

REGULAR MEETING – JANUARY 7, 2002

The regular meeting of the Common Council of the City of Marshall was held on January 7, 2002 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, Sturrock, Reynolds and Boedigheimer. Absent: Doyle and Stores. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus for the council that the agenda be approved with the deletion of the request for a temporary one-day liquor license for the Marshall area Fine Arts Council for February 22 and 23; to delete item number two which was a public hearing for the Preliminary Plat of Lyon County Coop First Addition; and to move item 8 to 1a which is a Resolution of Appreciation.

APPROVAL OF THE MINUTES:

Rowe moved, Sturrock seconded, that the minutes of the regular meeting held on December 17, 2001 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.

RESOLUTION OF APPRECIATION – JAMES THOMPSON:

Rowe moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2401, SECOND SERIES and that the reading of the same be waived. Resolution Number 2401, Second Series is a resolution recognizing Jim Thompson for his many years of dedicated service to the City of Marshall. Mayor Byrnes took this opportunity to read this resolution on behalf of the City of Marshall. All voted in favor of the motion.

PUBLIC HEARING:

This was the date and time set for a public hearing to rezone 1102 Canoga Park Drive from B-3 General Business District to R-4 Higher Density Multiple Residence District and to rezone 1105 Canoga Park Drive from R-3 Low to Medium Density Multiple Family Residence District to B-3 General Business District. The purpose for this request is to accommodate plans for multifamily dwellings. There were no questions or concerns, therefore Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Rowe seconded, the adoption of ORDINANCE NUMBER 469, SECOND SERIES and that the reading of the same be waived. Resolution Number 469, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 1102 Canoga Park Drive to be rezoned from B-3 General Business District to R-4 Higher Density Multiple Residence District and for 1105 Canoga Park Drive to be rezoned from R-3 Low to Medium Density Multiple Family Residence District to B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – VACATION OF EASEMENT:

This was the date and time set for a public hearing on the vacation of a utility easement in Block 2 of the Wilke-Miller-Buesing addition. There were no questions or concerns, therefore Rowe moved, Sturrock seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 470, SECOND SERIES and that the reading of the same be waived. Ordinance Number 470, Second Series is an Ordinance Vacating a Utility Easement in the City of Marshall. This ordinance provides for the vacating of a 15-foot utility easement located in Lots 1, 2, & 3, of Block 2 of Wilke-Miller-Buesing First Addition. All voted in favor of the motion.

MARSHALL YMCA ADDITION:

Rowe moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2402, SECOND SERIES and that the reading of the same be waived. Resolution Number 2402, Second Series is a resolution Approving the Final Plat of the Marshall YMCA Addition. All voted in favor of the motion.

PUBLIC HEARING – VACATION OF EASEMENT – MARSHALL YMCA ADDITION:

This was the date and time set for a public hearing on the vacation of an easement in the Marshall YMCA Addition. There were no questions or concerns, therefore Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2403, SECOND SERIES and that the reading of the same be waived. Resolution Number 2403, Second Series is a resolution Vacating an Easement in the Marshall YMCA Addition. This resolution needs 5 votes in the affirmative for passage. Voting in favor of the motion were: Byrnes, Rowe, Sturrock, Reynolds and Boedigheimer. Voting no: none.

PUBLIC HEARING – REQUEST TO REZONE YMCA ADDITION:

This was the date and time set for a public hearing to rezone the YMCA Addition into a B-3 General Business District. This addition is currently zoned as R-1 One Family Residence District, B-1 Limited Business District and B-3 General Business District. Therese Lubke, Director of the YMCA, took this opportunity to thank everyone for all of their hard work on this project. There were no questions or concerns, therefore Reynolds moved, Sturrock seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 471, SECOND SERIES and that the reading of the same be waived. Ordinance Number 471, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for the Marshall YMCA Addition to be rezoned from R-1 One Family Residence District, B-1 Limited Business District and B-3 General Business District to B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – REQUEST FOR AMENDMENT TO ZONING MAP/DOWNTOWN DISTRICT:

This was the date and time set for a public hearing to consider the request for an amendment to the zoning map / downtown district. Joe Cool was concerned if Marvin Schwan

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Memorial Drive would be closed. It was indicated that Marvin Schwan Memorial Drive would not be closed. There were no other questions or concerns, therefore Boedigheimer moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 472, SECOND SERIES and that the reading of the same be waived. Ordinance Number 472, Second Series is an ordinance Amending Chapter 86 of the City Code relating to Zoning. This ordinance provides for the YMCA Addition be included in the Downtown District. All voted in favor of the motion.

CONSENT AGENDA - RESOLUTION DESIGNATING OFFICIAL NEWSPAPER; RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES; APPLICATION FOR A WINE LICENSE FOR PRAIRIE EVENT CENTER FOR THE YEAR 2002; ANNUAL RENEWAL BRAD'S TOWING AND STORAGE FOR A TOBACCO LICENSE; APPLICATION FOR A TEMPORARY ONE-DAY LIQUOR LICENSE FOR MARSHALL AREA FINE ARTS COUNCIL FOR JANUARY 27, 2002; FEBRUARY 22, 2002; AND FEBRUARY 23, 2002; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Reynolds moved, Sturrock seconded, that the following consent agenda items be approved:

The adoption of RESOLUTION NUMBER 2404, SECOND SERIES and that the reading of the same be waived. Resolution Number 2404, Second Series is a resolution Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall. All voted in favor of the motion.

The adoption of RESOLUTION NUMBER 2405, SECOND SERIES and that the reading of the same be waived. Resolution Number 2405, Second Series is a resolution Appointing Official Depositories for City Funds for 2002. All voted in favor of the motion.

The approval of a tobacco license for Brad's Towing and Storage at a fee of \$60.00. This license will expire on December 31, 2002. All voted in favor of the motion.

The approval of a Wine License for the Prairie Event Center, LLC, 1507 East College Drive is for the period January 8, 2002 through December 31, 2002, at a fee of \$700.00. All voted in favor of the motion.

The approval of a Temporary One-Day Liquor License for the Marshall Area Fine Arts Center for January 27, 2002 for an event to be held at 313 West Main Street at a fee of \$25.00. All voted in favor of the motion.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 31556 through 32027. All voted in favor of the motion.

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

<i>Applicant</i>	<i>Location Address</i>	<i>Description of Work</i>	<i>Valuation</i>
1. Babcock Construction	200 O'Connell Street	Reside front entrance	\$1,400
2. Calvary Baptist Church	300 South Saratoga Street	A / V booth	\$600
3. THROM, LLC	203 Cedar Lane	Manufactured Home Installation	

ANNUAL RENEWAL BRAD'S TOWING AND STORAGE FOR A TOWING AND STORAGE LICENSE:

Councilperson Boedigheimer was concerned about the wording of the general information that was included with the application. The wording consists of "if tow operator has to stand by for a period of longer than 15 minutes due to uncooperative clients of your department, the fee will be billed at the rate of \$60.00 per hour with a \$15.00 minimum." Boedigheimer moved, Rowe seconded, that the renewal for a Towing and Storage License for Brad's Towing and Storage be tabled until this wording can be clarified. The motion was withdrawn.

CONSIDER ORDINANCE AMENDING CERTAIN SECTIONS OF SECTION 22 OF THE CITY CODE REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS:

Discussion was held at this time on the ordinance regulating peddlers, solicitors and transient merchants. This ordinance would provide for the section on transient merchants to be removed from the ordinance. It was indicated that a transient merchant rents a spot or location and the resident decides as to whether or not they want to patronize the transient merchant. Joe Cool was concerned about transient merchants not being required to have a license. Councilperson Boedigheimer indicated that there are several transient merchants that rent a spot at SSU and do not have a license. Councilperson Rowe indicated that this is an enforcement issue at SSU and that it was not as much of a problem this year. It was also indicated that flea markets are not included as part of the transient merchant license. Boedigheimer moved, Sturrock seconded, that this ordinance be referred back to the Legislative and Ordinance Committee and that the City Attorney, Director of Public Safety, Chamber of Commerce and a representative from SSU be invited to attend this meeting. All voted in favor of the motion.

AGREEMENT WITH WESTERN COMMUNITY ACTION INC., FOR SENIOR NUTRITION PROGRAM:

Boedigheimer moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with Western Community Action Inc., for the Senior Nutrition Program. This agreement is for the period January 1, 2002 through December 31, 2002 and provides for the City to be reimbursed 6 cents per meal prepared at the Marshall Senior Center. All voted in favor of the motion.

AGREEMENT WITH MARSHALL AREA SENIOR CITIZENS, INC., FOR SENIOR CENTER RENTAL:

Boedigheimer moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with Marshall Area Senior Citizens, Inc., for the Senior Central Rental. This agreement is for the period January 1, 2002 through December 31, 2002 at a cost of \$550.00 per month. All voted in favor of the motion.

Discussion continued at this time on the application for a Towing and Storage License for Brad's One Stop Plus. Thomas M. Meulebroeck, Financial Director/City Clerk contacted Brad for clarification of the wording of the "Uncooperative Clients". Uncooperative Clients refers to the vehicle owner and the general information is provided as a letter of understanding for the towing fees that he charges. Sturrock moved, Boedigheimer seconded, the approval of a Towing and Storage License for Brad's One Stop Plus at a fee of \$150.00. This license will expire on December 31, 2002. All voted in favor of the motion.

TRANSPORTATION AGREEMENT FOR 2002 WITH WESTERN COMMUNITY ACTION, INC.

Jeanette Aguirre Western Community Action, Inc., was in attendance at the meeting to review with the council the Transportation Agreement for the year 2002. She indicated that the City's share for 2002 is \$24,380 and does not include any capital equipment. This agreement is for a one-year period. Rowe moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into an agreement with Western Community Action, Inc., for the Transportation Agreement for 2002. All voted in favor of the motion.

CHANGE ORDER NO. E-2 - HANGAR NO. 1 - SCHWAN'S:

Boedigheimer moved, Reynolds seconded, the approval of Change Order No. E-2 with Gary's Electric for Project No. 2001-007 – Hangar No. 1 Construction. This change order is per the request of Schwan's for the installation of 4 additional high bay ceiling lights, 1 additional telephone jack for the office, and costs to connect to the tenant provided air compressor in Hangar No. 1. The cost of this change order is an additional \$1,736.48. All voted in favor of the motion.

CHANGE ORDER NO. G-5 – HANGAR NO. 1 – SCHWAN'S:

Reynolds moved, Sturrock seconded, the approval of Change Order No. G-5 with Nelson Construction Co., Inc., for Project No. 2001-007 – Hangar No. 1 Construction. This change order is per the request of Schwan's for a change in the floor covering type in the hallway leading from the exterior to the main hangar area on the south side of the building. The cost of this change order is an additional \$835.00. All voted in favor of the motion.

CHANGE ORDER NO. 4 – 2001 TERMINAL AREA CONSTRUCTION:

Boedigheimer moved, Reynolds seconded, the approval of Change Order No. 4 with R & G Construction Company for Project 2001-005 – 2001 Terminal Area Construction. This change order provides for the installation of storm sewer between the new A/D building and Hangar #1 (Schwan's) required to pick up the drainage between the buildings due to the link constructed which would have blocked surface drainage. The cost of this change order is an additional \$37,661.06. All voted in favor of the motion.

RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT FOR PHASE II PARKWAY ADDITION:

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2406, SECOND SERIES and that the reading of the same be waived. Resolution Number 2406, Second Series is a resolution Ordering Preparation of Report on Improvement. This resolution is for Project No. 40135, Parkway Addition Improvement Project – Phase II. All voted in favor of the motion.

A 5-minute recess was called at this time.

AUTHORIZATION TO RECEIVE PROPOSALS FOR USED SEMI-TRACTOR FOR THE WASTEWATER DEPARTMENT:

Sturrock moved, Reynolds seconded, the proper city personnel be authorized to receive proposals for a used semi-tractor for the Wastewater Department. All voted in favor of the motion.

AUTHORIZATION TO RECEIVE PROPOSALS FOR USED SNOW BLOWER FOR THE STREET DEPARTMENT:

Boedigheimer moved, Sturrock seconded, the proper city personnel be authorized to receive proposals for a used snow blower for the Street Department. The 1951 truck mounted blower and a slide-in type sander box will be traded in on this snow blower. All voted in favor of the motion.

RESOLUTION REALLOCATING BUDGET AMOUNTS FOR 2001:

Rowe moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2407, SECOND SERIES and that the reading of the same be waived. Resolution Number 2407, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year ended December 31, 2001. All voted in favor of the motion.

COUNCIL AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

Byrnes EDA held a special meeting on Thursday to discuss the draft of the Housing Study.

Sturrock No report.

Boedigheimer Airport Commission and Senior Citizen Center Commission meet next week.

Rowe Community Services Advisory Board met last week – they took bids on the restroom for the downtown park, they are working on a 21st Century Grant; the soccer project is progressing; the State Legion Tournament will be held in Marshall in August and the Schwan's celebration will be held in July.

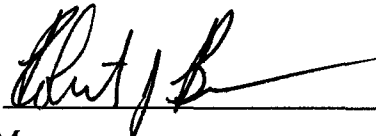
Reynolds No report.

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COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council members included: a thank you to the Marshall Fire Department and surround fire departments for all of their hard work at the SSU fire; the continuation of the bus service to Minneapolis and Sioux Falls; a memo from Jess Nelson in regard to funding for ECFE; the Ways and Means Committee needs to meet in regard to the Animal Impound Center; the Christmas Tree Walk was a huge success; the parking issue on West College Drive by the Armory; and the redistricting being added to the pending agenda list.

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



Mayor

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JANUARY 22, 2002

The regular meeting of the Common Council of the City of Marshall was held on January 22, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, 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.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Boedigheimer moved, Sturrock seconded, that the minutes of the regular meeting held on January 7, 2002 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.

CONSENT AGENDA – BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Doyle moved, Boedigheimer seconded, that the following consent agenda items be approved:

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 32028 through 32280. All voted in favor of the motion.

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

<i>Applicant</i>	<i>Location Address</i>	<i>Description of Work</i>	<i>Valuation</i>
1. Schwan's Sales Enterprises	115 West College Drive	Install Signs	\$9,000
2. Welu Brothers	1300 Charles Avenue	Remodel basement	\$6,500
3. Ace Signs Inc. of Willmar	401 Country Club Drive	Install Sign	\$3,500
4. Southwest State University	1501 State Street	RA / Exterior Wall Modification	\$20,000
5. Shane Hastings	702 South Saratoga St.	Finish basement	\$12,000
6. Blaine Schnaible	801 Lawrence Court	Finish bathroom	\$250
7. Doom & Cuypers, Inc.	509 East College Drive	Repair Dwelling	\$36,000
8. MN Department of Transportation	1800 East College Drive	Storage and Equipment Room Partitions	\$25,000
9. James and Stella Wuebker	401 South Highway 23	Storage Building	\$61,000
10. True Value Home Center	207 Rainbow Drive	Build Dwelling	\$93,000
11. Williams - Scotsman	1501 State Street	Temporary Modular Building No.1	\$2,000

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12.	Williams - Scotsman	1501 State Street	Temporary Modular Building No. 2	\$2,000
13.	Williams - Scotsman	1501 State Street	Temporary Modular Building No.3	\$2,000
14.	Williams - Scotsman	1501 State Street	Temporary Modular Building No.4	\$2,000
15.	Williams - Scotsman	1501 State Street	Temporary Modular Building No. 5	\$2,000
16.	Sussner Construction, Inc.	1501 State Street	Temporary Modular Building No. 6	\$45,000

REQUEST OF SW MN HOUSING PARTNERSHIP AND MARSHALL ECONOMIC DEVELOPMENT (EDA) TO REZONE THE 100 BLOCK OF PARIS ROAD:

Rowe moved, Stores seconded, the introduction of an ordinance amending the City of Marshall Code Chapter 86 regulating zoning and called for a public hearing. This ordinance would rezone Block 7, Lot 1 of Parkway Addition from R-4 Higher Density Multiple Family Residence District to R-3 Low to Medium Density Multiple Family Residence District. The public hearing will be held at 7:30 P.M. on February 4, 2002 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

REQUEST FROM DUSTIN HINCKLEY, 500 SOUTH 4TH STREET FOR A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY:

Per the recommendation of the Planning Commission, Doyle moved, Rowe seconded, that a conditional use permit be approved for Dustin Hinckley, owner of the Discovery Center preschool and Day care, to operate a daycare business at West Side School, 500 South 4th Street, for 45 children in an R-1 One Family Residence District. This daycare operates from 3 P.M. to 6 P.M. on school days and from 6:30 A.M. to 6:00 P.M. on non-school days and during summer vacation. All voted in favor of the motion.

RECEIVING REPORT FOR PHASE II, PARKWAY ADDITION IMPROVEMENT – PROJECT NO. 40135:

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2408, SECOND SERIES and that the reading of the same be waived. Resolution Number 2408, Second Series is a resolution Receiving Report and Calling for Hearing on Improvement for Project 40135, Parkway Housing Addition Improvement Project – Phase II. This public hearing will be held at 7:30 P.M. on February 4, 2002. All voted in favor of the motion.

AWARD CONTRACT FOR PROJECT 2002-001/S.P. 139-129-01, NORTH 7TH STREET BRIDGE PLACEMENT:

Bids were received, opened and read on January 16, 2002 for the North 7th Street Bridge Replacement Project 2002-001/S.P. 139-129-01. Bids received, opened and read were as follows:

Duininck Brothers Inc.
Prinsburg, Minnesota
\$581,493.30

Minnowa Construction Inc.
Harmony, Minnesota
\$695,376.45

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Wanzek Construction Inc.
Fargo, North Dakota
\$669,799.45

Robert R. Schroeder Const., Inc
Glenwood, Minnesota
\$703,819.90

M-K Bridge Construction
Walnut Grove, Minnesota
\$719,082.00

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2409, SECOND SERIES and that the reading of the same be waived. Resolution Number 2409, Second Series is a resolution Accepting the Bid for Project 2002-001/S.P. 139-129-01 for North 7th Street Bridge Replacement. This bid was awarded to Duininck Bros., Inc., Prinsburg, Minnesota in the amount of \$581,493.30. All voted in favor of the motion.

REVIEW INFORMATION FROM COALITION OF GREATER MINNESOTA CITIES ON GOVERNOR'S BUDGET PROPOSAL:

City Administrator Mike Johnson briefly reviewed the information that was received from the Coalition of Minnesota Cities on the Governor's Budget Proposal. Mr. Johnson indicated that the City of Marshall could lose Local Government Aid (LGA) in the amount of \$172,641 in 2002 and \$193,729 in 2003. If this happens the City will need to address the "budget shortfall" in the near future. Mr. Johnson also indicated that the budget reduction for 2003 is expected to be permanent with the LGA base being frozen beyond that time period. Sturrock moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2411, SECOND SERIES and that the reading of the same be waived. Resolution Number 2411, Second Series is a resolution Establishing the City of Marshall's Position on Governor Ventura's Proposed Local Government Aid Payment Reduction to Cities. All voted in favor of the motion.

A discussion was held at this time on the proposed resolution for the Chamber of Commerce. It was the general consensus of the council that this resolution be forwarded to the Chamber of Commerce but that the council would not endorse it.

PRESENTATION ON DEVELOPMENT OF PLANS FOR PROPOSED DOWNTOWN PARK:

Harry Weilage, Director of Community Services, and Ron Halgerson, Architect from Group II Architects, were in attendance at the meeting to review with the council the development plans for the proposed downtown park. Mr. Weilage indicated that this plan and the bidding for the restrooms would complete their commitment to Phase I of the LAWCON Grant. He indicated that the detailed design of the park would allow the staff to have the necessary planning materials as they search for additional funding. This process will be similar to how Independence Park was developed with partnerships of public and private sources. Councilperson Boedigheimer was concerned that this park could cost the City of Marshall approximately \$800,000 which included the cost of Phase I and II and the cost of the acquisition of the property. Mr. Weilage indicated that they would be using grants and private donations for part of these costs. City Attorney Brian Murphy indicated that the city should be aware of the type of groups they will be attracting when designing this park. Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2410, SECOND SERIES and that the reading of the

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same be waived. Resolution Number 2410, Second Series is resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Phase I of the Downtown Riverfront Park. All voted in favor of the motion.

UPDATE AND OVERVIEW ON SOCCER FIELD CONSULTANT SELECTION:

At this time Harry Weilage, Director of Community Services, indicated that on January 17, 2002 three engineering firms were interviewed for the soccer field development of the grant. The three firms were: Anderson-Johnson Associates, Golden Valley, Minnesota; Lightowler Johnson Associates, Fargo, North Dakota; and Glenn Rehbein Companies, Blaine, Minnesota. Mr. Weilage indicated that a recommendation would be made at a later date.

