of 8:00 A.M. and 4:00 P.M. on Monday of each week. This agreement will expire on July 1, 2001. All voted in favor of the motion.

Upon the recommendation of Director of Public Safety Robert Yant, Rowe moved, Boedigheimer seconded, that Steven Telkamp be employed as part-time Police Officer with the City of Marshall at the rate of \$9.83 effective June 15, 1998 and Jason Kopitski be re-hired as a part-time Police Officer with the City of Marshall at the rate of \$9.83 per hour effective June 8, 1998. The following resolution was adopted: BE IT RESOLVED that Steve Telkamp and Jason Kopitski be duly appointed, qualified and acting part-time police officers 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.

Rowe moved, Doyle seconded, the proper city personnel be authorized to enter into a real estate purchase agreement with Evangelical Free Church for the City's Flood Control Project. The cost per the agreement is \$4,851.00. All voted in favor of the motion.

A discussion was held at this time on the request of Thomas Wilzbacher, DBA TRW Automotive for a Towing and Storage License. There was a concern about the certificate of insurance stating the correct name and whether the area where he is located is zoned properly for an impound lot. Boedigheimer moved, Edblom seconded, the approval of a towing and storage license for Thomas Wilzbacher, DBA TRW Automotive be approved contingent upon the receipt of the proper certificate insurance and that the location is properly zoned for an impound lot. The fee for this license is \$150.00 and this license will expire on December 31, 1998. All voted in favor of the motion.

Doyle moved, Stores seconded, the approval of an application for Community Services to buy fireworks for display purposes on July 4, 1998 at Independence Park. Community Services will be making arrangements with the Marshall Volunteer Fire Department for the fireworks display. All voted in favor of the motion.

## REGULAR MEETING – JUNE 15, 1998

Edblom moved, Stores seconded, the approval of closing Main Street between the intersections of Hwy 19/59 to North 5<sup>th</sup> Street on Thursday, July 23, 1998 from 6:00 A.M. to 6:00 P.M. for Crazy Days. All voted in favor of the motion.

At this time Todd Wicklund and Tom Koop, representatives from Larson, Allen, Weishair & Co., auditors for the City of Marshall, reviewed with the council and others in attendance the 1997 audit of the City of Marshall. They indicated that there were no major concerns or changes in regard to the audit. Councilperson Boedigheimer was concerned with the General Fixed Assets. It was also, indicated that the Liquor Fund transfers funds each year from operating to the General Fund and that the Wastewater Fund does not. Reynolds moved, Doyle seconded, the City of Marshall Audit for 1997 be accepted as presented. 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 in the agenda packet; Regional Development Commission met Thursday and discussed the funding for the Fire Training Center and indicated that they have received one proposal for this training center from Marshall.
- Stores      Hospital Board met earlier and it was indicated that Mr. Hanko is working on receiving his Nursing Home License; 4 architect groups are working on the space needs to expand the clinic; and the parking lot issue was also discussed.
- Edblom      Cable Commission will meet on Tuesday; Planning Commission met last week and it was indicated that the variance request from DTG was not on the council agenda – the request for the rezoning needs to be considered before the variance will be considered; Ways and Means Committee will meet in the next few weeks.
- Boedigheimer      Airport Commission minutes are included in the agenda packet; Senior Citizen Commission will meet on June 24, 1998; Lyon County Enterprise Development Committee and the Jr. LEC has not met; Public Improvement/Transportation Committee met and discussed parking at SSU.
- Doyle      Housing Commission minutes are included in the agenda packet; Human Rights Commission and Convention and Visitors Bureau will meet later this month.
- Rowe      Insurance Advisory Committee met and discussed workers compensation insurance; Library Board minutes are included in the agenda packet; Legislative and Ordinance Committee has not met.
- Reynolds      Community Services Advisory Board held their annual Park Tour and Picnic.

Other items of concern brought forth by the Mayor and Councilmembers included: the presentation of the Music Man which will be held July 22 – 26, 1998; the council was informed of the detour to Duluth; and there was a concern about the number of calls in regard to the street dance held by Rumors.

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 15754 through 15997.

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

Denny Miller Construction	120 East Main Street	Apartment Remodel	\$4,200
Steven Baumann Construction	228 North Whitney Street	Partial Reroof	\$700
Steven Baumann Construction	302 Jewett Street	Reroof Apartment Building	\$7,000
Steven Baumann Construction	1404 Peterson Street	Reroof Apartment Building	\$7,000
The Pacesetter Corporation	504 Carlson Street	Reside Dwelling	\$7,600
Rick Slagel	613 West Thomas Avenue	Dwelling Addition	\$15,000
Donald Jants	205 South 5th Street	Garage	\$2,900
Dean & Cindy Bader	406 West Marshall Street	Reside Dwelling	\$4,000
George J. Jacob Construction	508 Kendall Street	Garage Floor	\$1,000
Geske Building & Supply Co.	1403 Westwood Drive	Install Door	\$2,200
Geske Building & Supply Co.	303 Donita Avenue	Reside Dwelling and Install Windows	\$12,000
Geske Building & Supply Co.	601 Lawrence Street	Install Windows	\$7,000
Geske Building & Supply Co.	515 East Main Street	Reside Dwelling and Install Windows	\$11,000
Geske Building & Supply Co.	110 South 10th Street	Reside and Install Windows	\$15,000
Arta Behrens	616 Donita Avenue	Reroof Garage	\$400
True Value Home Center	816 Viking Drive	Dwelling	\$143,500
The Country Stop	1206 East College Drive	Temporary Structure	\$0
Schwan's Sales Enterprises, Inc.	307 West College Drive	Office Remodel	\$165,000
True Value Home Center	901 West Main Street	Garage	\$6,000
True Value Home Center	103 East Thomas Avenue	Dwelling	\$145,000
Glen Caron	614 Donita Avenue	Addition to Dwelling	\$18,000
Steve Lindgren	217 North Hill Street	Reside Dwelling	\$7,000
Mark Jensen	609 West James Avenue	Reside Dwelling	\$1,500
David E. Sturrock	506 Charles Avenue	Reroof Garage	\$500
Johnson Construction	118 South High Street	Install Door	\$500
Pamela J. Larson	615 West Thomas Avenue	Remove Wall	\$500
Edward Clark	509 West Southview Drive	Install Window and Finish Basement	\$1,000
REM Whitney, Inc.	206 North Whitney Street	Bedroom Remodel	\$1,000
Denny Miller Construction	705 East College Drive	Reside Dwelling	\$4,800
Kevin and Michael DeBoer	211 North Hill Street	Entrance Remodeling	\$2,500

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

  
Mayor of the City of Marshall

ATTEST:

  
Finance Director/City Clerk

## SPECIAL MEETING - JUNE 29, 1998

The special meeting of the Common Council of the City of Marshall was held on June 29, 1998 in the Marshall Municipal Utilities Board Room. The meeting was called to order at 7:00 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Boedigheimer, Edblom, Reynolds, Rowe, and Store. Absent: Doyle. Staff present at the meeting included: City Administrator Johnson, Director of Community Services Weilage, Director of Public Safety Yant, and Police Detective Curry.

Representatives of the Marshall School District that were in attendance for the joint meeting included: Board members Reiber, Snodgrass, Kruse, Simpson, and Verly. School staff present included: Superintendent Dr. Tapper and Steve O'Connor.

The first item of business for the joint meeting between the City Council and the School Board was a presentation by Director of Public Safety Yant and Detective Paula Curry concerning gang/drug activity within the Marshall community.

Director Yant briefly provided both the Council and the School Board with an overview of where the Department of Public Safety was at concerning drug activity, gang task force, youth problems, etc.

Director Yant talked about some of the solutions and issues that are currently ongoing associated with the Regional Area Drug Task Force, the DARE Program, the Restorative Justice Coalition, the possibility of a school liaison officer, a community service officer, a grant for teen court, the City's crime free multi-housing, and the McGruff Program. Following his introduction and brief overview, Detective Paula Curry provided the City Council and the School Board with an overview of gang symbols, a visual presentation on narcotics that have been obtained, a description of the incidents that have been ongoing in the Marshall community, and a review of the different types of graffiti that have shown up in the Marshall community.

Both governmental entities expressed appreciation for the work of Director Yant and Detective Curry in providing an information presentation and overview of the activities that the Department of Public Safety is involved with.


The second item of discussion amongst the two entities pertained to an update on the proposed Blue Ribbon Task Force. City Administrator Johnson provided a brief overview of the planning efforts and results from the Industrial Park Expansion Committee, the Downtown Redevelopment Committee, the Chamber of Commerce Leadership Academy, and the school initiatives that have been developed by the Public School System. In reviewing the results of that, City Administrator Johnson provided a brief overview of what he felt the common ties were amongst the different planning efforts and raised the question of simplifying the expectations/issues that are associated with the joint sharing of facilities and the potential makeup of the task force members if this committee is to become operational.

## SPECIAL MEETING - JUNE 29, 1998

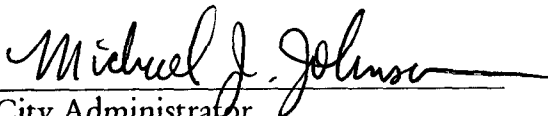
There was significant debate led by Dr. Tapper, a few School Board members and members of the City Council talking about the possibilities of identifying City/School community facilities and the need to examine these potential facilities and determine whether they are amenities versus necessities. Mayor Byrnes asked for the School District to provide future clarity and communication amongst the entities describing the specific capital improvements and the proposed school alternatives that will be forthcoming in the future. There was significant debate amongst the members in attendance regarding funding sources for solving the school issue, the different funding levels that would be needed and attempts to address specific needs.

Dr. Tapper reviewed with both entities a combination of various alternatives that may be considered and acted upon by the School Board in the next 30 to 60 days with the possible submittal of an excess levy referendum in the fall and a facility vote sometime next spring.

There being no further business, the meeting was adjourned at approximately 10:05 P.M.

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

ATTEST:

  
\_\_\_\_\_  
City Administrator

A special meeting of the Common Council of the City of Marshall was held on July 6, 1998 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 6:05 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent Doyle. Staff present at the meeting included: City Administrator Michael Johnson, and Finance Director/City Clerk Thomas M. Meulebroeck.

The purpose of this special meeting was for the city council members to share information they had received from the League of Minnesota Cities Conference in Duluth held on June 16 – 19, 1998; to briefly discuss the items discussed at the Joint City/County Commissioner meeting held on May 20, 1998; and to discuss those items discussed at the Joint City Council/School Board meeting held on June 29, 1998.

#### **LEAGUE OF MINNESOTA CITIES CONFERENCE REVIEW:**

The various sessions that were briefly reviewed from the League of Minnesota Cities Conference held in Duluth on June 16-19, 1998 included: a session rewarding management; avoiding expensive mistakes in eminent domain; inflow and infiltration; the community base planning act; investing in internet; struggles in developing a web page; annexation; corporate subsidy; capital improvement and financing; creation of a city newsletter; the responsibilities for emergencies; approaches in recreation; and visioning for your city. There seemed to be a consensus from those that attended the conference that the sessions at this conference were not as valuable as they have been in previous conferences and that maybe the committee planning the conference should consider a two-day conference rather than a 4-day conference.

#### **JOINT CITY COUNCIL/LYON COUNTY MEETING REVIEW:**

Those items that were discussed from the joint City/County Lyon County Commissioners meeting held on May 20, 1998 included: the 1999 Library budget; the joint planning annexation issues; the flood control project; the city/county maintenance shop and the joint city/county government center. Councilperson Reynolds and Stores agreed to serve as representatives of the city council at a historical society meeting to be held on July 15, 1998 at 7:00 o'clock P.M. Those in attendance at the meeting were advised that the city is currently waiting for the completion of appraisals of some properties within the flood control project and that there are currently 8 appraisals in for review. Included in the 1998 City of Marshall street department budget, is funding for improvements for a fueling station at the street department shop. City Engineer/Public Works Director Keith Nelson, and Street Superintendent Rich Herigon, had been working a proposal with the county to relocate the fueling facilities to the county maintenance shop. Currently the City of Marshall is working with Group II on alternatives for modifications to the use of the current Municipal Building. Consideration has been given to the city offices being relocated to the third floor of the Lyon County Courthouse. A concern with the city moving to the third floor of the courthouse is that it would not provide for any flexibility for city expansion in future years.

## SPECIAL MEETING - JULY 6, 1998

**JOINT CITY COUNCIL/MARSHALL SCHOOL BOARD MEETING REVIEW:**

Those items briefly discussed at the joint city council/school board meeting held on June 29, 1998 included a presentation by Director of Public Safety Rob Yant, and Detective Paula Curry, concerning gangs and/or drug activity within the Marshall community. Also, reviewed was the Blue Ribbon Task Force and long range plans. The joint city council/school board meeting was the first opportunity that members of both boards were able to sit and discuss the topics of concern to both groups and it was indicated by the city council members that it was a good opportunity to get acquainted and that these type of meetings should occur on a regular basis. It was expressed by the city council members that it was difficult for them to move ahead on concerns expressed by the school board, since this was their first opportunity to be advised of some of their concerns and that they were not in a position to make any decisions on the items that were discussed.

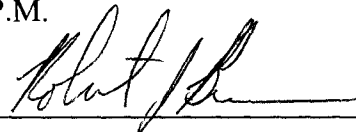
**BOND ISSUES:**

Bond issues and other projects that as they relate to the city, school and county were discussed and the importance of the different agencies meeting on a more frequent basis was emphasized so that they could share their concerns and plans for any bonding that the different agencies may have and how these bond issues may affect the tax payers of the City of Marshall.

**GRANT APPLICATION POLICE OFFICER SCHOOL LIAISON:**

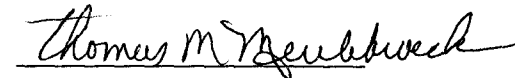
A brief discussion was held in regard to the upcoming grant application for a police officer to serve as a school liaison and the cost sharing of this position.

Mayor Byrnes adjourned the meeting at 7:15 P.M.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

## REGULAR MEETING - JULY 6, 1998

The regular meeting of the Common Council of the City of Marshall was held on July 6, 1998 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, Edblom, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present at the meeting included, Brian Murphy, City Attorney; Michael 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 following staff arrived during the meeting: Calvin Barnett, City Assessor arrived at 7:45 P.M.; Rob Yant, Director of Public Safety, arrived at 8:10 P.M.; and Jim VanHyfte, Manager Marshall Municipal Liquor Store, arrived at 8:30 P.M.

The Pledge of Allegiance was recited at this time.

At this time Mayor Byrnes welcomed Boy Scout Troop 238 to the Council meeting and thanked them for their interest in the city government.

**APPROVAL OF AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item 19.5, which was the consideration of granting authorization to apply for a federal COPS Universal program to fund a police officer liaison position

**APPROVAL OF MINUTES:**

Rowe moved, Reynolds seconded, the minutes of the special meeting held on May 20, 1998 be approved as corrected; the minutes of the regular meeting held on June 15, 1998 be approved and the minutes of the special meeting held on June 29, 1998 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

**PUBLIC HEARING - RENAME STATE STREET:**

This was the date and time set for a public hearing to consider the renaming of a portion of State Street. Keith Nelson, Director of Public Works/City Engineer, reviewed the request by SSU for the proposed changes, which are:

1. State Street from the intersection of Birch Street to the north/south portion of State Street adjacent to T.H. 23 be renamed Birch Street.
2. State Street from T.H. 19 to the intersection of Birch Street be renamed Mustang Trail.

Edblom moved, Rowe closed, the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Stores seconded, the adoption of ORDINANCE NUMBER 395, SECOND SERIES and that the reading of the same be waived. Ordinance Number 395, Second Series is an ordinance changing the name of and renaming a portion of the street right-of-way now designated as State Street in the City of Marshall, Minnesota to Birch Street. All voted in favor of the motion.



## REGULAR MEETING – JULY 6, 1998

Reynolds moved, Stores seconded, the adoption of ORDINANCE NUMBER 396, SECOND SERIES and that the reading of the same be waived. Ordinance Number 396 Second Series is an ordinance changing the name of and renaming a portion of the street right-of-way now designated as State Street in the City of Marshall, Minnesota to Mustang Trail Street. All voted in favor of the motion.

**PUBLIC HEARING - REZONE DAKOTA TELECOMMUNICATIONS GROUPS, INC., 1500 BLOCK OF EAST LYON STREET:**

This was the date and time set for a public hearing for the rezoning request of Dakota Telecommunications Groups, Inc., to rezone the property on the 1500 Block of East Lyon Street from A Agricultural District to B-3 General Business District. Keith Nelson, Director of Public Works/City Engineer, reviewed this request with the council. There were no questions or objections, therefore Reynolds moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Edblom seconded, the adoption of ORDINANCE NUMBER 397, SECOND SERIES and that the reading of the same be waived. Ordinance Number 397, Second Series is an ordinance rezoning the property on the 1500 Block of East Lyon Street from A Agricultural District to B-3 General Business District. All voted in favor of the motion.

**VARIANCE ADJUSTMENT DAKOTA TELECOMMUNICATIONS GROUP, INC., 1500 BLOCK OF EAST LYON STREET:**

Discussion was held at this time on the request from Dakota Telecommunications, Group, Inc., for a variance adjustment to construct an antenna supporting structure with a height in excess of the height permitted by ordinance on the 1500 block of East Lyon Street. Boedigheimer asked if the correct height was 350' or 300'. It was indicated that the request was for 300'. Rowe questioned why the Planning Commission denied this request. The Planning Commission denied this request due to lack of undue hardship. On June 15, 1998 DTG submitted a letter to the City Council clarifying several issues brought up at the Planning Commission. Based on this information Boedigheimer moved, Rowe seconded, Dakota Telecommunications Group, Inc., be granted a variance adjustment permit to construct an antenna supporting structure with a height of 300 ft which is in excess of the height permitted of 100 ft. by ordinance on the 1500 block of East Lyon Street. All voted in favor of the motion.

**PUBLIC HEARING - REZONE ART DRIGGS, 105 SOUTH 6<sup>TH</sup> STREET:**

This was the date and time set for a public hearing to rezone the property at 105 South 6<sup>th</sup> Street from B-2 Central Business District to B-1 Limited Business District for Art Driggs. There were no objections or concerns, therefore Rowe moved, Edblom seconded, the public hearing be closed. All voted in favor of the motion.

Edblom moved, Stores seconded, the adoption of ORDINANCE NUMBER 398, SECOND SERIES and that the reading of the same be waived. Ordinance Number 398, Second Series is an ordinance rezoning the property at 105 South 6<sup>th</sup> Street from B-2

General Business District to B-1 Limited Business District. All voted in favor of the motion.

**CONDITIONAL USE PERMIT ART DRIGGS, 105 SOUTH 6<sup>TH</sup> STREET:**

Upon the recommendation of the Planning Commission, Edblom moved, Rowe seconded, the approval of a conditional use permit for Art Driggs at 105 South 6<sup>th</sup> Street for two-family dwelling under single ownership with the following conditions:

- 1) Replace front steep-sloped ramp with a stoop and stairs.
- 2) Replace garage roof shingles
- 3) Paint trim on dwelling and garage.

All voted in favor of the motion.

**WORKERS' COMPENSATION INSURANCE CERTAIN ELECTED OR APPOINTED OFFICIALS:**

Rowe moved, Stores seconded, the adoption of ORDINANCE NUMBER 399, SECOND SERIES and that the reading of the same be waived. Ordinance Number 399, Second Series is an ordinance providing for workers' compensation insurance for certain elected or appointed officials within the City of Marshall. All voted in favor of the motion.

**VARIANCE ADJUSTMENT PERMIT RON JENSEN 109 PARKVIEW DR:**

Ron Jensen was in attendance at the meeting to review his request for a variance adjustment permit for a side yard of less than required by ordinance in an R-1 One Family Residence District at 109 Parkview Drive. He presented to the council a letter signed by area residents in support of his request to add an eight-foot addition to his single car garage. A suggestion was made that he offer to buy additional land from the parcel of property at 502 Paul Street, so he would not need a variance adjustment permit. Contrary to the recommendation of the Planning Commission, Boedigheimer moved, Stores seconded, the approval of a variance adjustment permit for Ron Jensen to for a side yard of 3 feet in lieu of 5 feet as is required by ordinance in an R-1 One Family Residence District at 109 Parkview Drive. Voting in favor of the motion were: Stores, Boedigheimer and Byrnes. Voting no were: Rowe, Edblom and Reynolds. The motion was denied.

**PARKING RESTRICTIONS AT SSU:**

Reynolds moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2062, SECOND SERIES and that the reading of the same be waived and also that the proper city officials be authorized to enter into an agreement with Southwest State University to change the parking restrictions at SSU. Resolution Number 2062, Second Series is a resolution providing for control signage in the City of Marshall. The agreement allows SSU the authority to regulate public parking as set forth in Resolution Number 2062, Second Series. All voted in favor of the motion.

**GRANT MN/DOT AIRPORT FOLDING WING PLOW:**

Boedigheimer moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2063, SECOND SERIES and that the reading of the same be waived. Resolution Number 2063, Second Series is a resolution authorizing the proper city officials authority to execute a Minnesota Department of Transportation Grant Agreement for Airport Improvements. This agreement provides for the City of Marshall to receive financial assistance of 60% from the State for the purchase of a folding wing plow for the Marshall Municipal Airport. All voted in favor of the motion.

**AMEND ASSESSMENT ROLLS;****Project 1992-007, Job 611, Parcel 27-819003-0**

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2064, SECOND SERIES and that the reading of the same be waived. Resolution Number 2064, Second Series is a resolution amending the assessment roll for project 1992-007, Job 611, Parcel 27-819003-0. This resolution provides for the assessment to be reduced from \$19,487.09 to \$14,269.80 and the difference of \$5,217.19 is to be paid from the Capital Projects 429 Revolving Fund. All voted in favor of the motion.

**Project 1991-008, Parcel 27-535002-0 and 27-535003-0**

Stores moved, Rowe seconded the adoption of RESOLUTION NUMBER 2065, SECOND SERIES and that the reading of the same be waived. Resolution Number 2065, Second Series is a resolution redistributing the assessments to Project No. 1991-008 and the resulting abatement of \$3,547.49 for the MDI assessment would be paid from the 429 account. All voted in favor of the motion, except Boedigheimer who voted no.

**ADVERTISE FOR BIDS FOR 1998 BITUMINOUS RESURFACING PROJECT:**

Reynolds moved, Edblom seconded, the proper city officials be authorized to advertise for bids for the 1998 bituminous resurfacing project. All voted in favor of the motion.

**ADVERTISE FOR BIDS MUNICIPAL LIQUOR STORE ENTRANCE:**

Calvin Barnett, City Assessor/Purchasing Agent, reviewed with the city council the plans and estimated cost for the Municipal Liquor Store entrance. Councilperson Boedigheimer was concerned with the estimated cost for this project being so high. Reynolds moved, Edblom seconded, the proper city personnel be authorized to advertise for bids for the Municipal Liquor Store entrance. All voted in favor of the motion, except Boedigheimer who voted no.

**VOTING LOCATION AND ELECTION JUDGES:**

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2066, SECOND SERIES and the reading of the same be waived. Resolution Number 2066, Second Series is a resolution setting the voting locations and authorizing the Finance Director/City Clerk/Treasurer authority to appoint elections judges for the primary and general elections. Edblom moved, to amend the motion to allow for the election judges to be paid \$6.00 per hour rather than the \$5.15 per hour as indicated. Due to the lack of a second the motion died. All voted in favor of the motion, except Edblom who voted no.

## REGULAR MEETING – JULY 6, 1998

**MAYOR/COUNCIL SALARY:**

Edblom moved, Reynolds seconded, that salaries for the council members and mayor be referred to the Personnel Committee. Councilperson Boedigheimer suggested that the salary adjustment remain the same as in past years, which provides for the same % increase for the next year for the mayor and councilmembers that the city employees received the previous January. Voting in favor of the motion were Stores, Edblom and Reynolds. Voting no were Boedigheimer, Byrnes and Rowe. Motion denied. Boedigheimer moved, Rowe seconded, that the Mayor and City Council receive a 2.25% increase in salary effective January 1, 1999. All voted in favor of the motion.

**TEMPORARY WORK EASEMENT – NORTHERN NATURAL GAS:**

Stores moved, Reynolds seconded, the proper city personnel be authorized to execute a temporary work easement with Northern Natural Gas for the City's Flood Control Project. All voted in favor of the motion.

**PLUMBERS LICENSE – HOLM BROTHERS PLBG & HTG, RYER'S PLBG & HTG:**

Rowe moved, Stores seconded, the approval of a plumber's license for Holm Brothers Plumbing and Heating at a fee of \$50.00. This license will expire on March 31, 1999. All voted in favor of the motion.

Stores moved, Reynolds seconded, the approval of a plumber's license for Ryer's Plumbing and Heating at a fee of \$50.00. This license will expire on March 31, 1999. All voted in favor of the motion.

**TRANSIENT MERCHANTS LICENSE – BRABAND'S PRODUCE:**

Edblom moved, Reynolds seconded, the approval of a transient merchant's license for Donald Wayne Braband DBA Braband's Produce to sell produce in the City of Marshall. The fee for this license is \$250.00 and this license will expire on December 31, 1998. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at this time.

**COPS UNIVERSAL GRANT TO FUND POLICE OFFICER:**

Stores moved, Edblom seconded, the proper city personnel be authorized to apply to the Federal COPS Universal Program to fund a police officer liaison position. This police officer would be assigned full-time during the school year as the School Liaison Officer with the Marshall School District. During the summer this officer would take most of there leave, work on community policing/crime prevention programs or work patrol to free another officer to work community policing/crime prevention. If federal funds were awarded, this would be funded for three years through a funding partnership. The Federal Government, through the COPS Universal program, would fund up to a total of \$75,000 spread over three years. The city would fund approximately 25% and the Marshall School would fund approximately 12%. It was indicated that if the City of

## REGULAR MEETING – JULY 6, 1998

Marshall does not receive this grant this year they could apply next year. All voted in favor of the motion.

**BRESNAN COMMUNICATIONS COMPANY LAWSUIT:**

At this time Brian Murphy, City Attorney, reviewed with the council the lawsuits that were filed by Bresnan Communications Company. The first lawsuit was served on the City on June 26, 1998 and is a Summons and Verified Complaint filed in District Court against the City of Marshall and the Marshall Municipal Utilities Commission and contains three counts. The second lawsuit was served on the City on June 29, 1998 and is a Writ of Certiorari filed in the Minnesota Court of Appeals against the City of Marshall (City), the Marshall Municipal Utilities (MMU), and Dakota Telecommunications Group (DTG) d.b.a. Dakota Telecom, Inc. It was indicated that city staff needs to track all of their time for possible reimbursement of the costs involved.

**MAYOR AND COUNCIL REPORTS:**

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

Byrnes        EDA Commission and the Fire Relief Association will met next week; the Downtown Redevelopment Commission met this past week and the Regional Development Commission will have their annual meeting on Thursday.

Stores        Hospital Board will met on July 20, 1998

Edblom        Cable Commission met last week but did not have a quorum; Planning Commission did not met; Utilities Commission met last week they are continuing with the construction of the water treatment plant, they are still continuing their lawsuit against Heartland; and they have completed their policy on personal use of communications/computer equipment.

Boedigheimer Senior Citizen Center Commission and the Airport Commission meet this week and Lyon County Enterprises Development, Jt. LEC, and the Public Improvement/Transportation Committee have not met.

Rowe        Insurance Advisory Committee will met at the end of July, Library Board will met next Monday at 4:00 P.M. and the Legislative and Ordinance Committee have not met.

Reynolds     Community Services Advisory Board do not meet in July.

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: the Legislative and Ordinance Committee needs to review the transient merchants license process including why vendors at SSU are not required to have a transient merchants license; the response on the school/city/county newsletter has been

good and it was suggested that this be done on a quarterly basis; a question was asked as to who pays to repair curb damaged by snow removal; the July 4<sup>th</sup> Celebration was well attended; diseased elm trees was discussed; Horizon Drive is to be included in the bituminous surfacing overlay project; the city needs to review the personal use on the internet; the City of Marshall consider the acquisition of the property at 801 East College Drive; and it was indicated that Mayor Byrnes will be absent from the July 20, 1998 meeting.

#### **BILLS/PROJECT PAYMENTS:**

Edblom moved, Reynolds seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 15998 through 16193.

#### **BUILDING PERMITS:**

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


Lyle & Paula Pater	1218 Parkside Drive	Partial Reroof	\$500
Dan and Maureen Stores	419 West College Drive	Deck	\$1,000
Bladholm Construction, Inc.	400 West Erie Road	Warehouse Addition	\$55,300
Robert St. Aubin	908 West College Drive	Demolish Dwelling	\$0
Weldon Powelson	407 North 7th Street	Bedroom Addition	\$1,500
Jolene Nepp	300 West Gray Place	Install Window	\$1,400
Robert Williams	303 North Hill Street	Reside Dwelling	\$13,000
Minnesota Department of Transportation	1800 East College Drive	Relocate Storage Building	\$500
Fagen Engineering, Inc.	1420 East College Drive	Remodel Office Space / Space 800	\$453,500
Lyon County	540 & 544 Fairgrounds Road	Reroof Barns	\$1,300
Amber Joy Hartson	910 West College Drive	Demolish Garage	\$0
Sussner Construction, Inc.	400 Village Drive	Repair Exterior Wall	\$4,000
Sussner Construction, Inc.	914 West Main Street	Install Window	\$3,600
Sussner Construction, Inc.	305 West College Drive	Interior Remodeling	\$7,400
Babcock Construction	105 "A" Street	Replace Windows	\$2,800
Maintenance Engineering Services	310 West College Drive	Interior Remodeling	\$1,200
Kevin & Doreen Nelson	1001 Emerald Court	Install Window	\$400
Doom & Cuypers, Inc.	509 North 4th Street	Reroof Dwelling	\$2,500
True Value Home Center	1238 Patricia Court	Dwelling	\$150,000
G. R. Moberg	1002 Country Club Drive	Front Entry Remodel	\$4,500
True Value Home Center	416 North 6th Street	Bathroom Addition	\$9,400
Cory Miller	505 Kathryn Avenue	Replace Deck	\$700
Byron Iverson	804 West Southview Court	Dwelling	\$80,000
Scenic Sign Corp.	1406 East Lyon Street	Signs	\$14,200
Paxton Signs	301 East College Drive	Sign	\$2,500

## REGULAR MEETING – JULY 6, 1998

**OTHER COMMENTS:**

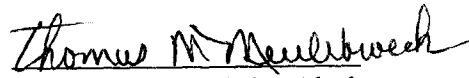
Other comments included the process for the new agenda packets. The new packets were well liked with only one minor change and that was that the agenda sheet not be bound in the packet.

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



Mayor of the City of Marshall

ATTEST:

  
Finance Director/City Clerk

**REGULAR MEETING – JULY 20, 1998**

The regular meeting of the Common Council of the City of Marshall was held on July 20, 1998 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 7:30 P.M. by President Pro-Tem Stores. In addition to Stores the following members were present: Rowe, Edblom, Reynolds and Boedigheimer. Absent: Mayor Byrnes and Councilmember Doyle. Staff present at the meeting included: Brian Murphy, City Attorney; Michael Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Rob Yant, Director of Public Safety.

The Pledge of Allegiance was recited at this time.

**APPROVAL OF THE AGENDA:**

Rowe moved, Reynolds seconded, that the agenda be approved with the addition of item number 13.5a which was the consideration of the possible acquisition of the property at 801 East College Drive, and the addition of item number 13.5b which was the consideration of a request from the Marshall Volunteer Fire Department to purchase an airport crash rescue truck from the DNR. All voted in favor of the motion.

A request was received from Bresnan Communications Inc., attorney requesting that pursuant to rule 108 of the Minnesota Rules of Civil Appellate Procedure that Bresnan intends to attend the city council meeting on July 20, 1998 to present its motion to stay construction by the City and DTG of the new cable system and to determine the amount of the supersedeas bond. Mike Johnson, City Administrator, indicated that the city had received the correspondence from Bresnan Communication wanted the request on the city agenda after the time at which the city had its agenda prepared and distributed. Per the recommendation of the City's Attorney in this matter Greene Espel, they had recommended that due to the timing of the notice received by the city that it not be placed on the city council agenda for the July 20, 1998 city council meeting. Brian Murphy, City Attorney, briefly reviewed the request from the attorneys for Bresnan Communications and the response from the city's attorney Greene Espel and Mr. Murphy was in concurrence with John Baker from Green Espel to not add the request for Bresnan to the city agenda and that the attorneys for Bresnan Communication be requested to provide the necessary information to the city by July 28, 1998 for the request to be placed on the city council agenda for the August 3, 1998 meeting. Since there was no motion made by the city council to add to the agenda, there was no action taken on the request from Larken, Hoffman, Daly & Lindgren, LTD, attorneys for Bresnan Communications. It was noted that no one was present representing Bresnan Communications.

**APPROVAL OF THE MINUTES:**

Rowe moved, Reynolds seconded, that the minutes of the special meeting held on July 6, 1998 and that the minutes of the regular meeting held on July 6, 1998 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.



## REGULAR MEETING – JULY 20, 1998

**AWARD OF BIDS:**

The following bids were received, opened and read on July 16, 1998 at 10:00 o'clock A.M. for the bituminous resurfacing on various City streets, Project No. 1998-004:

Duininck Brothers Inc.  
Prinsburg, Minnesota  
\$165,804.28

McLaughlin & Schluz Inc.  
Marshall, Minnesota  
\$141,833.75

Upon the recommendation of the City Engineer/Public Works Director Keith Nelson, Boedigheimer moved, Edblom seconded, that the contract for Project No. 1998-004 which is the bituminous resurfacing on various City streets be awarded to McLaughlin & Schulz Inc., Marshall, Minnesota in the amount of \$141,833.75. All voted in favor of the motion.

**COUNTY DITCH NO. 62 PROJECT – PHASE III IMPROVEMENTS:**

Edblom moved, Boedigheimer seconded, the proper city personnel be authorized to execute the proposal with Bolten and Mink Inc., for the County Ditch No. 62 System Upper Watershed Phase III Improvements Feasibility Study. The options to be reviewed as part of this report include the storm sewer improvement in Bruce Street from the end of the new 84" storm sewer to Independence Park; the equalizer pond South of T.H. no. 23; the alternative outlets for the Horizon and Skyline Drive area storm sewer system; and the identification of combinations of the preceding three options. The proposal was approved with the understanding that the cost would not exceed \$10,600. All voted in favor of the motion.

**FLOOD HAZARD MITIGATION GRANT AGREEMENT:**

Rowe moved, Reynolds seconded, that the proper city personnel be authorized to execute the Flood Hazard Mitigation Grant Agreement between the State of Minnesota Department of Natural Resources and the City of Marshall for the City's Federal Flood Control Project. As the agreement indicates the city grant that was obtained in the 1998 legislative session shall not exceed \$744,000. The proceeds from this grant will be used for the real estate acquisitions for the flood control project. All voted in favor of the motion.

**QUAD-STATE GANG TASKFORCE STAFFING:**

Rob Yant, Director of Public Safety, discussed with the city council the staffing of the Quad-State Gang Taskforce with a Marshall Police Officer. Mr. Yant indicated that the State Strike Force would cover 75% of the salary and benefit costs to place an officer in the Strike Force. Mr. Yant indicated that 15 other law enforcement departments have agreed to contribute to the funding for the two years for this program, that one department as committed for the first year of the grant and a second department will contribute to the second year of the grant and there are 2 other departments making proposals to be a part of the grant. The state will reimburse for actual costs and the City

## REGULAR MEETING – JULY 20, 1998

of Jackson will provide the unit coordinator and the grant administrator for the grant. Rowe moved, Boedigheimer seconded, that the City of Marshall commit to the two-year staffing of a police officer to the Quad-State Gang Taskforce if the grant is received. All voted in favor of the motion.

**AUTHORIZATION TO HIRE POLICE OFFICER:**

Boedigheimer moved, Edblom seconded, that the proper city personnel be authorized to begin the process of hiring a police officer for the Marshall Police Department to fill the vacancy of the position held by Gary Johnson. All voted in favor of the motion.

**AGREEMENTS RELATING TO PAYING AGENCY, REGISTRATION AND TRANSFER AGENCY:**

Boedigheimer moved, Edblom seconded, that the agreements relating to the paying agency, registration and transfer agency for the \$370,000 G.O. Improvement Bonds; the \$2,115,000 Law Enforcement Center Lease Revenue Bonds; and the \$4,835,000 G.O. Wastewater Revenue Refunding Bonds be tabled until such time that the fee schedules from the bank are provided to correspond with these agreements. All voted in favor of the motion.

**INTRODUCE ORDINANCE SALARIES/COMPENSATION MAYOR/COUNCIL:**

Rowe moved, Reynolds seconded, the introduction of an ordinance amending the salaries and compensation of the Mayor and Councilmembers of the City of Marshall effective January 1, 1999. The increase in salaries would be 2.25%, which was the percentage rate that was effective for the regular City employees effective January 1, 1998. All voted in favor of the motion.

**MINNEOTA LEGION BINGO LICENSE FAIRGROUNDS:**

Rowe moved, Boedigheimer 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 Minnesota American Legion Post 199 for operation at the Lyon County Fairgrounds, Marshall, Minnesota on August 13-16, 1998. All voted in favor of the motion.

**MARSHALL HOCKEY ASSOCIATION OFF-SITE GAMBLING:**

Rowe 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 a One-Day Off-Site Lawful Gambling License for the Marshall Amateur Hockey Association, Marshall, Minnesota to be used at the Marshall Golf Club, 400 West Country Club Drive, Marshall, Minnesota on September 19, 1998. All voted in favor of the motion.

**VFW POST 742 TEMPORARY ON-SALE BEER, TOBACCO LICENSE:**

Boedigheimer moved, Reynolds seconded, the approval of a temporary on-sale non-intoxicating beer license for the Mongeau-Tholen VFW Post 742 for the month of August, 1998

at a fee of \$25.00 to be used at the Lyon County Fairgrounds and the approval of a tobacco license at a fee of \$25.00 to be used at the Lyon County Fairgrounds also. All voted in favor of the motion. It was suggested that when the Ways and Means Committee of the City Council considers the various fees for the City, that they consider setting minimum fees for various licenses.

**SSU ALUMNI ASSOCIATION TEMPORARY ON-SALE LIQUOR LICENSE:**

Edblom moved, Reynolds seconded, a temporary on-sale intoxicating liquor license be granted to the Southwest State University Alumni Association for operation at Mattke Field, Southwest State University, on Saturday, October 10, 1998 to be used in conjunction with the Southwest State University Homecoming. The fee for this license is \$25.00. All voted in favor of the motion.

**REAL ESTATE PURCHASE AGREEMENT – GARY & ARMILLA DEUTZ:**

Boedigheimer moved, Rowe seconded, the proper city personnel be authorized to execute the real estate purchase agreement between Gary & Armilla Deutz and the City of Marshall for the acquisition of tract number 236 within the City of Marshall's Flood Control Project. This agreement provides for the compensation to the Deutz's in the amount of \$11,800 which includes \$250 for a temporary work area easement; \$8,844 for the flood protection levy easements which will be taken in fee; and \$2,456 for severance damage to the remainder of the parcel, and \$250 for damages for the restitution of any possibility of drainage to the Redwood River from the sellers abutting property. All voted in favor of the motion.

**REAL ESTATE ACQUISITION – 801 EAST COLLEGE DRIVE:**

Following a brief discussion in regard to the City of Marshall's procedure to acquire property at 801 East College Drive, Rowe moved, Boedigheimer seconded, that two representatives from the City Council Ways and Means Committee consisting of Edblom and Rowe meet with a representative from the Public Improvement Transportation Committee represented by Boedigheimer and that they work with City Administrator Mike Johnson, and City Engineer/Public Works Director Keith Nelson, to determine a reasonable amount to offer for the property at 801 East College Drive at the auction to be held on July 30, 1998. All voted in favor of the motion.

**AIRPORT CRASH RESCUE TRUCK:**

Assistant Fire Chief Mark Klaith, and Dan Anderson from the Minnesota Corn Processors were in attendance at the meeting to discuss with the council the receiving of an airport crash rescue truck from the DNR for the Marshall Volunteer Fire Department. Mr. Klaith indicated that this would be a good piece of equipment for the Marshall Volunteer Fire Department to use for emergencies at the airport or any type of industrial emergency. Dan Anderson from MCP who has been working with the volunteer fire department in acquiring this truck did indicate that the Minnesota Corn Processors would pay for the cost of getting this truck to Marshall, but the Marshall Volunteer Fire Department would be responsible for the equipment on the truck. Mr. Anderson indicated that this truck is in a de-classified military unit. Mr. Klaith indicated that this equipment would be stored at the new training facility, but was not sure where it would be stored until such facility is constructed. Mr. Klaith was not able to respond to the question, as to what it would cost to get the unit into operation. The unit is available to be picked

## REGULAR MEETING – JULY 20, 1998

up in the Duluth area. This equipment has a 1500 gallon water tank and has the capacity for 180 gallons of foam. The city council was advised that at no time would the DNR be allowed to recall this piece of equipment. The city council was advised that the fire department could also get a 3000-gallon per minute diesel pump and a 4,000 lb. psi breathing air system with this offer. Edblom moved, Boedigheimer seconded, that the proper city personnel be authorized to proceed with the acquisition of the air port crash rescue truck from the DNR. All voted in favor of the motion.

**MAYOR AND COUNCIL REPORTS:**

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

- Stores      Hospital Board they are in the processing of completing Phase III of the remodeling, they are in the process of working on plans to locate all beds on one floor, they are working on their pay equity plan, they are negotiating an agreement between the clinic and the hospital, they have chosen an architectural firm to work on the expansion of the clinic, and with the assistance of the City of Marshall Engineering Department they have been able to locate approximately 60 additional parking spaces on the hospital campus; City/Council Historical Society Committee did hold a meeting and it was determined to be a very informative meeting.
- Edblom      Cable Commission had their annual summer picnic, Larry Murphy was chosen as the new chairperson for this committee, the minutes of the meetings were included in the agenda packets; Utilities Commission, Planning Commission and Quarterly Employee meeting would be held in the near future.
- Boedigheimer Airport Commission meeting was cancelled and the Lyon County Enterprise Development Committee would be meeting on July 21, 1998.
- Rowe      Insurance Advisory Committee would be meeting at 7:30 A.M. on July 22, 1998; Library Board on July 22, 1998 at 7:00 o'clock A.M. there would be a Joint City/County Library Board meeting in the basement of the Library, the Library will be installing new carpeting in the near future, there has been a wall removed within the library, the library was in receipt of a \$5,000 gift in honor of Mrs. Andrew Gag for computers at the library, there are approximately 500 children signed up for the summer reading program, the circulation in the library has increase by approximately 7%, there will be a foundation meeting which is a training session on foundations as to what they mean and what they do; the Legislative and Ordinance Committee needs to meet to review the noise ordinance, the transient merchants license, the dog licensing and temporary signage within the city.
- Reynolds      Community Services Advisory Board did not meet in July but would be meeting in August.

## REGULAR MEETING – JULY 20, 1998

**COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included a concern as to whether or not the new bike trails would have stationary posts on them to keep motorized vehicles off these paths, City Engineer/Public Works Director Keith Nelson, indicated that there would not be stationary posts placed on these bike trails for safety reasons and he was not sure whether the state would participate in the construction of these bike paths if poles were placed on these paths; the go cart racing at the Lyon County Fairgrounds was also discussed as to whether or not the go carts had mufflers on them as was included in their conditional use permit, Mr. Nelson indicated that he would be following up on this to see if they are complying with the conditional use permit granted by the city to the county; the yellow painting on the curbs in the vicinity of the National Guard Armory was appreciated; a concern was expressed with vehicles parking in areas where there are cross markings, this concern will be addressed between the City Engineer/Public Works Director and the Director of Public Safety; the Marshall Municipal Utilities was complimented for their work and tidiness in installing underground lines; the council was reminded to respond by July 22, 1998 for the city picnic to be held on August 4, 1998; the councilmembers and others in attendance at the meeting were encouraged to attend the Music Man performance to be held at the Marshall High School; the Boulder Estates Apartment Complex had an open house recently; the city council was advised that the bike trail improvements are in the process of being completed; the council was also reminded of crazy days to be held on July 23, 1998 and that the Minnesota Street project is nearly completed.

**BILLS/PROJECT PAYMENTS:**

Rowe moved, Boedigheimer seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 16194 through 16432.

**BUILDING PERMITS:**

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

French Construction	1202 East College Drive	Interior Remodel	\$1,100
Johnson Construction	507 West Redwood Street	Deck	\$2,000
Duane Petrich	1405 Westwood Drive	Reroof Dwelling	\$2,000
Bakke's Home Repair & Construction	809 Westmar Circle	Deck	\$2,600
Duane Breczinski	702 North Highway 59	Sign	\$200
Bernard & Joan Wyffels	407 Elm Street	Addition	\$6,000
Robert Seward	804 North Bruce Street	Finish Basement	\$3,500
Hiller Development	1116/1118 Travis Road	Two-Unit Condominium	\$195,000
Steve Tutt	102 Circle Drive	Repair Roof	\$4,600
Gladys Driggs Estate	105 South 6th Street	Reroof Garage	\$1,300
Marilyn M. Leach	408 North 5th Street	Deck	\$3,000
Sussner Construction, Inc.	609 Ontario Road	Remodel Offices	\$20,300
Thor's Handyman Service	105 West Southview Drive	Replace Windows	\$8,000
Randy Hoffmann	402 Donita Avenue	Install Window	\$500

## REGULAR MEETING – JULY 20, 1998

Color Sign Systems, Inc.	302 O'Connell Street	Sign	\$28,000
--------------------------	----------------------	------	----------

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

Manner Stores  
President Pro-Tem

ATTEST:

Thomas M. McGuire  
Financial Director/City Clerk

## REGULAR MEETING – AUGUST 3, 1998

The regular meeting of the Common Council of the City of Marshall was held on August 3, 1998 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: Doyle, Rowe, Reynolds and Stores. Absent: Edblom and Boedigheimer. Staff present at the meeting included: Brian Murphy, City Attorney; Michael Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Rob 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.

**APPROVAL OF THE AGENDA:**

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

**APPROVAL OF THE MINUTES:**

Rowe moved, Stores seconded, the minutes of the regular meeting held on July 20, 1998 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.

**AWARD OF BIDS (REMOVAL OF STRUCTURES – FLOOD CONTROL):**

Bids were received, opened and read on July 29, 1998 at 2:00 P.M. for the demolition of a dwelling located at RR3 (900 North 7<sup>th</sup> Street); the purchase and moving of a dwelling located at RR4, Box 54A; and the removal of a basement structure located at RR4, Box 54A. The bids received, opened and read were as follows:

**DEMOLITION OF A DWELLING LOCATED AT RR3 (900 NORTH 7<sup>TH</sup> STREET):**

D & G Excavating  
Marshall, Minnesota  
\$4,925.00

Thompson Excavating  
Minneota, Minnesota  
\$6,310.00

Doyle moved, Rowe seconded, the bid for the demolition of a dwelling located at RR3 (900 North 7<sup>th</sup> Street), be awarded to D & G Excavating, Marshall, Minnesota in the amount of \$4,925.00. All voted in favor of the motion.

**PURCHASE AND MOVING OF A DWELLING LOCATED AT RR4, BOX 54A:**

Daniel J. & Rebecca A. Polfliet  
Marshall, Minnesota  
\$5,000.00

Gary Otto  
Marshall, Minnesota  
\$6,350.00

Stores moved, Doyle seconded, the bid for the purchase and moving of a dwelling located at RR4, Box 54A be awarded to Gary Otto, Marshall, Minnesota for the purchase price of \$6,350.00. All voted in favor of the motion.

**REMOVAL OF A BASEMENT STRUCTURE LOCATED AT RR4, BOX 54A:**

D & G Excavating  
Marshall, Minnesota  
\$3,450.00

Thompson Excavating  
Minneota, Minnesota  
\$2,980.00

Rowe moved, Reynolds seconded, the bid for the removal of a basement structure located at RR4, Box 54A be awarded to Thompson Excavating in the amount of \$2,980.00. All voted in favor of the motion.

**AWARD OF BIDS (ADDITION MARSHALL MUNICIPAL LIQUOR STORE):**

A bids was received, opened and read on July 28, 1998 at 1:30 P.M. for the entrance addition to the Marshall Municipal Liquor Store. The bid received, opened and read was as follows:

Sussner Construction, Inc.  
Marshall, Minnesota  
\$36,475.00

Stores moved, Doyle seconded, the bid for the addition of an entrance to the Marshall Municipal Liquor Store be awarded to Sussner Construction, Inc., Marshall, Minnesota in the amount of \$36,475.00. It was indicated that this project would begin this summer and would be funded by the Liquor Fund. All voted in favor of the motion.

**SALARIES AND COMPENSATION FOR MAYOR AND COUNCILPERSONS:**

Stores moved, Rowe seconded, the adoption of ORDINANCE NUMBER 400, SECOND SERIES and that the reading of the same be waived. Ordinance Number 400, Second Series is an ordinance amending the salaries and compensation of the Mayor and Councilpersons for the City of Marshall, Minnesota. This ordinance allows for the salaries of the Mayor and Councilpersons to be increased by 2.25% effective January 1, 1999. This percent increase is the same percent the City of Marshall employees received effective January 1, 1998. All voted in favor of the motion.

**PURCHASE REAL ESTATE – 600 CHARLES AVENUE:**

Jim Hanko, Administrator Weiner Memorial Medical Center, was in attendance at the city council meeting to request the City of Marshall approval for the purchase of the property located at 600 Charles Street in the amount of \$85,000. This property is being purchased as part of the hospitals long-range plans to ensure land adjacent to the medical center is available for expansion as needed. This property will be used as rental property at this time. Rowe moved, Doyle seconded, the approval of Weiner Memorial Medical



Center's purchase of the property located at 600 Charles Street in the amount of \$85,000. All voted in favor of the motion.

**MARSHALL AREA FAMILIES PROJECT GRANT:**

Upon the recommendation of Harry Weilage, Director of Community Services, Stores moved, Reynolds seconded, the acceptance of the Marshall Area Families Project Grant in the amount of \$30,000.00. This grant provides for the position of a Minority Child Advocate. This position will recruit and assist minority families in participating in Community Services programs and activities. This is an eleven month position which be housed at Park Side Elementary school and will be included in the budget period July 1, 1998 to June 30, 1999 and they will report to Ruth Larson and Harry Weilage. All voted in favor of the motion.

**PARADE -- SSU HOMECOMING OCTOBER 10, 1998:**

Rowe moved, Doyle seconded, the approval of the request from Southwest State University for their Homecoming Parade to be held on October 10, 1998. The route for this parade starts at East Lyon Street, goes along Independence Park, on East Main Street ending at Fifth and Main. This parade route was approved by the Minnesota Department of Transportation. The parade is expected to last a little more than an hour. All voted in favor of the motion.