PUBLIC SAFETY PRESENTATION AND OVERVIEW OF SSU FIRE:

At this time there was a PowerPoint presentation on the recent fire at Southwest State University. This presentation showed the events and various situations that the fire department encountered while fighting this fire. Those in attendance at the meeting to provide this information were: Director of Public Safety Rob Yant, Fire Chief Marc Klaith, Ray Hendriksen, Bruce Fuhrman and Don Brewers. They all briefly provided an overview of the fire and how the department handled the situation.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:


Byrnes	No report.
Stores	<u>Library Board</u> book sale is coming up and they are working on a survey; <u>Ways and Means Committee</u> will be meeting on Wednesday.
Sturrock	<u>Cable Commission</u> met on January 8 th ; <u>Utilities Commission</u> will be meeting on Wednesday; and the <u>Public Improvement/Transportation Committee</u> met earlier and Dan Sarf reviewed the Hill Street/Marshall Street project.
Boedigheimer	<u>Airport Commission</u> met last week; <u>Senior Citizen Center Commission</u> met in January; <u>Lyon County Enterprise Development</u> will meet on January 29 th ; and the Legislative and Ordinance Committee needs to schedule a meeting.
Doyle	<u>Housing Commission</u> and <u>Convention & Visitors Bureau</u> minutes are included in the agenda packet; and the <u>Marshall Area Transit</u> met earlier on this day.
Rowe	<u>Planning Commission</u> items were discussed earlier in the meeting; and the <u>Charter Commission</u> needs to be called together for a meeting.
Reynolds	<u>Hospital Board</u> will meet for a joint meeting with the City Council on January 28 th .

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COUNCIL MEMBER INDIVIDUAL ITEMS:


Other items brought forth by the Mayor and Council members included: the request for an outline of what steps have been taken since last years flooding; the sump pump ordinance has been adopted and it was indicated that the flood map has not changed; the proposals for a used semi tractor for the Wastewater Treatment Facility will be awarded if under budget; work needs to be completed on the redistricting; there will be a Cable TV Franchise meeting in the near future; the evaluations on Mike Johnson need to be returned to Bob Byrnes; and the Mayor provided a memo to the council on the items to be considered by the Ways and Means Committee in regard to the impound center.

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



Mayor

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – JANUARY 28, 2002

A Special Joint meeting of the Common Council of the City of Marshall and the Weiner Memorial Medical Center Hospital Board was held at the Medical Center on January 28, 2002. The meeting was called to order by WMMC Board Member Joe Cool. In attendance at the meeting were the Mayor Bob Byrnes, Council members Rowe, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present included: Michael Johnson, City Administrator and Jane DeVries, Deputy City Clerk. The members of Hospital Board and Hospital Staff in attendance is reflected in the minutes of the Weiner Memorial Medical Center Board of Directors.

The two boards and their staffs had dinner prior to the meeting starting.

2001 WMMC AUDIT:

Dan Vandenberghe from McGladrey & Pullen reviewed with the City Council and the WMMC Board of Directors an overview of the 2001 audit. Summaries of the audit had been provided to all the members present. Councilperson Boedigheimer requested that there be a breakdown of the fees charged by McGladrey & Pullen for consulting and auditing.

WMMC REVIEW:

Joe Cool and Dick Sleiter, CEO Weiner Memorial Medical Center, briefly reviewed the following items with the council and board members:

- A. Update on recruitment of new physicians
- B. Financial Performance 2001 YTD
- C. Update on construction projects and leased space (addition to the long-term care area)
- D. The Wellness Center coordinating with the YMCA

CITY OF MARSHALL:

The City of Marshall and Weiner Memorial Medical Center need to work together on the proposed addition as it relates to the drainage of the Hill Street/Marshall Street area. There was also discussion on the parking on Bruce Street and the intersection of Horizon Drive.

OTHERS ITEMS OF INTEREST:

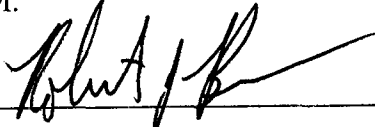
Council member Sturrock indicated that there is a shortage of houses in the City of Marshall and that the hospital should be aware of this when they consider purchasing surrounding property.

There was a brief discussion on the process of selecting board members and finding the right person to fit the position.

Mayor Byrnes thanked the Hospital Board members for inviting the City Council to partake in dinner and the general discussion of issues impacting the Hospital operations.

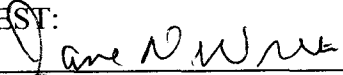
There was a tour given after the meeting for anyone interested in staying.

The meeting was adjourned at 7:45 P.M.



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

REGULAR MEETING – FEBRUARY 4, 2002

The regular meeting of the Common Council of the City of Marshall was held on February 4, 2002 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 7:40 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Rob Yant, Director of Public Safety; Calvin Barnett, Director of General Services/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:

Reynolds moved, Sturrock seconded, that the minutes of the regular meeting held on January 22, 2002 be approved as filed with each member and the special meeting held on January 28, 2002 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.

CONSENT AGENDA – APPLICATION FOR EXEMPT PERMIT FOR GAMBLING AT HOLY REDEEMER CHURCH ON MARCH 10, 2002; APPLICATION FOR EXEMPT PERMIT FOR GAMBLING AT HOLY REDEEMER SCHOOL ON MAY 19, 2002; BILLS/PROJECT PAYMENTS; AND BUILDING PERMITS:

Reynolds moved, Stores seconded, BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit – LG 220 for Holy Redeemer Church – Carlin Hall, 503 West Lyon Street, Marshall, Minnesota for March 10, 2002 and an Application for Exempt Permit – LG 220 for Holy Redeemer School, 501 South Whitney, Marshall, Minnesota for May 19, 2002 and that the 30-day waiting period be waived for both applications. All voted in favor of the motion.

Reynolds moved, Stores seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 32281 through 32429. All voted in favor of the motion.

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

Applicant	Location Address	Description of Work	Valuation
1. Mn/DOT	1800 East College Drive	Remodel Testing Lab	\$16,000
2. Carlos Noriega	612 Kendall Street	Detached Garage	\$7,000
3. French Construction	419 West College Drive	Bathroom remodel	\$3,000
4. Glenn Olson	411 South 4th Street	Finish Garage Interior	\$300
5. Sussner Construction, Inc.	115 West College Drive	Remodel Office	\$560,000
6. ABC Seamless of Redwood Falls	108 South High Street	Reside Dwelling	\$5,000

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7.	Shover Recreation Centers, Inc.	1417 East College Drive	Interior Remodel	\$6,500
8.	Babcock Construction	417 West College Drive	Interior Remodel	\$2,000
9.	Sussner Construction, Inc.	1501 State Street	Temporary Modular Building No. 6 - Additional Work	\$300,000

SETTING LOCAL BOARD OF APPEAL AND EQUALIZATION DATE:

Reynolds moved, Doyle seconded, that the Local Board of Appeal and Equalization be held at 6:00 P.M. on Monday, April 15, 2002 in the City Council Chambers. All voted in favor of the motion.

RESCHEDULING PUBLIC HEARING ON REQUEST BY SOUTHWEST MINNESOTA HOUSING PARTNERSHIP AND MARSHALL ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO REZONE THE 1100 BLOCK OF PARIS ROAD:

Sturrock moved, Stores seconded, that the public hearing for the request by Southwest Minnesota Housing Partnership and Marshall Economic Development Authority (EDA) to rezone the 1100 block of Paris Road be rescheduled to February 19, 2002 at 7:30 P.M. in the Council Chambers. All voted in favor of the motion.

RESOLUTION TEMPORARILY REMOVING PARKING CONTROL SIGNAGE ON BIRCH STREET FROM MUSTANG TRAIL TO O'CONNELL STREET:

Doug Fraunfelder, SSU vice president; and Mike Munfor, SSU Director of Public Safety; were in attendance at the council meeting to request the parking restrictions along Birch Street from Mustang Trail to O'Connell Street be temporarily removed. Mr. Fraunfelder felt that allowing students unrestricted parking on Mustang Trail gives them a service in return for those lost due to the fire on January 2nd. Councilperson Rowe was concerned with how the parking would affect the loading and unloading of daycare children at the SSU daycare, the students crossing the street from between parked cars, and snow removal in this area. It was suggested that emergency snow route signs be posted in this area. Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2412, SECOND SERIES and that the reading of the same be waived. Resolution Number 2412, Second Series is a resolution Temporarily Removing Control Signage in the City of Marshall. This resolution will remove the "No Parking" signs on the north side of Birch Street from the intersection of Mustang Trail to O'Connell Street; and remove the "2 Hour Parking" signs on the south side of Birch Street from the intersection of Mustang Trail to O'Connell Street. All voted in favor of the motion, except Rowe who voted no.

LYON COUNTY CONDITIONAL USE PERMIT REQUEST BY QWEST WIRELESS FOR CONSTRUCTION OF A 300' TOWER:

This is an information only item on the Lyon County Conditional Use Permit request by Qwest Wireless for construction of a 300' tower. In a memo from Dale Howe, Building Official for the City of Marshall, it was suggested that Lyon County evaluate this request on the same basis as the Marshall Tower Ordinance. Dale also suggested that the County should require evaluation of the location to see if co-location at the Bresan or McLeod towers is feasible.

CONSIDER M.E.R.I.T. CHEMICAL ASSESSMENT TEAM (C.A.T.) GRANT APPLICATION TO MINNESOTA DEPARTMENT OF PUBLIC SAFETY:

Rob Yant, Director of Public Safety; and Dan Anderson of MCP, were in attendance at the council meeting and indicated that the Lyon County Emergency Planning and Advisory Committee (LCEPAC) along with the M.E.R.I.T. Training Center Board wants to establish a Chemical Assessment Team (C.A.T.) in Marshall and apply to the Minnesota Department of

Public Safety for a Grant. This grant would be for five years for a total of \$311,442. Team members would come from the LCEPAC member's staff plus some Marshall Fire Fighters. All of these members would be working as State employees and covered by state insurance when training and responding as C.A.T. members. The City of Marshall would need to provide insurance on the vehicles as fiscal agent, but those costs would be reimbursed by the grant.

CONSIDER WAYS AND MEANS COMMITTEE RECOMMENDATION ON HUMANE SOCIETY/IMPOUND CENTER AND HUMANE SOCIETY OF LYON COUNTY RESPONSE:

Mark and Cindy Farrell, representatives from the Humane Society, were in attendance at the meeting to review their concerns in regard to the recommendations presented to them by the Ways and Means Committee. They are requesting some word changes and that payment be made to the Humane Society on a monthly basis and that this payment be based on it's requested Budget for 2002, with a quarterly review. This payment would be based on 220 animals in 2000 paid at a rate of \$110 per animal for a total of \$24,200, which is \$2,017 per month retroactive back to January 1st, 2002. Councilperson Boedigheimer indicated that at the Ways and Means Committee each item was discussed and that they are recommending paying \$110 for each animal impounded. Tom Haynes indicated that the Humane Society Board decided it needed the monthly payment passed on the 2000 animal count and if it wasn't received, the Humane Society would stop operating the impoundment center at the end of the month. Boedigheimer moved, Rowe seconded, to accept the Ways and Means Recommendations on the Humane Society/Impound Center which are as follows and as amended:

1. For the City of Marshall animals impounded, the City will pay the Lyon County Humane Society \$110 for each animal impounded for more than one day. The \$110 will cover the full cost of the impoundment. As well as the transfer of the animal to the Humane Society at the end of the impoundment period, (in lieu of impoundment, veterinarian costs, euthanasia and carcass disposal).
2. Payment to the Humane Society will be monthly based on impounded animal count for the previous month's new arrivals. The Humane Society should provide documentation and appropriate record keeping.
3. The Humane Society will continue to operate the facility until June 30, 2002, pending consideration of this proposal by the Humane Society Board and the Marshall City Council.
4. Expense of animals coming to the Impound Center from outside the City of Marshall will also be charged \$110 payable by the originating city or by Lyon County.
5. The Humane Society agrees that the population of animals at the Center will be controlled so as to always have space available for impounded animals from the City of Marshall.
6. The Humane Society agrees that animals of which the Marshall Police Department deems to be mean or dangerous will be euthanized rather than transferred to the Humane Society, with the cost of euthanasia and carcass disposal included in the \$110 fee. It was a consensus of those present that what this item was intended to recognize would be that mean or dangerous dogs would go directly to a veterinarian facility versus coming the Humane Society.

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7. The Marshall Police Department will seek other locations for quarantined animals. Quarantined animals will not be accepted from Lyon County or communities outside of Marshall.
8. The Humane Society will explore satellite locations for longer term shelter and will continue to work with rescue organizations.
9. The City and the Humane Society will investigate licensing options including life-time licensing and “chip” type animal identification. It was the committee’s recommendation that this matter would have to be worked on by the City’s Legislative and Ordinance Committee.
10. The Humane Society will consider adjustment in animal adoption fee in relation to the animal reclamation fee.
11. The City will consider the ordinance and enforcement necessary to discourage “animal dumping”. The committee would recommend that the Legislative and Ordinance Committee reexamine the City’s Code and related sections to determine whether this section is strong enough on the enforcement side.
12. The Humane Society will continue to explore long-term options for a new facility at a different location for animal impoundment and shelter. The City will cooperate in exploring suitable locations. The committee is recommending that the Council look at this issue in the upcoming February 25, 2002 retreat.
13. The City will investigate the feasibility of a temporary “sound barrier” near the impound center. Chief Yant indicated that he would look at this matter in more detail with the new City Engineer, Glenn Olson.

These amendments included to have a plan review on March 30th and to add the words “and the Human Society” to item number 6 behind the Marshall Police Department. All voted in favor of the motion.

UPDATE ON FLOOD (SANITARY SEWER) ALLEVIATION ACTION ITEMS SINCE SPRING, 2001:

At this time Glenn Olson, Director of Public Works/City Engineer, reviewed the Flood Alleviation Action Items that the City of Marshall has taken since the Spring of 2001. Some of these items included: completing the flood control project; amending the sump pump ordinance; preparing feasibilities reports on various new projects; televising of sanitary sewers; and flood map revisions.

A 5-minute recess was called at this time.

CONSIDER FEASIBILITY REPORTS ON POSSIBLE SANITARY SEWER IMPROVEMENT PROJECTS:

Dan Sarff, Engineer from Bolton & Menk, Inc., reviewed the Feasibility Reports for the East Area Sanitary Interceptor Sewer (Lift Station No. 3) and the Industrial Park Area Lift Station and Forcemain. Mr. Sarff provided a detailed power point presentation on these projects for the council and others in attendance. Sturrock asked how soon financing information would be available on these projects. Sturrock moved, Stores seconded, that these Feasibility Reports

REGULAR MEETING – FEBRUARY 4, 2002

for the East Area Interceptor Sanitary Sewer (Lift Station No. 3) and the Industrial Park Area Lift Station and Forcemain be accepted. All voted in favor of the motion.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:

Stores moved, Sturrock seconded, and it was unanimously approved that the following appointments be made to the various Boards and Commissions:

Bill Cole – Hospital Board for a term to expire on May 31, 2003

Ellayne Conyers – Police Commission for a term to expire on May 31, 2004

Debra Moon – Senior Citizen for a term to expire on May 31, 2004

Laurel Steen – Housing Commission for a term to expire on May 31, 2006

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

Byrnes EDA has not met; Fire Relief Association will meet on Tuesday.

Stores Library Board meets on Monday.

Sturrock Cable Commission meets on February 12th; Utilities Commission held a retreat last Tuesday; and the Public Improvement/Transportation Committee met on January 22nd.

Boedigheimer Airport Commission met at 4:30 P.M. today and will meet again next Monday; Lyon County Enterprise Development met on January 29th in Garvin.

Doyle Human Rights met and reviewed the contest winners.

Rowe Community Services Advisory Board will meet on Wednesday; Planning Commission meets next Wednesday; M.E.R.I.T. Center met and discussed funds needed to enclose the classroom at the center.

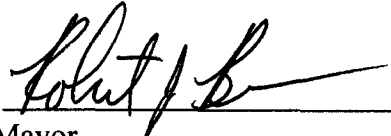
Reynolds Hospital Board met last Monday and discussed a tobacco free campus.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council members included: Mike and Ted attended a City Comp Planning Group meeting; there was a concern with the signs being removed on Mustang Trail before the council took action on that item; the utilities is continuing to search for new water sources; on January 24th there was a League of Cities Budget Briefing; on February 4th there will be a redistricting meeting; there was a concern as to where people are to walk when there is no sidewalk in the area; the City Council will be having a retreat on February 25th – Stores, Sturrock, Johnson and Byrnes will put together the format for the retreat; and the council needs to set a time for the annual review of Mike Johnson, City Administrator.


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



Mayor

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – FEBRUARY 19, 2002

The regular meeting of the Common Council of the City of Marshall was held on February 19, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Kim Jorgensen, Engineer Technician; Jane DeVries, Deputy City Clerk; and Rob Yant, Director of Public Safety arrived late.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus that the agenda be approved with the addition of the following items: 1a - Recognition of Martin Luther King Poster Contest Winners sponsored by the Human Rights Commission; 4g – Request to close Main Street for St. Patrick Day Parade; 5c – Consideration of Contract for Roofing repair at Weiner Memorial Medical Center.

APPROVAL OF THE MINUTES:

Rowe moved, Reynolds seconded, that the minutes of the regular meeting held on February 4, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

RECOGNITION OF MARTIN LUTHER KING POSTER CONTEST WINNERS:

At this time Dixie Enerson, Cheryl McChesney and Donita DeBruyckere members of the Marshall Human Rights presented awards to the winners of the Martin Luther King Poster Contest sponsored by the Human Rights Commission. The winners were as follows:

Kindergarten	Kayla van der Hagen, Parkside Grade School, Mrs. Paden
Grade 1	Clarisa Ibarra, East Side Grade School, Mrs. Finnestad
Grade 2	Alex Fenske, East Side Grade School, Mrs. Jacobs
Grade 3	Alen Lemeshevskiy, West Side Grade School, Mrs. Soupir
Grade 4	Arica Lamote, West Side Grade School, Mrs. Stores
Grade 5	Trina Thomas, Parkside Grade School, Mrs. Peterson
Grade 6	Garrett Ahlers, Parkside Grade School, Mrs. Koska

PUBLIC HEARING – REQUEST OF SOUTHWEST MINNESOTA HOUSING PARTNERSHIP AND MARSHALL ECONOMIC DEVELOPMENT AUTHORITY TO REZONE THE 1100 BLOCK OF PARIS ROAD:

This was the date and time set for a public hearing on the request to rezone the 1100 Block of Paris Road. This request is to change the zoning of Parkway Addition, Block 7, Lot 1 from R-4 Higher Density Multiple Family Residence District to R-3 Low to Medium Density Multiple Family Residence District. The SW MN Housing Partnership is planning to develop this lot with buildings of less than eight dwelling units. Rowe moved, Sturrock seconded, the public hearing be closed. All voted in favor of the motion.

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Stores moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 473, SECOND SERIES and that the reading of the same be waived. Ordinance Number 473, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for the rezoning of Parkway Addition, Block 7, Lot 1 from R-4 Higher Density Multiple Family Residence District to R-3 Low to Medium Density Multiple Family Residence District. All voted in favor of the motion.

PUBLIC HEARING – PHASE II PARKWAY ADDITION IMPROVEMENTS:

This was the date and time set for a public hearing on Project 40135 Phase II Parkway Addition Improvements. These improvements include the installation of a grading, curb and gutter, sidewalk, aggregate base, bituminous base, bituminous surfacing, turf establishment, storm sewer, sanitary sewer, watermain and miscellaneous work. The areas of improvement include Athens Avenue, Dublin Street and the remainder of Paris Road and London Road; and an alternate for the remainder of London Road up to Channel Parkway. The estimated cost for these improvements is \$869,120 for the base bid and an additional \$371,300 for the alternate bid. Sturrock moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2413, SECOND SERIES and that the reading of the same be waived. Resolution Number 2413, Second Series is a resolution Ordering the Improvement and Preparation of Plans for Project 40135 Phase II Parkway Addition Improvements. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2414, SECOND SERIES and that the reading of the same be waived. Resolution Number 2414, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for Project 40135 Phase II Parkway Addition Improvements. All voted in favor of the motion.

CONSENT AGENDA -A. ANNUAL RENEWAL OF CONSUMPTION AND DISPLAY LICENSE FOR SOUTHWEST STATE UNIVERSITY; B. APPLICATION FOR NEW PLUMBERS LICENSE FOR MIDWESTERN MECHANICAL, INC.; C. APPLICATION FOR MINNESOTA LAWFUL GAMBLING EXEMPT PERMIT FOR SOUTHWEST GREAT DIVIDE ON APRIL 6, 2002; D. CONSIDER APPLICATION FOR A TRANSIENT MERCHANT LICENSE FOR T.A.P. ENTERPRISES FOR A TOOL SALE AT THE COMMERCIAL BUILDING AT THE FAIRGROUNDS FOR THE CALENDAR YEAR; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS; G CLOSE MAIN STREET FOR ST. PATRICK DAY PARADE:

Stores moved, Doyle seconded, that the following consent agenda items be approved:

A. The annual renewal of a Consumption and Display Permit for Southwest State University for the period April 1, 2002 through March 31, 2003 at a fee of \$100.