**PROMOTION OF OFFICERS TO CORPORAL RANK:**

Upon the recommendation of Rob Yant, Director of Public Safety, Stores moved, Reynolds seconded, Officer Todd Ellis be promoted to the rank of Police Corporal on August 11, 1998 and Officer Joe Krogman be promoted to the rank of Police Corporal on August 12, 1998. These two positions are to be paid at the Grade 5 of the Police Corporal pay scale. All voted in favor of the motion.

**AGREEMENTS RELATING TO PAYING AGENCY, REGISTRATION & TRANSFER AGENCY:**

Stores moved, Doyle seconded, the proper city personnel be authorized to enter into agreements relating to the paying agency, registrar and transfer agency between the City of Marshall and US Bank Trust National Association for the \$370,000 GO Improvement Bonds, Series 1998B; the \$4,835,000 GO Wastewater System Revenue Refunding Bonds, Series 1998C; and the \$2,115,000 Law Enforcement Center Lease Revenue Bonds Series 1998A. These agreements provide for a one-time fee of \$250.00 and an annual fee of \$125.00 per bond issue. All voted in favor of the motion.

**OUT-OF-STATE TRAVEL ICMA CONFERENCE (MIKE JOHNSON):**

Rowe moved, Reynolds seconded, the approval of out-of-state travel for Mike Johnson to attend the ICMA Conference on October 25-28, 1998 in Orlando, Florida. All voted in favor of the motion.

**USCM -- DEFERRED COMPENSATION CHANGES:**

Rowe moved, Doyle seconded, the proper city personnel be authorized to execute an agreement which will provide for the Establishment of Custodial Account and Life

Insurance Transfer Authorization. This document is necessary for the City of Marshall to be in compliance with Internal Revenue Code Section 457. All voted in favor of the motion.

**BUDGET ADJUSTMENTS FOR 1998:**

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2063A, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2063A, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year ended December 31, 1998. All voted in favor of the motion.

**AIRPORT COMMISSION APPOINTMENT:**

Doyle moved, Reynolds seconded, the appointment to the Airport Commission be tabled until the next regular city council meeting. All voted in favor of the motion.

**BRESNAN COMMUNICATIONS COMPANY REQUEST TO SAY  
IMPLEMENTAION OF FRANCHISE ORDINANCE:**

Mike Johnson, City Administrator, reviewed with the council and others in attendance the request from Bresnan Communications Company indicating their desire to present a motion to stay construction by the City and DTG of the new cable system and to determine the amount of the supersedeas bond. Mr. Johnson indicated that at this time Mr. John Baker, attorney from Greene-Espel representing the City of Marshall; a representative from Bresnan Communications Company; and a representative from DTG would be able to present their views and opinions on this request.

Mr. John Baker, reviewed his findings and indicated the City Council does not have the statutory discretion to grant the relief requested. Neither the state nor federal statutes governing municipal regulation of cable franchises provides the City with such authority. Because the City does not have statewide jurisdiction, the stay provisions of Minnesota Statutes Section 14.65 does not provide such authority.

James Susag, attorney representing Bresnan Communications Company, was in attendance at the city council meeting. Mr. Susag reviewed their reasons for requesting the City of Marshall to present a motion to stay construction and to determine the amount of the supersedeas bond. Bresnan Communications Company indicated that the supersedeas bond should be in the amount of \$10,000.

Jackie Fowler, representative from DTG, and John Wilson, Attorney for DTG, were in attendance at the meeting to present their opinion in this matter. They felt that this was a jurisdiction issue and that in their opinion the City of Marshall does not have jurisdiction in this matter.

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2064A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2064A, Second Series is a resolution Denying Bresnan Communications Company Limited Partnership's Request for an Order Staying Implementation of the Grant of a Municipal Cable Franchise to Dakota Telecommunications Group During the

Pendency of Certiorari Proceeding to Minnesota Court of Appeals. All voted in favor of the motion.

#### **MAYOR AND COUNCIL REPORTS:**

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

- Byrnes        EDA, Fire Relief Association, Regional Development Commission have not met since the last council meeting.
- Stores        Jt. Ice Facility Board meeting has been postponed; Jt. City/County Library meeting will be held within the next 2 weeks.
- Doyle        Housing Commission, Human Rights Commission, Convention & Visitors Bureau will all met later this month.
- Rowe        Insurance Advisory Committee meeting was postponed; Library Board did not met in August; Legislative and Ordinance Committee does need to meet, Rowe, Boedigheimer & Edblom discussed the property at 801 East College being for sale by auction, but the city decided not to participate in the auction process.
- Reynolds     Community Services Advisory Board meets on Wednesday.

#### **COUNCILMEMBER INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: the bicycles impounded being donated to non-profit organizations; there will be a Downtown Redevelopment meeting on Tuesday; a question was raised in regard to semi's parking in the residential area; the Fire Department has received their new truck; the performance of the Music Man was very good; it was suggested that the proper city personnel talk to the new owners of the property at 801 East College Drive in regard to street improvements; there was also discussion on the removal of Dutch Elm trees.

#### **BILLS/PROJECT PAYMENTS:**

Stores moved, Rowe seconded, and it was unanimously approved that the following bills, project payments, and additional bills as submitted be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 16433 through 16539. All voted in favor of the motion.

#### **BUILDING PERMITS:**

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

John Martinson	410 North 6th Street	Reroof Dwelling	\$1,500
JR Construction	922 West Main Street	Reroof Dwelling and Garage	\$3,000
Babcock Construction	101 "C" Street	Reside Dwelling and Garage	\$3,800

## REGULAR MEETING – AUGUST 3, 1998


Frank Versaevel	311 Jean Avenue	Garage	\$6,500
Schaefer Woodworks	107 Church Street	Addition	\$15,000
True Value Home Center	1235 Patricia Court	Dwelling	\$120,000
True Value Home Center	1237 Patricia Court	Dwelling	\$115,000
Bradley Bacon	409 Hudson Avenue	Replace Steps	\$200
William Vlaininck	404 South Saratoga Street	Dwelling/Manufactured Home	\$31,000
Greig & Gregerson	307 West Marshall Street	Replace Wall	\$2,000
Thor's Handyman Service	101 North 5th Street	Replace Steps	\$900
Sussner Construction, Inc.	501 South Whitney Street	Replace Door	\$1,500

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



Mayor of the City of Marshall

ATTEST:

  
Financial Director/City Clerk

## REGULAR MEETING – AUGUST 17, 1998

The regular meeting of the Common Council of the City of Marshall was held on August 17, 1998 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: Doyle, Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Brian Murphy, City Attorney; Michael Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

**APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item number 13f which is the consideration of the Real Estate Purchase Agreement of Henry Schroeder.

**APPROVAL OF THE MINUTES:**

Rowe moved, Reynolds seconded, the minutes of the regular meeting held on August 3, 1998 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.

**CONDITIONAL USE PERMIT – SUSAN M. POCHARDT, 202 E REDWOOD ST**

Upon the recommendation of the Planning Commission, Stores moved, Edblom seconded, the approval of a conditional use permit for Susan M. Pochardt, to operate a beauty shop business in an R-1 One Family Residence District at 202 East Redwood Street. All voted in favor of the motion.

**CONDITIONAL USE PERMIT – THOLEN HOUSE ACCOUNT, 1212 W MAIN ST**

Upon the recommendation of the Planning Commission, Edblom moved, Doyle seconded, the approval of a conditional use permit for Jules and Marlene Noyes, agent representing the Tholen House Account to construct an advertising sign at 1217 West Main Street with the following conditions:

1. The sign not exceed 100 square feet in area on each side of a double-faced sign.
2. The sign not exceed 16 feet in height.
3. The sign not interfere with the sight line of traffic at the adjacent intersection as determined by the City Engineer.
4. The sign be subject to the "General Sign Provisions" of the Land Use Ordinance.

All voted in favor of the motion.

**CONDITIONAL USE PERMIT – TOM WILZBACHER, 1213 WEST MAIN ST**

Upon the recommendation of the Planning Commission, Rowe moved, Doyle seconded, the approval of a conditional use permit for Tom Wilzbacher to operate an impound lot at 1213 West Main Street with the following conditions:

## REGULAR MEETING – AUGUST 17, 1998

1. The impound lot be restricted to not closer than 15 ft. to the rear of the property line or 10 feet to the side property line or 35 feet to the front property line.
2. The impound lot be limited to storage of 50 vehicles.
3. There can be no storage of parts of vehicles or vehicles used for removal of parts for reuse or salvage.
4. The exterior impound lot must have a 6-ft. minimum height security and visual screen fence not closer than 15 ft. to the rear of the property line or 10 feet to the side property line or 35 feet to the front property line and has not more than 40% of its area in open spaces between fence rails or pickets, and openings between rails or pickets be not more than 4" in width, nor more than 6" off the ground.

All voted in favor of the motion.

#### **VARIANCE ADJUSTMENT PERMIT – MARK JENSEN, 609 W JAMES AVE**

Upon the recommendation of the Planning Commission, Boedigheimer moved, Doyle seconded, the approval of a variance adjustment permit for Mark Jensen to construct a garage addition with a side yard of less than required in an R-1 One Family Residence District at 609 West James Avenue. City staff was requesting that this permit be denied due to the lack of undue hardship as the property can be put to reasonable use under the provisions of the ordinance. A single attached usable garage could be constructed without a variance. It was indicated that the proposed garage would be 13' from the adjacent building in the front and 11' from the adjacent building in the back. Voting in favor of the motion was Boedigheimer, Stores, Byrnes and Doyle. Voting no were: Reynolds, Edblom and Rowe.

#### **PRELIMINARY PLAT OF VIKING ADDITION PLAT 10**

Pat McFarland was in attendance at the meeting to review with the council the preliminary plat of Viking Addition Plat 10. He indicated that these lots would be between DeSchepper Street and Saratoga Street. Boedigheimer suggested that driveways not be allowed to exit onto Saratoga Street. Doyle moved, Boedigheimer seconded, the approval of the preliminary plat of Viking Addition Plat 10 with the condition that driveways would not exit onto Saratoga Street. All voted in favor of the motion.

Edblom moved, Doyle seconded, the introduction of an ordinance and calling for a public hearing for the preliminary plat for Viking Addition Plat 10. The public hearing is scheduled for 7:30 P.M. on September 8, 1998. All voted in favor of the motion.

#### **NORTH MEMORIAL MEDICAL TRANSPORTATION – SIX MONTH REPORT**

Brennan (Buck) McAlpin, Operations Manager North Memorial Medical Transportation in Marshall, was in attendance at the council meeting to review the first six months financial performance for the ambulance operation in 1998 and indicated that there net operating margin percent is above budget and that they have been busy with run volumes and standby events in the community. Some of the accomplishments included: replaced an outdated heart defibrillator with a Zoll 1600 advanced Paramedic model-all ambulances now have the same model of defibs; purchased two bikes and equipment with a grant from North Memorial community foundation program for \$1,500 to enhance the bike medic program; replaced two outdated stretchers; received a matching grant from Southwest EMS association for pagers to start updating outdated models; put Auto-

vehicle located in ambulance to provide better response times outside the city limits; sponsored a bike rodeo for EMS week to promote bike safety, sold over 250 helmets and licensed well over 100 bikes in conjunction with the Marshall police department; stood by an provided medical coverage at numerous events; added two new computers for their office; provided EMS Education throughout Southwest Minnesota; received Capitol dollar support from Metro Education to replace numerous training aids; continued to provide Tactical Paramedic coverage in conjunction with Lyon, Brown and Redwood County drug task force; started an ambulance advisory committee in Lyon County; will be co-sponsoring the Lenny Crandel Rescue Extravaganza in Marshall during September; and have offered equipment donations and legislative support in process of securing funding for the training facility.

### **LIBRARY UPDATE**

Richard MacDonald, Director Marshall-Lyon County Library, was in attendance at the meeting and briefly updated the council on the changes at the Library. He reviewed the new hours, the new checkout policy, displays, arrangement of various collections, summer reading program and progress on the building improvements.

### **AMEND ASSESSMENT ROLL SOUTH 4<sup>TH</sup> ST PROJECT S.A.P. 139-124-01**

Stores moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2065A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2065A, Second Series is a resolution amending the assessment roll on the South 4th Street Project – Project No. 1997-003/S.A.P. 139-124-01. This resolution deletes the assessment for Parcel No. 27-603025-0 in the amount of \$7,500.90. This assessment is for property owned by Paul and Frances Deutz, which is used as a holding pond for the area development project and prior agreements were for the holding pond to be dedicated to the City of Marshall for public use. All voted in favor of the motion.

### **WASTEWATER TREATMENT PLANT ANNUAL EVALUATION**

At this time Bob VanMoer, Assistant Wastewater Treatment Superintendent, reviewed with the City Council and others in attendance at the meeting the 1998 Annual Evaluation and Planning System Report prepared by the Minnesota Pollution Control Agency. The sections and scores (where 0 is best and 100 is the maximum) were as follows:

- Section one – Treatment System Physical Condition – score 10
- Section two – System Loadings and Performance (from your DMR's) – score 70
- Section three – Collection System – score 23
- Section four – Biosolids – score 10
- Section five – Septage – score 0
- Section six – Treatment System Operation & Maintenance – score 0
- Section seven – Financial and Ordinance Status – score 14

The council thanked Mr. VanMoer for this report.

**AUTHORIZATION TO ADVERTISE FOR INDUSTRIAL PARK EXPANSION**

Edblom moved, Reynolds seconded, the proper city personnel be authorized to advertise for bids for the construction of the Industrial Park Expansion and Michigan Road extension. Bids are to be received in late September. All voted in favor of the motion.

**OUT-OF-STATE TRAVEL CAL BARNETT**

Doyle moved, Stores seconded, out-of-state travel be approved for Calvin Barnett, City Assessor, to attend the International Association of Assessing Officers between September 12 – 16, 1998 in Orlando, Florida. All voted in favor of the motion.

**REAL ESTATE PURCHASE AGREEMENT – VP & C**

Rowe moved, Edblom seconded, the proper city personnel be authorized to enter into a real estate purchase agreement with VP & C Partnership (Parcel No. 203T) in the amount of \$62,400 for the City's Flood Control Project. All voted in favor of the motion.

**REAL ESTATE PURCHASE AGREEMENT – MCLAUGHLIN & SCHULZ**

Rowe moved, Doyle seconded, the proper city personnel be authorized to enter into a real estate purchase agreement with McLaughlin & Schulz (Parcel Number 208T) in the amount of \$30,127 for the City's Flood Control Project. All voted in favor of the motion.

**REAL ESTATE PURCHASE AGREEMENT – F. J. MCLAUGHLIN**

Doyle moved, Reynolds seconded, the proper city personnel be authorized to enter into a real estate purchase agreement with F. J. McLaughlin Co., (Parcel Number 209L) in the amount of \$68,000 for the City's Flood Control Project. All voted in favor of the motion.

**REAL ESTATE PURCHASE AGREEMENT – SALLY JONES**

Edblom moved, Stores seconded, the proper city personnel be authorized to enter into a real estate purchase agreement with Sally Jones (Parcel number 223T) in the amount of \$8,335 for the City's Flood Control Project. All voted in favor of the motion.

**REAL ESTATE PURCHASE AGREEMENT – GREGORY GILE**

Reynolds moved, Doyle seconded, the proper city personnel be authorized to enter into a real estate purchase agreement with Gregory Gile (Parcel Number 241T) in the amount of \$12,818 for the City's Flood Control Project. All voted in favor of the motion.

**REAL ESTATE PURCHASE AGREEMENT – HENRY SCHROEDER**

Edblom moved, Rowe seconded, the proper city personnel be authorized to enter into a real estate purchase agreement with Henry Schroeder (Parcel Number 230FE) in the amount of \$44,500 for the City's Flood Control Project. All voted in favor of the motion.



**REGULAR MEETING – AUGUST 17, 1998****PLUMBERS LICENSE – JOHN BRETZMAN**

Stores moved, Reynolds seconded, the approval of a Plumbers License for John Bretzman DBA Cross-town Plumbing & Heating at a fee of \$50.00. This license will expire on March 31, 1999. All voted in favor of the motion.

**TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE – HOCKEY ASSOCIATION**

Stores moved, Reynolds seconded, the approval of an on-sale non-intoxicating beer license for the Marshall Amateur Hockey Association at a fee of \$25.00. This license is to be used at the Lyon County Fairgrounds on September 19, 1998. All voted in favor of the motion.

**PLUMBERS LICENSE – SCOTT WOOD**

Doyle moved, Boedigheimer seconded, the approval of a Plumbers License for Scott Wood DBA Wood's Plumbing & Heating at a fee of \$50.00. This license will expire on March 31, 1999. All voted in favor of the motion.

**PARADE PERMIT – PURSUIT OF EXCELLENCE**

Edblom moved, Reynolds seconded, the request for the Pursuit of Excellence – Marshall Band Boosters Parade be approved for Saturday, September 19, 1998. This parade will start at Fifth and Main Street, proceed down Main Street to First Street, turn right and proceed one block and end at First Street and Marvin Schwan Memorial Drive. The parade will begin at 11:30 A.M. and last approximately one and one half-hours. All voted in favor of the motion.

**APPOINTMENT TO AIRPORT COMMISSION**

Boedigheimer moved, Reynolds seconded, Aaron Esping be appointed to the Airport Commission for a term to expire on May 31, 2001. All voted in favor of the motion.

**VARIANCE ADJUSTMENT PERMIT – 908 EAST MAIN STREET**

Edblom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2066A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2066A, Second Series is a resolution amending the variance adjustment for Robert L. Carr at 908 East Main Street to allow a 16'-0" setback in lieu of 50 feet. When this variance was originally granted it was for a 16'-0" setback, however when the variance was prepared and recorded it was for 16'-6". This resolution corrects the setback distance. All voted in favor of the motion.

**MAYOR AND COUNCIL REPORTS**

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

Byrnes      EDA, Fire Relief Association, Regional Development Commission have not met.

## REGULAR MEETING – AUGUST 17, 1998

- Stores      Hospital Board met earlier this evening, their gross revenue is the 3<sup>rd</sup> highest in history, discussion was held on an increase at the nursing home and the remodeling that is to be done there.
- Edblom      Cable Commission discussed the increase in the franchise fee; Planning Commission met last week and all of their items were acted on at this meeting; Utilities Commission will met on Tuesday; Ways and Means Committee need to schedule a meeting; Personnel Committee needs to schedule a meeting.
- Boedigheimer      Airport Commission meeting was cancelled; Senior Citizen center Commission held a meeting but not able to attend; Lyon County Enterprise Development Committee met the end of July in Balaton; Jt. LEC and Public Improvement/Transportation Committee has not met.
- Doyle      Housing Commission, Human Rights Commission, Convention and Visitors Bureau will all meet later this month.
- Rowe      Insurance Advisory Committee will met Thursday morning; Library Board does not meet in August; Legislative & Ordinance Committee met last week and reviewed the noise ordinance, dog licenses and the transient merchants license.
- Reynolds      Community Services Board held a meeting but Reynolds was not able to attend.

**COUNCILMEMBERS INDIVIDUAL ITEMS**

Other items of concern brought forth by the Mayor and Councilmembers included: there is a Police Arbitration meeting scheduled; several people are traveling to Mankato on Wednesday for the Downtown Redevelopment Commission; there was concern of bird droppings along Main Street – trimming the trees would help; discussion was held on sump pump drainage and getting people informed about the proper way to handle this, this was referred to the Public Improvement Committee; the Dutch Elm program needs to be reviewed at budget time; the Storm Water Utility process needs to be reviewed – Keith Nelson to provide a summary of this at the next regular meeting; Horizon Drive was repaved but some of the manhole covers are to low; the bike trail is complete and the driveway approaches damaged during this process will be repaired; the removal of snow along East College Drive needs to be reviewed; and also the wet land issue for the Industrial Park Addition needs to be reviewed; it was indicated that the Prairie Arts Festival and the Lyon County Fair were well attended.

**REVIEW OF PENDING AGENDA ITEMS**

August 31, 1998 and September 8, 1998 were dates set to discuss the 1999 budget; a question was also raised in regard to the Bolten & Menk Contract for the County Ditch 62 project.

**BILLS/PROJECT PAYMENTS**

Edblom moved, Stores seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 16540 through 16752.

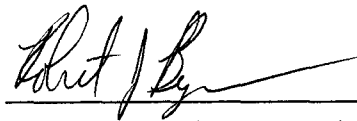
**BUILDING PERMITS**

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

Curt Vogt	506 Jewett Street	Install Doors and Replace Steps	\$1,500
Babcock Construction	721 Marguerite Avenue	Install Window and Install Door	\$1,800
Babcock Construction	105 Donita Avenue	Reside Dwelling	\$4,600
Chester Miller	405 South 1st Street	Deck	\$1,300
Jerry Fifield	204 South Hill St.	Replace Windows	\$2,100
Kevin Goslar	300 West Southview Drive	Install Windows & Finish Bedroom	\$900
George Jacob	307 South 6th Street	Install Window	\$300
Philip Dwire	623 Soucy Drive	Remodel Roof	\$900
True Value Home Center	1232 Patricia Court	Dweiling	\$127,000
Clayton Percy	103 Fremont Avenue	Reside Dwelling	\$1,500
Duane Maxwell	306 Walnut Street	Reroof Dwelling	\$1,000
Dr. Mike Healy	702 North Highway 59	Signs	\$1,000
Geske Building & Supply Co.	1005 Birch Street	Install Window	\$2,700
Geske Building & Supply Co.	300 Robert Street	Reside Dwelling and Install Window	\$8,500
Brian & Tammy Coudron	602 Kossuth Avenue	Adding Garage	\$7,000
Jack Redlinger	900 Cheryl Avenue	Reroof Dwelling	\$3,000
Lora Kruger	1306 Parkside Drive	Repair Window	\$500
Denny Miller Construction	203 North 7th Street	Reroof Dwelling and Garage	\$6,500
Marlow W. Larson	202 Jewett Street	Sign	\$1,000
Steve Tutt Construction	448 West Main Street	Storage Room Additions	\$16,000
REM, Inc.	1005 North 4th Street	Remodel Office and Shop	\$5,000
Dan Wyffels	108 "G" Street	Basement Remodel	\$500
French Construction	121 North 3rd Street	Replace Steps	\$700
George J. Jacob Construction	601 Ontario Road	Equipment Building	\$15,000
Michael A. DeBoer	105 West Southview Drive	Reside Dwelling & Deck	\$6,500
Mark Schwanebeck	118 South High Street	Move-In Garage	\$2,500
David & Gloria Sabin	112 South High Street	Move-Out Garage	\$0
REM-Southwest Services, Inc.	622 Kathryn Avenue	Replace Windows	\$1,800
Steven Baumann Construction	1106 Bruce Circle	Deck and Reroof Dwelling	\$5,900
Jan Properties #2 LLP	405 Kossuth Street	Bedroom Addition	\$3,000
Steven Baumann Construction	903 Woodfern Drive	Reroof Dwelling	\$2,500

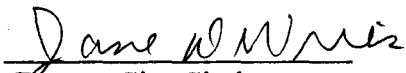
## REGULAR MEETING – AUGUST 17, 1998

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



Mayor of the City of Marshall

ATTEST:

  
Deputy City Clerk

**City of Marshall  
Special Council Meeting  
MMU Conference Room**

**Minutes of the Meeting of  
August 31, 1998 – 5:30 p.m.**

**Council Present:** Byrnes, Stores, Doyle, Rowe, Boedigheimer, Edbloom, Reynolds

**Staff Present:** Johnson, Barnett, Weilage, Nelson, Yant, S. Manson-Intern

**Guests Present:** None

Mayor Byrnes declared the special meeting of the Marshall City Council open at 6:05 p.m. The first item of business was to consider the application of Southwest State University for a temporary on-sale intoxicating liquor license for Saturday, September 12, 1998. The location is identified as the Bellows Academic Building Courtyard, Southwest State University. Motion by Boedigheimer, seconded by Rowe to approve this one day application of Southwest State University subject to the name of the Marshall Municipal Liquor Store being removed as the name and address of the liquor license providing the service. All voted in favor of the motion.

Next, Mayor Byrnes commented briefly on the Minnesota County Population Projections 1995 – 2025, Faces of the Future, researched and published through the Minnesota Planning State Demographic Center. Minnesota Development Region 6W, Upper Minnesota Valley and Region 8, Southwest, have projected population losses from 1995 – 2025 of minus 18% and minus 9% respectively. During the same time period Lyon County is expected to increase 2%.

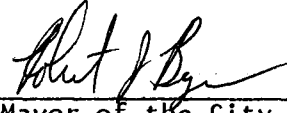
Mayor Byrnes indicated the primary meeting purpose was to receive a general overview of the proposed 1999 City of Marshall Budget. Johnson introduced the four division heads indicating each would review their divisions upcoming major projects by department expected over the next 12 to 18 months. Nelson, Barnett, Yant and Weilage reviewed a proposed list of projects with the council providing additional explanations where appropriate. Johnson then presented the preliminary 1999 Budget Assumptions, state aids information and a proposed preliminary tax levy. Following a complete but preliminary explanation of the budget detail and the potential for additional franchise taxes, it was generally agreed the Ways and Means Committee would begin discussion of a franchise tax on cable, natural gas companies and the Weiner Memorial Hospital. Motion by Rowe, seconded by Edbloom to instruct the City's Administrator to prepare the preliminary certification levy documents for consideration at the Council's regular Council Meeting on September 8, 1998, in the amount of \$2,260,136. All voted in favor of the motion.

Motion by Edblom, seconded by Stores to adjourn the Council Meeting. All voted in favor of the motion. There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully Submitted,



Calvin D. Barnett, Director  
General Services Division  
Acting Recorder



Mayor of the City of  
Marshall

The regular meeting of the Common Council of the City of Marshall was held on September 8, 1998 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: Doyle, Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Brian Murphy, City Attorney; Michael Johnson, City Administrator; Thomas M. Meulebroeck, Finance Director/City Clerk; Rob Yant, Director of Public Safety; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

#### **APPROVAL OF THE AGENDA:**

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

#### **APPROVAL OF THE MINUTES:**

Rowe moved, Doyle seconded, the minutes of the regular meeting held on August 17, 1998 be approved as corrected and filed with each member and that the minutes of the special meeting held on August 31, 1998 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

#### **PUBLIC HEARING PRELIMINARY PLAT VIKING 10:**

This was the date and time set for the public hearing for the Preliminary Plat of Viking Addition Plat 10. This plat does not allow for access to Saratoga Street for the parcels located between Southview Drive and Thomas Street. With no questions or concerns, Rowe moved, Edblom seconded, the public hearing be closed. All voted in favor of the motion.

Stores moved, Doyle seconded, the Preliminary Plat of Viking Addition Plat 10 be approved as presented. All voted in favor of the motion.

#### **FUNDING STAGE II FLOOD CONTROL PROJECT:**

Ed Cain, Legislative Associates, was in attendance at the meeting to review with the council the status of the request for the funding for Stage II of the Flood Control Project. Per the recommendation of Ed Cain, Doyle moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2067, SECOND SERIES and that the reading of the same be waived. Resolution Number 2067, Second Series is a resolution requesting full funding for Stage II of the Flood Control Project. All voted in favor of the motion.

#### **VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION:**

Russ Labat, representative Marshall Volunteer Firefighters Relief Association, was in attendance at the meeting to review with the council the audit for the year ending December 31, 1997, and to amend the By-Laws. Mr. Labat indicated that with the changes from 1996 to 1997 the fund has a surplus balance of \$151,586 compared to 1996 of \$152,423. This is a decrease of \$837 and the fund remains 116% funded. The relief association is requesting that the pension benefits be increased to the maximum allowed

by State Statute of \$3,375.00 per year of service. Rowe moved, Reynolds seconded, that the request for the increase in the pension benefits be referred to the Ways and Means Committee. All voted in favor of the motion.

#### **WMMC PROJECT BID FOR LONG TERM CARE:**

Jim Hanko, Administrator Weiner Memorial Medical Center, was in attendance at the meeting to review with the council the bid that was received for the remodeling project for the long term care facility. Floor to Ceiling submitted the only complete bid in the amount of \$232,569.00. Mr. Hanko indicated that the patients would be temporarily moved to the dining room during this project. Stores moved, Reynolds seconded, that Weiner Memorial Medical Center be authorized to accept the bid from Floor to Ceiling in the amount of \$232,569.00. All voted in favor of the motion. Mr. Hanko took this opportunity to inform the council that he has accepted a position in Bemidji and he would be leaving sometime in October.

#### **PARTNERSHIP AGREEMENT MARSHALL MUNICIPAL UTILITIES:**

Edblom moved, Rowe seconded, the approval of the 1999 City/MMU Partnership Agreement. The Utilities Commission will be considering this agreement at their meeting on September 8, 1998. This agreement provides for the Municipal Utilities to pay to the City \$599,765 in lieu of taxes, contribute \$15,000 to EDA Funding and the City to pay the Municipal Utilities \$151,000 for street lighting and \$145,000 for fire protection services. All voted in favor of the motion.

#### **WATER PIPELINE LEASE AGREEMENT BETWEEN MMU AND MCP:**

Greg Sherman, Manager Marshall Municipal Utilities, was in attendance at the meeting to review the proposed Water Pipeline Lease Agreement between the Marshall Municipal Utilities and the Minnesota Corn Processors. Edblom moved, Rowe seconded, that the Marshall Municipal Utilities be authorized to enter into an agreement with the Minnesota Corn Processors for a Water Pipeline Lease Agreement. All voted in favor of the motion.

#### **CHAMBER OF COMMERCE REQUEST GO FOR THE GLOW:**

Joe Cool and Chad Wyffels, representatives from the Marshall Area Chamber of Commerce, were in attendance at the meeting to request \$25,000 from the City of Marshall for the Go for the Glow Committee. They indicated that the committee has raised approximately \$12,000 to date of the \$93,000 that is needed. They indicated that the current lights are not suitable for this year and if enough money is not raised there will be no lights displayed in the business area this year. Boedigheimer suggested that this item be tabled and Rowe suggested that the city pay a small amount each year into this fund and not one large amount. Stores moved, Doyle seconded, the request for \$25,000 from the City of Marshall for the Go for the Glow Committee be referred to the Ways and Means Committee. All voted in favor of the motion.

#### **PUBLIC SAFETY TRAINING BUDGET REQUEST:**

Rob Yant, Director of Public Safety, was in attendance at the meeting to request an additional \$6,000 for the 1998 training budget. Mr. Yant is requesting a transfer of



\$1,000 within their department budget and a supplemental of \$5,000. Boedigheimer moved, Stores seconded, a supplemental transfer of \$5,000 from Mayor and Council Contingency 101-40141-7210 to the Public Safety account 101-50151-3331 and a transfer of \$1,000 from 101-50151-2211 to 101-50151-3331. All voted in favor of the motion.

**COMPUTER TRANSFER FROM WASTEWATER TO DATA PROCESSING:**

Doyle moved, Rowe seconded, the approval of a transfer of \$6,200 from account 601-90581-5540 to 101-41641-2221 in the amount of \$2,400 and to account 101-41641-5540 in the amount of \$3,800. This transfer is for half of the cost of the server and server license and also for the purchase of sound cards, network cards and/or 2 printers. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 8:50 P.M.

**PRELIMINARY 1999 BUDGET:**

Stores moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2068, SECOND SERIES and that the reading of the same be waived. Resolution Number 2068, Second Series is a resolution adopting a proposed general fund budget for 1999 which includes a general fund levy of \$2,073,659. All voted in favor of the motion.

Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2069, SECOND SERIES and that the reading of the same be waived. Resolution Number 2069, Second Series is a resolution adopting a preliminary 1999 tax levy of \$2,260,136. All voted in favor of the motion.

**GAMBLING APPLICATION HOLY REDEEMER CHURCH:**

Stores 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 Exempt Permit –LG 220 for Holy Redeemer Church to be used at 507 West Lyon Street on February 14, 1999.

**MAYOR AND COUNCIL REPORTS:**

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

Byrnes        EDA met at noon today and discussed the downtown development and the industrial park expansion; Regional Development Commission meets on Thursday.

Stores        Jt. Ice Facility Board met but she was not able to attend.

Edblom       Cable Commission met today but did not have a quorum; Planning Commission did not meet this month; Utilities Commission items were discussed earlier at the meeting; Ways and Means Committee needs to set

a meeting date; Personnel Committee will met next Monday with the non-union employee negotiating committee.

Boedigheimer Airport Commission meets next week; Lyon County Enterprise Development had met; Public Improvement/Transportation Committee needs to set a meeting date.

Doyle Housing Commission and Human Rights Commission minutes are in the agenda packet; Convention and Visitors Bureau met but John was not able to attend; Transit Committee one of the new taxi's will arrive sometime in October.

Rowe Insurance Advisory Committee met in August, but Ted was not able to attend, their next meeting is set for September 17, 1998; Library Board meets on September 15, 1998; Legislative and Ordinance Committee needs to work on the franchise ordinance; Jt. Ice Facility Board Rowe and Mike Reynolds attended this meeting – the payment from the city and ice times were discussed.

Reynolds Community Services Advisory Board discussed quality ice time needs to be discussed with MAHA; the fall brochure has been sent out. Byrnes indicated that maybe neighborhood ice needs to be considered.

#### **COUNCILMEMBERS INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: the Regional League of Minnesota Cities Meeting will be held at the Golf Course in Marshall; a concern was expressed about guns being sold on Main Street and if there is a license for this; the sale of guns is regulated by a Federal License.

Stores moved, Rowe seconded, that authorization for Mayor Byrnes to travel to Washington DC to lobby for the Flood Control Project be added to the agenda. All voted in favor of the motion.

Stores moved, Rowe seconded, Mayo Byrnes be granted out-of-state travel to go to Washington DC for the Flood Control Project funding. All voted in favor of the motion.

Cities week will be held in October; the new entrance sign has been installed by County Road 7, but it needs to be raised 2 feet; the Senior Citizen Center will be celebrating the 10<sup>th</sup> year anniversary during the 3<sup>rd</sup> week of September; SSU is paving some parking lots, so parking will be allowed in the streets during this time; some of the sidewalks in the City of Marshall are in bad shape and should be looked at; a concern was expressed about receiving the Weiner Memorial Medical Center Board and Community Services Board minutes sooner; SSU will be celebrating SSU being designated as the #1 college on Saturday, September 12, 1998; the bird issue and cleaning of sidewalks was discussed; it was suggested that someone be appointed as the year 2000 contact person and a census contact person.

**BILLS/PROJECT PAYMENTS:**

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 16752 through 16897.

**BUILDING PERMITS:**

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


Mark Jensen	609 West James Avenue	Replace Steps	\$500
James R. Dempsey	503 Elaine Avenue	Interior Remodeling	\$500
James R. & Duane J. Anderson	1212 East College Drive	Sign	\$1,200
Phil Dwire	623 Soucy Drive	Reroof Dwelling	\$3,400
Irving Peterson	400 South 4th Street	Reroof Dwelling	\$6,000
Marshall Square Shopping Center LP	1420 East College Drive	Interior Remodel	\$25,000
Steve Allan	305 Walnut Street	Reside Dwelling and Install Windows	\$3,800
REM, Inc.	104 Parkview Drive	Replace Windows	\$2,500
Richard Werner	1108 East College Drive	Interior Remodel and Install Window	\$1,200
Lyon Motel Corporation	1511 East College Drive	Addition to Motel	\$170,000
Adrian Golberg	1210 East College Drive	Sign	\$1,200
Robert L. Carr	1301 East College Drive	Temporary Transportable Sign	\$0
Dan Schwab	1237 Avalon Avenue	Reroof Dwelling	\$1,200
Jason & Pam Hess	305 North High Street	Reside Dwelling	\$5,400
Mark Jensen	609 West James Avenue	Garage	\$4,000
Jon & Patricia Mellenthin	516 East Main Street	Entrance Remodeling	\$2,400
Darwin Patzlaff	102 "C" Street	Porch Addition and Reside Dwelling	\$17,000
Mike Thompson	1008 West College Drive	Reroof Dwelling	\$600
Ewin & Jean Mitchell	1109 Horizon Drive	Addition	\$8,000
Daniel VanHauwaert	305 West Marshall Street	Reroof Dwelling	\$1,500
Kathlyn Janzen	903 Boxelder Street	Install Window	\$1,200
Bruce Marks	124 East Saratoga Street	Deck	\$1,200
Linda Wilson	1312 Parkside Drive	Window, Siding, Deck	\$8,000
Randy Drager	404 West Marshall Street	Install Door and Windows and Deck Steps	\$3,700
Richard Louwagie	402 South Hill Street	Storage Shed	\$300
Randy Hansen	510 Kendall Street	Remodel and Garage Addition	\$25,000
Tholen House Account	112 South 11th Street	Storage Building	\$15,000
Lyon County Realty	107 East Main Street	Retail Store	\$8,000
Ken Noyes	1119 Sunset Circle	Bedroom & Familyroom Addition	\$40,000
Gary & Mary Erbes	510 Hudson Avenue	Reroof Dwelling	\$1,300
Bob St. Aubin	910 West College Drive	Demolish Dwelling	\$0

## REGULAR MEETING - SEPTEMBER 8, 1998

Marc & Kim Gaddis	1206 Patricia Court	Addition	\$3,000
Southwest State University	1501 State Street	Dormatory Remodeling/GM Building	\$225,000

The council was reminded that filings for City Council positions opened at 8:00 A.M. today and will close at 5:00 P.M. on September 22, 1998.

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

The regular meeting of the Common Council of the City of Marshall was held on September 21, 1998 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: Doyle, Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Brian Murphy, City Attorney; Michael Johnson, City Administrator; Thomas M. Meulebroeck, Finance Director/City Clerk; Keith Nelson, Director of Public Works/City Engineer; Jane DeVries, Deputy City Clerk; Mike Leese, Sergeant Marshall Police Department; and David Marks, Fire Chief.

The Pledge of Allegiance was recited at this time.

#### **APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the deletion of item 8.A.6 which is the Real Estate Purchase Agreement with Marlene Hoeft.

#### **APPROVAL OF THE MINUTES:**

Rowe moved, Doyle seconded, the minutes of the regular meeting held on September 8, 1998 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

#### **AWARD OF BIDS – DEMOLITION OF DWELLING RR 4, BOX 46:**

Bids were received, opened and read at 2:00 P.M. on September 16, 1998 for the demolition of the dwelling located at RR4, Box 46, Marshall, Minnesota. The bids received, opened and read were as follows:

D & G Excavating  
Marshall, Minnesota  
\$6,100  
Additional \$4,900 for concrete berm removal

Reynolds moved, Stores seconded, the bid for the demolition of the dwelling located at RR4, Box 46, Marshall, Minnesota be awarded to D & G Excavating, Marshall, Minnesota in the amount of \$6,100 and the additional amount of \$4,900 for the removal of the concrete berm be tabled until the Corp of Engineers determines that it is necessary to be removed. All voted in favor of the motion.

#### **AWARD OF BIDS – INDUSTRIAL PARK EXPANSION:**

Bids were received, opened and read at 2:00 P.M. on September 16, 1998 for the construction of Industrial Park Expansion. Bids received, opened and read were as follows:

R & G Construction	Midwest Contracting
Marshall, Minnesota	Marshall, Minnesota
\$487,430	\$512,119

Edblom moved, Doyle seconded, the bids for the construction of the Industrial Park Expansion be tabled until the next regular city council meeting to be held on October 5, 1998. All voted in favor of the motion.

#### **PROPERTY-AUTO-LIABILITY INSURANCE:**

Sheldon Kimpling, on behalf of the Insurance Advisory Committee, was in attendance at the meeting to review the Property-Auto-Liability Insurance Renewals for the period 10-1-98 to 9-30-99. The renewals were as follows:

LMCIT Premium Breakdown	1998	1997
Property	\$ 26,427	\$ 21,322
Mobile Property	3,256	2,904
Municipal Liability	93,676	94,192
Auto Liability	7,211	8,997
UM/UIM	574	561
Auto Physical Damage	10,171	10,111
Crime	585	555
Liquor Liability	<u>4,895</u>	<u>0</u>
TOTAL PACKAGE	\$146,795	\$138,642
Umbrella	<u>33,820</u>	<u>32,615</u>
LMCIT TOTAL PREMIUM	\$180,615	\$171,257
Liquor Liability	included W/LMCIT	9,558 (St. Paul Co.)
Airport Liability (\$5,000,000 CSL) National Union (AIG)	3,250	3,250
Boiler Policy (Hartford Steam Boiler)	<u>8,920</u>	<u>9,136</u>
TOTAL PREMIUM	\$192,785	\$193,201

Sheldon indicated that contractors equipment valued under \$25,000 does not need to be listed separately under the mobile property. Rowe moved, Stores seconded, that the insurance be renewed with the League of Minnesota Cities Insurance Trust (LMCIT) in the amount of \$180,615. All voted in favor of the motion.

Boedigheimer moved, Rowe seconded, that the Airport Liability be renewed with National Union (AIG) in the amount of \$3,250. All voted in favor of the motion.

Stores moved, Edblom seconded, that the Boiler Policy be renewed with Hartford Steam Boiler in the amount of \$8,920. All voted in favor of the motion.

**EMERGENCY RESPONSE & INDUSTRIAL TRAINING CENTER STEERING COMMITTEE:**

Dave Marks, Fire Chief, was in attendance at the meeting to review with the council and others in attendance at the meeting the appointment of the Emergency Response and Industrial Training Center (ERIT) Steering Committee. Stores moved, Doyle seconded that the following is a list of the committee members be approved:

- Ted Rowe – City Council Liaison
- Steve Johnson – Utilities
- Rob Yant – Police & Emergency Management
- Jim Babcock – Community
- Mike Ohliger – Granite Falls Fire/EMS
- Dan Andersen – Industry
- Warren Jorgenson – Fire/EMS Center MNSCU
- Dave Marks – Project Manager

All voted in favor of the motion.

**GANG-STRIKE FORCE DETECTIVE:**

Rowe moved, Edblom seconded, that Rob Yant, Director Public Safety, be authorized to appoint Jody Gladis to a Detective position effective October 1, 1998. This is a temporary appointment; contingent upon continued grant funding for the Gang Strikeforce. This is a two-year appointment, with the possibility of a third year. At the end of the assignment to the Gang Strikeforce, Officer Gladis would return to regular duties as a Police Officer. Mr. Yant was also granted authorization to hire a replacement officer to replace Officer Gladis in Patrol. All voted in favor of the motion.

**TAX-EXEMPT BONDS – WEINER MEMORIAL MEDICAL CENTER:**

Jim Hanco, Administrator Weiner Memorial Medical Center, was in attendance at the meeting to review with the council the comprehensive remodeling and equipment for Weiner Memorial Medical Center. He indicated that the amount of the debt expected to be issued for the project would not exceed \$8,000,000. Councilperson Boedigheimer was concerned with Weiner Memorial Medical Center being allowed to spend up to \$8,000,000 without having all the costs known up front. Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2070, SECOND SERIES and that the reading of the same be waived. Resolution Number 2070, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Weiner Memorial Medical Center. All voted in favor of the motion.

**FLOOD CONTROL PROJECT REAL ESTATE PURCHASE AGREEMENTS:**

Edblom moved, Doyle seconded, the proper city personnel be authorized to enter into Real Estate Purchase Agreements for the Marshall Flood Control Project. These agreements are as follows:

- Kevin D. & Doreen Nelson, tract no. 204 in the amount of \$250.00
- John & Georgia Boerboom, tract no. 210 in the amount of \$50.00
- Keith & Gay Brockberg, tract no. 237 in the amount of \$120,785.00
- Jeffery A. & Pamela M. Orth, tract no. 238 in the amount of \$400.00

Alice A. Otto, tract no. 205 in the amount of \$2,100.00

James N. & Joanne M. Thompson, tract no. 225 in the amount of \$22,050.00

Rita Tople, tract no. 242 in the amount of \$4,330.00

All voted in favor of the motion.

#### **NEGOTIATION WITH ARMY CORPS PROJECT LANDOWNERS:**

City Attorney Brian Murphy reviewed with the council and others in attendance at the meeting an overview on the status of the real estate acquisitions for the Marshall Flood Control Project. He indicated that as of September 21, 1998, 33 of the properties have been acquired; 5 parcels have acquisitions in process and 12 parcels may have to be acquired by Eminent Domain Proceedings if agreements cannot be reached.

#### **INITIATING CONDEMNATION OF REAL ESTATE:**

Edblom moved, Stores seconded, the adoption of RESOLUTION NUMBER 2071, SECOND SERIES and that the reading of the same be waived. Resolution Number 2071, Second Series is a resolution Declaring the Necessity of Initiating Condemnation of Real Estate for the Army CORPS Project and Granting Authority to the City Attorney to Initiate Condemnation. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 9:10 P.M.

#### **WIRE TRANSFER AGREEMENT FIRST AMERICAN BANK:**

Stores moved, Rowe seconded, the proper city personnel be authorized to enter into a wire transfer agreement with First American Bank. All voted in favor of the motion.

#### **LIQUOR LICENSE APPLICATION:**

Rowe moved, Doyle seconded, that a public hearing be scheduled for 7:30 P.M. on October 5, 1998 in the Council Chambers of the Marshall Municipal Building to consider a new on-sale liquor license for RJB Investments Inc., at 1407 East College Drive. All voted in favor of the motion.

#### **BEER LICENSE KINGS WOK BUFFET:**

Rowe moved, Stores seconded, a non-intoxicating on-sale beer license be approved for the Kings Wok Buffet at 1304 East College Drive, with the condition that the question of workers compensation insurance be answered. All voted in favor of the motion.

#### **STATUS LIQUOR LICENSE DAKOTA STEAKS AND PASTAS:**

Rowe moved, Stores seconded, the request of Al Babcock for a refund of his 1998 liquor license fee be denied. All voted in favor of the motion.

#### **MAYOR AND COUNCIL REPORTS:**

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



- Byrnes      EDA and Fire Relief Association have not met; Regional Development Commission met and distributed their annual report.
- Stores      Hospital Board met earlier this evening, they have hired a consultant to review their compensation plan; other items discussed included the compliance report for Medicare, the parking lot design, budget items and the adult day care expansion. A conditional use permit is need for this expansion project and has been applied for.
- Edblom      Cable Commission and Planning Commission has not met; Utilities Commission met last week and approved the agreement with the city; Ways and Means Committee met last Thursday; Personnel Committee will meet on Thursday at 4:30 P.M. with the non-union employees.
- Boedigheimer      Airport Commission meeting was canceled; Senior Citizen Center Commission, Lyon County Enterprise Development Committee and the Jt. LEC will meet in October; Public Improvement/Transportation Committee has not met.
- Doyle      Housing Commission minutes are included in the agenda packet; Human Rights Commission meets on September 28, 1998; Convention and Visitors Bureau met last week and discussed the Christmas lights; Transit Committee will meet next week.
- Rowe      Insurance Advisory Committee minutes are included in the agenda packet; Library Board discussed wages for part-time employees; Legislative and Ordinance Committee has nothing to report.
- Reynolds      Community Services Advisory Board will meet on October 7<sup>th</sup>.

#### **COUNCILMEMBERS INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: there is a need for more McGruff Safe Houses in the area of the schools; cities week is in October; the Marching Band Festival is this Saturday; Stores will not be able to attend the next Hospital Board meeting or the next two city council meetings; the council needs to discuss the type of fund (special or enterprise) for the ERIT Facility; parking on Bruce Street by hospital should be limited to one side of the street only; the Senior Center will be celebrating their 10<sup>th</sup> Anniversary; the Policy Academy has held two sessions and they have been very informative; trees need to be trimmed by corners and signs.

#### **BILLS/PROJECT PAYMENTS:**


Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 16897 through 17130.

#### **BUILDING PERMITS:**

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

Pride Neon / c/o Al Mayer	1710 E. College Drive	Install Sign	\$800
REM, Inc.	1201 Alan Street	Replace Window, Remodel Bathroom	\$8,000
True Value Home Center	500 North Highway 59	Retail Store Addition	\$159,500
Diane & Paul Buesing	1207 E. Lyon	Basement Window	\$800
City of Marshall/Michael Johnson	1305 East College Drive	Entrance Addition	\$38,000
Bakke's Home Repair	611 Winnifred Drive	Patio Door	\$1,500
Larry Henle	605 Paul Street	Install Door	\$400
Sussner Construction	202 North First Street	Equipment Room	\$4,300
Paxton Signs	1710-1740 East College Drive	Signs	\$7,500
William Pavot	200 East Main Street	Replace Stairway on deck	\$400
William Hess	1411 East College Drive	Office Addition	\$100,000

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

  
Mayor of the City of Marshall

ATTEST:

  
Finance Director/City Clerk

## REGULAR MEETING – OCTOBER 5, 1998

The regular meeting of the Common Council of the City of Marshall was held on October 5, 1998 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 7:30 P.M. by Councilperson Edblom. In addition to Edblom the following members were present: Doyle, Rowe, Reynolds and Boedigheimer. Absent: Byrnes and Stores. Staff present at the meeting included: Brian Murphy, City Attorney; Michael Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Rob Yant, Director of Public Safety; Dave Marks, Fire Chief and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

Councilperson Edblom welcomed the members from Boy Scout Troop 320 who were in attendance at the meeting. The scouts introduced themselves at this time.

**APPROVAL OF THE AGENDA:**

Doyle moved, Rowe seconded, the agenda be approved with the addition of item 11.5 which is the consideration of a grant application for Sec. 404, Hazard Mitigation Grant. All voted in favor of the motion.

**APPROVAL OF THE MINUTES:**

Rowe moved, Doyle seconded, the minutes of the regular meeting held on September 21, 1998 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

**AWARD OF BIDS – INDUSTRIAL PARK EXPANSION:**

Tom Osterberg, representative from the Marshall Industries Foundation, was in attendance at the meeting and briefly reviewed the bids and the project. Rowe moved, Reynolds seconded, the bid for the Industrial Park Expansion be awarded to R & G Construction, Marshall, Minnesota in the amount of \$487,430. All voted in favor of the motion.

**PUBLIC HEARING – RJB INVESTMENTS INC., LIQUOR LICENSE:**

This was the date and time set for a public hearing on the application from RJB Investments Inc., for an on-sale intoxicating liquor license. There were no concerns brought forth, therefore Doyle moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the approval of the on-sale intoxicating liquor license for RJB Investments Inc., at 1407 East College Drive for the period October 6, 1998 through December 31, 1998 and that the license fee be pro-rated to ¼ of the annual fee. All voted in favor of the motion.

**“GO FOR THE GLOW” DONATION:**

Upon the recommendation of the Ways and Means Committee, Boedigheimer moved, Rowe seconded, the approval of a donation to the “Go For The Glow” Committee from the capital funds in 1999 up to one fourth of the total raised by the Chamber Committee with a maximum cap of \$25,000. All voted in favor of the motion.

## REGULAR MEETING – OCTOBER 5, 1998

**BY-LAWS OF THE MARSHALL VOLUNTEER FIREFIGHTERS RELIEF ASSOC:**

Boedigheimer moved, Doyle seconded, the adoption of RESOLUITON NUMBER 2072, SECOND SERIES and that the reading of the same be waived. Resolution Number 2072, Second Series is a resolution approving the By-Laws of the Marshall Volunteer Firefighters Relief Association. This resolution provides for the pension benefit to be increased to \$3,375.00 for each year that a member of Volunteer Firefighters Relief Association has served as an active member of said Marshall Fire Department effective January 1, 1999. All voted in favor of the motion.