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B. The approval of a Plumbers License for Dwayne Klarenbeek dba Midwestern Mechanical Inc., at a fee of \$50.00. This license will expire on March 31, 2002.

C. 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 the Southwest Great Divide Rocky Mountain Elk Foundation for a raffle to be held at the Best Western/Marshall Inn on April 6, 2002 and that the 30 day waiting period be waived.

D. The approval of a Transient Merchants License for T.A.P. Enterprises, Inc., at a fee of \$250.00. This license will expire on December 31, 2002.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 32429 through 32650.

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

Applicant	Location Address	Description of Work	Valuation
1. Wabasso Construction	1420 East College Drive	Interior Remodel / Space 800 & 901 A-B	\$15,000
2. Geske Building & Supply Co.	1106 East Lyon Street	Reside Dwelling	\$8,000
3. Jimie Lorenz	703 Sara Circle	Utility Shed	\$1,000
4. Schwan's Sales Enterprises, Inc.	115 West College Drive	Interior Remodeling / Exhibition	\$25,000
5. B. Patzer	411 West Main	Entrance Remodel & Install Door	\$5,500
6. M & M Sign Co.	1113 East College Drive	Sign	\$2,300
7. Geske Building & Supply Co.	608 Donita Avenue	Install Door and Replace Step	\$2,000

A Parade Permit for March 15, 2002 for the 6th Annual St. Patrick's Day Parade. The Chamber of Commerce is requesting that Main Street be closed from 5:00 P.M. until 6:30 P.M. The blocks being requested to be closed are beginning at the intersection with College Drive and go to North 5th Street. All voted in favor of the motion.

WEINER MEMORIAL MEDICAL CENTER – LAMINAR FLOW SYSTEM BID; ARCHITECTURAL/CONSTRUCTION MANAGEMENT SERVICES CONTRACTS FOR PROPOSED NURSING HOME EXPANSION PROJECT; AND ROOF REPAIR BIDS:

Richard Slieter, Administrator and CEO of Weiner Memorial Medical Center, was in attendance at the meeting to review the requests of Weiner Memorial Medical Center for the

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following projects: Laminar Flow System Bid; Architectural/Construction Management Services Contracts for Proposed Nursing Home Expansion Project; and for Roof Repair Bids.

There was a discussion as to why a bid bond was not received when the specifications required a bid bond. Mr. Slieter and City Attorney Brian Murphy agreed that the bidder has a long, credible reputation or service and they are comfortable waiving this irregularity. Boedigheimer moved, Stores seconded, the acceptance of the bid from Precision Air Products, Co., for the installation of a Laminar Flow Surgery System in the amount of \$112,000. All voted in favor of the motion.

Discussion was held at this time on the proposed addition to the Nursing Home and how it relates to the storm sewer work that is proposed in this area. Glenn Olson, Director of Public Works/City Engineer will work with Weiner Memorial Medical Center on this matter. Mike Reynolds moved, Doyle seconded, the approval of an agreement with The American Institute of Architects, for the proposed Nursing Home Expansion Project in the amount of \$229,000 plus 8% of general construction above \$2,000,000 and 8% of mechanical/electrical construction cost above \$1,000,000. All voted in favor of the motion.

Stores moved, Reynolds seconded, the acceptance of the bid from J. J. Dalsin Co., of Sioux Falls, South Dakota for the roof repair on the ambulance garage and restoration of the roof on the medical office building in the amount of \$111,299. All voted in favor of the motion.

AIRPORT COMMISSION – AUTHORIZATION TO ADVERTISE FOR 2002 TERMINAL AREA IMPROVEMENTS AND CONSIDER NAME CHANGE TO AIRPORT:

Boedigheimer moved, Doyle seconded, that the proper city personnel be authorized to advertise for bids for the 2002 Terminal Area Improvements as recommended by the Airport Commission. These bids would be received on March 27, 2002 with a City Council award of contract (conditional upon receipt of grant awards from MN/DOT) on April 11, 2002. All voted in favor of the motion.

Per the recommendation of the Airport Commission Boedigheimer moved, Rowe seconded, that the Marshall Municipal Airport (Ryan Field) be changed to Marshall Regional Airport (Ryan Field). This recommendation indicated the importance of designating "Marshall" as the primary location; indicating a "regional" presence and acknowledging "Mr. Ryan" similar to the present acknowledgement in the name. All voted in favor of the motion, except Byrnes who voted no..

CHANGE ORDER NO. G-6, PROJECT 2001-007 – HANGAR NO. 1 CONSTRUCTION:

Boedigheimer moved, Stores seconded, the approval of Change Order No. G-6 for Project No. 2001-007 Hangar No. 1 Construction with Nelson Construction Company Inc., in the amount of \$768.00. This change order is for the wrapping of the exposed red iron jambs with a white metal to match the existing liner panel. All voted in favor of the motion.

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CHANGE ORDER NO. E-2 PROJECT 2001-006 – HANGAR NO. 2 CONSTRUCTION:

Boedigheimer moved, Doyle seconded, the approval of Change Order No. E-2 for Project No. 2001-006 Hangar No. 2 Construction with Mears Electric, Inc., in the amount of \$2,200. This change order is for construction changes including the installation of two additional ceiling fan lights, installation of outlets for electric carts, and wiring for bell, second motor and door control. All voted in favor of the motion.

CHANGE ORDER NO. 1, PROJECT 40150 – BREYFOGLE AUTO SALES DEMOLITION PROJECT:

Sturrock moved, Stores seconded, the approval of Change Order No. 1 for Project No. 40150 Breyfogle Auto Sales Demolition Project in the amount of \$900. This change order reflects actual quantities incurred as well as additional work required for water service termination. All voted in favor of the motion.

CHANGE ORDER NO. 2, PROJECT 70190 – COMMUNITY CENTER SITE DEMOLITION:

Doyle moved, Reynolds seconded, the approval of Change Order No. 2 for Project No. 70190 Community Center Site Demolition in the amount of \$2,435.50. This change order reflects actual quantities incurred as well as additional work required for gravel on site, tunneling under curb to shut off main at four sites and two water shut offs in the street. All voted in favor of the motion.

SUPPLEMENTAL LETTER AGREEMENT AMENDMENT NO. 1 WITH SHORT ELLIOTT HENDRICKSON, INC., FOR PROJECT 2000-010 EFFLUENT FILTER AND SLUDGE STORAGE FACILITIES PROJECT:

Boedigheimer moved, Reynolds seconded, the approval of a Supplemental Letter Agreement Amendment No. 1 for professional services between the City of Marshall and Short Elliott Hendrickson, Inc. This agreement is necessary to provide reimbursement to SEH as a result of the contractor, PKG, Inc., not meeting the substantial completion or final completion dates for the construction of the new effluent filter and sludge storage facilities at the Wastewater Treatment Plant. These additional costs will be the responsibility of the contractor. All voted in favor of the motion.

RESOLUTION REDISTRIBUTING ASSESSMENTS:

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2415, SECOND SERIES and that reading of the same be waived. Resolution Number 2415, Second Series is a resolution Redistributing Assessments for Project 1997-001 and Project 1994-011. This redistributing is a result of the approval of the Foresome Development Plat and the combining and /or renumbering of parcels. All voted in favor of the motion.

ACCEPTANCE OF GRANT AGREEMENT:

Rowe moved, Doyle seconded, the proper city personnel be authorized to enter into a Grant Amendment with the State of Minnesota for the City Park project. This amendment

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provides for the grant expiration date to be extended to June 30, 2002. All voted in favor of the motion.

CONSIDER CORRESPONDENCE FROM THE HUMANE SOCIETY OF LYON COUNTY ON IMPOUNDMENT CENTER:

A discussion was held at this time on the correspondence the City of Marshall received from the Humane Society of Lyon County in regard to the Impoundment Center. Brian Murphy, City Attorney, indicated that the city now has to decide if they will have an impound center or not. Councilperson Boedigheimer and Rowe suggested that the council review its existing ordinance on animal control before making any final decisions. Rob Yant, Director of Public Safety, was in attendance at the meeting to review what the process will be when the city takes over the impound center as of March 16th. It was requested that Mr. Yant provide the council with a management plan.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

- Byrnes EDA met last week and discussed the Parkway Housing Addition; Regional Development Commission met last week.
- Stores Quarterly Employee Committee had to reschedule the meeting to February 26, 2002 at 4:00 P.M.
- Sturrock Cable Commission met earlier this evening and discussed the franchise renewal and a new location for Studio 8.
- Boedigheimer Airport Commission minutes are included in the agenda packet; Senior Citizen Center Commission, Lyon County Enterprise Development and Ways and Means Committee have not met.
- Doyle Housing Commission minutes are included in the agenda packet; Human Rights Commission met in January.
- Rowe Community Services Advisory Board met and continues to discuss their strategic plan; Planning Commission did not have a quorum for their last meeting.
- Reynolds Hospital Board met earlier this evening; Downtown Redevelopment will meet next week.

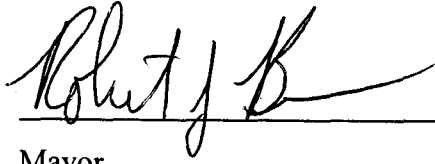
COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council members included: Stores suggested that the council members read the hand book on animal control; the council retreat is on

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February 25th and the agenda has been finalized; the Personnel Committee needs to meet prior to the next City Council meeting.

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



Mayor

ATTEST:



Financial Director/City Clerk

SPECIAL CITY COUNCIL RETREAT
February 25, 2002

A special retreat of the Common Council and City Staff of the City of Marshall was held on February 25, 2002 in the Board Room of the Marshall Municipal Utilities. This special meeting was a retreat for the city council members and the city staff. Mayor Byrnes called the meeting to order at 4:37 o'clock P.M. In addition to Byrnes the following members were present: Rowe, Doyle, Sturrock, Reynolds, Boedigheimer, and Stores. Staff present at the meeting included: City Administrator Mike Johnson; Brian Murphy City Attorney; Glenn Olson Director of Public Works/City Engineer;; Director of Public Safety Rob Yant; Director of Community Services Harry Weilage; Director of General Services/City Assessor Calvin Barnett; and Finance Director/City Clerk Thomas M. Meulebroeck. Others in attendance at the meeting included: Larry Schiavo, MCP; Dennis Simpson, Chairperson Marshall School District #413, Dr. David Danahar President Southwest State University; Howard Miller, Schwan's Sales Enterprises; Robert Fenske, Chairperson of the Lyon County Board of Commissioners; Rae Krueger, Marshall Independent.

The purpose of this special City Council retreat was to allow the city council and city staff to review and examine organizational and community issues with the goal of establishing a community vision and direction for the coming 12-18 months. Special guests were at the meeting in attendance to provide presentations that will help the city council discover information that will assist them in their growth planning efforts, along with addressing key issues or community observations to determine what the expectations are that exist of the city for their company or organization to be successful, and to determine whether there are other opportunities or areas of corporation that need to be pursued that are of benefit to both entities.

Larry Schiavo of MCP addressed the following items.

- Airport improvements
 - Regional Commuter Service
- Transportation, Roads
 - Strategic importance long term for MCP
- Housing
 - Availability and cost issues for recruitment
- Utilities
 - Significant cost factor
- Telecommunications
 - Concern over financial stability of current providers
- Employee retention amenities
 - Availability of dental care
 - 24-hour day care
 - Availability of shopping, dining and entertainment

Dr. David Danahar President of Southwest State University

- Transportation
 - Greyhound, Air
- Affordable housing - Staff, Faculty and Students

SPECIAL CITY COUNCIL RETREAT

February 25, 2002

- Amenities
- Medical/Dental Availability
- Importance of Quality School System
- Regional issues/economic development including a good working relationship with SRDC/Industrial Development Committee
- Construction Phase
 - Construction/Reconstruction
 - Library renovation \$10 million
- Economic Development
- Strategic Planning
 - Better way for college and city to work together
- Legislative Cooperation
- Rural region and what does that mean
- Budget issues
- Enrollment

Howard Miller Schwan's Sales Enterprises Inc.

- Position attempting to fill
 - Numerous times have been turned down
 - Biggest impediment is due to lack of amenities – including but not limited to Churches, adequate daycare, adequate shopping retail and others
- Start thinking of Marshall as Regional Center for SW Minnesota
- Concern to put more emphasis on becoming that regional center
 - Example – Hospital become SW Regional Medical Center
- Need to consider additional offerings in the City and needs to move faster in development of becoming recognized as that regional center
- What happened in recent years is a plus but not moving fast enough
- What is the City's Community Position on growth?

Dennis Simpson Chairperson Marshall School District #413

- The school board is very concerned about the appeal the school system has to newcomers to this community
- The citizen committee is currently studying the issue of facilities. Based on a survey that was done recently, the citizens expressed the need to keep all facilities except the middle school. They do want the pool to remain in place and usable at the Marshall Senior High School. They do not want to see a shared campus encompassing grades 5-12. They are looking at constructing a facility for 7-8 grades only and they would like to see some cosmetic changes to East and West Side schools. More gym space is needed. The recommendation from the citizens committee is that the spending limits not exceed \$29 million. Mr. Simpson indicated that the citizens committee is projecting the

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cost of the school to be \$23 million with another \$3 million for improvements to the other school locations. In order to proceed with this project a vote will have to be taken by the voters of the district which Mr. Simpson did indicate is a problem as far as determining when a good time is to vote and when they can legally do the voting. He also indicated that the state legislative funding is a major concern as well as traffic along Saratoga Street and how the traffic would flow with a new facility in this area. Mr. Simpson did indicate that sharing and communication is also important to the school system.

Robert Fenske Chairperson Lyon County Board of Commissioners

- Expressed the importance of wanting to maintain a good working relationship and cooperation between the city and the county. A good example of this is the joint Law Enforcement Center.
- Mr. Fenske did express the importance of Marshall becoming a regional center for SW Minnesota. He also expressed his appreciation to the city and the EDA for the recent bonding that took place for the hazardous waste site construction. The Public Works household solid waste – hazardous waste site is under construction and included in this facility will be office space for the Public Works Director and Staff, Planning and Zoning personnel and the Environmental office.
- Mr. Fenske indicated the new jail that is being discussed has nothing to do with the current Law Enforcement center. Due to the number of persons being sentenced to serve time in jail, the current facility cannot meet the needs. In the past the Lyon County Jail has served as a facility for other counties to house their inmates where now Lyon County is looking at facilities outside the county to facilitate the needs for jail mates from Lyon County. Mr. Fenske did indicate that the jail that is being planned would have to be constructed on a detached site. The financing of this project may be in the vicinity of \$10-\$12 million.
- Land use Plan – the county is undergoing a comprehensive plan study at this time and include the discussions that are being held in regard to the development of areas between Marshall and Lynd. Concerns are being expressed in the working with the Minnesota Department of Transportation on accesses to the highway. The county wants to continue cooperating with the city on redistricting.
- The county is concerned with HACA aid and what is eventually going to happen with this aid
- Mr. Fenske indicated that the county is willing to work with the city and did indicate that what is good for the city is good for the county and visa versa
- There was a brief discussion on the use of the current jail facility once a new jail facility is constructed

SPECIAL CITY COUNCIL RETREAT

February 25, 2002

A recess was called at 6:00 o'clock P.M. for dinner. The meeting was reconvened at 6:25 o'clock P.M.

Section 4 of the agenda packet provided to the Council included a City/County/Regional demographic analysis address by City Administrator Mike Johnson and included the following.

- Population and Household growth trends – Marshall Study Area 1980-2010
- Population Age Distribution - Marshall Study Area 1990, 2000 & 2005
- Household Income by Age of Householder - Marshall Study Area 2000
- Student Enrollment – Marshall K-12 Schools 1990-2000
- Student Enrollment – Lyon County K-12 Schools 1990-2000
- Student Enrollment – Southwest State University 1992-2000
- Volume and Average Sales price of Homes sold – Lyon County October 1990 to September 2000
- Major Employers – Marshall Study Area August 2001
- Building Permit Summary – City of Marshall, MN 1966-2001
- Building Permit Summary – Total Valuations 1991-2001
- Building Permit Summary – Number of Permits 1991-2001
- Building Permit Summary – Number of Residential Units 1991-2001
- City of Marshall – Tax Capacity 1992-2002
- Population Trends, Rural vs. Urban – Lyon County 1940-1990
- Median Age – Lyon County Area and Minnesota 1980 and 1990
- Racial Characteristics – Lyon County 1990-2000

The Mayor and the City Council members took this opportunity to identify various items of concerns that they thought the city council should be concerned with, regarding the current and future needs of the City of Marshall.

A break was taken at 7:30 o'clock P.M. Following the break the City Council categorized the various items of concern that had been previously addressed to the following areas.

- Growth and Development
 - Downtown Housing
 - Referred to Downtown Development Committee
 - Future water supply
 - Referred to Marshall Municipal Utilities
 - Industrial Development Committee – Ted Haugen
 - City Staff to review
 - Annexation/Planning
 - High Priority for planning commission
 - Older neighborhoods/ Property values
 - Byrnes and Sturrock to follow up on this
 - Comprehensive Plan Update
 - High priority for planning commission

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Park/Trails/Golf Course – Amenities

Community Services Board

Highway 23 crossing/Access

City to continue to monitor

Community Amenities

Chamber of Commerce

Growth City/Region

Business/Government cooperation

- Infrastructure

Sanitary Sewer improvements

Sidewalks/Horizon Drive

Sidewalk Policy in General

Infrastructure Financing

Street Improving Planning

Facilities Planning Municipal Building/Public Works

Low plans to City Council

The areas of concern in this category would be addressed through the development of a special assessment policy, storm sewer billing system and utilizing of a 5-year capital improvement plan.

- Current/Burning issues

Monitor - 45 mph speed limit

Public Improvement Committee

MERIT Center

High Priority

Impoundment Center

High priority

Transit Support

M.A.T. Committee

Hill Street & College Drive

Low priority

Board/Community Recruitment

Referred to Legislative and Ordinance Committee

Following identification of the various concerns into the different categories the council did spent some time in discussing annexation, utilizing of the cities web site and the process for the animal impound operation. It was suggested that a recommendation on the animal impound operations be placed on the city council agenda for the March 4th, 2002 city council meeting.

SPECIAL CITY COUNCIL RETREAT

February 25, 2002

A motion was made by Sturrock and seconded by Stores, that the meeting be adjourned at 9:50 o'clock P.M. All voted in favor of the motion.



Mayor

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – MARCH 4, 2002

The regular meeting of the Common Council of the City of Marshall was held on March 4, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Mike Johnson, City Administrator; Harry Weilage, Director of Community Services; Rob Yant, Director of Public Safety; and Dale Howe, Building Official.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Doyle moved, Reynolds seconded, that the minutes of the regular meeting held on February 19, 2002 be approved as corrected to reflect that Byrnes voted no on the name change for the Marshall Regional Airport Ryan Field; and that the minutes of the council retreat held on February 25, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - APPROVAL OF MINNESOTA GAMBLING CONTROL BOARD PREMISES PERMIT RENEWAL APPLICATION FOR THE EAGLES AERIE #3405 FROM JUNE 1, 2002 THROUGH MAY 31, 2004; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Reynolds moved, Stores seconded, that the following consent agenda items be approved:

BE IT RESOLVED that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for renewal of the Gambling License for the Eagles AERIE 3405 for operation at 423 West Main Street, Marshall, Minnesota. All voted in favor of the motion.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 32651 through 32824. All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	G&P Construction, Inc.	502 Genesis Avenue	Dwelling	\$119,000
2.	G&P Construction, Inc.	602 Genesis Avenue	Dwelling	\$99,000
3.	Dustin Hinckley	702 East Southview Drive	Install Door	\$500
4.	Stacy Allen	222 Legion Field Road	Basement Remodel	\$400

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5.	Monty Recker	1402 Carlson Street	Basement Remodel	\$2,100
6.	David J. Knotz	607 Camden Drive	Basement Remodel	\$2,000

PRESENTATION OF ANNUAL FINANCIAL REPORT FOR NORTH AMBULANCE:

Brennan (Buck) McAplin, Manager of the North Ambulance System, was in attendance at the meeting to present the 2001 annual financial report to the city council for the North Ambulance operations. Mr. McAplin did indicate that a new fee schedule would be implemented April 1, 2002. The financial report reflects a 54% revenue reduction, which is a result of the Medicare revenue reduction and the bad debt provisions. The financial report reflects a net margin of a (\$414) for the year 2001. This reflects a loss and as a part of this loss is the \$71,500 that was paid to the City of Marshall for the equipment and vehicles as was defined in the original agreement between the City of Marshall and North Ambulance. Mr. McAplin did indicate that with the change in the federal regulation as is refers to ambulance operations that the ambulance operation may be back on the tax rolls in the near future.