**AMEND CHAPTER 11 REGULATING LIMITED INDUSTRIAL DISTRICT ACTIVITIES:**

Boedigheimer moved, Doyle seconded, the introduction of an ordinance amending Chapter 11 of the City Code regulating Limited Industrial District activities to provide for schools within said I-1 District. This ordinance would allow for the Marshall School District to apply for a conditional use permit to develop a "Life Skills" center for students in grades 7-12. All voted in favor of the motion.

**AMEND CHAPTER 10 RELATING TO PREVENTION OF GRAFFITI:**

Rob Yant, Director of Public Safety, was in attendance at the meeting to discuss the proposed ordinance for the prevention of graffiti. Rowe moved, Doyle seconded, the introduction of the ordinance amending Chapter 10 of the City Code to add provisions relating to the prevention of graffiti with the changes that were discussed. Brian Murphy, City Attorney, will draft a new ordinance with these changes and present it at the next regular city council meeting. All voted in favor of the motion.

**NON-UNION EMPLOYEE WAGE SCHEDULE/BENEFITS:**

Upon the recommendation of the Personnel Committee, Rowe moved, Doyle seconded, the approval of the non-union employee wage schedule/benefits for 1999-2000. This package provides for a 3.00% increase on January 1, 1999 and a 3.00% increase on January 1, 2000; the clothing allowance for non-union employees in the Street, Wastewater, Parks and Building Maintenance Departments be increased to \$150.00 per year and that the insurance contribution remain as outlined in the Personnel Policy. It was suggested that an Insurance Committee be established to jointly examine future issues and cost related alternatives pertaining to health, dental, life and disability insurance's. All voted in favor of the motion.

**TRANSFER CABLE TELEVISION FRANCHISE:**

Rowe moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with Moss & Barnett to review the proposed transfer documents from Bresnan Communications Company. The cost of this agreement will not exceed \$1,800. All voted in favor of the motion.

**FUND FOR EMERGENCY RESPONSE & INDUSTRIAL TRAINING CENTER:**

Boedigheimer moved, Rowe seconded, that a special revenue fund be established for the operation of the Emergency Response and Industrial Training Center. All voted in favor of the motion.

**CITIES WEEK:**

The week of October 5 through 11, 1998 is Cities Week. Councilperson Edblom took this opportunity to read the Proclamation "Celebrating Caring Communities" for the City of Marshall.

**FLOOD CONTROL PROJECT:**

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2073, SECOND SERIES and that the reading of the same be waived. Resolution Number 2073, Second Series is a resolution Determining the Necessity for a Flood Control Project and Authorizing the Acquisitions of Certain Lands and Interests Therein for the Purpose of a Flood Control Project. All voted in favor of the motion.

**REAL ESTATE PURCHASE AGREEMENT – FLOOD CONTROL PROJECT:**

Doyle moved, Reynolds seconded, the proper city personnel be authorized to enter into a Real Estate Purchase Agreement for the Marshall Flood Control Project as follows: David A. & Linda M. Gackstetter, tract no. 243 in the amount of \$1,700. All voted in favor of the motion.

**SEC. 404 HAZARD MITIGATION GRANT PROGRAM:**

Boedigheimer moved, Doyle seconded, the proper city personnel be authorized to apply for a Sec. 404 Hazard Mitigation Grant Program to plant tree and bush snowbreaks. The city share of \$3,000 needs to be included in the 1999 Community Services budget. All voted in favor of the motion.

**MAYOR AND COUNCIL REPORTS:**

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

Edblom      Cable Commission, Planning Commission and Utilities Commission all meet next week; Ways and Means Committee and Personnel Committee items were addressed during the meeting.

Boedigheimer      Airport Commission and Senior Citizen Center Commission will meet soon; Lyon County Enterprise Development met last Tuesday; Jt. LEC met Monday morning and it was indicated that the building project is 2 weeks behind schedule; Public Improvement/Transportation Committee has not met.

Doyle      Housing Commission meets next Monday; Human Rights Commission met last week and they are discussing having their brochure being translated into other languages; Convention & Visitors Bureau will meet later this month; Transit Committee minutes are included in the agenda packet.

Rowe      Insurance Advisory Committee will meet on Thursday morning; Library Board will meet next Monday; Legislative & Ordinance Committee needs to schedule a meeting.

## REGULAR MEETING – OCTOBER 5, 1998

Reynolds Community Services Advisory Board will meet on Wednesday and the Hospital Board will meet in two weeks.

**COUNCILMEMBERS INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: the death of Al Rome, former Manager Marshall Municipal Utilities; the Rural Evolution Conference; the council should be brought up-to-date on the condemnation proceedings; and they all wished Maureen well during her recovery.

**BILLS/PROJECT PAYMENTS:**

Boedigheimer moved, Reynolds seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher no. 17131 through 17260.

**BUILDING PERMITS:**

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

Cook Sign Company	208 East College Drive	Install Signs	\$6,900
True Value Home Center	603 Arbor Court	Garage Addition	\$25,000
True Value Home Center	105 East Thomas Avenue	Dwelling	\$280,000
Steven Baumann Construction	812 East Southview Court	Re-roof	\$4,000
Donald W. Juhl	1101 Colombine Drive	Residing	\$1,200
Brian Bohn	1205 Patricia Court	Insulate/Sheetrock Garage	\$500
Jordy J. Beek Construction	408 South Whitney	Re-roof	\$5,100
Bladholm Construction	101 N. 5th Street	Replace Front Steps	\$3,800
MaryAnn Hagemeyer	903 Colombine Drive	Stoop	\$300
Dwayne Murphy	813 Boxelder Avenue	Reside Garage	\$600
Gary & Lou Wischer	303 Donita Avenue	Install Stoop & Remodel Bedrooms	\$2,400
Al Eggermont	1221 E. College Drive	Drive-up Addition	\$9,000
Steve Meyer	402 Kossuth Avenue	Install Window	\$200
Bladholm Construction	400 West Erie Road	Shop Addition/Ethanol Plant Building	\$145,000
Sussner Construction	302 O'Connell Street	Replace Siding & Remodel Roof	\$16,500
Joe W. & Carol Nelson	1211 Patricia Court	Dwelling	\$115,000
Doom & Cuypers	117 Grimes Street	Install Windows	\$5,600

## REGULAR MEETING - OCTOBER 5, 1998

Construction			
Geske Building & Supply	603 Charles Avenue	Install Bay Window	\$3,000
Babcock Construction	308 Walnut Street	Reside Dwelling	\$4,500
Geske Building & Supply	611 Camden Drive	Install Bay Window	\$3,000
Doom & Cuypers Construction	1302/1304 Greenview Place	Install Windows	\$8,400
Doom & Cuypers Construction	205 Sunrise Lane	Install Windows	\$5,600
Doom & Cuypers Construction	1308/1310 Peterson Street	Install Windows	\$50,500
Doom & Cuypers Construction	202 "B" Street	Install Windows	\$5,600
Doom & Cuypers Construction	309 East Redwood Street	Install Windows	\$5,600
French Construction	419 W. College Drive	Remove Window/Install Patio Door/Remove Wall/ Install Window/Build Closet	\$2,900
Geske Building & Supply	1305 Greenview	Reside/Windows	\$20,000
Steve Erickson	907 Woodfern Drive	Utility Shed	\$1,300
Murray Sullivan	1406 Carlson Street	Reside/Build Deck/Install Windows	\$6,000

A budget meeting was scheduled for 7:00 P.M. on October 14, 1998 and October 15, 1998.

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



Councilperson Edblom

ATTEST:

  
 Finance Director/City Clerk

## SPECIAL MEETING – OCTOBER 14, 1998

A special meeting of the Common Council of the City of Marshall was held on October 14, 1998. The meeting was called to order at 7:06 P.M. by Mayor Byrnes in the Cottonwood Room of the Marshall Municipal Building. In addition to Byrnes the following members were present: Edblom, Rowe, Boedigheimer, and Doyle. Absent: Stores and Reynolds. Staff present at the meeting included: Michael Johnson, City Administrator; Cal Barnett, City Assessor; Harry Weilage, Director of Community Services; Rob Yant, Director of Public Safety and Jane DeVries; Deputy City Clerk. Keith Nelson, Director of Public Works arrived later in the meeting.

Rowe moved, Edblom seconded, the approval of a Temporary On-Sale Intoxicating Liquor License at a fee of \$25.00 and the approval of a Temporary On-Sale Non-Intoxicating Beer License at a fee of \$25.00 for the Marshall Area Chamber of Commerce. These licenses are to be used at the SSU Student Center West Facilities on October 19, 1998. All voted in favor of the motion.

Be it noted the arrival of Councilperson Reynolds.

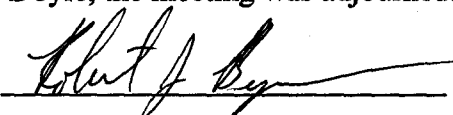
The purpose of this special city council meeting was for the council to review the proposed 1999 budget for the City of Marshall. Michael Johnson, City Administrator, provided an overview of the general fund budget by briefly going through the materials that were provided to them. Mr. Johnson indicated that at this time the budget as presented has expenditures in excess of revenues in the amount of \$58,279. Mr. Johnson indicated that the city would receive \$2,090,002 in State Aid Funds and \$2,073,658 in property taxes for 1999. Mr. Johnson then asked each of the Division Heads, Cal Barnett, Rob Yant, Harry Weilage and Keith Nelson, to review their respective budget requests and capital expenditures for 1999.

A 5-minute recess was taken at 9:15 P.M.


In reviewing the budget some of the suggested changes were to: reduce the Mayor and Council budget by \$10,000 which was requested by MAFAC and the Historical Society budget by \$500; to reduce the Community Services budget by \$1,000; to reduce the Street Department Supplies budget by \$7,400; the \$15,000 for the Railroad Crossing on Legion Field Road be budgeted for in 1999 from the "429" Revolving Debt Fund; to reduce the Animal Control budget by \$4,379 and to waive the payment from the Airport Debt Service Fund to the Liquor Store in the amount of approximately \$20,000. These recommended changes total \$58,279.

The next budget meeting was scheduled for November 9, 1998.

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

  
Mayor of the City of Marshall

Attest:

  
Deputy City Clerk



## SPECIAL MEETING – OCTOBER 19, 1998

A special city council/economic development authority workshop was held on October 19, 1998 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 6:35 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Doyle, Reynolds and Boedigheimer. Absent: Stores and Edblom. Staff present at the meeting included Cal Barnett, City Assessor; Keith Nelson, Director of Public Works/City Engineer; Brian Murphy, City Attorney; and Thomas M. Meulebroeck, Financial Director/City Clerk. Also, in attendance at the meeting were Paul Rehkamp, chairperson of the Marshall Industries Foundation and Brian Hoffman, Chairperson of the Economic Development Authority and a member of the Marshall Industries Foundation.

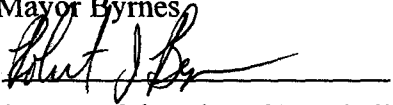
Mayor Byrnes stated the purpose of this meeting was to address the Industrial Park Expansion and the role of the Marshall Industries Foundation and the Economic Development Authority in working with the city on this development. Byrnes indicated that the city had issued bonds in late 1996 and early 1997 for the Industrial Park Expansion.

Be it noted the arrival of Councilperson Edblom.

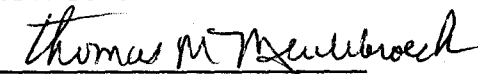
Byrnes, Hoffman and Rehkamp addressed the Michigan Road Extension construction, which is to be completed by the summer of '99, the resolution of wetland issues and the Emergency Response and Industrial Training Center for this area. The proposed development of the McKigney property was addressed as it relates to the option that Marshall Industries Foundation has on the McKigney Property; the Engineering Analysis/Layout by the City; the appraisal of the property by the city; the acquisition of the property by the city; and the initiation of the construction in this area. The issues that related to the solution of the wetlands discussed included the appraisal of the property; an option by the Marshall Industries Foundation to purchase property from De Ruyck; a request to annex the property; the initiation of the modification of the TIF boundaries; the acquisition of the property by the city; and the development of the wetlands in this area.

Those in attendance at the meeting were advised that TIF can be used for raw land as long as the land use is intended for economic development.

The meeting was adjourned at 7:23 P.M. by Mayor Byrnes

  
Mayor of the City of Marshall

ATTEST:

  
Finance Director/City Clerk

The regular meeting of the Common Council of the City of Marshall was held on October 19, 1998 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: Doyle, Rowe, Reynolds, Edblom and Boedigheimer. Absent: Stores. Staff present at the meeting included: Brian Murphy, City Attorney; Keith Nelson, Director of Public Works/City Engineer; 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.

**APPROVAL OF THE AGENDA:**

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

**APPROVAL OF THE MINUTES:**

Rowe moved, Doyle seconded, the approval of the minutes of the regular meeting held on October 5, 1998 as corrected and the approval of the minutes of the special meeting held on October 14, 1998 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

**PUBLIC HEARING – ORDINANCE AMENDING CHAPTER 11:**

This was the date and time set for a public hearing on the proposed ordinance amending Chapter 11 of the City Code regulating Limited Industrial District activities to provide for schools within said I-1 District. There were no questions or concerns, therefore Rowe moved, Boedigheimer seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of ORDINANCE NUMBER 401, SECOND SERIES and that the reading of the same be waived. Ordinance Number 401, Second Series is an ordinance Amending the City of Marshall City Code Regulating Limited Industrial District Activities to Provide for Schools Within said I-1 District. This ordinance would allow for the Marshall School District to apply for a conditional use permit to develop a "Life Skills" center for students in grades 7-12. All voted in favor of the motion.

**ORDINANCE AMENDING CHAPTER 10:**

Boedigheimer moved, Rowe seconded, the adoption of ORDINANCE NUMBER 402, SECOND SERIES and that the reading of the same be waived. Ordinance Number 402, Second Series is an ordinance Amending Chapter 10 of the Marshall, Minnesota City Code to Add Provisions Relating to the Prevention of Graffiti. All voted in favor of the motion.

**WWMC CONDITIONAL USE PERMIT:**

Upon the recommendation of the Planning Commission, Edblom moved, Doyle seconded, a conditional use permit be granted to Weiner Memorial Medical Center for a daycare facility serving more than 14 individuals in an R-3 Low to Medium Density Multiple Family Residence District at 300 South Bruce Street. This conditional permit was approved with a limit of 18 individuals in an R-3 Low to Medium Density Multiple Family Residence District. All voted in favor of the motion.

**PROPOSALS TO REPAIR FIRE HALL:**

Ed Blom, Director of Public Works/City Engineer reviewed the two proposals that were received to repair the brick masonry at the Fire Hall. The proposals were as follows:

Deutz & Hess  
Marshall, MN  
\$19,850.00

Bradco Restoration  
Fergus Falls, MN  
\$20,422.22

The bid from Bradco Restoration included maintenance items that were not bid by Deutz & Hess. Rowe moved, Reynolds seconded, the proper city personnel be authorized to enter into a contract with Bradco Restoration of Fergus Falls, MN to perform the work described in their October 3, 1998 proposal in the amount of \$20,422. All voted in favor of the motion.

**MAINTENANCE AGREEMENT FOR AIRPORT MALSAR EQUIPMENT:**

Doyle moved, Reynolds seconded, the proper city personnel be authorized to enter into a Maintenance Service Contract with Benson Technical Works, Inc. at a cost of \$1,350 per year. This contract is effective July 14, 1998, since they were here in July to perform the maintenance at that time. This contract is a result of the Federal Aviation Administrative requiring that the Airports "Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights or MALSAR be maintained by a certified technician. All voted in favor of the motion.

**INTRODUCTION OF ORDINANCE VACATING ALLEY:**

Edblom moved, Doyle seconded, the introduction of an ordinance to vacate an alley between 411 and 413 North Fourth Street and to call for a public hearing to be held at 7:30 P.M. on November 2, 1998. All voted in favor of the motion.

**TRANSFER OF CABLE TELEVISION FRANCHISE TO BRESNAN:**

Edblom moved, Rowe seconded, that a public hearing be held at 7:30 P.M. on November 16, 1998 to consider the application to transfer the City's cable television franchise to Bresnan Telecommunications Company LLC. All voted in favor of the motion.

**JOINT RESOLUTION FOR ORDERLY ANNEXATION:**

Doyle moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2074, SECOND SERIES and that the reading of the same be waived. Resolution Number 2074, Second Series is a resolution Amending the Joint Resolution for Orderly Annexation in the Matter of the Amendment to the Joint Resolution for Orderly Annexation Between the Township of Fairview and the City of Marshall Pursuant to Minnesota Statutes 414.0325, Subd. 1. All voted in favor of the motion.

**LEASE AMENDMENTS – DOUG KLEINE:**

Rowe moved, Doyle seconded, the proper city personnel be authorized to enter into a Lease Amended Agreement with Doug Kleine. This amendment provides for the termination of the Farm Lease between the City of Marshall and Doug Kleine for the property where the fire training center is to be located and to reimburse Mr. Kleine \$300 for fertilizer expenses incurred. All voted in favor of the motion.

**LEASE AMENDMENTS – WAYNE DEBAERE:**

Rowe moved, Reynolds seconded, the proper city personnel be authorized to enter into an Amended Farm Lease with Wayne DeBaere. This amendment provides for a credit in the amount of \$1,734.60 for the property near the Diversion Channel that he was not able to farm in 1997. This agreement also, amends the cash rent for 1998 and 1999 to \$18,375.93. All voted in favor of the motion.

**AMENDING JOINT POWERS AGREEMENT- LAW ENFORCEMENT CENTER:**

Boedigheimer moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2075, SECOND SERIES and that the reading of the same be waived. Resolution Number 2075, Second Series is a resolution Amending Certain Sections of the Joint Powers Agreement Between the City of Marshall and Lyon County Relating to the Law Enforcement Center. All voted in favor of the motion.

**POLICE OFFICERS LABOR AGREEMENT:**

Doyle moved, Reynolds seconded, the proper city personnel be authorized to enter into the Police Officer Labor Agreement between the City of Marshall and Law Enforcement Labor Services, Inc. This agreement is for three years (1998-2000). All voted in favor of the motion.

**SPECIAL MEETING – CANVASS ELECTION:**

A special City Council meeting was scheduled for 5:00 P.M. on Wednesday, November 4, 1998 to canvass the election results.

**RENEWAL LIFE, LONG TERM DISABILITY & ADD INSURANCE:**

Rowe moved, Doyle seconded, that the renewal of the life, long term disability and ADD Insurance for the year 1999 be approved with National Services Group at the following rates:

\$10,000 Basic Life Rate per \$1,000	\$0.20
\$10,000 ADD Rate per \$1,000	0.035
Dependent Coverage per Unit	1.65
Long Term Disability % of Covered Payroll	0.39%

The rates provide for an additional \$0.02 per \$1,000 for the \$10,000 Basic Life Insurance. All voted in favor of the motion.

**WORKERS COMPENSATION INSURANCE FOR VOLUNTEERS:**

Rowe moved, Reynolds seconded, the consideration for Workers Compensation Insurance Coverage for Volunteers be postponed until such time information is gathered as to who is covered, how does joint powers agreements affect this coverage, are volunteers at the hospital and members of boards and commissions covered. All voted in favor of the motion.

**TIF ASSISTANCE – MARSHALL MACHINE SHOP:**

Edblom moved, Doyle seconded, the request from Doug Anderson, owner of Marshall Machine Shop, for tax increment finance assistance for soil correction and stabilization for the new building located on Channel Parkway in the amount of \$22,500 be approved. All voted in favor of the motion.

**RELOCATION ASSISTANCE – CORP PROJECT:**

Rowe moved, Edblom seconded, the relocation assistance for Steve Horning, Tract #232, in the amount of \$6,563.76 and for Peter Baerg, Jr., Tract #344, in the amount of \$22,436.20. These amounts were determined using the Uniform Relocation Assistance and Property Acquisition Act of 1970, Public Law 91-646. Title II of the act requires that certain benefits be paid and assistance be given to all persons or business who must be relocated from their homes or places of business because of a federally funded project. These benefits include moving and related expenses, replacement-housing payments for both homeowners and tenants, and relocation advisory services. All voted in favor of the motion.

**CONSULTING SERVICES FOR WWTP:**

Doyle moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with Mr. Joel Carlson for Consulting Services related to the Wastewater Treatment Plant Facility. A letter of Administrative Complaint was received from the EPA regarding alleged violations on the handling and application of the wastewater biosolids. This agreement provides for Mr. Carlson to respond and request a hearing prior to October 22, 1998. All voted in favor of the motion.

**MAYOR AND COUNCIL REPORTS:**

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

- Byrnes      EDA met earlier this evening and discussed the Industrial Park Expansion; Fire Relief Association met this past week but Byrnes was unable to attend; Regional Development Commission has not met.
- Edblom      Cable Commission met last Tuesday but Edblom was unable to attend; Planning Commission met last Wednesday but Edblom was unable to attend; Utilities Commission will meet on Wednesday; Ways & Means Committee and Personnel Committee have not met.
- Boedigheimer      Airport Commission and Senior Citizen Center Commission meetings were cancelled; Lyon County Enterprise Development met on September 29<sup>th</sup> but Boedigheimer was unable to attend; Public Improvement/Transportation Committee has not met.
- Doyle      Human Rights Commission met on Monday; Convention and Visitors Bureau met on Wednesday.
- Rowe      Insurance Advisory Committee met last Thursday and discussed insurance renewals for 1999; Library Board discussed salaries for part-time employees; a new phone system; a new sign on 3<sup>rd</sup> Street and fixing the trim above the garage door.

Reynolds      Community Services Advisory Board met in October but did not have a quorum. It was indicated that discussion is continuing for quality time and quality ice at the Lyon County Ice Facility; Hospital Board discussed the capital budget for 1999 in the amount of 1.7 million.

#### **COUNCILMEMBERS INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: meeting with the President of the Humane Society to discuss their budget requests; the councilmembers receiving an updated list of parcels involved in the condemnation process; snow removal on College Drive between Walnut and High Street; there will be a meeting on Thursday at 7:00 P.M. for the Emergency Response Committee; they received an updated report on the Public Works Project List; and the Regional League of Minnesota Cities Meeting is to be held in Marshall on October 20, 1998.

#### **BILLS/PROJECT PAYMENTS:**

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 17261 through 17431.

#### **BUILDING PERMITS:**


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

Nicole Blanchette	126 E. Street	Reroof	\$1,500
Douglas J. Mosch	900 North Highway 59	Exterior Remodel/Shop Building	\$14,800
Douglas J. Mosch	900 North Highway 59	Warehouse	\$72,000
Jerald Wiblemo	604 N. 4th Street	Install Door	\$2,500
Alan J. Schuch	1003 Hackberry Drive	Replace Windows	\$7,000
Babcock Construction	1002 Silvertine Drive	Reside Dwelling	\$5,800
True Value Home Center	110 E. Redwood Street	Addition & Remodel	\$75,000
True Value Home Center	608 Soucy	Garage	\$17,000
Gary Edwards	514 Carlson	Family Room Addition	\$19,000
Johnson Construction	407 S. Whitney	Replace Door	\$750
Empire Realty	604 East Main Street	Remodel Porch	\$1,000
True Value Home Center	500 North Highway 59	Move Out Warehouse	\$0
True Value Home Center	500 North Highway 59	Move Out Warehouse	\$0

There will be an Open House at Schott Corporation on Monday, October 26, 1998 from 12:30 P.M. to 1:30 P.M.

## REGULAR MEETING - OCTOBER 19, 1998

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

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

ATTEST:

  
\_\_\_\_\_  
Finance Director/City Clerk

**REGULAR MEETING – NOVEMBER 2, 1998**

The regular meeting of the Common Council of the City of Marshall was held on November 2, 1998 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: 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; Rob Yant, Director of Public Safety; Dave Marks, Fire Chief; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

At this time Mayor Byrnes introduced Ryuichi Shiota who is here from Japan to study our government.

**APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item number 11 which is the purchase of real estate from Marlene & Maynard Hoeft and the deletion of item number 6 which is the agreement extending the East Main Street Project Warranty Period.

**APPROVAL OF THE MINUTES:**

Doyle moved, Edblom seconded, the approval of the minutes of the special meeting held on October 19, 1998 and the regular meeting held on October 19, 1998 as filed with each member and that reading of the same be waived. All voted in favor of the motion.

**PUBLIC HEARING – VACATION OF ALLEY:**

This was the date and time set for a public hearing on the vacation of an alley between 411 and 413 North Fourth Street. There were no objections or concerns, therefore Rowe moved, Doyle seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Stores seconded, the adoption of ORDINANCE NUMBER 403. SECOND SERIES and that the reading of the same be waived. Ordinance Number 403, Second Series is an ordinance vacating an Alley in Block 6, Riverside Addition in the City of Marshall. All voted in favor of the motion.

**REFUNDING OF 1991 BOND ISSUE – MARSHALL MUNICIPAL UTILITIES:**

Bob Ehlers, Ehlers & Associates Inc., was in attendance at the meeting on behalf of the Marshall Municipal Utilities to review with the council the Utility Revenue Refunding Bonds, Series 1998 in the amount of approximately \$5,120,000. The final amount will be determined the day of the bond sale. Mr. Ehlers indicated that the Utilities would save approximately \$225,000 to \$250,000 after all expenses. It was indicated that the City of Marshall was not expecting to have a bond sale in 1999 but if the Weiner Memorial Medical Center does that they could go over the 10 million in 1999.



## REGULAR MEETING – NOVEMBER 2, 1998

**CHANGE ORDER – 1998 BITUMINOUS OVERLAY PROJECT:**

Stores moved, Reynolds seconded, the approval of change order no. 1 in the amount of \$25,425.11 with McLaughlin and Schulz for the 1998 Bituminous Resurfacing Project. This change order was a result of including the airport terminal parking lot and the roads and parking at Legion Field Park. These expenses were paid from the Airport and Park Maintenance Budgets. All voted in favor of the motion.

**CREMATORY USE AS A CONDITIONAL USE IN AN AGRICULTURAL DISTRICT:**

At the request of Jack C. Rehkamp, President of River Valley Services, LLC along with the Marshall Cemetery Association who would like to install cremation equipment at the Marshall Cemetery, Rowe moved, Doyle seconded, the introduction of an ordinance to allow crematory use as a conditional use in an Agricultural District and call for a public hearing to be held at 7:30 P.M. on November 16, 1998. All voted in favor the motion.

**COPS UNIVERSAL RETENTION AGREEMENT CONTINUANCE:**

Per the recommendation of Rob Yant, Director of Public Works, Stores moved, Edblom seconded, the request for COPS Universal Retention Agreement Continuance be approved. This request is for a grant to fund 75% of the salary and benefits for a Community Service Officer for three years, and the City of Marshall to fund this position for one year after that. All voted in favor of the motion.

**AUDITING SERVICES THROUGH THE YEAR 2000:**

Edblom moved, Doyle seconded, the proper city personnel be authorized to continue the contract with Larson, Allen, Weishair & Co., LLP (LAWCO) for auditing services for the City of Marshall for three more years, 1998-2000. All voted in favor of the motion.

**LIQUOR LICENSE CROSSROADS RESTAURANT:**

Stores moved, Boedigheimer seconded, a public hearing be held at 7:30 P.M. on November 16, 1998 to consider the application for an on-sale intoxicating liquor license for the Crossroads Restaurant located at 1104 East Main Street, Marshall, Minnesota. All voted in favor of the motion.

**DESIGNATE LAND USE FOR MMUA TRAINING SITE:**

Boedigheimer moved, Edblom seconded, that Lot 1 and Lot 2, Block 3, Marshall Industrial Park Third Addition be designated area for the Minnesota Municipal Utility Association facilities for training utility personnel from the three state area. All voted in favor of the motion.

**CHANGE ORDER MICHIGAN ROAD INDUSTRIAL PARK:**

Boedigheimer moved, Doyle seconded, that the proper city personnel be authorized to proceed with the design change and to create a contract change order for the Michigan Road Industrial Park Expansion per the Marshall Industries Foundation recommendation. All voted in favor of the motion.

## REGULAR MEETING – NOVEMBER 2, 1998

**AGREEMENT TO PURCHASE REAL ESTATE – HOEFT PROPERTY:**

Edblom moved, Reynolds seconded, the proper city personnel be authorized to enter into a purchase agreement with Marlene & Maynard Hoeft for the purchase of real estate, parcel no. 224, in the amount of \$29,560. All voted in favor of the motion.

**MAYOR AND COUNCIL REPORTS:**

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

Byrnes      EDA has not met; Fire Relief Association and Regional Development Commission have met and discussed the Regional Training Center.

Stores      Hospital Board will meet next week.

Edblom      Cable Commission will meet next week; Planning Commission and Utilities Commission will meet within the next two weeks; Ways and Means Committee and Personnel Committee have not met.

Boedigheimer Airport Commission will meet next week; Senior Citizen Center Commission meeting was cancelled; Jt. LEC has not met; Public Improvement/Transportation Committee needs to set a meeting.

Doyle      Housing Commission met on Monday; Human Rights Commission minutes are included in the agenda packet; Convention and Visitors Bureau will meet in two weeks.

Rowe      Insurance Advisory Committee and Legislative & Ordinance Committee no report; Library Board will met next week; Emergency Response Training Committee met last week.

Reynolds      Community Services Advisory Board will meet on Wednesday.

**COUNCILMEMBERS INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: the school referendum will be voted on tomorrow; the League of Minnesota Cities Regional Meeting was well attended; Liberty Park buildings have been removed – there was some concern about the City giving into the gangs by doing this; the liquor store entrance is completed; new entrance signs are being installed; the year 2000 needs to be discussed.

**BILLS/PROJECT PAYMENTS:**

Doyle moved, Edblom seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 17432 through 17557.

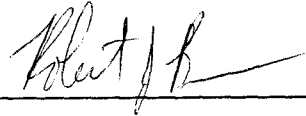
**BUILDING PERMITS:**

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

Greig & Gregerson	311 Jean Avenue	Move Out Garage	\$0
Greig & Gregerson	313 East Main Street	Move In Garage	\$3,000
Chad Kulla	318 S. 6th Street	Reroof	\$1,000
True Value Home Center	611 W. Marshall Street	Addition	\$15,000
Dan & Kim Fixen	411 N. 4th Street	Utility Shed	\$500
Kieffer and Co, Inc.	807 West Fairview Street	Install Sign	\$2,700
Florence Persoon	409 S. Whitney	Replace Door	\$400
Bladholm Construction, Inc.	400 West Erie Road	Chlorine Building	\$55,700
True Value Home Center	109 E. Thomas Avenue	Dwelling	\$185,000
Hisken Construction	1401 Peterson Street	Reroof	\$5,000
True Value Home Center	601 N. 3rd Street	Attached Garage	\$16,000
Jim Babcock	411 N 3rd St.	Reside Dwelling & Garage	\$6,200
John and Marie Seeman	210 Robert St.	Replace Doors and Deck	\$1,900
Johnson Construction	627 Soucy Dr.	Bathroom Remodel	\$1,500
David Haney	1002 Cheryl	Egress Window, Screened in Porch, Remodel Basement	\$9,000
True Value Home Center	1218 Patricia	Four-Plex Apartment	\$185,000
Kay Rys	105 Church St.	Replacing Picture Window	\$1,500
North Star Modular Homes, Inc.	808 East Southview Court	Prefabricated Dwelling	\$48,200
Pam Esparza	618 Donita	New Windows and Residing	\$4,400
Jon Schmidt	304 W. Redwood St.	Garage Floor	\$1,500
Geske Building Supply	605 S. Bruce	Residing	\$2,600
City of Marshall	403 East College Dr./ Liberty Park	Demolish Shelter Building	\$0
City of Marshall	403 East College Dr./ Liberty Park	Demolish Service Building	\$0
Johnson Construction	408 Lynd	Replacing Door	\$500
Jackie Anderson	107 E. Thomas Street	Dwelling	\$200,000
Kevin De Boer	211 N. Hill St.	Garage	\$3,500
Travis and Stephanie Madden	110 Lilac Dr.	Manufactured Home Installation	

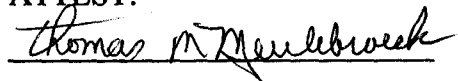
Upon motion by Rowe, seconded by Reynolds, the meeting was adjourned. All voted aye.

## REGULAR MEETING – NOVEMBER 2, 1998



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

A special meeting of the Common Council of the City of Marshall was held on November 4, 1998. The meeting was called to order at 5:03 P.M. by Mayor Byrnes in the Council Chamber of the Marshall Municipal Building. In addition to the Mayor the following members were present: Rowe, Doyle, Reynolds, Boedigheimer and Stores. Absent: Edblom.

The election returns as filed by the election judges for the General Election held on November 3, 1998 were presented by the Finance Director/City Clerk Thomas M. Meulebroeck. The summary of the votes for the councilmembers were as follows for said election:

	WARD I	WARD II	WARD III	TOTAL
Number of Registered Voters at 7:00 A.M. Election Day	2036	2349	2045	6430
New Registration Election Day	440	304	303	1047
Total Registrations	2476	2653	2348	7477
Total Voting	1521	1892	1556	4969
	61.40%	71.30%	66.30%	66.50%
Michael Reynolds	1285			1285
Michael Boedigheimer		1203		1203
Kenneth Wilson		557		557
Ted Rowe			1325	1325
Write-Ins:	8	3	10	21
Blank	228	129	221	578
TOTAL	1521	1892	1556	4969

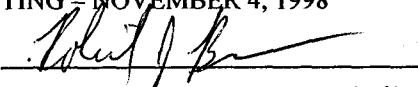
#### INFORMATION FROM PRIOR YEAR ELECTIONS:

1996 Number of People Who Voted	1765	1960	1704	5429
1996 % Voted	62.41%	72.59%	68.93%	67.80%
1994 Number of People Who Voted	1130	1493	1302	3925
1994 % Voted	43.70%	58.70%	54.40%	52.20%
1992 Number of People Who Voted	2101	2042	1921	6064
1990 Number of People Who Voted	1707	1582	1550	4839

Doyle move, Reynolds seconded, that Michael Reynolds be declared duly elected as Councilperson for Ward I; Michael Boedigheimer be declared duly elected as Councilperson for Ward II; and Ted Rowe be declared duly elected as Councilperson for Ward III for the City of Marshall and that all of these elected Councilpersons positions expire on December 1, 2002. All voted in favor of the motion.

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

SPECIAL MEETING - NOVEMBER 4, 1998

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

ATTEST:

  
\_\_\_\_\_  
Finance Director/City Clerk

## SPECIAL MEETING -- NOVEMBER 9, 1998

The Common Council of the City of Marshall held a special City Council Workshop on November 9, 1998 at 7:00 o'clock P.M. in the meeting room of the Marshall Municipal Utilities. The meeting was called to order at 7:00 o'clock P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doyle, Rowe, Edlom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Michael Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Calvin Barnett, Director of General Government Services; Harry Weilage, Director of Community Services; and Jim VanHyfte, Director Marshall Municipal Liquor Store.

The purpose of this special meeting was to discuss the 1999 Preliminary Budget. Agency reports were received from the Lyon County Historical Society, the Humane Society, and Marshall Area Fine Arts Council. Ellayne Conyers and Christy Coudron were in attendance at the meeting to provide a presentation of the Lyon County Historical Society. Ellayne addressed various activities that the Historical Society is involved in and discussed and provided a recap of the activities of the 125<sup>th</sup> Anniversary of the City of Marshall. Ellayne indicated that the Historical Society currently has approximately 200 in membership. Ellayne stated that it was the hopes of the Society that following the 125<sup>th</sup> Anniversary that their membership would increase, but it has not. Ellayne indicated that in 1993 pledges were taken for the construction of a permanent building, all except 3 or 4 of these pledges have been fulfilled. They have also worked with attorneys and accountants to encourage people in their estate planning to consider the Historical Society as a benefactor. Ellayne also indicated that it is the hopes of the Historical Society to some day be self-sustaining. Since Ellayne does educating, it was suggested that the school district be considered as a third party in the funding for the Historical Society operations. The Historical Society has submitted a request to the Lyon County Board of Commissioners in the amount of \$2,000 to assist them with the funding of their operation. The report that was presented to the council on the 125<sup>th</sup> Anniversary did indicate that they have \$15,000 in available funds, \$5,000 has been invested and set aside with the intent that it be used for the next anniversary celebration of the city; \$10,000 of these funds as been set aside in an investment account which the proceeds of this investment are to be used to promote other activities within the City of Marshall. For the 125<sup>th</sup> Anniversary Celebration a book was prepared on the City of Marshall. The Historical Society has a number of these books available and for sale which proceeds go back into the account for the celebration.

Representatives from the Humane Society in attendance at the meeting included: President Tom Haynes; Treasure Gayle Bofferding; Impound Manager Stacy Kesteloot; and Cindy Farrell. Tom and Gayle presented statistical and financial information on the impound operation and how this information was used to arrive at their request of \$11,530 from the City of Marshall for the impound operation. Approximately 400 animals are expected to be housed within the animal center in 1998. Approximately 61.2% of animals that are housed within the impound facility are from the City of Marshall. The remainder is from other cities and the county. Membership for the Humane Society is deposited into a designated fund for the Humane Society and these funds are used only for non-budgeted items. The Humane Society has made requests to

other cities to assist with the funding of the operation but they have not made any formal presentations to request the funding. The expenses that they have included in their analysis do not include costs for any repairs that need to be done to the facility. The revenues for the licensing of dogs was discussed. The Humane Society personnel were commended for their efforts and contributions to this organization. The Humane Society does have an endowment account which they intend to keep intact and only use the earnings off of this endowment account for items needed for the impound facility.

LeeAnn Jorgenson on behalf of the Marshall Area Fine Arts Council (MAFAC) was in attendance at the meeting to address with the City Council the activities that have taken place with this organization. The Marshall Area Fine Arts Council is currently located in the former Elan Building, but will be moving to the area where Sadies Place was located. MAFAC has entered into a one-year lease for the area where Sadies Place formerly was located. LeeAnn addressed with those in attendance at the meeting various events that are planned at their location to make people aware of what the Fine Arts Council is providing to the community. The City Council was advised of an open house planned for November 15, 1998 from 2:00 o'clock to 5:00 o'clock P.M. LeeAnn indicated that the MAFAC would be making a request to the Lyon County Board of Commissioners to assist them with the funding of their operation.

Jim VanHyfte, Manager of the Marshall Municipal Liquor Store, was in attendance at the meeting to discuss the 1999 Liquor Fund Budget request. The budget for the liquor store is basically status quo to the prior year's budget. The council was advised that the payment of \$35,000 from the General Fund to the Liquor Fund which is a reimbursement of a loan from the Liquor Fund to the General Fund for the Airport Improvement will be waived in the fiscal year 1999.

Keith Nelson, Director of Public Works/City Engineer, reviewed the 1999 budget request for the Municipal State Aid Fund. Included in the expenditures of \$451,000 was \$100,000 for the East Main Street/"C" Street traffic signals; \$271,000 for the Jewett Street construction; and \$80,000 for the engineering design of North 7<sup>th</sup> Street and Kossuth Street bridges which is part of the State Transportation Improvement Program (STIP) for construction in 2000 and 2001. The revenues for the Municipal State Aid included: monies from the state in the amount of \$50,000 for traffic signals; \$271,000 for the Jewett Street project; and \$80,000 for the bridge project and an additional \$50,000 as part of the city share for the traffic signal improvements. The signals at East Main Street and "C" Street were originally budgeted for in the 1998 budget but they will not be completed in 1998, therefore they are again included in the 1999 budget. Mr. Nelson advised the council that as of January 1, 1999 the state and appropriation balance would be approximately \$1,400,000 for various State Aid Projects in the City of Marshall. The project on Jewett Street will not include storm sewer, sanitary sewer, or watermain improvements. The Jewett Street improvements will be to the street and the curb and gutter. Various other projects were discussed which might be considered at future dates.



## SPECIAL MEETING – NOVEMBER 9, 1998

Mike Johnson briefly reviewed the "429" Revolving Fund Budget for 1999. Included in this budget were monies appropriated for Ed Cain, Legislative Associates, for the Flood Control Program of \$22,500; \$25,000 for the Christmas Lighting and \$15,000 for the railroad crossing on Legion Field Road.

Thomas M. Meulebroeck reviewed the purpose and functionality of the insurance reserve account. The insurance reserve account is primarily used for the City's reimbursement to employees within the general fund for health insurance claims and the general liability claims are a part of the general funds responsibility toward the general aggregate deductible program. Mr. Meulebroeck also reviewed with the council the Special Revenue Fund budget and the Debt Service Fund budget. A request was raised in regard to the restructure of the budget format for the Debt Service Fund to identify by bond issue the principal, interest and agent fees. A suggestion was also made that when the auditors are presenting the annual audit to the City Council that they provide more detail and discussion on the Debt Service Fund.

The Wastewater Treatment Facility budget will be discussed at a later date.

The council discussed in more detail the request received from the Humane Society, Historical Society and the Marshall Area Fine Arts Council.

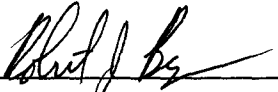
In discussing the allocation for the Humane Society it was suggested that a standard formula be used for determining the city's allocation to the Humane Society and that this formula be used on a continual basis from one year to the next. Included in this formula should be a reduction for the fees that are collected by the impound and also an adjustment for the license fees that are collected. The fee for the reclaiming and adoption of animals should also be considered in the request and amount allocated to the Humane Society. In regard to the repairs to the Animal Impound Facility it was suggested that the county should be responsible for a proportional share of the maintenance cost of this facility.

The request from the Historical Society and the Marshall Area Fine Arts Council were discussed in more detail and it was the consensus of the council that a message be sent to these two organizations that the council would like to see continued progress of these organizations, but they would like to see more collaboration of these organizations in working with school, the college and the private sector in the various activities and functions that they perform.


The next meeting scheduled to consider the 1999 budget request was set for 7:00 o'clock P.M. on November 18, 1998 in the meeting room at the Marshall Municipal Utilities. The primary items to be considered at this time are the Wastewater Treatment Facility Budget and the General Fund Budget.

Upon motion made by Stores, seconded the Doyle, the meeting was adjourned at 10:15 P.M. All voted in favor of the motion.

## SPECIAL MEETING - NOVEMBER 9, 1998

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

ATTEST:

  
\_\_\_\_\_  
Thomas M. Meulebroeck

Finance Director/City Clerk

## REGULAR MEETING – NOVEMBER 16, 1998

The regular meeting of the Common Council of the City of Marshall was held on November 16, 1998 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, Edblom, Reynolds, Boedigheimer and Stores. Councilperson Doyle arrived at 8:00 P.M. Staff present included: Michael Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Thomas Meulebroeck, Finance Director/City Clerk; Harry Weilage, Director of Community Services; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

**APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the addition of item number 19a which is the request from the Senior Center to receive bids for the sale of surplus furniture.

**APPROVAL OF THE MINUTES:**

Rowe moved, Edblom seconded, the approval of the minutes of the regular meeting held on November 2, 1998; the special meeting held on November 4, 1998 and the special meeting held on November 9, 1998 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

**PUBLIC HEARING – TRANSFER CABLE TELEVISION FRANCHISE:**

This was the date and time set for a public hearing on the transfer of the cable television franchise. Mr. Brian Grogan of Moss & Barnett reviewed with the council and those in attendance at the meeting his report. Mr. Barnett indicated that Bresnan Telecommunications Company LLC is legally; technically and financially qualified. It was also indicated that they have signed a pole agreement with the Marshall Municipal Utilities. There were no objections, therefore Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2076, SECOND SERIES and that the reading of the same be waived. Resolution Number 2076, Second Series is a resolution Recommending Approval of the Transfer and Assignment of the Cable Television Franchise to Bresnan Telecommunications Company, LLC. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, the Acceptance of a Franchise for a Cable Television System in the City of Marshall, Minnesota. All voted in favor of the motion.

**PUBLIC HEARING – ON-SALE LIQUOR LICENSE CROSSROADS RESTAURANT:**

This was the date and time set for a public hearing to consider the application for an on-sale intoxicating liquor license for the Crossroads Restaurants. A representative from Crossroads Restaurant was not in attendance at the meeting. The City council was concerned as to how this license would be used at this facility and if they wanted the license for the remainder of 1998. Rowe moved, Edblom seconded, that the public hearing on the application for an on-sale intoxicating liquor license for the Crossroads Restaurant be continued to the next regular City Council meeting to be held on December 7, 1998 and that a letter be sent to Crossroads

requesting someone attend the next meeting to answer any questions the council may have. All voted in favor of the motion.

**CALL FOR PUBLIC HEARING – ON-SALE LIQUOR LICENSE APPLEBEE'S:**

Stores moved, Edblom seconded, that a public hearing be held at the next regular City Council meeting on December 7, 1998 at 7:30 P.M. for the on-sale intoxicating liquor license application from Applebee's Neighborhood Grill & Bar. All voted in favor of the motion.

A Legislative and Ordinance meeting was scheduled for November 20, 1998 to discuss the on-sale liquor license issue and make a recommendation to the council at the December 7, 1998 meeting.

**ORDINANCE TO ALLOW CREMATORY USE:**

Rowe moved, Stores seconded, the adoption of ORDINANCE NUMBER 404, SECOND SERIES and that the reading of the same be waived. Ordinance Number 404, Second Series is an Ordinance Amending Chapter 11 of the Marshall, Minnesota, City Code providing for the location of Crematorium in an Agricultural District as a Condition of Use. All voted in favor of the motion.

**CONDITIONAL USE PERMIT – 207 NORTH 7<sup>TH</sup> STREET:**

Upon the recommendation of the Planning Commission, Stores moved, Edblom seconded, the approval of a Conditional Use Permit for a home occupation for a live bait business in an R-1 One Family Residence District for Bruce Grow at 207 North 7<sup>th</sup> Street with the following conditions:

1. The permit be issued for a one-year probationary period.
2. All water and organic wastes be disposed of in the municipal waste water system or other sanitary method away from the property.
3. The hours be restricted to 6 A.M. and 10 P.M.

All voted in favor of the motion.

**REZONE 1001-1005 DANO ADDITION:**

Upon the recommendation of the Planning Commission, Boedigheimer moved, Doyle seconded, the request to rezone Dano Addition, Block 2, Lots 5, 6, 7 and the westerly 10' of Lot 4 (1001-1005 Dano Circle) from R-2 One to Four Family Residence District to R-3 Lot to Medium Density Multiple Family Residence District be denied. All voted in favor of the motion.

**CONDITIONAL USE PERMIT – 700 NORTH 7<sup>TH</sup> STREET:**

Upon the recommendation of the Planning Commission, Rowe moved, Boedigheimer seconded, that a Conditional Use Permit be granted to Independent School District 413 for a public school in an I-1 Limited Industrial District at 700 North 7<sup>th</sup> Street with the following conditions:

1. Adherence to all applicable zoning ordinances.
2. Subject to off street parking, as follows:
  1. Warehouse Area: 1 space per 2,000 s.f.
  2. Office Area: 4 spaces per 1,000 s.f.
  3. Classroom Area: 6 spaces per 1,000 s.f.
3. The permit be granted for a 5-year probationary period.

All voted in favor of the motion.

**MMU – UTILITY REVENUE REFUNDING BONDS, SERIES 1999:**

Jim Babcock, Chairman Marshall Municipal Utilities Commission, was in attendance at the meeting to review with the council their request for the approval of their Utility Revenue Refunding Bonds, Series 1999. He indicated that the bonds would be in the amount of \$4,930,000, that they would be saving over ½ million dollars by refinancing and that the bonds would be dated January 1, 1999. Edblom moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2077, SECOND SERIES and that the reading of the same be waived. Resolution Number 2077, Second Series is a resolution authorizing the issuance and delivery of Utility Revenue Refunding Bonds, Series 1999 for the Marshall Municipal Utilities. The sale of these bonds was awarded to Robert W. Baird & Company with a true interest rate of 4.3107%. All voted in favor of the motion.

**WMMC – PURCHASE EQUIPMENT AND ACCEPT BIDS:**

Stores moved, Reynolds seconded, the approval of Weiner Memorial Medical Center to purchase an ultrasound machine from ATL Ultrasound of Bothell, Washington for Model HDI 3000 in the amount of \$175,340.50. All voted in favor of the motion.

Rowe moved, Doyle seconded, the approval of Weiner Memorial Medical Center to purchase a nurse call/communication system from Hill-Rom Industries in the amount of \$334,022.00. All voted in favor of the motion.

Stores moved, Edblom seconded, the approval of Weiner Memorial Medical Center to accept the bid from Sussner Construction, Marshall, Minnesota in the amount of \$47,300 as the general contractor for the long-term Remodeling Project. All voted in favor of the motion.

Edblom moved, Doyle seconded, the approval of Weiner Memorial Medical Center to accept the bid from Bisbee Plumbing & Heating, Marshall, Minnesota in the amount of \$41,329 for the Mechanical bid for the long-term Remodeling Project. All voted in favor of the motion.

**ACCIDENT INSURANCE FOR VOLUNTEERS:**

Sheldon Kimpling, representative for the Insurance Advisory Committee, was in attendance at the meeting to review with the City Council accident insurance coverage for volunteers. Mr. Kimpling stated that a volunteer is a person who is under the control and direction of the city and that it is not necessary to keep a list of volunteers. He also indicated that members of the Boards and Commissions are not considered volunteers and if they are to be covered by workers compensation insurance it should be done in the same manner as coverage is provided for the Mayor and Council. The cost of this insurance is \$1,742 per year, which includes an optional medical benefit in the amount of \$540. Stores moved, Edblom seconded, that discussion of the accident insurance for volunteers be tabled until the next regular City Council meeting to be held on December 7, 1998. All voted in favor of the motion.

A 5-minute recess was taken at this time.

**MIGHTY KIDS GRANT AGREEMENT:**

Stores moved, Reynolds seconded, the proper city personnel be authorized to enter into a Mighty Kids Grant Agreement in the amount of \$5,000. This grant is to be used to initiate an

intramural program for up to 150 students. The plan is to offer co-recreational programs in six sports. All voted in favor of the motion.

**AGREEMENT WARRANTY PERIOD – EAST MAIN STREET:**

Doyle moved, Stores seconded, the proper city personnel be authorized to enter into an agreement with McLaughlin & Schulz to extend the warranty from December, 1998 to October 1, 2000 for the East Main Street Project, Project No. 1997-002. All voted in favor of the motion.

**1997 MINNESOTA STATE BUILDING CODE:**

Rowe moved, Reynolds seconded, the introduction of an ordinance Amending Section 4.01 of the City Code in the City of Marshall Adopting the Minnesota State Building Code. All voted in favor of the motion.