CONSIDER PROMOTION OF DETECTIVE TO SERGEANT IN THE MARSHALL POLICE DEPARTMENT:

Per the recommendation of Director of Public Safety Rob Yant, Rowe moved, Stores seconded, that Paula Curry be promoted from the position of Detective to Police Sergeant with the Marshall Police Department effective March 11, 2002 at a pay rate of \$20.99 per hour which is based on the 2000 wage rate and will be adjusted once the labor agreement has been approved for the Sergeant's union. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING SECTION 14-52 REGULATING IMPOUNDMENT OF DOGS:

Reynolds moved, Doyle seconded, the introduction of an ordinance Amending Section 14-52 Regulating Impoundment of Dogs in the City of Marshall, Minnesota. This ordinance provides for a change that would not transfer unclaimed dogs from the animal impound to the Humane Society of Lyon County. City Attorney Brian Murphy was requested to modify the ordinance as it relates to the impoundment of animals to reflect animals rather than just specifically dogs. All voted in favor of the motion.

REQUEST OF JODI LAMAR FOR A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO OPERATE A PET GROOMING BUSINESS AT 303 SOUTH 4TH STREET:

Per the recommendation of the Planning Commission, Rowe moved, Doyle seconded, that Jodi Lamar, 303 South 4th Street, Marshall, Minnesota be granted a conditional use permit for a home occupation for a pet grooming business with the understanding that this initial permit is for a one year period of time and that the hours of business be between 6:00 o'clock A.M. and 10:00 o'clock P.M. only. All voted in favor of the motion.

REQUEST OF GREIG & GREGERSON FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A FOUR-UNIT APARTMENT IN A B-2 CENTRAL BUSINESS DISTRICT AT 109 NORTH 3RD STREET:

Per the recommendation of the Planning Commission, Rowe moved, Reynolds seconded, that a conditional use permit be granted to Greig & Gregerson for a four-unit apartment in a B-2

REGULAR MEETING – MARCH 4, 2002

Central Business District located at 109 North 3rd Street with a legal description of Lot 9, Part of Lots 19-21, Original Plat, City of Marshall. This conditional use permit was approved with the following conditions:

1. The building meet all applicable Building Codes
2. This permit expire March 1, 2005 if the apartments are not certified for occupancy by that date.
3. The owner provides tenants written information about the regulations regarding parking on streets and public parking lots.

All voted in favor of the motion.

Boedigheimer moved, Rowe seconded, that the consideration of parking in the downtown district for business and apartment tenants be referred to the Public Improvement Transportation Committee for consideration. All voted in favor of the motion.

REQUEST OF GOLDEN ESTATES, LLC / NATIONAL LODGING CO., FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 16-UNIT APARTMENT IN A B-3 GENERAL BUSINESS DISTRICT AT 804 LYON CIRCLE:

Contrary to the recommendation of the Planning Commission, Boedigheimer moved, Reynolds seconded, that the request for a conditional use permit for Golden Estates, LLC/National Lodging Co., for a 16-unit apartment at 804 Lyon Circle be denied and that they be requested to go through the process to rezone this property to R-4. The Planning Commission had recommended approval of this request with the condition that the lot area and lot coverage regulations of R-4 Higher Density Multiple Family Residence District shall apply to this project; that this permit expire on March 1, 2004 if construction has not started at that time; and that a site drainage plan be approved by the City Engineer. Voting in favor of the motion were: Doyle, Sturrock, Reynolds and Boedigheimer. Voting no were: Rowe, Byrnes and Stores.

STAFF PRESENTATION ON REVIEW OF 2000 CENSUS INFORMATION:

Dale Howe, Building Official, was in attendance at the meeting to review with the city council his findings as it relates to the 2000 Census Challenge. Mr. Howe indicated that he had reviewed the Census 2000 Block Maps and compared them to the Block Data Summary of Housing Units, Population and Group Quarters. Mr. Howe did identify those areas that he found to qualify for the challenge. Those areas included: Tract 9603, Block 4004; Tract 9604, Block 2016; Tract 9605, Block 2026; Tract 9605, Block 4003; Tract 9605, Block 4009; Tract 9605, Block 4010; and Tract 9602, Block 2021. A successful challenge of these items would locate population numbers in correct census blocks and increase the population by seven.

BIDS FOR PROPOSED DOWNTOWN PARK IMPROVEMENTS:

Bids were received, opened and read on February 28, 2002 for the Marshall Downtown Park. The bids received, opened and read were as follows:

	Base Bid	Alternate #1 Delete	Alternate #2 Add
Bladholm Construction, Inc. Marshall, Minnesota	\$215,464.00	\$230.00	\$3,720.00

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	Base Bid	Alternate #1 Delete	Alternate #2 Add
Environmental Associates, Inc. Willmar, Minnesota	\$229,870.00	\$800.00	\$5,715.00
KHC Construction, Inc. Marshall, Minnesota	\$248,772.00	\$200.00	\$3,580.00
Salonek Concrete & Construction Springfield, Minnesota	\$209,829.00	\$250.00	\$2,800.00

Per the recommendation of Jeff Martin, DSU Architects for the project, Sturrock moved, Stores seconded, that the bids be rejected. These bids were rejected because they were over the budget amount. All voted in favor of the motion.

Stores moved, Doyle seconded, that the proper city personnel be authorized to re-advertise for bids for the proposed Downtown Park Improvements with the understanding that the design will be altered to meet the projected budget for this project. These bids will be received on March 28, 2002. All voted in favor of the motion.

CHANGE ORDER NO. M-1 WITH HART'S HEATING & REFRIGERATION FOR PROJECT 2001-006 – HANGAR NO. 2 CONSTRUCTION:

Reynolds moved, Stores seconded, that Change Order No. M-1 with Hart's Heating & Refrigeration be approved for Project No. 2001-006 – Hangar No. 2 Construction at the Marshall Municipal Airport. This change order provides for an increase in the contract of \$1,566.40, which is for the additional insulation in the cold water lines and additional regulators, cleanout, and equipment stands required by the Minnesota Department of Health. All voted in favor of the motion.

PROJECT 2002-001 S.A.P. 139-129-01 NORTH 7TH STREET BRIDGE REPLACEMENT:

Stores moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2416, SECOND SERIES and that the reading of the same be waived. Resolution Number 2416, Second Series is a resolution For Excess Funds Necessary for Project 2002-001 S.A.P. 139-129-01 for the North 7th Street Bridge Replacement Project. The North 7th Street Bridge Replacement Project is being funded by the Bridge Bonding Funds and State Aid Funds and there are no local funds involved in the construction of this project at this time. This resolution basically commits the city to returning those monies that the city received from the Commissioner of Transportation in excess of what is needed to complete the project back to the Minnesota State Transportation Fund. All voted in favor of the motion.

PROJECT 2002-004 SOUTH "A" STREET & SARATOGA STREET WATERMAIN REPLACEMENT PROJECT:

Doyle moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2417, SECOND SERIES and that the reading of the same be waived. Resolution Number 2417, Second Series is a resolution Ordering Preparation of the Feasibility Report for Project No.

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2002-004 which is the South “A” Street and Saratoga Street Watermain Replacement Project. All voted in favor of the motion.

PROJECT 2002-005 NORTH 3RD STREET RECONSTRUCTION PROJECT:

Boedigheimer moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2418, SECOND SERIES and that the reading of the same be waived. Resolution Number 2418, Second Series is a resolution Ordering Preparation of the Feasibility Report for Project No. 2002-005, which is the North 3rd Street Reconstruction Project. This project involves the reconstruction of North 3rd Street from East Redwood Street North to the Bridge. The project may involve street replacement, watermain, sanitary sewer, storm sewer, and sidewalk replacement as well as miscellaneous items. All voted in favor of the motion.

PROJECT 2002-008 EAST AREA SANITARY INTERCEPTOR SEWER PROJECT (LIFT STATION NO. 3):

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2419, SECOND SERIES and that the reading of the same be waived. Resolution Number 2419, Second Series is a resolution Ordering the Preparation of a Feasibility Report for Project No. 2002-008, which is the East Area Sanitary Interceptor Sewer Project (Lift Station No. 3) Project. The intent of this project will be to reduce the flows of the main sanitary sewer lift station from this area by redirecting the sanitary sewage from lift station no. 3 eastward to the Trunk Highway 23 sanitary sewer. This project will also involve street repair or new street construction work, and some storm sewer improvement in the sanitary sewer location in the area north of East College Drive and East of Lift Station No. 3. All voted in favor of the motion.

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2420, SECOND SERIES and that the reading of the same be waived. Resolution Number 2420, Second Series is a resolution Receiving the Engineer’s Report for Project No. 2002-008 East Area Sanitary Interceptor Sewer Project (Lift Station No. 3) Project and to call for a public hearing on the improvement for March 18, 2002. All voted in favor of the motion.

**PROJECT 2002-009 RAINBOW DRIVE WATERMAIN REPLACEMENT PROJECT;
PROJECT 2002-010 “H” STREET WATERMAIN REPLACEMENT PROJECT;
PROJECT 2002-011 WEST MAIN STREET WATERMAIN REPLACEMENT
PROJECT:**

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2421, SECOND SERIES and that the reading of the same be waived. Resolution Number 2421, Second Series is a resolution Ordering the Preparation of the Engineer’s Feasibility Report on Project No. 2002-009, which is the Rainbow Drive Watermain Replacement Project; Project No. 2002-010, which is the “H” Street Watermain Replacement Project; and Project 2002-011, which is the West Main Street Watermain Replacement Project. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2422, SECOND SERIES and that the reading of the same be waived. Resolution Number 2422, Second Series is a resolution Receiving the Engineer’s Report and Calling for a Hearing on the following Improvements: Project No. 2002-009, which is the Rainbow Drive Watermain Replacement Project; Project No. 2002-010, which is the “H” Street Watermain Replacement

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Project; and Project 2002-011, which is the West Main Street Watermain Replacement Project and that a public hearing be scheduled for March 18, 2002 at 7:30 P.M. The Marshall Municipal Utilities will pay for 50% of the cost of this project and the remaining 50% will be assessed to the benefited property owners who are serviced by the new watermain. All voted in favor of the motion.

CONSIDERATION OF LYON COUNTY ZONING REQUEST ON SIDE VARIANCES FOR RUNNING SUPPLY COMPANY:

Glenn Olson, Director of Public Works/City Engineer, addressed with the city council a memo he had prepared along with one from Building Official Dale Howe in regard to a Lyon County zoning request for side yard variances for the proposed Running warehouse addition in Section 10 Lake Marshall Township. The variance request is for an 8' side yard and an 18' side yard in lieu of 50' as is required by Lyon County Zoning Ordinance. Mr. Olson reviewed a proposed addition to the existing Running's warehouse along Hwy 59 South. Mr. Olson did express a concern with the MN/DOT right-of-way and future extension of an existing road to Highway 59 from the east side of Highway 59 along the south line of Running's property. The request and dimensions of the proposal indicate a 75' setback from their south property line, if the 66' road right-of-way is extended, as intended by the DOT right-of-way for future County or City streets, the setback is reduced to 9'. If in the future, the roadway is extended, the setback requirement would be 25'. Mr. Olson is suggesting that the addition be shortened by 16' to meet the setback requirements. Rowe moved, Stores seconded, that the proper city personnel advise the Lyon County Zoning Board of the city's concern with the setbacks for the Running's addition, taking into consideration the MN/DOT right-of-way and extension of the access road on Highway 59 from the East side of Highway 59 along the South line of Running's property. All voted in favor of the motion.

Mayor Byrnes called for a 10-minute recess at 9:00 o'clock P.M.

REVIEW OF U.S. ARMY CORPS OF ENGINEERS CORRESPONDENCE ON MARSHALL FLOOD CONTROL PROJECT:

Mike Johnson, City Administrator, reviewed with the City Council correspondence that he had received from the U.S. Army Corps of Engineers on the Marshall Flood Control Project. The correspondence did indicate that the Corps has sent formal notice that flood protection work on the Redwood River at Marshall has been completed and that they are transferring the responsibility for operating, maintaining, replacing and rehabilitating project features to the City of Marshall. They have also certified that the Flood Control Project is fully functional and operational, and is providing protection from the design flood (115-year frequency) to portions of the City of Marshall and other adjacent areas in accordance with project documents as designed. The city has also received information from FEMA's contractor that is working on the Letter of Map Revisions to the City's Flood Control Maps.

CONSIDER APPROVAL OF FARM LEASES: COUNTY DITCH 62, 14 ACRE PARCEL; AIRPORT PROPERTY, 177 ACRES; TECHNOLOGY PARK, 38 ACRES; WASTEWATER PROPERTY, 83 ACRES:

Stores moved, Reynolds seconded, and it was unanimously approved that the following farm leases be approved:

REGULAR MEETING – MARCH 4, 2002

1. County Ditch 62, a 14-acre parcel of property, leased to Paul Deutz for a period of one year beginning February 1, 2002 to February 1, 2003 and the rent is to be paid by March 1, 2002.
2. Airport Property to Mr. Wayne DeBaere for a three-year period starting with the crop year 2002. This property is rented at a rate of \$90/acre for 177 acres and the total rent is payable by March 1st of each year.
3. Technology Park is an area of approximately 38 acres, which was leased to Wayne DeBaere for a three-year period beginning March 1, 2002 and ending March 31, 2005. This property is seeded into brome grass and the primary responsibility of Mr. DeBaere is to harvest the grass and to maintain weed control, therefore there is no revenue generated from this lease. This lease is tied into the Wastewater Lease Property.
4. The Wastewater Property consisting of approximately 83 acres was rented to Mr. DeBaere for a three-year period beginning March 1, 2002 and expiring on February 28, 2005 at a rate of \$40.00/acre with the rent being due on March 1st of each year.

FOLLOW-UP DISCUSSION FROM CITY COUNCIL PLANNING RETREAT:

A follow-up discussion was held at this time on the City Council Planning Retreat, which was held on February 25, 2002. Mayor Byrnes indicated that it is his intent to appoint a Blue Ribbon Task Force for approximately 3 months which will have specific task or tasks assigned to them one of which includes the investigating and reporting on amenities as was discussed at the retreat. Each council member was requested to provide an individuals name who could be appointed to the Blue Ribbon Task Force at the next regular city council meeting to be held on March 18th.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

- Byrnes EDA will have a display at the Home Show at the Marshall Square Mall on March 9th & 10th; Fire Relief Association will be meeting on Tuesday, March 5th at 5:15 P.M.
- Stores Library Board will be meeting on March 11, 2002 and the Employee Quarterly Meeting met on February 26, 2002.
- Sturrock Cable Commission held a brief meeting to discuss the relocation site for Studio 8 Cable, there also has to be a time set for the negotiating on the renewal of the cable franchise; Utilities Commission will be meeting on February 27, 2002; and the Public Improvement Transportation Committee needs to establish a meeting date.

Boedigheimer No report.

REGULAR MEETING – MARCH 4, 2002

- Doyle Housing Commission, Convention & Visitors Bureau, and the Marshall Area Transit minutes are included in the agenda packet.
- Rowe Lyon County Comprehensive Plan Meeting is scheduled for March 7, 2002.
- Reynolds Hospital Board and Downtown Redevelopment Board will meet later this month; Quarterly Personnel Committee did met on February 26, 2002 – the committee will remain in existence and will meet as needed.

COUNCIL MEMBER INDIVIDUAL ITEMS:

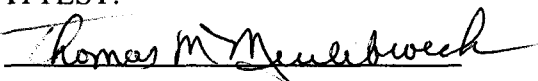
Other items brought forth by the Mayor and Council members included: there was a brief discussion at this time on the memo from Rob Yant, Director of Public Safety, on the dog pound operations and in particular at the wage and level of pay for the personnel that will be working at this facility; satisfaction was expressed by a resident to one of the council members in their working relationship with Glenn Olson in reference to a sewer problem on Marshall and 6th Street; the retreat was classified as productive; with the redistricting in process it was suggested that the Legislative and Ordinance Committee meet and come up with a resolution and Mr. Murphy requested that if there were any concerns or thoughts on the redistricting that need research that they provide him with the concern and he would follow up on a recommendation.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – MARCH 18, 2002

The regular meeting of the Common Council of the City of Marshall was held on March 18, 2002 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, Sturrock, Reynolds and Stores. Absent: Doyle and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Rob Yant, Director of Public Safety; Kim Jergenson, Engineer Technician; Bob 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 city council that the agenda be approved with the deletion of item 3c which is a Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project 2002-008, East Area Sanitary Sewer Interceptor; the addition of item 6a which is authorization for Rob Yant to be considered a candidate for 2nd Vice President for the Minnesota Chiefs of Police; and the addition of item no. 15c which is the setting of the administrator's salary for 2002.

APPROVAL OF THE MINUTES:

Rowe moved, Reynolds seconded, that the minutes of the regular meeting held on March 4, 2002 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.

APPROVAL OF CONSENT AGENDA – A. CONSIDER APPLICATIONS FOR RENEWAL OF PLUMBERS LICENSES; B. CONSIDER REFUSE HAULERS LICENSE RENEWAL – RITTER'S SANITARY SERVICE & CURRY SANITATION; C. CONSIDER APPLICATION FOR TRANSIENT MERCHANT LICENSE FOR THE COUNTRY STOP, INC.; D. CONSIDER APPLICATION FOR RENEWAL OF SPECIAL VEHICLE LICENSES FOR 2002; E. CONSIDER RENEWAL OF CONSUMPTION AND DISPLAY LICENSE FOR THE PRAIRIE EVENT CENTER & THE DAILY GRIND; F. CONSIDER APPLICATION FOR TEMPORARY ON-SALE LIQUOR LICENSE AT SOUTHWEST STATE UNIVERSITY FOR STUDENTS IN FREE ENTERPRISE (SIFE); G. CONSIDER ANNUAL RENEWAL OF GAMBLING PREMISES LICENSES FOR MARSHALL AMATEUR HOCKEY ASSOCIATION AT THE EAGLES CLUB AND THE WOODEN NICKEL; H. BILLS/PROJECT PAYMENTS; I. BUILDING PERMITS:

Reynolds moved, Stores seconded, that the following consent agenda items be approved:

The renewal of the Plumbers License for the period April 1, 2002 through March 31, 2003 at a fee of \$50.00 for:

Joseph Mortier DBA **Bisbee Plumbing & Heating**
Rodney Bruflat DBA **Bruflat Plumbing**
Robert Vanderlinden DBA **Countryside Plumbing**
Ed Duthoy DBA **Ed's Plumbing & Heating**
Glenn Larson DBA **Enviro Pump Plus**
Ron Sussner DBA **Frank's Electric, Plumbing & Heating**
Gary Hansen DBA **G.H. Plumbing & Heating**
Gary Smidt DBA **Gary's Plumbing & Heating**
Ken Holm DBA **Heartland Mechanical**
John Holm DBA **Holm Brother's Plumbing & Heating**
John Jenniges DBA **Jenniges Plumbing & Heating**

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Jerry Roguske DBA Lake Country Mechanical
Dwayne Klarenbeek DBA Midwestern Mechanical
Mike Paulson DBA Mike's Plumbing & Heating
Neil Kroger DBA Neil's Plumbing & Heating
Dallas Sanderson DBA Sanderson Mechanical
Dick Winter - Schwan's Sales Enterprises
Mike Orthaus DBA Tri-State Mechanical
Vernon Goslar DBA Trio Plumbing & Heating
Scott Wood DBA Wood's Plumbing & Heating

The renewal of the Refuse Haulers License for the peiroad April 1, 2002 through March 31, 2003 at a fee of \$120.00 for Ritter's Sanitary Serivce and Curry Sanitation.

The renewal of a Transient Merchants License for Richard Allen Seipel dba The Country Stop, Inc., at a fee of \$250.00. This license will expire on December 31, 2002.

The renewal of a Special Vehicle License for Steve Kane at a fee of \$25.00. This license will expire on December 31, 2002.

The renewal of a Consumption and Display Licene for the period April 1, 2002 through March 31, 2003 at a fee of \$100.00 for The Prairie Event Center and The Daily Grind.