**UPPER COUNTY DITCH 62 IMPROVEMENT:**

Keith Nelson, Director of Public Works/City Engineer, reviewed with the council the feasibility report for the Upper County Ditch 62 Watershed Improvements. Doyle moved, Reynolds seconded, that this feasibility report be referred to the Public Improvement Committee for their review and recommendation. All voted in favor of the motion.

**AUTHORIZE BIDS FOR GARBAGE REMOVAL:**

Edblom moved, Stores seconded, the proper city personnel be authorized to advertise for bids for the pickup and removal of garbage and trash for various city locations. These bids are to be considered at the City Council meeting to be held on December 21, 1998. It was suggested that cans only containers be placed in the parks. All voted in favor of the motion.

**REALLOCATING BUDGET AMOUNTS:**

Rowe moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2078, SECOND SERIES and that the reading of the same be waived. Resolution Number 2078, Second Series is a resolution reallocating budget amounts for fiscal year ending December 31, 1998. All voted in favor of the motion

**OUT-OF-STATE TRAVEL - LIQUOR STORE MANAGER:**

Edblom moved, Doyle seconded, out-of-state travel be approved for Jim VanHyfte to travel to the National Association of Beverage Retailers Annual Convention in Las Vegas, Nevada on January 17-20, 1999. All voted in favor of the motion.

**CALL FOR HEARING – EXPANSION BY HRA PROJECT 1 AND/OR PROJECT 2:**

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2079, SECOND SERIES and that the reading of the same be waived. Resolution Number 2079, Second Series is a Resolution Calling for a Public Hearing on the Proposed Modification by the Housing and Redevelopment Authority in and for the City of Marshall of the Modified Redevelopment Plan for Redevelopment Project No. 1 and the Modification of the Tax Increment Financing Plans for Tax Increment Financing District Nos. 1-1 through 1-10 and the Modified Redevelopment Plan for Schwan's Redevelopment Project No. 2 and the Modification of the Tax Increment Financing Plans for Tax Increment Financing District Nos. 1 and 2. The project areas proposed modifications are for the future annexation of the Michael Geurts property. All voted in favor of the motion.

## REGULAR MEETING – NOVEMBER 16, 1998

**SALE OF FURNITURE – MARSHALL AREA SENIOR CENTER:**

Boedigheimer moved, Stores seconded, upon the approval of the Senior Citizen Commission, the Marshall Area Senior Center be authorized to offer for sale surplus furniture. All voted in favor of the motion.

**MAYOR AND COUNCIL REPORTS:**

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

- Byrnes: EDA and Fire Relief Association have not met; Regional Development Commission met last Thursday.
- Stores: Hospital Board met earlier in the evening - they have added 26 additional parking stalls.
- Edblom: Cable Commission has not met; Planning Commission items were discussed earlier at the council meeting; Utilities Commission meets next week; Ways and Means Committee needs to schedule a meeting.
- Boedigheimer: Airport Commission minutes of the November 9, 1998 meeting are included in the agenda packet; Senior Citizen Center Commission will meet on Wednesday; Lyon County Enterprise Development have hired a new facilitator; Public Improvement/Transportation Committee will meet on Thursday at 4:00 P.M.
- Doyle: Housing Commission no report – was unable to attend.
- Rowe: Library Board met last week and discussed heating costs, replacing the phone system, and offering classes on the internet; Legislative and Ordinance Committee has not met.
- Reynolds: Community Services Advisory Board the winter brochure is being worked on; repairs for the floor of the pool was discussed and the filtration system was discussed.

**COUNCILMEMBERS INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: the approximate time schedule on the agenda is appreciated; there will be a Downtown Redevelopment meeting on Tuesday at 7:00 P.M.; it was indicated that snow is being dumped on the bike trail near the Brairwood Apartments on Country Club Drive. Boedigheimer moved, Doyle seconded, that Keith Nelson, Director of Public Works/City Engineer be authorized to take whatever action is necessary to have the snow removed from the bike trail adjacent to Brairwood Apartments. All voted in favor of the motion. The video equipment in the council chambers needs to be reviewed.

**PENDING AGENDA ITEMS:**

Pending agenda items should include: the codification of the city code should be received after January 1, 1999 and that the City Council requested an updated list of the property that has been purchased for the Ditch 62 project.

**BILLS/PROJECT PAYMENTS:**

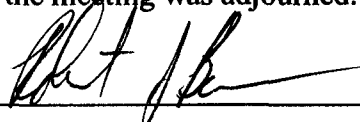
Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 17558 through 17794.

**BUILDING PERMITS:**

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

Fairway Apartments, LLC	900 Pearl Avenue	Reroof	\$20,000
Gregory Lecy	1300 Ridgeway Road	Basement Remodel	\$8,000
Greig & Gregerson	205 West Redwood St.	Interior and Garage Remodeling	\$4,000
Don Jants	606 Peltier Street	Remodel Bathroom and Reside	\$3,100
True Value Home Center	1007 Hackberry Drive	Addition to Dwelling	\$28,000
Richard Bragg	205 North 5th Street	Remodel Bathroom	\$2,000
Bakke's Home Repair & Construction	110 West James Avenue	Interior Remodeling	\$8,000
Olson & Johnson International Trucks, Inc.	503 N. Highway 59	Repair Garage Addition	\$158,700
True Value Home Center	1229 Patrica Court	Dwelling	\$150,000
True Value Home Center	1403 Cumberland Road	Dwelling	\$110,000
Robert L. Carr	302 Elaine Avenue	Two-Plex Dwelling	\$100,000
Joe and Kristin Collins	220 Ash Drive	Manufactured Home Installation	

Upon motion by Doyle, 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



A special meeting of the Common Council of the City of Marshall was held on November 18, 1998 in the Commissioners Room of the Marshall Municipal Utilities. The meeting was called to order at 7:03 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Boedigheimer, Edblom, Doyle, Stores and Reynolds. Absent: none. Staff present included: Michael Johnson, City Administrator; Keith Nelson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Bob VanMoer, Superintendent Wastewater Facility; and Jane DeVries, Deputy City Clerk.

#### **WWMC – BIDS REMODELING:**

Jerry Boerboom representative from Weiner Memorial Medical Center was in attendance at the meeting to review with the council the bids that were received for the Comprehensive Remodeling Project – Phase III at Weiner Memorial Medical Center. He indicated that the alternate bids were left open at this time.

Boedigheimer moved, Rowe seconded, the bid for the General Contractor be awarded to Sussner Construction, Marshall, Minnesota in the amount of \$490,000.00. All voted in favor of the motion.

Doyle moved, Stores seconded, the bid for the Mechanical work be awarded to Bisbee Plumbing & Heating, Marshall, Minnesota in the amount of \$330,386.00. All voted in favor of the motion.

Boedigheimer moved, Edblom seconded, the bid for the electrical work be awarded to Mendota Electric, Inc., Mendota, Minnesota in the amount of \$123,176. The low bid from Fulda Electric Service, Inc., in the amount of \$101,079 was withdrawn. All voted in favor of the motion.

#### **BUDGET DISCUSSION:**

At this time Bob VanMoer, Superintendent Wastewater Treatment Facility, reviewed with the council the request for the Wastewater budget for 1999. He indicated that the total budget is up approximately 5% over 1998. Mr. VanMoer then reviewed the three scenarios that were prepared for the Wastewater rate increase for 1999. Edblom moved, Doyle seconded, that the Wastewater rates would be increased using scenario 3, which is approximately 10.8% increase for residential use of 950 Cu.Ft. All voted in favor of the motion.

A discussion was also held on how this increase would affect the industries and the need for more discussion with the larger users of the Wastewater Treatment Facility.

Edblom moved, Doyle seconded, the budget for the Animal Impound Facility be \$7,151 for the year 1999 and the 1999 budgeted amount for the Lyon County Historical Society be \$12,500 for the year 1999. All voted in favor of the motion.

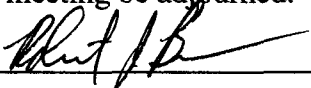
A discussion was held at this time on the large increase in the Community Services budget for 1999. Boedigheimer was concerned with the 15% increase in the Aquatic Center. It was indicated that this was due to the increase in minimum wage and the replacement of the pool roof.

## SPECIAL MEETING – NOVEMBER 18, 1998

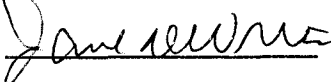
Reynolds asked if they could discuss the liquor license issue at this time. Mr. Reynolds was informed that they could only discuss the liquor license as a revenue source as it relates to the budget, since this was not a specific item on the agenda. Per Brian Murphy the city cannot charge more than what the City can justify it costs to enforce liquor licenses. It was indicated that the number of liquor license and the fee be reviewed by the Legislative and Ordinance Committee.

Edblom moved, Stores seconded, the budget be accepted and that it be presented at the Truth and Taxation meeting scheduled for December 7, 1998. All voted in favor of the motion, except Boedigheimer who voted no.

Reynolds moved, Stores seconded, the meeting be adjourned. All voted aye.

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

ATTEST:

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

The Truth and Taxation Hearing was called to order at 6:00 P.M. by Mayor Byrnes. In addition to Byrnes, the following members were present: Doyle, Rowe, Edblom, Reynolds, and Boedigheimer. Absent: Stores. Staff present included: Michael Johnson, City Administrator; Thomas Meulebroeck, Finance Director/City Clerk; Calvin Barnett, City Assessor; Robert VanMoer, Superintendent Wastewater Treatment Facility; and Jane DeVries, Deputy City Clerk. There were also two representatives from the press in attendance and one individual from the general public.

The Truth and Taxation Hearing is an opportunity to provide information on the proposed 1999 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 Clerk a preliminary budget is prepared and adopted by September 15<sup>th</sup>. Following the adoption of the preliminary budget a thorough 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 1998 Accomplishments and the 1999 Issues confronting the City. The City of Marshall 1998 Accomplishments identified were as follows:

1. Obtained \$2,950,000 in Federal/State funding for Flood Control Project
2. Secured permits and acquired real estate parcels for Flood Control Project
3. Completed Storm Sewer Drainage Improvement Project in Minnesota Street area
4. County Ditch #62 Improvement Project finalized
5. Initiated construction of Joint Law Enforcement Center with Lyon County
6. Obtained \$880,000 State appropriation to construct new Emergency Response and Industrial Training Center
7. Highway #59 Construction Project completed
8. Industrial Park expansion initiated
9. Community and City Hall technology enhancements
10. Instituted Minority Advocate Program
11. Addition of new personnel (Director of Public Safety, Library Director and Wastewater Treatment Superintendent)
12. Completed 1<sup>st</sup> annual Police-Citizen's Academy
13. Program and facility enhancements at Marshall-Lyon County Library
14. Continuation of Joint City/County/School Newsletter
15. Consolidation of fuel dispensing system with Lyon County

The 1999 Issues Confronting the City of Marshall were as follows:

1. Initiate construction and obtain final Federal funding for Flood Control Project
2. Initiate construction of new Emergency Response and Industrial Training Center
3. Address Year 2000 problems (Y2K)
4. Complete construction and expansion of new Industrial Parks

## TRUTH AND TAXATION HEARING – DECEMBER 7, 1998


5. Transition of Public Safety Department into new Joint Law Enforcement Center
6. Implement downtown redevelopment plans
7. Implement Storm Sewer Utility Program
8. Jewett Street and North 6<sup>th</sup> Street Improvement Projects
9. Municipal Building needs/space study
10. Development of technology plan to link citizens, elected officials and city staff
11. Develop coordinated land use/planning program with Lyon County
12. Evaluate additional watershed improvements to County Ditch #62 and seek Federal/State funding
13. Explore collaborative community solutions to address regional recruiting and workforce needs
14. Continue public safety efforts in Gang/Drug Task Force
15. Continue collaborative efforts between City/County/School to address community issues and facility sharing

Mr. Johnson continued to review with those in attendance at the meeting the 1999 budget and tax levy data. He briefly reviewed the general fund revenues and expenditures as they relate to previous years; how property taxes are determined; a comparison of the state aid and tax levies; how the 1999 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 present; a history of the local tax capacity rate; the average property tax bill; a breakdown between city, school, county and others; and the comparison of Greater Minnesota Cities with populations over 8,000 and their 1998 tax capacity rates.

The only question was if the work comp dividend was budgeted as a revenue item. It was indicated that there will be an estimated dividend of \$33,000 for the general property and liability insurance, but there was no indication of what the dividend would be for workers comp.

Rowe moved, Doyle seconded, the public hearing be adjourned at 6:25 P.M. All voted in favor of the motion.

The city council and others in attendance at the meeting were advised that the 1999 budget and the City of Marshall tax levy will be considered for adoption at the City Council meeting held at 7:30 P.M. on Monday, December 21, 1998.

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

Attest:



Finance Director/City Clerk

The regular meeting of the Common Council of the City of Marshall was held on December 7, 1998 in the City 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: Doyle, Rowe, Edblom, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works/City Engineer; Thomas Meulebroeck, Finance Director/City Clerk; Rob Yant, Director of Public Safety, Robert VanMoer, Superintendent Wastewater Treatment Facility; 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 the re-elected Councilpersons Reynolds, Rowe and Boedigheimer.

**APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with item number 14 which is the appointment of the City Attorney being postponed and the addition of item number 14a which is the request to adopt a resolution appointing a Y2K Coordinator; the addition of item 14b which is the appointment of the council members to the various committees, commissions and boards.

**APPROVAL OF THE MINUTES:**

Rowe moved, Doyle seconded, the approval of the minutes of the regular meeting held on November 16, 1998 and the special meeting held on November 18, 1998 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

**PUBLIC HEARING – ON-SALE LIQUOR LICENSE CROSSROADS RESTAURANT:**

The public hearing for the on-sale liquor license for the Crossroads Restaurant was to be continued at this time from the regular City Council meeting held on November 16, 1998. Since the last council meeting, Crossroads Restaurant has submitted a request to withdraw their application for an on-sale liquor license, therefore Doyle moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

**PUBLIC HEARING – ON-SALE LIQUOR LICENSE APPLEBEE'S NEIGHBORHOOD GRILL AND BAR:**

This was the date and time set for a public hearing to consider the application of an on-sale liquor license for Applebee's Neighborhood Grill and Bar. Representatives from Applebee's were in attendance at the meeting to present their request and show a short video of the Applebee's. This request is for the calendar year 1999 for on-sale and Sunday liquor license. There were no objections, therefore Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Rowe seconded, that the application for an on-sale liquor license and a Sunday liquor license for Applebee's Neighborhood Grill and Bar for the calendar year 1999 be approved. All voted in favor of the motion.

It was the general consensus of the council that the questionnaire used to consider these two applicants be used for future renewal of all on-sale liquor license applicants. The Legislative and Ordinance Committee needs to meet and discuss this request with the City Attorney.

**ADOPTION OF 1997 MINNESOTA STATE BUILDING CODE:**

Edblom moved, Doyle seconded, the adoption of ORDINANCE NUMBER 405, SECOND SERIES and that reading of the same be waived. Ordinance Number 405, Second Series is an ordinance Amending Section 4.01 of the City Code in the City of Marshall Adopting the Minnesota State Building Code. All voted in favor of the motion.

**1999 BUDGET FOR WATER/ELECTRIC SERVICES WITH MARSHALL MUNICIPAL UTILITIES:**

Gary Becker, representative from Marshall Municipal Utilities Board, was in attendance at the meeting to review with the city council and others in attendance the proposed 1999 Budget for Water/Electric Services with Marshall Municipal Utilities. Mr. Becker indicated that the proposed budget was approximately 3% less than in 1998 and that the Marshall Municipal Utilities will pay approximately \$10,000 more to the City of Marshall in lieu of taxes. Mr. Becker also suggested that the City of Marshall should consider a franchise fee for utility companies.

**AUTHORIZATION TO HIRE TWO POLICE OFFICERS:**

Upon the recommendation of Director of Public Safety Rob Yant, Rowe moved, Boedigheimer seconded, that Jason Kopitski be promoted from a part-time Police Officer to a full-time Police Officer with the City of Marshall at the rate of \$13.64. Mr. Kopitski would be a replacement for Jody Gladis, who will begin his duties under the Southwest Minnesota Gang Strikeforce Grant. This authorization is contingent upon the City of Marshall receiving this grant. All voted in favor of the motion.

Upon the recommendation of Director of Public Safety Rob Yant, Edblom moved, Reynolds seconded, that Michael Serreyn be employed as full-time Police Officer with the City of Marshall at the rate of \$13.64 effective January 4, 1999. The following resolution was adopted: BE IT RESOLVED that Michael Serreyn be duly appointed, qualified and acting full-time 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.

Mr. Yant took this opportunity to advise the City Council of the Police-Citizens Academy Graduation to be held on December 8, 1998 at 6:30 P.M. at the Marshall Municipal Utilities.

**AUTHORIZATION TO RECEIVE BIDS FOR SQUAD CARS:**

Boedigheimer moved, Reynolds seconded, the proper city personnel be authorized to advertise for bids for the purchase of two new police squad units. These bids are to be received on January 11, 1999. All voted in favor of the motion.

## REGULAR MEETING – DECEMBER 7, 1998

**LEGISLATIVE AND ORDINANCE COMMITTEE RECOMMENDATIONS:**

A discussion was held at this time on the recommendation of the Legislative and Ordinance Committee that the proper city personnel seek special legislation for additional liquor licenses for the City of Marshall. The discussion also included a request to do criminal history background checks on liquor license applicants and all the directors or officers; asking if anyone has ever been convicted of a felony; and also requesting all the applicants complete the same questionnaire that was used for the two new applicants for liquor licenses. Rowe moved, Stores seconded, the proper city personnel be authorized to seek special legislation for an additional 2 or 3 liquor licenses for the City of Marshall. Councilperson Edblom stated that the committee suggested seeking legislation for up to 5 new licenses. All voted in favor of the motion.

Rowe moved, Edblom seconded, the introduction of an ordinance amending the cable television franchise fee for the City of Marshall. This ordinance would increase the franchise fee from 3% to 5%. Councilperson Boedigheimer felt that the increase of 2% should be earmarked for a special purpose. All voted in favor of the motion.

**PUBLIC IMPROVEMENT/TRANSPORTATION COMMITTEE RECOMMENDATIONS:**

Keith Nelson, Director of Public Works/City Engineer reviewed with the City Council the Snow Removal Policy for the City of Marshall. He indicated that the State of Minnesota removes the snow on East College Drive. Mr. Nelson also indicated that the city council should consider changing the subdivision 1, snow emergency routes, of Ordinance Number 323, Second Street to include more streets. Boedigheimer moved, Doyle seconded, upon the recommendation of Keith Nelson, Director of Public Works/City Engineer, the Snow Removal Policy be approved as presented. All voted in favor of the motion.

**MARSHALL FLOOD CONTROL PROJECT REAL ESTATE PURCHASE – GRUHOT:**

Edblom moved, Reynolds seconded, the approval of the real estate purchase agreement with David and Sharon Gruhot in the amount of \$16,845. All voted in favor of the motion.

**DEFERRING ASSESSMENTS PROJECT 1997-003:**

Boedigheimer moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2080, SECOND SERIES and that the reading of the same be waived. Resolution Number 2080, Second Series is a resolution Deferring Assessments for Project NO. 1997-003 / S.A.P. 139-124-01 for Parcel No. 27-603025-0 owned by Paul and Fran Deutz in the amount of \$35,859.58 and that interest shall continue to accrue. All voted in favor of the motion, except Byrnes who voted no.

A 5-minute recess was called at 9:00 P.M.

**AGREEMENT FOR INSTALLATION OF RAILROAD CROSSING SIGNALS AND GATES:**

Stores moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2081, SECOND SERIES and that the reading of the same be waived. Resolution Number 2081, Second Series is a resolution authorizing the proper city personnel to enter into an agreement with MN/DOT and Burlington Northern and Santa Fe Railway Company for the installation of railroad crossing signals and gates at Legion Field Road. The total cost is estimated to be \$122,930 of which the City's portion is 10% or \$12,293.00. All voted in favor of the motion.

**1999 WASTEWATER RATES:**

Edblom moved, Rowe seconded, a public hearing be held at 7:30 P.M. on December 21, 1998 for the proposed 1999 Wastewater Rates. All voted in favor of the motion.

**AMEND ORDINANCE REGARDING FRONT YARD SETBACK REQUIREMENTS:**

Rowe moved, Doyle seconded, the introduction of an ordinance amending certain parts of Chapter 11 regulating setbacks in residential districts in the City of Marshall and calling for a public hearing to be held at 7:30 P.M. on December 21, 1998. All voted in favor of the motion.

**APPOINTING Y2K COORDINATOR:**

Doyle moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2082, SECOND SERIES and that the reading of the same be waived. Resolution Number 2082, Second Series is a resolution Appointing a Y2K Coordinator. All voted in favor of the motion.

**APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS:**

Per the recommendation of Mayor Byrnes the Council committees and liaisons to boards and commissions are as follows:

President Pro-Tem – Maureen Stores

Personnel Committee

Mike Reynolds  
Maureen Stores  
Don Edblom

Legislative & Ordinance Committee

Maureen Stores  
Ted Rowe  
John Doyle

Ways and Means Committee

Mike Boedigheimer  
Don Edblom  
Ted Rowe

Public Improvement/Transpiration Committee

Mike Boedigheimer  
John Doyle  
Mike Reynolds

Liaisons to Boards and Commissions

Airport Commission – Mike Boedigheimer  
Cable TV Commission – Don Edblom  
Charter Commission – Ted Rowe  
Community Services Advisory Board – Maureen Stores  
Economic Development Authority – Bob Byrnes and John Doyle  
Hospital Board – Mike Reynolds  
Housing Commission – John Doyle  
Human Rights Commission – John Doyle  
Insurance Advisory Commission – Ted Rowe  
Library Board – Ted Rowe  
Planning Commission – Don Edblom  
Senior Citizen Center Commission – Mike Boedigheimer  
Utilities Commission – Don Edblom  
Fire Relief Association – Bob Byrnes  
Regional Development Commission – Bob Byrnes  
Convention and Visitors Bureau – John Doyle



## REGULAR MEETING – DECEMBER 7, 1998

Lyon County Ice Facility Board – Maureen Stores, Ted Rowe and Mike Reynolds  
 City Council/County Board/Library Agreement and Operations – Maureen Stores and Ted Rowe  
 Lyon County Enterprise Development – Mike Boedigheimer  
 Joint Law Enforcement Committee – Mike Boedigheimer and Mike Reynolds  
 ERIT Fire Center – Ted Rowe  
 Y2K Council Contact – John Doyle  
 Marshall Area Transit – John Doyle  
 Historical Society – Maureen Stores and Mike Reynolds  
 Human Society – Mike Boedigheimer and Don Edblom

**LICENSE RENEWALS FOR 1999:**

All the following licenses were approved contingent upon the certificates of insurance and the proper fee being paid.

Reynolds moved, Boedigheimer seconded, and it was unanimously approved that the following on-sale liquor licenses be approved for the calendar year 1999 at a fee of \$3,500:

American Legion	Best Western/Marshall Inn
Chalet Club	Eagles Club
Gambler	Marshall Bowl/Shover's Recreation Center
Marshall Golf Club	RJB Investments ( <i>formerly Dakotas</i> )
Rumours ( <i>formerly Corner Bar</i> )	Sam's Place
Wooden Nickel	

Rowe moved, Stores seconded, and it was unanimously approved that the following wine license be approved for the calendar year 1999 at a fee of \$700:

**Daily Grind**

Rowe moved, Edblom seconded, and it was unanimously approved that the following Sunday liquor licenses be approved for the calendar year 1999 at a fee of \$200:

American Legion	Best Western/Marshall Inn
Chalet Club	Eagles Club
Marshall Bowl/Shover's Recreation Center	Marshall Golf Club
RJB Investments	Rumours
Sam's Place	Wooden Nickel

Boedigheimer moved, Reynolds seconded, and it was unanimously approved that the following off-sale non-intoxicating beer licenses be approved for the calendar year 1999 at a fee of \$50:

Ampride West/Lyon County Co-Op	Hy-Vee Food Store
Phillipps 66/Cattoor Oil	Texaco
VFW	

Reynolds moved, Stores seconded, and it was unanimously approved that the following on-sale non-intoxicating beer licenses be approved for the calendar year 1999 at a fee of \$150:

## REGULAR MEETING – DECEMBER 7, 1998

Daily Grind  
Pizza Hut

Godfather's Pizza  
VFW

Edblom moved, Boedigheimer seconded, and it was unanimously approved that the following tobacco licenses be approved for the calendar year 1999 at a fee of \$48:

American Legion  
Ampride West/Lyon County Co-Op  
Chalet Club  
Eagles Club  
Hy-Vee Food Store  
K-Mart  
Marshall Liquor Store  
Rumours  
Super America/Cattoor Oil  
Traveler's Lodge

Ampride Main/Lyon County Co-Op  
Bookstore Corral SSU  
County Market  
Gambler  
K. C. Pawn & Gun Shop  
Marshall Golf Club  
Phillips 66/Cattoor Oil  
Sam's Place  
Texaco  
Wooden Nickel

**MAYOR AND COUNCIL REPORTS:**

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 will meet on Thursday; Fire Relief Association has not met.
- Stores: Hospital Board has reduced the candidates for the CEO position down to 2; Downtown Redevelopment Committee met but Stores was not able to attend – the next meeting is scheduled for next Thursday
- Edblom Cable Commission minutes are included in the agenda packet; Planning Commission will meet on Wednesday; Utilities Commission will meet in 2 weeks; Ways and Means Committee and Personnel Committee have not met.
- Boedigheimer Airport Commission will meet next week; Senior Citizen Center Commission minutes are included in the agenda packet; Lyon County Enterprise Development Committee and Jt. LEC have not met; Public Improvement/Transportation Committee met but Mike was unable to attend.
- Doyle Housing Commission, Human Rights Commission and Transit minutes are included in the packet; Convention and Visitors Bureau discussed the budget and membership.
- Rowe Insurance Advisory Committee has not met; Library Board will meet next Monday; Legislative and Ordinance Committee items were discussed earlier in the meeting; E.R.I.T. met last Thursday and discussed the need for more funding.