Reynolds moved, Stores seconded, BE IT RESOLVED that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the application for a Gambling License for Marshall Amateur Hockey Association for use at the F.O.E. Eagles Aerie #3405, 423 West Main Street, Marshall, Minnesota and for a Gambling License for the Marshall Amateur Hockey Association for use at the Wooden Nickel, 448 West Main Street, Marshall, Minnesota.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 32825 through 33036.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Dennis Klocow	1220 East College Drive	Install Sign	\$1,000
2.	Michael Mote	1119 Skyline Drive	Bathroom	\$3,000
3.	Greig & Gregerson	101 Marlene Street	Reside Dwelling	\$5,000
4.	Greig & Gregerson	415 North 7th Street	Reside Dwelling	\$4,500
5.	Knochenmus Enterprises, LLP	1106 East College Drive	Interior Remodel	\$1,000
6.	Thooft Construction	301 North 7th Street	Reside Dwelling & Install Windows	\$14,100
7.	Patrick & Christina Blomme	428 North 7th Street	Install Window	\$1,000
8.	The Country Stop	1206 East College Drive	Temporary Structure	\$0
9.	Robert J. Tholen	1312 East Main Street	Demolish Restaurant	\$0

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10.	Sussner Construction, Inc.	202 North 1st Street	Apartment Remodeling	\$11,700
11.	Schwan's Sales Enterprises, Inc.	115 West College Drive	Office Remodeling	\$582,000
12.	French Construction	508 West Redwood Street	Reside Dwelling	\$12,600
13.	Rod & Shelly Salzwedel	106 South Minnesota Street	Remodel Bathroom	\$1,500
14.	Jeff Nielsen	623 Donita Avenue	Basement Remodel & Install Window	\$1,000
15.	THROM, LLC	316 Timberlane Drive	Manufactured Home Installation	

Discussion was held at this time on the application for a Temporary On-Sale Liquor License at Southwest State University for Students In Free Enterprise (SIFE). There was a concern with the members of the organization applying for the license being of legal age and about the liquor liability insurance. It was indicated that the majority of the member of SIFE are seniors at SSU and therefore they would be of legal age. The State does not require liquor liability insurance but SIFE has indicated that they will be carrying liquor liability insurance. The Clerk's Office will require a certificate of the liquor liability insurance. Rowe moved, Sturrock seconded, the approval of a Temporary On-Sale Liquor License at Southwest State University for Students In Free Enterprise (SIFE) for April 26, 2002 with the understanding that they will provide the appropriate control in regard to serving liquor. All voted in favor of the motion.

PUBLIC HEARING – PROJECT 2002-008 EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3):

This was the date and time set for a public hearing on the East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project 2002-008. Glenn Olson, Director of Public Works/City Engineer and Andrew Kehren, Bolton & Menk, Inc., reviewed this project with those in attendance at the meeting. Joe Mortier, Chalet Club, indicated that they replaced their sewer lines in 1964 and wanted to know if they would get credit back for their costs. Glenn indicated that if the sewer lines were 30+ years old there would be no credit given. It was asked if curb and gutter was necessary, and if it would be required on both sides of the street and if a non-profit organization would be required to pay for their portion. Mr. Olson indicated that curb and gutter helps with the storm water flow. City Attorney Brian Murphy indicated that a non-profit organization could be assessed for a project if they benefit from the improvement. Mayor Byrnes indicated that he felt that this project was a system wide project and should be a system wide assessment. Reynolds moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Item 3b, which is the consideration of a Resolution Ordering Improvement and Preparation of Plans, was delayed to later in the meeting.

PUBLIC HEARING – PROJECT 2002-009 RAINBOW DRIVE WATERMAIN REPLACEMENT; PROJECT 2002-010 "H" STREET WATERMAIN REPLACEMENT; PROJECT 2002-011 WEST MAIN STREET WATERMAIN PROJECT:

This was the date and time set for a public hearing on the Watermain Replacement Projects for Rainbow Drive, "H" Street and West Main Street. Glenn Olson, Director of Public Works/City Engineer, reviewed this project with those in attendance at the meeting. There were no questions or concerns, therefore Rowe moved, Sturrock seconded, the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING – MARCH 18, 2002

Item 4b, which is the consideration of a Resolution Ordering Improvement and Preparation of Plans and item 4c, which is the consideration of a Resolution approving Plans and Specifications and Ordering Advertisement for Bids, were delayed to later in the meeting.

ORDINANCE AMENDING SECTION 14-52 REGULATING IMPOUNDMENT OF DOGS:

Rob Yant, Director of Public Safety, indicated to the council that the Humane Society moved out of the impoundment center over the past weekend. Brian Murphy is in the process of reviewing a letter received from Priesz Law on behalf of the Humane Society. Councilperson Rowe questioned the wage level for the employees at the impoundment facility. Rob indicated that he is proposing a salary of \$11.14 per hour, which is comparable to the wage of a Community Service Officer.

Stores moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 474, SECOND SERIES and that the reading of the same be waived. Ordinance Number 474 Second Series is an ordinance Amending Section 14-52 Regulating Impoundment of Dogs in the City of Marshall. This ordinance provides for the section "If the dog is unclaimed, the ownership of the dog shall be transferred to the Humane Society of the County" to be deleted. All voted in favor of the motion.

Rowe moved, Reynolds seconded, that the ordinance regulating the impoundment of dogs be referred to the Legislative and Ordinance Committee to consider the request to change "dog" to "animal". All voted in favor of the motion.

CONSIDER APPROVAL OF SQUAD CAR BID AUTHORIZATION:

Reynolds moved, Stores seconded, that the proper city personnel be authorized to advertise for bids for two new policy squad units with the trade-in or sale of the Chevrolet Tahoe (9904) and the highest mileage Ford Interceptor (9903). All voted in favor of the motion.

AUTHORIZATION FOR ROB YANT TO BE CONSIDERED A CANDIDATE FOR 2ND VICE PRESIDENT FOR THE MINNESOTA CHIEFS OF POLICE:

Stores moved, Reynolds seconded, authorization for Rob Yant to be considered as a candidate for 2nd Vice President for the Minnesota Chiefs of Police Association. If Rob would be successful in receiving this nomination, he would be expected to move onto 1st Vice President and ultimately President of the Association in two years. All voted in favor of the motion.

A 5-minute recess was called at this time.

CONDITIONAL USE PERMIT FOR PARK OWNED AND OPERATED BY CITY OF MARSHALL IN A B-2 CENTRAL BUSINESS DISTRICT AT 101 WEST MAIN STREET:

Council member Sturrock was concerned about the area being zoned B3 and B2 and felt that the area should all be zoned the same. Rowe moved, Sturrock seconded, the approval of a conditional use permit for a park owned and operated by the City of Marshall in a B-2 Central Business District at 101 West Main Street. All voted in favor of the motion.

VARIANCE ADJUSTMENT PERMIT FOR A PARK OWNED AND OPERATED BY THE CITY OF MARSHALL IN A B-2 CENTRAL BUSINESS DISTRICT AT 101 WEST MAIN STREET:

Stores moved, Sturrock seconded, the approval of a variance adjustment permit to construct a City Park with no off-street in lieu of five off-street parking spaces as required by City Code at 101 West Main Street. All voted in favor of the motion.

CONDITIONAL USE PERMIT FOR GOLDEN ESTATES, LLC / NATIONAL LODGING CO., TO CONSTRUCT A 16-UNIT APARTMENT IN A B-3 GENERAL BUSINESS DISTRICT AT 804 LYON CIRCLE:

Per the request of Dave Larson, President, Construction Management, LLC Rowe moved, Stores seconded, to rescind the City Council action from the March 4, 2002 council meeting. This will allow the City Council to reconsider the application for a Conditional Use Permit for Golden Estates, LLC / National Lodging Co. All voted in favor of the motion.

Mr. Dave Larson, President, Construction Management, LLC, was in attendance at the meeting to review with the council the request that Golden Estates, LLC / National Lodging Co., to construct a 16-unit apartment in a B-3 General Business District at 804 Lyon Circle. Glenn Olson, Director of Public Works/City Engineer reviewed the recommendation of the Planning Commission and also reviewed the drainage plan for this area. Rowe moved, Reynolds seconded, that the request for a conditional use permit for Golden Estates, LLC/National Lodging Co., for a 16-unit apartment at 804 Lyon Circle be approved with the following conditions:

1. The lot area and lot coverage regulations of the R-4 Higher Density-Multiple Family Residence District shall apply to this project.
2. This permit expires on March 1, 2004 if construction has not started at that time.
3. Site drainage plan approved by the City Engineer.

All voted in favor of the motion.

PRELIMINARY PLAT OF LYON COUNTY CO-OP FIRST ADDITION:

Stores moved, Reynolds seconded, a public hearing be held at 7:30 P.M. on Monday, April 1, 2002 in the Council Chambers to consider the Preliminary Plat of Lyon County Co-Op First Addition. All voted in favor of the motion.

Be it noted the arrival of Councilperson Doyle at 9:30 P.M.

PROJECT 2002-008 EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3):

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2423, SECOND SERIES and that the reading of the same be waived. Resolution Number 2423, Second Series is a Resolution Ordering Improvement and Preparation of Plans for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). All voted in favor of the motion.

PROJECT 2002-009 RAINBOW DRIVE WATERMAIN REPLACEMENT; PROJECT 2002-010 "H" STREET WATERMAIN REPLACEMENT; PROJECT 2002-011 WEST MAIN STREET WATERMAIN REPLACEMENT:

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2424, SECOND SERIES and that the reading of the same be waived. Resolution Number 2424, Second Series is a Resolution Ordering Improvement and Preparation of Plans for Project 2002-009 Rainbow Drive Watermain Replacement; Project 2002-010 "H" Street Watermain

Replacement; and Project 2002-011 West Main Street Watermain Replacement. All voted in favor of the motion.

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2425, SECOND SERIES and that the reading of the same be waived. Resolution Number 2425, Second Series is a Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project 2002-009 Rainbow Drive Watermain Replacement; Project 2002-010 "H" Street Watermain Replacement; and Project 2002-011 West Main Street Watermain Replacement. These bids are to be received at 10:00 A.M. on April 17, 2002. All voted in favor of the motion.

CHANGE ORDER NO G-7 WITH NELSON CONSTRUCTION CO., PROJECT 2001-007 HANGAR NO. 1 CONSTRUCTION:

Doyle moved, Stores seconded, the approval of Change Order No. G-7 with Nelson Construction Co., for Project 2001-007 Hangar No. 1 Construction in the amount of \$887.00. This change order provides for an additional cost to furnish concrete curbs for the mechanical units in the Mechanical room and to rent the hardener spreader for one additional week. All voted in favor of the motion.

APPROVAL OF AIRPORT HANGAR LEASE WITH SCHWAN'S SALES ENTERPRISES, INC.:

Reynolds moved, Stores seconded, the proper city personnel be authorized to enter into an Airport Hangar Lease with Schwan's Sales Enterprises, Inc., for Airport Hangar No. 1 which was recently constructed. Schwan's has paid for 100% of the construction of this building; therefore this lease is for the ground and maintenance only. They will pay \$500 per month for a ground lease and \$300 per month for maintenance fees. This lease is for a 30 year time period effective January 1, 2002. All voted in favor of the motion.

CABLE TELEVISION RENEWAL:

Sturrock moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2426 SECOND SERIES and that the reading of the same be waived. Resolution Number 2426, Second Series is a resolution Authorizing CC VII Operating Company, LLC, dba Charter Communications to Temporarily Operate the Cable Communications System through June 30, 2002. All voted in favor of the motion.

Sturrock moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2427, SECOND SERIES and that the reading of the same be waived. Resolution Number 2427, Second Series is a resolution Authorizing McLeod USA Telecom Development, Inc., to Temporarily Operate the Cable Communications System through June 30, 2002. All voted in favor of the motion.

APPOINTMENT OF BLUE RIBBON TASK FORCE ON MARSHALL AMENITIES:

Stores moved, Sturrock seconded, that the following people be appointed to a Blue Ribbon Task Force on Marshall Amenities: Jay Cattoor, Lynn McLaughlin, Karen Yant, Mike Rich, Mollie Linstrom, Linda Saugstad and Beth Schroeder were appointed as community representatives. Bruce Haug will represent the Marshall EDA; James Carr will represent the Marshall Area Chamber of Commerce; Gordon Crow will represent Schwan's and Mike Reynolds will be the liaison from the City Council. Representative from MCP and the Marshall Industrial Commission will be appointed at a later date. All voted in favor of the motion.

RECOMMENDATIONS FROM THE PERSONNEL COMMITTEE: 2001-2002 LABOR AGREEMENT WITH LELS (POLICE OFFICERS UNION); 2002 CLOTHING ALLOWANCE FOR NON-UNION EMPLOYEES (PUBLIC WORKS):

Per the recommendation of the Personnel Committee Rowe moved, Reynolds seconded, that 2001-2002 Labor Agreement with LELS (Police Officers Union) be approved. This agreement would provides for a wage rate increase of 5% for 2001 and 4.25% for 2002; Article 20, Sick Leave would provide for a maximum of 1200 hours of sick leave for all new full-time employees hired after January 1, 2002; and Article 26, Post License Fee, the contribution by the City of the Post License would increase from \$60.00 to \$90.00. This license fee is paid every three years. All voted in favor of the motion.

Per the recommendation of the Personnel Committee Stores moved, Reynolds seconded, that the clothing allowance contribution for the non-union (Public Works) employees be increased to \$350 per employee per year effective for 2002. All voted in favor of the motion.

SALARY INCREASE – CITY ADMINISTRATOR:

Byrnes moved, Reynolds seconded, the approval of a salary increase for Michael Johnson, City Administrator to be \$88,000 per year effective January 1, 2002. The council also approved that on Mr. Johnson's anniversary date in 2003 he will be eligible to receive 5 weeks of vacation per year. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and the Council members of the various boards and commissions were presented at this time:

- Byrnes EDA will be advertising for 3 homes to be built in the Parkway Addition; Fire Relief Association held a special meeting to discuss a disability claim; Regional Development Commission meeting was changed from March 14th to March 21st.
- Stores Library Board met last Monday and approved for Studio 8 to use space at the Library.
- Sturrock Cable Commission met on March 12th; Utilities Commission met on February 27th.
- Doyle Housing Commission, Convention & Visitors Bureau and Marshall Area Transit will be meeting later this month.
- Rowe Community Services Board met but did not have a quorum; Planning Commission minutes are included in the agenda packet; Lyon County Planning Task Force will meet on April 11th.
- Reynolds Hospital Board has received a 5 million dollar donation for the Long-Term Care Facility and they are installing an infant care security system.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council members included: a concern about the riverbank eroding behind the pool and the walk bridge in that area being in need of repair; informing the public in regard to a snow emergency being declared; they thanked the Street Department for the snow removal after the last snow storm; they also thanked the Humane Society for their many years of service at the Impoundment Center; and the Legislative and Ordinance Committee needs to meet to review the redistricting.

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Stores moved, Doyle seconded, that recognition be given to the Marshall Girls Basketball Team for winning the State Championship. All voted in favor of the motion.

REVIEW OF PENDING AGENDA ITEMS:


Snow removal on private property needs to be reviewed.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – APRIL 1, 2002

The regular meeting of the Common Council of the City of Marshall was held on April 1, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present included: Michael Johnson, City Administrator; Glenn Olson, 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.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Rowe moved, Sturrock seconded, that the minutes of the regular meeting held on March 18, 2002 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.

PUBLIC HEARING – LYON COUNTY COOP FIRST ADDITION:

This was the date and time set for a public hearing on the Preliminary Plat for Lyon County Co-Op First Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat with the council and those in attendance at the meeting. Reynolds moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Rowe seconded, the approval of the Preliminary Plat for Lyon County Co-Op First Addition. All voted in favor of the motion.

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2428, SECOND SERIES and that the reading of the same be waived. Resolution Number 2428, Second Series is a resolution Authorizing the Proper City Officials to Execute a Deed to Convey Real Estate Owned by the City of Marshall. This resolution provides for the City of Marshall to convey to Lyon Main Partnership certain real estate described as Outlots A, B & C located in the Lyon County Co-Op First Addition. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Lyon County Co-Op First Addition. Mr. Olson reviewed the following items with the council:

1. Assurances for the completion of minimum improvements.
2. Provision for concrete pedestrian walkways.
3. All street right of ways and easement areas will require soil borings.
4. Public sites and open spaces.
5. The 1993 Sanitary Sewer Project connection fee of \$1,900 per acre was not applicable to this area.
6. Demolition and removal of Club 59.

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7. Annexation of the eastern 200 feet of Canoga Park Drive and a small area adjacent to Lots 5 & 6 of Block One.

Willard Engel indicated to the Council that the annexation area has been applied for at this time. It was recommended that sidewalks should be installed only on the sides of the streets adjacent to the lot development.

Be it noted the arrival of Councilperson Boedigheimer at 8:57 P.M.

City Attorney Brian Murphy will have the Assurance Agreement completed by the necessary personnel. It was indicated that the items listed above with the exception of no. 7 would be incorporated into the Resolution approving the Final Plat for Lyon County Co-Op First Addition.

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2429, SECOND SERIES and that the reading of the same be waived. Resolution Number 2429, Second Series is a resolution Approving the Final Plat of Lyon County Co-Op First Addition. All voted in favor of the motion.

CONSENT AGENDA -A. CONSIDER AUTHORIZATION FOR OUT OF STATE TRAVEL – PUBLIC SAFETY; B. CONSIDER APPROVAL OF A GAMBLING PREMISES PERMIT FOR THE MARSHALL BASEBALL ASSOCIATION FOR USE AT VARSITY PUB; C. CONSIDER APPROVAL OF TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MARSHALL BASEBALL ASSOCIATION FOR USE AT LEGION FIELD FROM APRIL 15 – AUGUST 15, 2002; D. CONSIDER REQUEST FROM HOLY REDEEMER TO INCLUDE BINGO ON RAFFLE TICKET GAMBLING APPLICATION; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

Rowe moved, Reynolds seconded, that the following consent agenda items be approved:

Authorization for out of state travel for Rob Yant, Director of Public Safety, to attend the FEMA course, Consequence of Terrorism in Mt. Weather Virginia from June 3, 2002 through June 7, 2002.

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 Premises Permit Application – LG214 for the Marshall Baseball Association to be used at the Varsity Pub, 128 West Main Street, Marshall, Minnesota.

The approval of a temporary on-sale non-intoxicating beer license for the Marshall Baseball Association for use at Legion Field from April 15, 2002 through August 15, 2002 at a fee of \$100.00.

Authorization for the proper city personnel to notify the State of Minnesota Gambling Control Board that they have approved the request for Holy Redeemer to include Bingo with the raffle to be held on May 19, 2002 at Holy Redeemer School.

REGULAR MEETING – APRIL 1, 2002

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 33037 through 33190

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Stein Sign	1217 East College Drive	Install Signs	\$5,000
2.	Walt Schroeder	116 South 5th Street	Demolish Dwelling	\$0
3.	Walt Schroeder	116 South 5th Street	Dwelling	\$105,000
4.	Southwest Properties II	902 West College Drive	Warehouse Addition	\$46,700
5.	Gary Thooft	1402 East Lyon Street	Remodel Exterior Wall	\$1,000
6.	Hart Properties	1105 Canoga Park Drive	Office/Contractor's Shop	\$240,000
7.	Sussner Construction, Inc.	115 West College Drive	Stair C Remodel	\$45,000
8.	True Value Home Center	216 Rainbow Drive	Finish Basement	\$18,000
9.	Tutt Construction	1307 Ridgeway Road	Basement Remodel	\$39,200
10.	Mike Buysse Construction	704 West Lyon Street	Reside Dwelling	\$7,000
11.	G&P Construction, Inc.	402 Genesis Avenue	Dwelling	\$119,000
12.	G&P Construction, Inc.	404 Genesis Avenue	Dwelling	\$118,500
13.	Babcock Construction	307 North 6th Street	Reside Dwelling & Demolish Chimneys	\$6,000
14.	Leland Floren	1402 Cumberland Road	Finish Basement	\$5,000
15.	Doom & Cuypers, Inc.	1208 Patricia Court	Bathroom	\$3,000
16.	Doom & Cuypers, Inc.	605 Kennedy Street	Install Windows	\$2,000
17.	Troy Werk	802 DeSchepper Street	Interior Remodel	\$2,500
18.	True Value Home Center	1225 Patricia Court	Dwelling	\$155,000

INTRODUCTION OF ORDINANCE REDEFINING WARD BOUNDARIES AND ELECTION PRECINCT BOUNDARIES WITHIN THE CITY:

Per the recommendation of the Legislative and Ordinance Committee, Stores moved, Reynolds seconded, the introduction of an ordinance Redefining Ward Boundaries and Election Precinct Boundaries within the City of Marshall and called for a public hearing to be held at 7:30 P.M. on Monday, April 15, 2002 in the Council Chambers. All voted in favor of the motion.

JOINT RESOLUTION BETWEEN CITY OF MARSHALL AND WEINER MEMORIAL MEDICAL CENTER:

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2430, SECOND SERIES and that the reading of the same be waived. Resolution Number 2430,

REGULAR MEETING – APRIL 1, 2002

Second Series is a Resolution of the City Council of the City of Marshall, Minnesota and a Resolution of the Weiner Memorial Medical Center Board of Directors. This resolution acknowledges David J. Weiner's intention to donate \$5 million for a long-term care expansion project. This resolution was previously approved by the Weiner Memorial Medical Center Board of Directors. All voted in favor of the motion.

MARSHALL DOWNTOWN PARK:

Bids were received, opened and read on March 28, 2002 for the revised Marshall Downtown Park Phase I, Project 2002-006. The first bids for this project were too high; therefore changes were made to the mechanical features for heating and electric use, as well as some of the design features. The bids received, opened and read were from:

	Bladholm Construction Inc. Marshall, MN	Environmental Associates Inc. Willmar, MN	Salonek Concrete & Construction Springfield, MN
Base bid	\$177,445.00	\$188,999.00	\$188,670.00
Alternate 1	10,992.00	5,280.00	10,360.00
Alternate 2	3,600.00	3,950.00	2,237.00
Alternate 3	360.00	(3,900.00)	No charge
Alternate 4	750.00	500.00	700.00
Alternate 5	2,760.00	2,240.00	2,760.00
Alternate 6	1,550.00	930.00	1,500.00
Alternate 7	1,600.00	1,523.00	2,250.00

Stores moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2431, SECOND SERIES and that the reading of the same be waived. Resolution Number 2431, Second Series is a resolution Awarding Contract. This resolution awards the contract for the Marshall Downtown Park to be awarded to Bladholm Construction Inc., Marshall, Minnesota in the amount of \$183,395.00, which includes the base, bid plus alternate 2, 4 and 7. The city has \$158,500 available for this project, which is \$24,895 short. It was the recommendation that this balance be taken from the parkland development fund of \$24,964. All voted in favor of the motion.

FINANCIAL SUPPORT FOR PHASE III TNT PROJECT:

Chuck Myrbach of Southwest State University, and John DeCramer a TNT representative from BH Electronics, were in attendance at the meeting to review the request \$4,000 from the City of Marshall for financial support of Phase III TNT Project. Phase III includes partnering students from SSU, Ridgewater and Minnesota West and secondary schools in the region with business that have telecommunication needs. They are requesting this funding in the form of a grant and indicated that these funds are not used for staffing. Sturrock moved, Boedigheimer seconded, that \$4,000 be given as financial support for Phase III TNT Project and that this be taken from the Mayor and Council contingency, 101-40141-7210 to 101-40141-3311. Council member Rowe requested that in the future this request be made at budget time. All voted in favor of the motion.

REGULAR MEETING – APRIL 1, 2002

CHANGE ORDER NO. G-3 WITH TERWISSCHA CONSTRUCTION, INC., PROJECT 2001-006 HANGAR NO. 2 CONSTRUCTION:

Rowe moved, Sturrock seconded, the approval of Change Order No. G-3 with TerWisscha Construction Inc., for Project 2001-006 Hangar No. 2 Construction for an increase in the contract in the amount of \$1,726.62. This change order provides for additional materials and labor for changing three exterior door locks and hardware, adding one overhead door stop between the shop and hangar area walk door, re-wire the hangar door stop if the service door is open. All voted in favor of the motion.

CHANGE ORDER NO. M-3 WITH TRI-STATE MECHANICAL, INC., PROJECT 2001-007 HANGAR NO. 1 CONSTRUCTION:

Reynolds moved, Boedigheimer seconded, the approval of Change Order No. M-3 with Tri-State Mechanical, Inc., for project 2001-007 Hangar No. 1 Construction for an increase in the contract in the amount of \$930.00. This change order provides for costs incurred for an extra trip by the mechanical's crane regarding the setting of the roof top units, manufacturing and installation of the shields protecting the hydronic piping, and metal stands to raise the mechanical equipment a minimum of 18 inches off the flow in the mechanical room. All voted in favor of the motion.

CHANGE ORDER NO. 2 WITH BLADHOLM CONSTRUCTION, INC., PROJECT 2001-009 ARRIVAL/DEPARTURE BUILDING:

Rowe moved, Stores seconded, the approval of Change Order No. 2 with Bladholm Construction for project 2001-009 Arrival/Departure Building for an increase in the contract in the amount of \$573. This change order is for the deletion of two paper towel dispenser/waste units; deletion of flagpole light fixtures and retain labor to connect fixtures supplies with flagpole; deduction to provide 7 type "L" light fixtures suspended from a single ¾" conduit and paint conduit and junction boxes; an addition to revise Storage Room 132 and Pilot's Shop; add two electric ware air hand dryers and additional piping and conduit for sprinkler system and exterior lighting. All voted in favor of the motion.

CONSIDER STATE OF MINNESOTA GRANT CONTRACT FOR VOTING EQUIPMENT:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the Grant Contract with the State of Minnesota for voting equipment. This Grant Contract provides for a matching grant with the State of Minnesota for the purchase of voting equipment. Rowe moved, Sturrock seconded, that the proper city personnel be authorized to enter into a Grant Contract with the State of Minnesota for voting equipment and that the budget be adjusted to increase the revenue account number 101-33425 by \$7,109; the expenditure account 101-40821-5560 be increased by \$14,218 and the Mayor and Council Contingency be reduced by \$7,109. This grant is in the amount of \$7,109 and the City will match this grant. All voted in favor of the motion.

REGULAR MEETING – APRIL 1, 2002

CONSIDER REQUEST BY REDWOOD TELEPHONE COMPANY TO LYON COUNTY TO CONSTRUCT A COMMUNICATION TOWER:

It was the general consensus of the council that memo they received from Dale Howe, Building Official, in regard to this request be referred to Lyon County.

PROJECT 2002-007 – 2002 TERMINAL AREA IMPROVEMENTS BID LETTING UPDATE:

Bids were received for the 2002 Terminal Area Improvements Project 2002-007 for the Marshall Airport. These bids will be reviewed by the Marshall Airport Commission and also with MN/DOT in order to finalize the funding for the 2002 projects. If funding plans can be finalized a recommendation on the awarding of the bid will be brought to the City Council at their April 15, 2002 meeting.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:

Byrnes moved, Rowe seconded, and it was unanimously approved that the following appointments be made to the various Boards and Commissions:

Kelli Thielges – Community Services Board for a term to expire on February 28, 2005
Bruce Mitlyng – Community Services Board for a term to expire on February 28, 2004
Michael Rich – Community Services Board for a term to expire on February 28, 2005
Brian Sattler – Community Services Board for a term to expire on February 28, 2004
Laura Saugstad – Community Services Board for a term to expire on February 28, 2003
Tim Sheehan – Community Services Board for a term to expire on February 28, 2004
Donna VanKeulen – Community Services Board for a term to expire on February 28, 2005
Karen Yant – Community Services Board for a term to expire on February 28, 2004
Sandy Erxleben – Library Board for a term to expire on December 31, 2004

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

Byrnes No report.

Stores No report.

Sturrock Cable Commission will meet next week; Utilities Commission met on March 27, 2002; Public Improvement/Transportation Committee will meet on April 11th.

Boedigheimer No report.

Rowe No report.

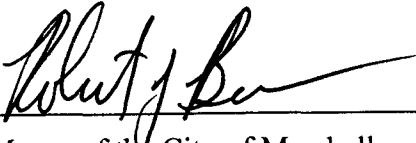
Reynolds Hospital Board held a special meeting on April 1st; Downtown Redevelopment Commission cancelled their meeting.

REGULAR MEETING – APRIL 1, 2002

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council members included: Lyon County Strategic planning meeting will be held on April 11th; Mayor Byrnes appointed Roger Evert from MCP and Jeff Bragg to the Blue Ribbon Task Force; and they acknowledged receipt of a memo from the Marshall Area Chamber of Commerce in regard to the Marshall Hotel.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

Minutes of the City of Marshall Local Board of Appeal and Equalization
6:00 p.m. – April 15, 2002

Council Members Present: Byrnes, Rowe, Sturrock, Stores, Reynolds, Doyle, Boedigheimer

Council Members Absent: None

Staff Present: C Barnett, C Snyder, D Huber, M Johnson

Others Present: Dean Champine, Carolyn Runholt – Lyon County Assessor's Office

The 2002 City of Marshall Local Board of Appeal and Review was called to order at 6:00 p.m. by Mayor Robert Byrnes in the Marshall City Council Chambers. Mayor Byrnes introduced the members of the staff present, and outlined the procedure to be followed at the meeting. The meeting was turned over to City Assessor Calvin Barnett.

City Assessor Barnett gave a short overview of values in general for residential, apartment, commercial and industrial properties. There were no questions from the council after his presentation. Mayor Byrnes stated that the next step in the Board of Appeal and Review process would be to appear at the Lyon County Board on June 17, 2002.

The members of the audience were asked to present their name, address, and address of the property in question.

George Jacob – 118 East Saratoga Street and 120 East Saratoga Street

Mr. Jacob stated the property at 118 East Saratoga Street was increased from \$35,300 to \$60,300. He had bought the property for \$20,000 and had put \$20,000 into the property. He wanted to know why the property had increased in value so much as he had only cleaned the property up. The property at 120 East Saratoga Street had increased from \$41,000 to \$45,000, which he had no problem with.

Mr. Joe Tillemans – 102 Ranch Avenue

Mr. Tillemans questioned the current value of \$70,400. Mr. Tillemans indicated his property had previously been assessed at \$63,700, and the value increase was excessive.

Mr. James Carr – Camelot Mobile Home Park

Mr. Carr stated Camelot Mobile Home Park had been appraised by the City using an independent appraiser. The value of the appraisal was \$63,000. The assessed value at that time was \$44,000. Mr. Carr bought the property for \$110,000. The property is now assessed at \$100,000. He questioned the amount of the increase.

Old HyVee Building – 1000 East Southview Drive

Mr. Carr bought the building after it had been on the market for over a year and paid \$650,000. Mr. Carr stated the assessed value was now \$851,000. Mr. Carr has a

private appraisal of property at \$659,000. There are restrictions as to what the property can be used for. Mr. Carr questioned the difference in value. Mr. Barnett stated he had overlooked this property and had planned to review the value during the coming week.

Market Street office complex – 1424 East College Drive

Mr. Carr stated the Marshall Square Mall is valued at \$22.20 per square foot, the Market Street office complex was \$30.65 per square foot, and the RLC office building was at \$32.80 per square foot. Mr. Carr questioned why the difference in the per square foot values?

Mr. Mark Goodenow – 601 West Lyon Street

Mr. Goodenow questioned why the value of his property had increased \$22,000 this year and \$30,000 the year before. The value is now \$198,000. He is now at a point where he will sell the house at the assessed value. Mr. Goodenow indicates the house is valued way to high for the neighborhood. Mr. Goodenow had a private appraisal completed last summer at \$168,000. He would like to see the value at \$160,000 +/-.

Mr. Rick Ramert – 502 North Bruce Street

Mr. Ramert arrived late to the Local Board of Appeal and Equalization. Mr. Ramert had a concern his property is valued to high.

Mr. Barnett stated that a meeting will be established with each property owner and a report will be submitted to the Local Board of Appeal and Equalization on May 6, 2002 regarding the status of each property and their value.

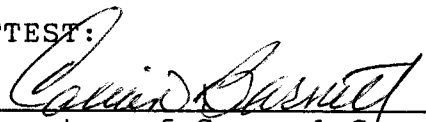
Mayor Byrnes questioned if there was any correspondence on file. Barnett reported no correspondence had been received.

Motion by Mike Reynolds, seconded by David Sturrock, to adjourn the Local Board of Appeal and Equalization at 6:40 p.m. All voted in favor of the motion.



Mayor

ATTEST:



Director of General Services

REGULAR MEETING – APRIL 15, 2002

The regular meeting of the Common Council of the City of Marshall was held on April 15, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Jane DeVries, Deputy City Clerk; and Brian Murphy, City Attorney arrived late.

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:

Stores moved, Reynolds seconded, that the minutes of the regular meeting held on April 1, 2002 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.

PUBLIC HEARING – ORDINANCE REDEFINING WARD BOUNDARIES AND ELECTION PRECINCT BOUNDARIES WITHIN THE CITY OF MARSHALL:

This was the date and time set for a public hearing on the ordinance redefining Ward boundaries and Election Precinct boundaries within the City of Marshall. Mike Johnson, City Administrator, reviewed with the council the proposed ordinance redefining Ward boundaries. Councilperson Boedigheimer indicated that the Legislative and Ordinance Committee had recommended Option 4 as the best plan. Councilperson Sturrock proposed Option 8, which reduced the split in the Morningside Heights neighborhood, and he felt that this option also made better use of the major city streets as boundaries. Finance Director/City Clerk Thomas M. Meulebroeck indicated that option 8 was a workable solution and that the boundaries were not much different than option 4. Rowe moved, Doyle seconded, the public hearing be closed. All voted in favor of the motion.

As per the recommendation of the Legislative and Ordinance Committee Boedigheimer moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 475, SECOND SERIES and that the reading of the same be waived. Ordinance Number 475, Second Series is an ordinance redefining ward boundaries and election precinct boundaries within the City of Marshall. Sturrock moved, Doyle seconded, that the motion be amended to adopt option 8 rather than option 4. Sturrock indicate that the requirements of the redistricting were to split the precincts as equal as practical not as equal as possible. Voting in favor of the motion to amend were Sturrock and Doyle. Voting no were: Byrnes, Rowe, Reynolds, Boedigheimer and Stores. Motion failed. All voted in favor of the original motion, except Sturrock who voted no.

APPROVAL OF CONSENT AGENDA: A. CONSIDER APPLICATION FOR TEMPORARY 3.2 MALT BEVERAGE LICENSE FOR THE MARSHALL SOFTBALL ASSOCIATION FOR MAY 6, 2002 THROUGH SEPTEMBER 6, 2002; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

Reynolds movd, Rowe seconded, that the following consent agenda items be approved:

The approval of a temporary 3.2 Malt Beverage license for the Marshall Softball Association for use at the Softball Complex from May 6, 2002 through September 6, 2002.

REGULAR MEETING – APRIL 15, 2002

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 33191 through 33437.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Greig & Gregerson	316 West Main Street	Reroof, Replace Door, Partial Siding	\$9,000
2.	Greig & Gregerson	314 West Main Street	Reroof & Exterior Work	\$13,000
3.	Greig & Gregerson	109 North 3rd Street	Reroof	\$13,000
4.	Greig & Gregerson	300 West Main Street	Reroof	\$12,000
5.	Greig & Gregerson	113 North 3rd Street	Reroof & Replace Windows & Exterior Wall	\$14,000
6.	George & Wendy Schaefer	1206 East College Drive	Addition and Remodeling	\$9,200
7.	J. Scott Hiller	230 West Lyon Street	Remodel Apartment Building	\$61,000
8.	Marc & Lori Babcock	401 North "A" Street	Install Window & Foundation Repair	\$4,200
9.	Gerald & Kathleen Lozinski	305 North 5th Street	Remodel	\$5,000
10.	True Value Home Center	201 Stephen Avenue	Addition	\$25,000
11.	Linda Seiler	510 Carlson Street	Reroof	\$1,500
12.	Dawn Horne	1107 David Drive	Finish Basement	\$10,000
13.	J. Scott Hiller	1105 Indiana Jones Avenue	Replace Interior Finishes	\$3,000
14.	Richard L. Johnson	310 Lawrence Street	Reside Dwelling	\$5,600
15.	William O. Hess	1502 Pinehurst Road	Dwelling	\$220,000
16.	Schwan's Sales Enterprises, Inc.	1632 West College Drive	Reside	\$42,000
17.	Schwan's Sales Enterprises, Inc.	1632 West College Drive	Flat Wall Sign	\$8,700
18.	Schwan's Sales Enterprises, Inc.	1642 West College Drive	Flat Wall Sign	\$14,200
19.	Schwan's Sales Enterprises, Inc.	204 Rainbow Drive	Dwelling	\$97,000
20.	Schwan's Sales Enterprises, Inc.	213 Rainbow Drive	Dwelling	\$95,000
21.	Mark Graff	601 South 2nd Street	Reside Dwelling	\$2,500
22.	John DeVos	110 McFarland Circle	Dwelling	\$235,000
23.	THROM, LLC	151 Lilac Drive	Manufactured Home Installation	
24.	THROM, LLC	414 Maple Lane	Manufactured Home Installation	
25.	THROM, LLC	123 Lilac Drive	Manufactured Home	

REGULAR MEETING – APRIL 15, 2002

			Installation	
26.	THROM, LLC	125 Lilac Drive	Manufactured Home Installation	
27.	THROM, LLC	127 Lilac Drive	Manufactured Home Installation	
28.	THROM, LLC	129 Lilac Drive	Manufactured Home Installation	
29.	THROM, LLC	202 Cedar Lane	Manufactured Home Installation	
30.	THROM, LLC	204 Cedar Lane	Manufactured Home Installation	
31.	THROM, LLC	219 Cedar Lane	Manufactured Home Installation	

CONSIDER AUTHORIZATION FOR THE MARSHALL FIRE DEPARTMENT TO SUBMIT A GRANT UNDER THE FEMA PROGRAM:

Marc Klaith, Fire Chief, was in attendance at the meeting to review with the council the grant that the Marshall Fire Department has submitted under the FEMA Program. This grant will replace 29 SCBA's (air packs) and also provide for two fill stations, one mobile and one stationary. The total grant is \$177,141 of which requires a 10% match. Revenues and capital expenditures of the Fire Department budget would cover this 10% match. Mr. Klaith indicated that their SCBA's are 9 years old and that the old ones would be made available to the smaller fire departments in the area. Rowe moved, Stores seconded, that the City of Marshall support the submission of this grant application. All voted in favor of the motion.

2002 AIRPORT TERMINAL AREA CONSTRUCTION – CONSIDER RESOLUTION APPOINTING AND DESIGNATING THE COMMISSIONER OF TRANSPORTATION OF THE STATE OF MINNESOTA AS AGENT FOR THE CITY OF MARSHALL:

Gary Schmidt, Chairman Marshall Airport Commission, was in attendance at the meeting to review the appointing and designating the Commissioner of Transportation of the State of Minnesota as agent for the City of Marshall. This would allow the State of Minnesota to prepare and submit the application for federal assistance, request and receive monies on behalf of the City, and to pay the City funds that are received from the Federal Government under the City's contracts for the Airport Improvement projects. Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2432, SECOND SERIES and that the reading of the same be waived. Resolution Number 2432, Second Series is a resolution Appointing and Designating the Commissioner of Transportation as Agent for the City of Marshall. All voted in favor of the motion.

Bids were received, opened and read for the 2002 Airport Terminal Area Construction. Bids received, opened and read were from:

Duininck Brothers, Inc.

R & G Construction Co.

Base Bid	863,897.83	807,829.50
Bid Alt. #1 – Parking Lot C	75,513.34	75,931.30
Bid Alt. #2 – Entrance Road		
Lighting	58,792.00	58,792.00
Bid Alt. #3 – Irrigation System	4,028.00	4,099.00
Bid Alt. #4 – Landscaping	27,514.00	27,514.00
Project Total	1,029,745.17	974,165.80

REGULAR MEETING – APRIL 15, 2002

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2433, SECOND SERIES and that the reading of the same be waived. Resolution Number 2433, Second Series is a resolution Awarding the Bid for 2002 Terminal Area Construction Project at the Marshall Airport. This resolution provides for the bid to be awarded to R & G Construction Co., Marshall, Minnesota in the amount of \$900,165.80. The original bid of \$974,165.80 will be reduced by a future change order for \$74,000 for the entrance monument sign. All voted in favor of the motion.

REQUEST FOR VARIANCE ADJUSTMENT PERMIT – 100 EAST MAPLE STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed this application and indicated that the staff is recommending this request be denied, as there is no undue hardship. Per the recommendation of the Planning Commission Boedigheimer moved, Rowe seconded, the approval of a Variance Adjustment Permit for Scott Truedson for a front yard of 19' in lieu of 25' as required by Ordinance in an R-1 One Family Residence District at 100 East Maple Street. All voted in favor of the motion.

REQUEST FOR AMENDMENT TO ZONING MAP – LYON COUNTY COOP FIRST ADD:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to rezone Lots 4 & 5, Block 1 and Block 2 of Lyon County Co-Op First Addition to B-3 General Business District. This piece of property is where Club 59 is located and is currently zoned A- Agricultural. Stores moved, Doyle seconded, the introduction of an ordinance and call for a public hearing to rezone Lots 4 & 5, Block 1 and Block 2 of Lyon County Co-Op First Addition from A Agricultural to B-3 General Business District. This public hearing will be held at 7:30 P.M. on May 6, 2002. All voted in favor of the motion.

REQUEST FOR CONDITIONAL USE PERMIT PUBLIC SCHOOL – 1420 EAST COLLEGE DRIVE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for a conditional use permit for a public school in a B-4 Shopping Center District. Boedigheimer felt that this request should be for grades 9-12 not 7-12 to be consistent with the other 2 conditional use permits that have been approved previously. Barb Naab, who owns two businesses in the mall, spoke on behalf of herself and representatives of mall tenants who signed a petition against the city granting a permit for the school at the mall. Barb stated that they have nothing against the school, nothing against the kids, they want a retail store to be located in the mall space instead of the school. Boedigheimer moved, the approval of a conditional use permit for a Public School in a B-4 Shopping Center District for grades 9-12. This motion died due to the lack of a second. Per the recommendation of the Planning Commission, Stores moved, Doyle seconded, the approval of a Conditional Use Permit for a Public School in a B-4 Shopping Center District at 1420 East College Drive with the following four conditions:

1. The use be limited to not more than 100 students in grades 7 through 12 and only staff directly supporting those students.
2. The permit be restricted to the existing Market Street Mall building, Space No. 100, a floor area of 20,7401 S.F.
3. The Market Street Mall building and its property, owned by PBK Investments, are prohibited from operating businesses which sell alcoholic beverages, tobacco products, tattoos, adult videos, adult books or adult products.
4. The two unused Conditional Use Permits (for locations chosen by the school) will expire May 1, 2003.

Voting in favor of the motion were: Stores, Doyle, Byrnes and Sturrock. Voting no were: Boedigheimer, Reynolds and Rowe.

CONSIDER PETITION FOR SPECIAL ASSESSMENT PROJECT FOR CARR SUBDIVISION I:

Glenn Olson, Director of Public Works/City Engineer, indicated that he was in receipt of a petition for the installation of storm sewer in the Carr Subdivision I. Mr. Olson indicated that part of the area is not in the city limits. Councilperson Rowe questioned if the area outside of the city limits could be assessed when it is brought into the city limits. It was indicated that these assessments would be deferred until such time that the property is brought into the city limits. Mr. Olson is recommending that the City of Marshall initiate the Feasibility report for this project because he is not sure if the petition includes 35% of the property owners as required for the petition to be accepted. Rowe moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2434, SECOND SERIES and that the reading of the same be waived. Resolution Number 2434, Second Series is a resolution Ordering Preparation of Report on Improvement for Storm Sewers in Carr Subdivision I. All voted in favor of the motion.

PROJECT 40135 – PARKWAY ADDITION IMPROVEMENT PROJECT (PHASE 2):

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2435, SECOND SERIES and that the reading of the same be waived. Resolution Number 2435, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment. This resolution is for Project 40135 Parkway Addition Improvement Project (Phase 2). All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2436, SECOND SERIES and that the reading of the same be waived. Resolution Number 2436, Second Series is a resolution Calling for a Public Hearing on the Proposed Assessment. The public hearing will be held at 7:30 P.M. on May 6, 2002 and is for Project 40135 Parkway Addition Improvement Project (Phase 2). All voted in favor of the motion.

PROJECT 2000-010 WASTEWATER TREATMENT IMPROVEMENTS:

Sturrock moved, Reynolds seconded, the approval of the reduction of retainage for PKG Contracting Inc. The reduction of retainage is from 5% ($\$3,977,319 \times 5\% = \$198,865.95$) of the work completed to \$100,000. The consulting engineer, Short Elliott Hendrickson Inc, has reviewed this request. This requested retainage is adequate to cover damages as a result of the contractor being over time on the project. All voted in favor of the motion.

AUTHORIZATION FOR STREET DEPARTMENT TO ADVERTISE FOR BIDS:

Doyle moved, Reynolds seconded, the proper city personnel be authorized to advertise for bids to purchase a 27,000 G.V.W. single axle dump truck and to receive quotes for a hydraulic package to be installed in the requested 27,000 G.V.W. single axle dump truck for the Street Department. All voted in favor of the motion.

CALL FOR PUBLIC HEARING FOR SUBMISSION OF DTED APPLICATION:

Reynolds moved, Stores seconded, that a public hearing be held at 7:30 P.M. on May 6, 2002 for the submission of a DTED application. The purpose of this application is to apply for a grant to be loaned to SSE Manufacturing Inc. The application involves the Schwan's Project #2 (Razor Project). All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

Byrnes EDA minutes are included in the agenda packet; Fire Relief Association and Regional Development Commission met last week.

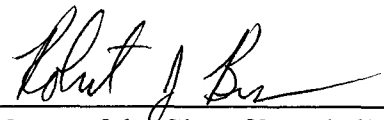
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- Stores Library Board met last Monday at the Balaton Library; the library has received their new van and will be selling their old van.
- Sturrock Cable Commission – Studio is now located at the library; Utilities Commission met on April 10th and on April 11th – they discussed a transfer of funds from Marshall Municipal Utilities to the City of Marshall to be used for lighting at the airport.
- Boedigheimer Airport Commission items were discussed earlier; and the Legislative and Ordinance Committee items were also discussed earlier.
- Doyle Housing Commission met last Monday.
- Rowe Community Services Advisory Board met last week; Planning Commission items were acted on earlier.
- Reynolds Hospital Board met earlier – they are continuing to work on their strategic plan; the new infant security system is in place at the hospital; and there are several doctors who will be leaving.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council members included: the Lyon County Comprehensive Planning Committee is working on their goals and policies of various issues; the street cleaner is busy cleaning the City streets; the Cable Commission FCC ruling is included in the agenda packet; there was a concern with the parking restrictions along South 4th Street by the Armory – Glenn Olson indicated that he will discuss this issue with the school; the 4-way stop at 4th and Elaine is being violated; the FEMA map is not here yet.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

LOCAL BOARD OF APPEAL AND EQUALIZATION – MAY 6, 2002

The continuation of the Local Board of Appeal and Equalization was called to order at 6:45 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Rowe, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Doyle.

Mayor Byrnes called upon City Assessor, Calvin Barnett, to provide the City Council with his recommendations from the Local Board of Appeal and Equalization meeting held on April 15, 2002. Mr. Barnett indicated that each concern has been discussed with the property owner, the questions researched and the recommendations made based on the information and property. Mr. Barnett's recommendations were as follows:

PARCEL 27-604-003-0, GEORGE JACOB, 118 E. SARATOGA STREET

Concern: The property at 118 E. Saratoga Street was recently purchased by Mr. Jacobs for \$20,000. The 2001 assessment was \$35,300, which was increased to \$60,300 for the 2002 assessment. Mr. Jacobs's concern was that he does not have \$60,300 in the cost of the property and if it should be assessed this high. He utilized discussion of the adjacent property he owns and its percentage of increase to make his point.

Property Information: The Subject is a 1916 age rambler with partial basement located on a 107'X132' lot. The house has 1120 s.f. of area. There is no garage. Overall, the house is modern with newer interior and low maintenance exterior. The utilities are in average to good condition, and the wiring and plumbing are in good condition. The demand for the property is considered good based on the house size, condition, and location.

Prior Sale Information: N/A

Comments: Three comparable sales were considered in determining the Subject's valuation. The sales were 308 S. 1st Street selling June, 2001 for \$65,170 with 988 s.f. of area, 103 N. 6th Street selling June, 2001 for \$68,500 with 1120 s.f. of area and 306 S. 4th Street selling January, 2001 for \$55,000 with 880 s.f. of area. Additional sales were considered.

Recommendation: NO CHANGE. The Subject is an affordable house. The interior is significantly better than would be expected for the properties age due to the remodeling and improvement following a fire several years prior to date of purchase. Apparently, the house was purchased at a very good price and the improvements have put the property in the current market in a position to sell for or above the appraised assessor's market value.

PARCEL 27-258-022-0, JOSEPH TILLEMANS, 102 RANCH

Concern: Mr. Tillemans questioned the valuation increase from \$63,700 to \$70,400 for the 2002 assessment. No specific concerns were given.

Property Information: The Subject house is located on a 63.3'X88' lot. The house was constructed in 1966 and has an area of 910 s.f. The house is a rambler with full

LOCAL BOARD OF APPEAL AND EQUALIZATION – MAY 6, 2002

basement. Apparently, there have not been additions, basement finish, or significant upgrade except low maintenance siding since construction. There is a 338 s.f. attached garage. Overall, the house is in average to average plus condition.

Prior Sale Information: June, 1995 at \$54,500.

Comments: Three comparable sales were considered in determining the Subject's valuation. The sales were 808 N. 4th Street selling September, 2001 for \$67,000 with 768 s.f. of area, 407 W. College Drive selling January, 2000 for \$63,750 with 864 s.f. of area and 805 N. 5th Street selling February, 2001 for \$61,300 with 624 s.f. of area. Additional sales were considered.

Recommendation: LOWER VALUE TO \$67,600. The Subject has had limited updating to the interior. The exterior was only inspected on the last property inspection by Ms. Snyder, therefore the influence of the interior was not considered by the inspector. The property is a desirable, affordable property and its value of \$67,600 should be fair and equalized with adjacent property.

PARCEL 27-627-002-0, JAMES CARR, CAMELOT MOBILE HOME PARK

Concern: Mr. Carr questioned the valuation increase for the 2002 assessment. Mr. Carr indicated the City had the property appraised by an independent appraiser for less than the current assessor's market value.

Property Information: The Subject is a property previously used as a mobile home park. Most of the depreciated improvements remain in place on the land. The property is currently in a 100-year flood plain which previously precluded development beyond the current improvements. The structures having some value are the storage building with an area of 1,152 s.f. and a laundry/apartment building having an area of 1,200 s.f.

Prior Sale Information: December, 2000 for \$110,000

Comments: Several land sales were considered in determining the Subject's market value. No attempt is made to justify the independent appraiser's value. Sales of vacant land adjacent the City are approximately \$10,000 per acre. The Subject is valued at \$4,000 per acre plus the two main structures. The property was value for the 2001 assessment at \$100,400, the same as the current assessment.

Recommendation: NO CHANGE. The Subject property is expected to be removed by FEMA from the 100-year flood plain status which will have significant impact on the Subject's value. On the negative side is the demolition cost of removing and or dealing with the mobile home improvements.

PARCEL 27-769-003-0, JAMES CARR, 1000 E. SOUTHVIEW DRIVE

Concern: Mr. Carr had recently purchased the property for a considerable amount less than the 2001 assessment of \$803,100. Mr. Carr indicated the purchase was influenced in price by the restrictions placed on the property by the seller.

LOCAL BOARD OF APPEAL AND EQUALIZATION – MAY 6, 2002

Property Information: The Subject is located on a 2.75 acre tract improved with a brick and block building containing approximately 31,000 s.f. of area. Previously, the building was used as a grocery store. The building is in average to average plus condition. The location is considered very good. The restrictions are generally non-compete restrictions imposed for a determined period of time. There remains numerous potential uses for the property. Remodeling and construction will be required for the next tenant.

Prior Sale Information: June, 2001 for \$650,000

Comments: There are limited local sales comparable to the Subject property.

Recommendation: LOWER VALUE TO \$650,000. This property was not reviewed prior to the Board of Appeals. The foregoing recommendation would have been forthcoming regardless of Mr. Carr's appearance at the Board meeting.

PARCEL 27-527-011-0, JAMES CARR, 1424 E. COLLEGE DRIVE

Concern: Mr. Carr questioned why the value of the Market Street Mall is significantly different than the value per square foot of the office facility located adjacent east of the Mall. Mr. Carr indicated the difference in assessed value per square foot is about \$8-\$10.00.

Property Information: Mr. Carr has an office facility containing a gross area of 20,320 s.f. of area. The building is totally used for office rental with good office finish. The facility is adjacent adequate parking with cross easement. The facility is attached to the Market Street Mall by hallway.

Prior Sale Information: N/A

Comments: To date, Mr. Carr has not provided financials for the subject for purposes of looking independent of the question at the Subject's value. The comparison of a 20,000 s.f. office building to a shopping mall is not a good comparison since the mall is composed of retail and office space. The ratio of common area, etc. to the retail is different than the office requirements and distributions. Rental rates for retail are different and expense ratios are different.

Recommendation: NO CHANGE. A better comparison may have been where Mr. Carr compared the value of his office building per square foot to the Subject facility.

PARCEL 27-111-019-0, MARK GOODENOW, 601 W. LYON STREET

Concern: Mr. Goodenow is concerned the Subject's value for tax purposes is too high for the neighborhood. Recently, the house was appraised by an independent appraiser for \$168,000.

Property Information: The Subject house is located on a 104' X 132' lot adjacent the Downtown area. The house is 2.5 stories with full basement. There are four porches attached to the house ranging in area from 70 s.f. to 280 s.f. The house is classic with

LOCAL BOARD OF APPEAL AND EQUALIZATION – MAY 6, 2002

ornate molding and trim. It is and has historic qualities. The house has gone through use change over the years and is currently used as a single-family residence. Since its purchase by the current owner the house has been going through a process of restoration. Most of the first and second floors have been remodeled and restored. The attic is currently under restoration/remodeling. The heating, electrical and plumbing in the property are updated.

Prior Sale Information: N/A

Comments: The Subject is located in a neighborhood where there are indications of change. Some are good and some questionable. The good relates to the pride of ownership, etc. and the negative relates to the potential for business encroachment. The Subject is the most expensive property within the immediate area except for the Carrow house on W. Redwood Street. The value is not excessively high for the area but with additional renovation it may approach this threshold. The quality of the house is very good. The feature missing from the Subject is a garage on site.

Recommendation: LOWER VALUE TO \$192,100. The comments made by Mr. Goodenow were the basis for the reduced value. The property is on the edge of the downtown area, it is the most expensive property within the immediate area with the exception of the Crow property and does not have a garage on site.

PARCEL 27-821-001-0, RICKY RAMERTS, 502 N. BRUCE STREET

Concern: Mr. Ramerts was concerned about the 2002 value of his property. A primary concern was the home is one of the more expensive properties in the neighborhood.

Property Information: The Subject house is located on a 101.54' X 130' lot in a quiet neighborhood. The street to the front of the subject does have good traffic, but there is not stopping and starting in the immediate area. The house has 1320 s.f. of area which sits on a lot that falls to the rear. The slope of the lot adds to the properties desirability as the basement windows are larger and more natural enters the lower level than a standard basement. The lower level is finished, the garage is finished, and a deck is added to the rear. Between the deck and the house is a three season porch. The house is in good condition having an age of 1989.

Prior Sale Information: N/A

Comments: The Subject is a desirable Rambler in a good price range. The lot has good frontage and mature trees. Overall, the subject is very nice. The concern about the price range is limited as the surrounding houses are architecturally compatible and not significantly different than the Subject in price range.

Recommendation: LOWER VALUE TO \$163,500. The reduced value should give full benefit of the doubt to the property owner as related to their property being the most expensive in the area.

OTHER RECOMMENDATIONS/CHANGES:

PARCEL 27-559-046-0, ALLEN ENGER, 121 E. REDWOOD STREET

2002 Assessment - \$50,900

Recommended Change - \$64,100

Recommendation: Change value to \$64,100 based on improvements to the property prior to the assessment date, but not picked up by the Office. Property owner understands the change and agrees to the new number.

PARCEL 27-141-051-0, RODNEY BENNETT, 1104 E. WASHINGTON

2002 Assessment - \$143,300

Recommended Change - \$138,900

Recommendation: House had not been inspected in some time. The house on inspection indicates a need for updating, therefore the recommendation for reduction.

PARCEL 27-600-132-0, MICHAEL THOMPSON, 1008 W. COLLEGE DRIVE

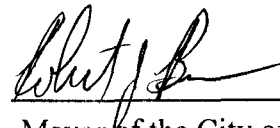
2002 Assessment - \$85,100

Recommended Change - \$80,000

Recommendation: The new construction value was estimated as access to the new construction was not given. Follow a physical inspection, value was reduced to reflect a correct impact of the new construction on value.

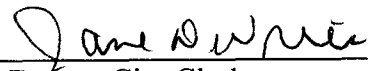
Reynolds moved, Sturrock seconded, the report as presented by City Assessor, Calvin Barnett, be accepted. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:


Deputy City Clerk

The regular meeting of the Common Council of the City of Marshall was held on May 6, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Engineer Technician; 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:

Reynolds moved, Doyle seconded, that the minutes of the regular meeting held on April 15, 2002 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 – REQUEST FROM LYON-MAIN PARTNERSHIP TO REZONE LYON COUNTY CO-OP FIRST ADDITION – BLOCK 1, LOTS 4-5 AND BLOCK 2:

This was the date and time set for a public hearing on the request to rezone Lyon County Co-op First Addition, Block 1 Lots 4-5 and Block 2 from A-Agricultural District to B-3 General Business District. This parcel of property is where the Club 59 Restaurant is located and which was recently annexed into the City of Marshall. Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Stores moved, Doyle seconded, the adoption of ORDINANCE NUMBER 476, SECOND SERIES and that the reading of the same be waived. Ordinance Number 476, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for Block 1 Lots 4-5 and Block 2, Lyon County Co-op First Addition to be rezoned from A-Agricultural District to B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – DTED APPLICATION FOR ECONOMIC DEVELOPMENT PROGRAM:

This was the date and time set for a public hearing to consider a DTED Application for Economic Development Program. Cal Barnett, Director of General Services/City Assessor, reviewed this request with the council. There were no objections or concerns, therefore Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2437, SECOND SERIES and that the reading of the same be waived. Resolution Number 2437, Second Series is a resolution Approving Economic Development Authority Program Application. This application is for Schwan's Sales Enterprises, Inc., (Razor Project). All voted in favor of the motion.

PUBLIC HEARING – PROJECT 40135 PARKWAY ADDITION IMPROVEMENT PROJECT (PHASE 2):

This was the date and time set for a public hearing on the proposed assessment for Project 40135 Parkway Addition Improvement Phase 2. Glenn Olson, Director of Public Works/City Engineer, reviewed this project with the council and those in attendance at the meeting. Mr. Olson indicated that

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after review and discussions with the property owners, it has been decided to eliminate the south portion of the storm sewer line leading from the existing storm water detention pond on the north side of Marshall Truss. Written objections were received from 5968 Company, Parcel No. 27-538004-0; Douglas & Lisa Severson, Parcel No. 27-600134-0 and from Marshall Truss Systems, Inc., Parcel No. 27-537001-0.

Elwood Miller of Marshall Truss and his attorney Jeff Peterson were in attendance at the meeting to object to the assessment. Mr. Peterson indicated that the value of this property would not increase by the amount of the assessment. Lisa Severson, 120 London Road, also objected to the assessment. She indicated that according to an appraiser their property value would only increase about \$10,000 and not the \$23,600 that they would be assessed. Mr. Peterson asked if this was a blended assessment. Mr. Olson indicated that this was not a blended assessment, but that the City of Marshall participates in the cost of the residential area because the road in this area needs to be increased for industrial usage. The charge for the water and storm service is per lot. Mr. Miller indicated that they use 11th Street and not London Road. Mr. Peterson was under the impression that EDA had agreed to pay for these special assessments. Reynolds moved, Sturrock seconded, the public hearing be closed. All voted in favor of the motion.

Council member Boedigheimer indicated that the council has 90 days to award the contract. City Administrator Mike Johnson stated that the city would be taking a risk by awarding the contract if the owner appeals and would win the appeal. Boedigheimer moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2438, SECOND SERIES and that the reading of the same be waived. Resolution Number 2438, Second Series is a resolution Adopting the Assessment for Project 40135 Parkway Addition Improvement Phase 2. This resolution provides for the assessment to be paid over 8 years at an interest rate of 8% effective October 15, 2002. This assessment is for the base bid and alternate bid recommended #2, which reflects the changes, which Mr. Olson discussed earlier in the meeting. All voted in favor of the motion.

Mr. Peterson indicated his objection based on the following:

1. The proper procedure was not followed.
2. There was no evidence that the property values would increase by the amount of the assessment.
3. He felt that the city blended the assessment between the residential area and the industrial area.

Bids were received, opened and read for the Parkway Housing Addition Improvement Project (Phase 2) Project 40135 on March 26, 2002. Bids received, opened and read were as follows:

	Base Bid	Base Bid including Alternate Bid
D & G Excavating Marshall, Minnesota	\$620,574.15	\$921,327.90
Duininck Bros Inc. Pringsburg, Minnesota	\$602,877.05	\$866,480.59

Boedigheimer moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2439, SECOND SERIES and that the reading of the same be waived. Resolution Number 2439, Second Series is a resolution Accepting the Bid for Project 40135 Parkway Addition Improvement Phase 2.

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This bid was awarded to Duininck Bros., Inc., of Prinsburg, Minnesota in the amount of \$835,540.99, which includes the base bid plus the alternate bid. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - A. CONSIDER STREET CLOSURE REQUEST FROM SSU CHILD CARE CENTER FOR CHILDREN'S PARADE ON JUNE 19, 2002; B. CONSIDER STREET CLOSURE REQUEST FROM THE CHAMBER OF COMMERCE FOR CRAZY DAYS ON JULY 18, 2002; C. CONSIDER STREET CLOSURE REQUEST FROM SSU FOR HOMECOMING PARADE ON OCTOBER 5, 2002; D. REQUEST AUTHORIZATIONS TO EXECUTE PLEDGEE AGREEMENTS FOR WELLS FARGO COLLATERAL; E. AUTHORIZATION FOR ADOPTION OF RESOLUTION DESIGNATING POLLING LOCATIONS, AUTHORIZING APPOINTMENT OF ELECTION JUDGES, AND SETTING THEIR RATE OF PAY FOR THE PRIMARY ELECTION AND THE GENERAL ELECTION; F. AUTHORIZATION TO HOLD A CITY AUCTION ON MAY 16, 2002; G. CONSIDER GAMBLING APPLICATION FOR EXEMPT PERMIT FOR MARSHALL JAYCEES ON JUNE 8, 2002; H. CONSIDER APPLICATION FOR RENEWAL OF SPECIAL VEHICLE LICENSE; I. CONSIDER APPLICATIONS FOR RENEWAL OF PLUMBERS LICENSES; J. CONSIDER APPLICATION FOR A NEW PLUMBER'S LICENSE; K. BILLS/PROJECT PAYMENTS; L. BUILDING PERMITS:

Reynolds moved, Stores seconded, that the following consent agenda items be approved:

The closing of State Street between Mustang Trail and O'Connell Street on June 19, 2002 between 9:00 A.M. and 11:00 A.M. to hold a children's parade.

A request from the Chamber of Commerce to close Main Street between the intersections of Hwy 19 & 59 to North 5th Street on Thursday, July 18, 2002 from 6:00 A.M. to 6:00 P.M. for Crazy Days.

A request from Southwest State University to close East Lyon Street from Jewett Street to East Main Street and East Main Street from Lyon Street to 5th Street for SSU's Homecoming Parade on Saturday, October 5, 2002 with a 10:00 A.M. start time. \

Authorization for the proper city personnel to execute the Pledge Agreement with Wells Fargo Bank authorizing security transactions for the City of Marshall.

The adoption of RESOLUTION NUMBER 2440, SECOND SERIES and that the reading of the same be waived. Resolution Number 2440, Second Series is a resolution designating the polling locations, authorizing the appointment of election judges and setting their rate of pay for the Primary election on September 10, 2002 and the General Election on November 5, 2002.

Authorization to dispose of surplus City property at an auction to be held on May 16, 2002 at 6:30 P.m. at the Street Maintenance Building area at 901 Oak Street.

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 the Marshall Jaycees to be used at Legion Field, Marshall, Minnesota on Saturday, June 8, 2002.

The renewal of a Special Vehicle License for Robert Egly for the calendar year 2002 at a fee of \$25.00.

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The renewal of a Plumbers License for the period April 1, 2002 through March 31, 2003 at a fee of \$50.00 for Mike Lund dba Mike's Plumbing & Heating, Inc., and Tony McChesney dba McChesney Mechanical.

An application for a Plumbers License for Roger Saylor dba Roger's Plumbing & Heating, Sioux Falls, South Dakota for the period to expire on March 31, 2003 at a fee of \$50.00.

All voted in favor of the motion.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 33438 through 33660.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Bladholm Construction, Inc.	1210 Floyd Wild Drive	Retail Store	\$210,000
2.	Kevin Goslar	300 West Southview Drive	Reroof Dwelling	\$2,200
3.	Michael A. DeBoer Construction	712 Marguerite Avenue	Bathroom Remodel	\$2,500
4.	Geske Building & Supply Co.	410 South Hill Street	Reside Dwelling	\$15,000
5.	Doug Schrader	407 South Bruce Street	Interior & Exterior Remodel	\$15,000
6.	Steve Tutt Construction	1202 Parkside Drive	Basement Remodel	\$4,000
7.	Schwan's Sales Enterprises, Inc.	211 Rainbow Drive	Dwelling	\$112,000
8.	Scott A. & Susan M. Briffett	607 Elaine Avenue	Exterior Remodeling	\$4,300
9.	Mary Werpy	705 Brian Street	Reside Dwelling	\$3,000
10.	Lozinski Construction	206 North Whitney Street	Reroof	\$4,600
11.	Lozinski Construction	622 Kathryn Avenue	Reroof	\$4,200
12.	Lozinski Construction	1201 Alan Avenue	Reroof	\$4,000
13.	Geihl Construction, Inc.	611 Elaine Avenue	Repair Foundation	\$1,500
14.	Dan Fosvick & John McDonald	506 Hudson Avenue	Basement Remodel	\$7,500
15.	Eagles Club	423 West Main Street	Reroof	\$15,700
16.	Babcock Construction	707 / 709 South 4th Street	Reside & Install Doors	\$6,400
17.	Tom Blomme	113 Maple Street	Reroof	\$1,200
18.	Steven & Cindy Fleck	806 Viking Drive	Dwelling	\$200,000
19.	REM, Inc.	1003 North 4th Street	Ramp	\$2,500
20.	Habitat for Humanity	900 East Fairview Street	Dwelling	\$50,000
21.	Home Improvement Services	403 Walnut Street	Reside Dwelling	\$7,000
22.	Scott Truedson	100 East Maple Street	Demolish Garage	\$0
23.	Sarah Archbold	409 North Fourth Street	Windows & Patio Door	\$2,700
24.	Dwayne & Karen Murphy	813 Boxelder Street	Bathroom Remodel	\$1,000
25.	Paul Penske	1001 South 2nd Street	Reside Dwelling, Replace Windows, Install Exterior Doors	\$8,500

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26.	Kesteloot Construction, Inc.	507 East Lyon Street	Install Window & Interior Wall Repair	\$2,000
27.	Geske Building & Supply Co.	1406 Pinehurst Road	Siding	\$14,000
28.	Kenneth & Jane Sovell	310 East Lyon Street	Reroof & Install Windows	\$10,000
29.	Vincent Boerboom	111 Donita Avenue	Install Window	\$500
30.	Herzog Roofing, Inc.	SSU / 1501 State Street	Reroof Dormitory G-1	\$53,100
31.	Julie Wyffels	412 South 2nd Street	Replace Door	\$300
32.	Schaefer Woodworks	204 South Whitney Street	Reroof	\$5,000
33.	Iva Kruckeberg	601 Winifred Drive	Install Egress Window	\$1,000
34.	First Lutheran Church	310 North "A" Street	Demolish Dwelling	\$0
35.	True Value Home Center	302 East Thomas Avenue	Dwelling	\$225,000
36.	Robert & Kathy Staffen	1215 East Lyon Street	Replace Porch & Install Windows	\$5,000

AWARD PRESENTATION FROM THE NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE PROGRAM:

Gregg Swanson took this opportunity to present the City of Marshall the State Chair Award from the National Committee for Employer Support of the Guard and Reserve Program. The City was nominated for this award by Gregg Swanson of the Engineering Department who is a member of the Army National Guard.

RESOLUTION APPROVING BUSINESS SUBSIDY FOR SCHWAN'S SALES ENTERPRISES, INC., AND SSE MANUFACTURING, INC.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2441, SECOND SERIES and that the reading of the same be waived. Resolution Number 2441, Second Series is a resolution Approving a Business Subsidy Agreement between the Authority and Schwan's Sales Enterprises, Inc., and Schwan's Sales Enterprises Manufacturing, Inc. All voted in favor of the motion.

YMCA PRESENTATION:

Robert Aufenthie took this opportunity to update the City Council and others in attendance at the meeting on the YMCA. Mr. Aufenthie indicated that ground breaking will be held at 2:00 P.M. on Wednesday, May 15, 2002.

2002 AIRPORT TERMINAL AREA CONSTRUCTION PROJECT:

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2442, SECOND SERIES and that the reading of the same be waived. Resolution Number 2442, Second Series is a resolution Authorizing Execution of MnDOT Grant Agreement for Airport Improvement Project. This agreement is for the 2002 Airport Terminal Area Construction. The State funding for this project is in the amount of \$550,000, Federal funding is \$150,000 and the Municipalities share is \$502,000. All voted in favor of the motion.

Rowe moved, Stores seconded, the approval of change order no. 1 with R & G Construction Company for the 2002 Airport Terminal Area Construction Project. This change order will delete the monument entrance sign and reduce the total contract from \$974,165.80 to \$900,165.80. All voted in favor of the motion.

DISCUSSION WITH DOWNTOWN DESIGN TEAM REPRESENTATIVES:

Al Greig, a representative from the Downtown Design Team, discussed with the council their concern with the Marshall Hotel building located at 326 West Main Street. Mr. Greig indicated that their goal is to meet with Mr. Bot in a non-threatening manner to learn of his plans for the Marshall Hotel. Boedigheimer moved, Rowe seconded, that a committee consisting of Mayor Byrnes, City Administrator Johnson and 2 members of the Design Team meet with Mr. Bot to discuss plans for the Marshall Hotel. All voted in favor of the motion.

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MARSHALL AND THE MARSHALL SCHOOL DISTRICT FOR SHARED BENEFIT OF POLICE OFFICER:

Reynolds moved, Stores seconded, that the proper city personnel be authorized to enter into a Memorandum of Understanding between the City of Marshall and the Marshall School District. This Memorandum of Understanding is an agreement between the City of Marshall and the Marshall School District to continue with a School Resource Officer. The agreement provides for the Marshall School District to pay 35% of the School Resource Officer's wages and benefits to be approximately half of that cost for the 9 months of the year that the officer is in the schools. All voted in favor of the motion.

UPDATE ON IMPOUND FACILITY OPERATIONS:

Rob Yant, Director of Public Safety, presented an update on the impound facility operations. Mr. Yant is requesting authorization to employ additional Community Service Officers to assist in operations associated with the impound facility and also be available for minor police duties. Rowe moved, Doyle seconded, that the request to hire additional Community Services Officers be referred to the Personnel Committee. All voted in favor of the motion.

AUTHORIZATION TO PURCHASE ONE SQUAD CAR FOR POLICE DEPARTMENT:

Bids were received, opened and read on April 26, 2002 for the purchasing of two (2) police type squad car vehicles, the selling of one (1) police type Chevrolet Tahoe and the selling of one (1) police type car vehicle. Bids received, opened and read were as follows:

	Base Proposal A	Base Proposal B	Base Proposal C	Base Proposal D	Base Proposal E
Lockwood Motors Marshall, Minnesota				\$19,530.00 - 2003 \$24,810.00 - 2002	
Marshall Ford Marshall, Minnesota			\$16,372.80 trade in Chevy Tahoe 4x2 \$20,372.80 trade in 1999 Crown Victoria		
Marshall Ford Marshall, Minnesota				\$26,125.00 - 2003 Ford Police	
Tholen Auto Sales Marshall, Minnesota			\$14,930.53 trade in Chevy Tahoe Interceptor \$21,430.53 trade in 1999 Crown Victoria		
Tholen Auto Sales Marshall, Minnesota				\$24,045.00 - 2002 Chevy Impala	

Base Proposal A: furnish two (2) Police type squad car vehicles and trade-in of existing vehicles

Base Proposal B: furnish two (2) Police type squad car vehicles with no trade-in

Base Proposal C: furnish one (1) Police type squad car vehicle and trade-in of one existing vehicle

Base Proposal D: furnish one (1) Police type squad car vehicle with no trade-in

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Base Proposal E: purchase two (2) trade-in existing vehicles only

Per the recommendation of Rob Yant, Director of Public Safety, Stores moved, Sturrock seconded, authorization be granted to the proper city personnel to purchase one police vehicle from Marshall Ford in the amount of \$22,872.80 with a trade-in of the 1999 Ford Crown Victoria Interceptor in the amount of \$2,500. All voted in favor of the motion.

PRELIMINARY PLAT OF MCFARLAND FOURTH ADDITION:

Doyle moved, Stores seconded, the introduction of the Preliminary Plat of McFarland Fourth Addition and called for a public hearing to be held at 7:30 P.M. on May 20, 2002. All voted in favor of the motion.

A 5-minute recess was called at this time.

PROJECT 2002-004 SOUTH "A" STREET & SARATOGA STREET WATERMAIN REPLACEMENT PROJECT:

Doyle moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2443, SECOND SERIES and that the reading of the same be waived. Resolution Number 2443, Second Series is a resolution Receiving the Report and Calling for Hearing on Improvement for Project 2002-004 South "A" Street & Saratoga Street Watermain Replacement Project. The public hearing will be held at 7:30 P.M. on May 20, 2002. All voted in favor of the motion.

PROJECT 2002-005 S.A.P. 139-112-04 NORTH 3RD STREET RECONSTRUCTION PROJECT:

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2444, SECOND SERIES and that the reading of the same be waived. Resolution Number 2444, Second Series is a resolution Receiving Report and Calling for Hearing on Improvement for Project 2002-005 S.A.P. 139-112-04 North 3rd Street Reconstruction. The public hearing will be held at 7:30 P.M. on May 20, 2002. All voted in favor of the motion.

PROJECT 2002-009 RAINBOW DRIVE WATERMAIN REPLACEMENT PROJECT; PROJECT 2002-010 "H" STREET WATERMAIN REPLACEMENT PROJECT; PROJECT 2002-011 WEST MAIN STREET WATERMAIN REPLACEMENT PROJECT:

Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2445, SECOND SERIES and that the reading of the same be waived. Resolution Number 2445, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project 2002-009 Rainbow Drive Watermain Replacement; Project 2002-010 "H" Street Watermain Replacement; and Project 2002-011 West Main Street Watermain Replacement. All voted in favor of the motion.

Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2446, SECOND SERIES and that the reading of the same be waived. Resolution Number 2446, Second Series is a resolution Calling for Hearing on Proposed Assessment for Project 2002-009 Rainbow Drive Watermain Replacement; Project 2002-010 "H" Street Watermain Replacement; and Project 2002-011 West Main Street Watermain Replacement. All voted in favor of the motion.

PROJECT 2002-003 BITUMINOUS RESURFACING PROJECT ON CITY STREETS:

Rowe moved, Reynolds seconded, the proper city personnel be authorized to advertise for bids for the Bituminous Resurfacing Project on City Streets, Project 2002-003. These bids are to be received on May 31, 2002. All voted in favor of the motion.

PROJECT 2002-002 STATE AID OVERLAY PROJECTS:

Doyle moved, Stores seconded, the proper city personnel be authorized to advertise for bids for Project 2002-002 State Aid Overlay for S.A.P. 139-110-03 – 4th Street from Saratoga Street to North Bruce Street; S.A.P. 139-107-06 – South Bruce Street from East Lyon Street to East College Drive; S.A.P. 139-115-03 – North Bruce Street from East College Drive to Birch Street; and S.A.P. 139-120-02 – North Bruce Street from Birch Street to Emerald Court. These bids are to be received on May 31, 2002. All voted in favor of the motion.

REQUEST FOR DOWNTOWN STREET/PARKING LOT BLOCKADE FOR SCHWAN'S 50TH CELEBRATION:

Stores moved, Reynolds seconded, a public hearing be held at 7:30 P.M. on May 20, 2002 to consider street/parking lot blockade in the downtown area for the Schwan's 50th Celebration to be held in July. All voted in favor of the motion.

AWARD OF BIDS FOR 29,000 GVW TRUCK FOR STREET DEPARTMENT:

Bids were received, opened and read for a 29, 000 G.V.W. Truck for the Street Department on May 1, 2002. Bids received, opened and read were as follows:

	Proposal A	Proposal B	Proposal C
Boyer Trucks Sioux Falls, South Dakota	\$40,594.61 (include tax with trade-in)	\$49,114.61 (include tax)	No bid
Olson & Johnson Trucks Marshall, Minnesota	\$42,919.50	\$48,244.50	No bid

Proposal A: furnish 29,000 G.V.W. truck and purchase existing 1988 IH trade-in

Proposal B: furnish 29,000 G.V.W. truck only

Proposal C: purchase existing 1988 IH trade-in only

Sturrock moved, Reynolds seconded, the bid for the 29,000 G.V.W. Truck for the Street Department be awarded to Boyer Trucks, Sioux Falls, South Dakota in the amount of \$40,594.61 and authorize approval of the purchase of a hydraulic/box package within the remaining budgeted amount (14,405.39). All voted in favor of the motion.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PURCHASE OF A PICKUP FOR PARKS DEPARTMENT:

Rowe moved, Doyle seconded, that the proper city personnel be authorized to advertise for bids for a pickup for the Parks Department. These bids are to be received on May 22, 2002. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

Byrnes No report

Stores No report

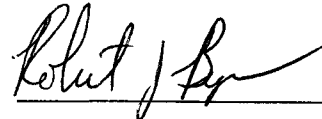
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- Sturrock Cable Commission met on April 22nd; Utilities Commission met on April 17th.
- Boedigheimer Airport Commission will meet next week; Senior Citizen Center Commission, Lyon County Enterprise Development; Ways and Means Committee and Legislative & Ordinance Committee have not met.
- Doyle Human Rights Commission minutes are included in the agenda packet; Marshall Area Transit met last week and discussed routes vs. time pick up.
- Rowe Community Services Advisory Board met last Wednesday – the various areas of this board gave brief reports for all the new members.
- Reynolds Hospital Board has not met; Downtown Redevelopment discussed the Marshall Hotel.

COUNCIL MEMBER INDIVIDUAL ITEMS:

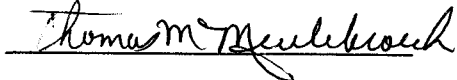
Other items brought forth by the Mayor and Council members included: discussion on the high speed chase policy being reviewed; overlay in the parking lot behind Main Street; purchasing Mike's Café property; a policy on controversial programming; per the Cable Attorney the city is not able to preview the contents of the video.

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:



Financial Director/City Clerk

REGULAR MEETING – MAY 20, 2002

The regular meeting of the Common Council of the City of Marshall was held on May 20, 2002 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, Sturrock, Boedigheimer and Stores. Absent: Reynolds. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Kim Jergenson, Engineer Technician; Thomas M. Meulebroeck, Financial Director/City Clerk 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 11c, which is an agreement with American Engineering Testing, Inc., for Construction Testing Services at the Marshall Municipal Airport; and the addition of item number 14b, which is a personnel matter.

APPROVAL OF THE MINUTES:

Rowe moved, Doyle seconded, that the minutes of the Local Board of Appeal and Equalization be approved and that the minutes of the regular meeting held on May 6, 2002 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.

PUBLIC HEARING – REQUEST FOR DOWNTOWN STREET/PARKING LOT BLOCKADE FOR SCHWAN'S 50TH CELEBRATION:

This was the date and time set for a public hearing on the request for Downtown Street/Parking Lot Blockade for Schwan's 50th Celebration. The area proposed to be closed is 4th Street in between West Main Street and Saratoga Street and the City parking lots located behind Hardware Hank and in between 4th Street and West College Drive. Liz McLaughlin, representative from Schwan's, was in attendance at the meeting and reviewed this request with the council. Rowe was concerned with Farmer's Market not being able to use this lot during the celebration. Liz indicated that she would check into this. Doyle moved, Sturrock seconded, the public hearing be closed. All voted in favor of the motion.

Stores moved, Boedigheimer seconded, that the request to close 4th Street in between West Main Street and Saratoga Street and the City parking lots located behind Hardware Hank (section 20) and in between 4th Street and West College Drive (sections 17 & 18) be approved for July 19, 2002 through July 21, 2002 with the following conditions:

1. That emergency access be maintained behind the rear of the buildings for police, fire, and ambulance at all times.
2. Garbage and/or refuse pick-up be provided by Schwan's.
3. Any utility needs shall be arranged for by Schwan's.
4. Schwan's provide the appropriate portable toilet facilities for the various scheduled events.
5. Security arrangements be provided by Schwan's for this event.
6. That clean up and pick-up of the entire area be done at the conclusion of the event.
7. Insurance be provided that names the City as an additional insurer in the amount to be determined by the City Attorney and the City's Insurance Advisor.
8. That arrangements be made for a location for the Farmer's Market.

All voted in favor of the motion.

REGULAR MEETING – MAY 20, 2002

Rowe moved, Doyle seconded, the approval a request from Schwan's to close West Lyon Street from Independence Park to Main Street and Main Street from Lyon Street to North 5th Street on Saturday, July 20, 2002 from noon to approximately 2:00 P.M. for Schwan's 50th Anniversary Parade. All voted in favor of the motion.

PUBLIC HEARING – PRELIMINARY PLAT – MCFARLAND FOURTH ADDITION:

This was the date and time set for a public hearing on the preliminary plat for McFarland Fourth Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat with the council and others in attendance at the meeting. Mr. Olson indicated that he is recommending that sidewalks be installed in this addition. Mr. McFarland did not feel that sidewalks were necessary in a commercial area. Stores moved, Sturrock seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Sturrock seconded, the approval of the preliminary plat for McFarland Fourth Addition. All voted in favor of the motion.

Sturrock moved, Stores seconded, the adoption of the resolution approving the Final Plat for McFarland Fourth Addition. Council member Boedigheimer indicated that he did not think sidewalks were necessary and made an amendment to the motion to delete sidewalks from the resolution. The original motion was withdrawn. Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2447, SECOND SERIES and that the reading of the same be waived. This resolution provides for the adoption of the Final Plat for McFarland Fourth Addition and that there be no sidewalks required in this area. All voted in