## REGULAR MEETING – DECEMBER 7, 1998

Reynolds Community Services Advisory Board met on December 2, 1998 and discussed an appeal they received in regard to a person being suspended from playing basketball.

**COUNCILPERSON INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: the possibility of taking a tour with the new transit vehicle; the council can receive a copy of the Cities Bulletin at their home for \$40.00 per year; Keith Nelson, Director of Public Works/City Engineer, was thanked for his memo on the Marshall Flood Control Project parcel acquisition update; TIF Funding will be discussed at the State Legislature; and the councilmembers were reminded to complete their evaluation forms on City Administrator, Mike Johnson.

**BILLS/PROJECT PAYMENTS:**

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 17794 through 17978.

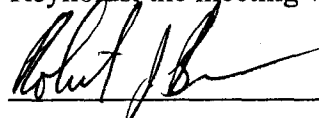
**BUILDING PERMITS:**

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

Doom & Cuypers Construction	1101 Winchester Avenue	Install Windows	\$36,400
Robert & Nina Welu	611 Adobe Circle	Finish Third Floor	\$3,500
Sussner Construction, Inc.	209 South 1st Street	Remodel Garage	\$3,000
Babcock Construction	906 Poplar Avenue	Reside Dwelling	\$3,500
Weiner Memorial Medical Center	300 South Bruce Street	Interior Remodel (Nursing Home)	\$88,600
Tom Nichols	504 West Lyon Street	Reroof Dwelling	\$3,000
Randy Grant	603 Hudson Avenue	Addition and Garage	\$20,000
Gerald & Kathy Lozinski	305 North 5th Street	Remodel Porch, Remodel Garage, Construct Bathroom	\$4,500
Tom & Gayle Birath	601 Adobe Road	Install Window & Basement Remodel	\$2,500

It was the general consensus of the council that Crossroads Restaurant be refunded the \$1,750 that was paid to the City along with their application for a liquor license less expenses incurred by the City of Marshall. The refund to Mr. Deutz for the special assessment that he paid that is now classified as a deferred assessment was discussed.

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



Mayor of the City of Marshall

REGULAR MEETING – DECEMBER 7, 1998

Attest:

Thomas M. Seidewitz

Finance Director/City Clerk

## REGULAR MEETING – DECEMBER 21, 1998

The regular meeting of the Common Council of the City of Marshall was held on December 21, 1998 in the City 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, Edblom, Reynolds, and Stores. Absent: Doyle and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Keith Nelson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Robert VanMoer, Wastewater Superintendent; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

**APPROVAL OF THE AGENDA:**

It was the general consensus of the council that the agenda be approved with the appointment of the City Attorney being changed from agenda item number 18 to agenda item number 9a.

**APPROVAL OF THE MINUTES:**

Rowe moved, Stores seconded, the approval of the minutes of the regular meeting held on December 7, 1998 as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

**AWARD OF BIDS:**

Bids were received, opened and read on December 15, 1998 for the pickup of garbage and trash for various City locations for the period January 1, 1999 through December 31, 2000. Thomas M. Meulebroeck reviewed the bids received with those in attendance at the meeting. Bids received, opened and read were as follows:

**BID SUMMARY**

Bid to supply all labor, equipment, material and skills for the pickup of garbage and junk at numerous locations in the city for a two (2) year period beginning January 1, 1999. The receptacles are owned by the City of Marshall, except for the cardboard receptacles located at the Swimming Pool and the Baseball Complex in Independence Park. The contractor shall provide these cardboard receptacles at their expense.

**UNIT BID SCHEDULE OF UNIT PRICES PER LOCATION**

<u>Location</u>	<u>Job Description</u>	<u>1997/98 Contract</u>	<u>Martin Sanitary Service</u>	<u>Ritter's Sanitary Service</u>
1. Wastewater Treatment Plant	Twice per week, two (2) one yard containers	4,267.74	2,080.00	3,867.16
	Twice per week, one (1) one and one-half yard containers	Included Above	2,496.00	Included Above
2. Municipal Airport	Once a week, one (1) one yard	1,972.88	1,248.00	690.00

## REGULAR MEETING – DECEMBER 21, 1998

	container			
3. Street Department Shops	Once per week, one (1) one yard container	1,972.88	1,248.00	832.00
4. Main Street between College Drive and 5th St., & 3rd St. between Main St. & Lyon St.	Ten (10) sidewalk containers, once (1) per week. Pickup before 6:00 A.M.	1,931.72	1,352.00	1,000.00
5. Municipal Liquor Store	Two (2) times per week, one (1) one and one-half yard container	4,004.00	2,704.00	2,001.00
6. Municipal Building	Five (5) days per week two (2) 30 gallon containers	842.65	628.00	449.00
7. Senior Citizen Center Building	Two (2) times per week, one (1) one yard container	1,972.88	2,080.00	1,604.90
Sub Total		16,964.75	13,836.00	10,444.06
Tax		1,102.71	2,352.12	1,775.49
Total Bid		18,067.46	16,188.12	12,219.55

**ALTERNATES**

PROVIDE THE FEE PER CONTAINER FOR THE FOLLOWING "ON CALL SAME DAY SERVICE" FOR THE FOLLOWING LOCATIONS:

		<u>Per Container Fee Plus SWM</u>		
<u>Tax 17%</u>				
<u>Location</u>		<u>1997/98 Contract</u>	<u>Martin Sanitary Service</u>	<u>Ritter's Sanitary Service</u>
A. One (1) yard container:				
A (1) Municipal Airport		9.49	10.00	6.00
B. One and one-half (1 ½) yard container:				
B (1) Fire Station		19.25	NC	6.00
B (2) Park Maintenance Shop		19.25	12.00	6.00
C. Three (3) yard container:				
C (1) Legion Field Park		28.88	15.00	6.00

C (2) Justice Park	28.88	15.00	6.00
C (3) Softball Complex	28.88	15.00	6.00
C (4) Swimming Pool	28.88	15.00	2.00
C (5) Independence Park	28.88	15.00	2.00
C (6) Independence Park – Baseball Complex	28.88	15.00	2.00

FEE FOR ALTERNATE BID FOR RECYCLING

1. Wastewater Treatment Plant	On Call	NC	NC	NC
2. Municipal Building	On Call	NC	NC	NC
3. Independence Park	Weekly Recycling estimated 20 times/year	NC	NC	NC
4. Independence Park (Baseball Complex)	Weekly Recycling estimated 20 times/year	NC	NC	NC
5. Municipal Liquor Store	Recyclable corrugated cardboard 4 times/week	NC	NC	NC

Reynolds moved, Rowe seconded, the bid for the pickup of garbage and trash for various City locations for the period January 1, 1999 through December 31, 2000 be awarded to Ritter's Sanitary Service. All voted in favor of the motion

**PUBLIC HEARING:**

This was the date and time set for a public hearing on the proposed modification to the Modified Redevelopment Plans for Redevelopment Projects and proposed modification of the Tax Increment Financing Plans for the Tax Increment Financing Districts. Stores was concerned about the size of the area. Mr. Johnson, City Administrator, indicated that there is not limit on the size of this district. There were no other questions or concerns, therefore Stores moved, Edblom seconded, the public hearing be closed. All voted in favor of the motion.

Edblom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2083, SECOND SERIES and that the reading of the same be waived. Resolution Number 2083, Second Series is a resolution Relating to the Proposed Modification by the Housing and Redevelopment Authority in and for the City of Marshall of the Modified Redevelopment Plan Relating to Redevelopment Project No. 1 to reflect enlargement of the project area and the proposed modification of the Tax Increment Financing Plans relating to Tax Increment Financing District Nos. 1-1 through 1-10, all located within Redevelopment Project No. 1 and the Modified Redevelopment Plan relating to Schwan's Redevelopment Project No. 2 to reflect enlargement of the project area and the proposed modification of the Tax Increment Financing Plans relating to Tax Increment Financing District Nos 1 and 2, all located within Schwan's Redevelopment Project No. 2. All voted in favor of the motion.

**1999 WASTEWATER USER RATES:**

This was the date and time set for a public hearing on the proposed 1999 Wastewater User Rates. Keith Nelson, Director of Public Works/City Engineer, reviewed with the council and others in attendance at the meeting the proposed rate increase for 1999. He indicated that the minimum bill increase would be \$1.05 per month. Mr. Nelson also, indicated that discussions have taken place with all of the large industrial users. With no questions or concerns, Rowe moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Rowe moved, Edblom seconded, the adoption of RESOLUTION NUMBER 2084, SECOND SERIES and that the reading of the same be waived. Resolution Number 2084, Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 1999. All voted in favor of the motion.

**AMEND CABLE TELEVISION FRANCHISE FEE:**

Rowe moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 406, SECOND SERIES and that the reading of the same be waived. Ordinance Number 406, Second Series is an ordinance Amending the Cable Television Franchise Fee for the City of Marshall, Minnesota. This ordinance provides for an increase in the franchise fee from 3% to 5% of gross revenues. All voted in favor of the motion.

**AMEND CHAPTER 11:**

Rowe moved, Stores seconded, the adoption of ORDINANCE NUMBER 407, SECOND SERIES and that the reading of the same be waived. Ordinance Number 407, Second Series is an ordinance amending Certain Parts of Chapter 11 Regulating Setbacks in Residential Districts in the City of Marshall, Minnesota. All voted in favor of the motion.

**REAL ESTATE PURCHASE:**

Rowe moved, Reynolds seconded, the approval of the Real Estate Purchase Contract with the Marshall Industries Foundation. This purchase agreement pertains to the acquisition of the Michael Geurts property (56.23 acres) by the MIF on behalf of the City in order to address wetland issues within the City's Industrial Park and the proposed Emergency Response Industrial Training Center. This property appraised at \$108,390. Negotiations with Mr. Geurts indicated he was not prepared to sell the property for the appraised value, therefore, a price of \$120,000 was negotiated plus some minor terms. In support of the increased price, the property is located in the same watershed, the property at one time contained significant wetlands, the prior wetlands could be restored at minimal cost versus acquiring another site requiring more cost to create a wetland, and the Geurts property was an acceptable site for the mitigation to the Lyon Soil and Water Service, who administers the MN Wetlands Act in Lyon County, and the final negotiated price is within a reasonable range of the appraised value at 110%. All voted in favor of the motion.

Be it noted the arrival of Councilperson Doyle.

**SMALL CITIES DEVELOPMENT GRANT:**

Discussion was held at this time on the request from the Economic Development Authority to apply for a Small Cities Development Grant. This grant application is an attempt to expand the downtown development dollars available for redevelopment. The potential amount of this grant is \$1,400,000. The cost of this application is \$6,000 and will be paid by the Marshall EDA. The EDA has



## REGULAR MEETING – DECEMBER 21, 1998

requested Rick Goodeman, Southwest Housing Partnership, to prepare the grant application. Stores moved, Doyle seconded, that the Economic Development Authority be authorized to apply for a Small Cities Development Grant. All voted in favor of the motion.

**INSURANCE AD HOC COMMITTEE:**

Sheldon Kimpling, representative from the Insurance Ad Hoc Committee, was in attendance at the meeting to review with the Council and others in attendance several items that are being recommended by the Insurance Ad Hoc Committee:

The first item was the Health Insurance Coverage for 1999. Mr. Kimpling indicated that the Marshall Municipal Utilities have approved coverage for their group with Blue Cross/Blue Shield and the Insurance Ad Hoc Committee is recommending that the City of Marshall award the health insurance coverage to Blue Cross/Blue Shield. Rowe moved, Stores seconded, the proper city personnel be authorized to award the City of Marshall Health Insurance Coverage for the City of Marshall employees and retirees with Blue Cross/Blue Shield effective January 1, 1999. All voted in favor of the motion.

It was the recommendation of the Insurance Ad Hoc Committee that the designating of an Agent of Record for health insurance be tabled at this time.

Reynolds moved, Edblom seconded, the worker's compensation insurance be renewed with the League of Minnesota Insurance Trust for the period January 1, 1999 to December 31, 1999. Due to the decrease in losses and the increase in investment income the rates for 1999 are less than the 1998 rates were. As in the past the renewal includes the \$2,500 deductible per occurrence option for paid medical claims only. All voted in favor of the motion.

Doyle moved, Stores seconded, the proper city personnel be authorized to enter into a contract with Great West for the administrative fee for the dental insurance claims. The rate is increasing from \$3.35 to \$3.50 per employee per month effective January 1, 1999. All voted in favor of the motion.

Rowe moved, Reynolds seconded, that an amendment to the City's long-term Disability Insurance coverage with Madison National Life be approved. This amendment provides for an increase in the maximum annual salary covered to be set at \$80,000 effective January 1, 1999. The City Council was advised that the Marshall Municipal Utilities Commission had approved an amendment to the long-term disability policy effective January 1, 1999 whereby the benefit would be increased from 65% to 80%. All voted in favor of the motion.

Rowe moved, Doyle seconded, the introduction of an ordinance regarding the providing of Worker's Compensation Insurance for elected and appointed officials. This coverage would be effective when the ordinance is adopted and published. All voted in favor of the motion.

**APPOINTMENT OF CITY ATTORNEY:**

Edblom moved, Reynolds seconded, that Brian Murphy be appointed as the City Attorney for the City of Marshall for the year 1999 and that the Memorandum of Understanding between the City of Marshall and Brian Murphy be approved. All voted in favor of the motion.

**CONDITIONAL USE PERMIT:**

Upon the recommendation of the Planning Commission, Stores moved, Edblom seconded, that the Marshall Cemetery Association, c/o Minnesota River Valley Services, be granted a conditional use permit for a crematorium in an A-Agricultural District at 600 North Bruce Street. This conditional use

## REGULAR MEETING – DECEMBER 21, 1998

permit was approved with no conditions. Mr. Barnett should be informed that this building may be subject to real estate taxes. All voted in favor of the motion.

**PUBLIC IMPROVEMENT/TRANSPORTATION COMMITTEE:**

Upon the recommendation of the Public Improvement/Transportation Committee, Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2085, SECOND SERIES and that the reading of the same be waived. Resolution Number 2085, Second Series is a resolution Providing for Control Signage in the City of Marshall. This resolution provides for No Parking signs to be installed on the West side of Bruce Street from Horizon Drive to Bruce Circle. All voted in favor of the motion.

**COUNTY DITCH #62 WATERSHED IMPROVEMENTS:**

Discussion was held at this time on the County Ditch #62 Watershed Improvements. There are 6 options available to do at this time, which are:

Option 1 – do no additional work

Option 2 – Equalizer pond south of T.H. 23, tied to Independence Park holding pond, estimated cost: \$964,700

Option 3 – Separate outfall storm sewer from Horizon/Skyline to Ditch 62, including disconnect from existing Bruce Street system, estimated cost: \$632,300

Option 4 – Option 2 and Option 3, estimated cost: \$1,597,000

Option 5 – Independence Park outfall to Ditch 62 via Parkside and Horizon Drive, estimated cost: \$1,915,200

Option 6 – Independence Park outfall to Ditch 62 via Bruce Street, estimated cost: \$2,343,400

Because of the significant relief to area flooding and the potential to assist future development south of T.H. 23, option 4 appears to be the more reasonable and feasible project.

It was indicated that subject to final audit, \$600,000 of the federal grant, as well as \$300,000 of allocated local monies, remains for additional projects. Stores moved, Rowe seconded, that Option 4 be referred to SRCE and FEMA for approval of funding for this project. All voted in favor of the motion.

**LYON COUNTY FEEDLOT ORDINANCE:**

Discussion was held at this time on Lyon County's proposed feedlot ordinance. The proposed ordinance allows for all nonconforming feedlots to remain on their present site without conforming to the new ordinance setbacks; all permitted and unpermitted existing feedlots will be allowed a one-time expansion of 500 animal units with a total cap of 2000 animal units; and the setbacks varied between ¼ mile up to 1 ¼ mile. An animal unit consists of a 1000 lb. steer and all other animals are a ratio of that unit. Keith Nelson, Director of Public Works, reviewed his recommendations with the council which were: that the area surrounding city limits up to at least two miles allow feedlots only as a conditional use permit; request staff to prepare a subdivision ordinance to include the two miles surrounding the City limits; and request staff to prepare an agreement between Lyon County and the City of Marshall for zoning control to include the two miles surrounding the city limits. Edblom moved, Stores seconded, BE IT RESOLVED that the proper city personnel recommend to the Lyon County Commissioners the following items: that the area surrounding city limits up to at least two miles allow feedlots only as a conditional use permit; request staff to prepare a subdivision ordinance to include the two miles surrounding the City limits; and request staff to prepare an agreement between Lyon County and the City of Marshall for zoning control to include the two miles surrounding the city limits. Rowe felt that there should not be feedlots permitted within two miles of the City limits by conditional use permit. Edblom stated that Marshall is located in an agricultural area and that the City is only making a recommendation to the County. Councilperson Reynolds agreed with Rowe. Voting in favor of the motion were: Stores, Byrnes, Edblom and Doyle. Voting no: Reynolds. Rowe abstained.

## REGULAR MEETING – DECEMBER 21, 1998

Mayor Byrnes called for a 5 minute recess at 9:08 P.M.

**1998 TAX LEVY COLLECTIBLE IN 1999:**

Rowe moved, Reynolds seconded, the adoption of RESOLUITON NUMBER 2086, SECOND SERIES and that the reading of the same be waived. Resolution Number 2086, Second Series is a resolution Approving 1998 Tax Levy, Collectible in 1999. This resolution provides for a \$2,260,135 levy collectible in 1999. All voted in favor of the motion.

**BUDGET FOR 1999:**

Stores moved, Edblom seconded, the adoption of RESOLUITON NUMBER 2087, SECOND SERIES and that the reading of the same be waived. Resolution Number 2087, Second Series is a resolution adopting the City of Marshall budget for 1999. All voted in favor of the motion.

**AUDIT ENGAGEMENT LETTER FOR 1998:**

Stores moved, Doyle seconded, the proper city personnel be authorized to execute an Engagement Letter with Larson, Allen, Weishair & Co., LLP, (LAWCO) for the 1998 audit services. All voted in favor of the motion.

**PRO-RATED REFUND ON-SALE BEER KING'S WOK:**

The King's Wok Buffet paid \$150.00 for their on-sale beer license effective September 21, 1998. At this time they are requesting that this fee should have been pro-rated. Rowe moved, Stores seconded, that the on-sale beer license fee for the King's Wok Buffet be pro-rated. The pro-rated fee for this license for September through December is \$50.00, therefore \$100.00 would be refunded to the King's Wok Buffet. All voted in favor of the motion.

**CLOSE DEBT SERVICE FUNDS:**

The bond and interest payments for the 1986 Public Improvement Fund (367) and 1989 Public Improvement Fund (370) have been paid in full. The bond documents provide for the remaining funds in these funds to be used for any lawful purpose, therefore, Stores moved, Edblom seconded, that the balances of \$55,468.63 in the 1986 Public Improvement Fund (367) and \$71,174.91 in the 1989 Public Improvement Fund (370) be transferred to the Capital Projects "429" Revolving Fund. All voted in favor of the motion.

**LICENSE RENEWAL FOR 1999:**

Stores moved, Doyle seconded, and it was unanimously approved that the towing and storage license for Brad's One Stop be approved for the calendar year 1999 at a fee of \$150.

Edblom moved, Reynolds seconded, and it was unanimously approved that the following tobacco licenses be approved for the calendar year 1999 at a fee of \$48:

Freedom Value Center/Erickson Oil  
Video & Music Latino

Brad's One Stop  
Casey's General Store, Inc.

Stores moved, Reynolds seconded, and it was unanimously approved that the following off-sale non-intoxicating beer licenses be approved for the calendar year 1999 at a fee of \$50:

Freedom Value Center/Erickson Oil  
Video & Music Latino  
Casey's General Store, Inc

## REGULAR MEETING – DECEMBER 21, 1998

Rowe moved, Reynolds seconded, and it was unanimously approved that the on-sale non-intoxicating beer license for the King's Wok Buffet be approved for the calendar year 1999 at a fee of \$150.

**TRANSIENT MERCHANTS LICENSE:**

Edblom moved, Rowe seconded, that the transient merchant's license for T.A.P. Enterprises, Inc., be approved for the calendar year 1999 at a fee of \$250.00. All voted in favor of the motion.

**CLOSE CAPITAL IMPROVEMENT FUND:**

Doyle moved, Reynolds seconded, the remaining funds of \$38,129.96 in the 1971 Public Improvement Fund (413) be closed out and these funds be transferred to Ditch 62 Construction Fund (480). All voted in favor of the motion.

**WWMC REQUESTS:**

Per the recommendation of Mark Sannerud, Director, Materials Management at Weiner Memorial Medical Center, Stores moved, Reynolds seconded, Weiner Memorial Medical Center be authorized to purchase the Sterrad 100 Sterilization System from Advanced Sterilization Products in the amount of \$108,000. All voted in favor of the motion.

Tom Osterberg, Group II Architects, was in attendance at the meeting to review with the council and others in attendance the design and development of Phase 4 of the Comprehensive Remodeling Project for WMMC. Phase 4 consists of:

**Main Floor**

1. Relocate administrative offices
2. In vacated space - remodel area to accommodate Business Office/Admitting (includes coordination for Laboratory and Radiology Reception)
3. Upgrade wall assembly between Gift Shop and Lab to comply with occupancy separation requirements.
4. Replace finishes in Corridor/Lobby

**Third Floor    Remodel to accommodate**

1. Administration
  - C.E.O.
  - Administrative Secretary
  - C.F.O.
  - Board Room
  - Director of Nursing
  - Assistant Director of Nursing
  - Human Resources
  - Managed Care
  - Quality Control
  - Payroll
2. Pharmacy
3. Nursing Lounge
4. Meeting Rooms
5. Equipment Storage

## REGULAR MEETING – DECEMBER 21, 1998

Reynolds moved, Doyle seconded, the approval of Group II Architects design and development of Phase 4 of the Comprehensive Remodeling Project for WMMC. All voted in favor of the motion.

**MAYOR AND COUNCIL REPORTS:**

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

- Byrnes        EDA all of their items were discussed earlier in the meeting; Fire Relief Association and Regional Development Commission have not met.
- Stores        No report.
- Edblom        Planning Commission met 2 weeks ago; Utilities Commission met last week and approved their budget, they reviewed the lawsuit and they will be holding their employee training and employee dinner and recognition on Martin Luther King Day; Ways and Means Committee and Personnel Committee have not met.
- Doyle        Housing Commission and Convention & Visitors Bureau minutes are included in the agenda packet; Human Rights Commission will meet next Monday.
- Rowe        Insurance Advisory Committee items were discussed earlier in the meeting; Library Board met last week, the Christmas Wish Tree was a success and they talked about the evaluation of the Director; Legislative & Ordinance Committee has not met; E.R.I.T. Committee met last Thursday the pre-design needs to be in place to receive funding.
- Reynolds     Hospital Board met earlier this evening

**COUNCILPERSON INDIVIDUAL ITEMS:**

Other items of concern brought forth by the Mayor and Councilmembers included: the compliance check being done on places with tobacco licenses and a written report from Rob on these results; the conditional use granted to the school may not be needed – Keith to check this out; the council should consider a retreat; the Christmas lights look great; the council should reconsider approving funds for MAFAC; it was suggested that the council use the new MAT vehicle to take a tour of the land acquisitions that have been completed; the Police Academy has completed its first year; the insurance advisory committee should discuss Y2K Insurance coverage; Mayor Byrnes thanked Keith Nelson for filing in for him for his reading at the library. Earlier this evening the council held the annual review on City Administrator Michael Johnson. Mayor Byrnes indicated that Mr. Johnson has met or exceeded in all areas and that he should be increased to Step 5 of the Pay Plan. Reynolds moved, Edblom seconded, that Michael Johnson, City Administrator, be set at Step 5 of the Pay Plan effective January 1, 1999. All voted in favor of the motion.

**BILLS/PROJECT PAYMENTS:**

Edblom moved, Doyle seconded, and it was unanimously approved that the following bills be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 17979 through 18147.

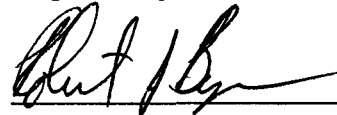
**BUILDING PERMITS:**

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

## REGULAR MEETING – DECEMBER 21, 1998

Geske Building & Supply Co.	114 East Main Street	Install Door	\$700
REM, Inc.	622 Kathryn Avenue	Install Windows and Basement Remodel	\$3,500
Dean Peterson	400 East Lyon Street	Install Fireplace	\$2,500
Randy Gaffney	1102 Cheryl Avenue	Replace 2 doors & window	\$3,000
Doom & Cuypers Construction	802/804 Colt Street	Install Windows	\$8,400
Doom & Cuypers Construction	202 East Main Street	Install Windows	\$23,800
James Schrupp	203 East College Drive	Enclose Entry	\$1,200
Sunrise Court Apartments	1310 Birch Street	Demolish Swimming Pool	\$0
Doom & Cuypers, Inc.	105 South Market Street	Office Remodel	\$7,000
Steve Tutt Construction	612 West Main Street	Reroof Dwelling	\$2,500
Steve Tutt Construction	1408 Pinehurst Road	Finish Basement	\$16,000
Steve Thoof Construction	1405 Cumberland Road	Dwelling	\$120,000
Alan M. Maag, Sr.	117 Spruce Lane	Manufactured Home Installation	

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk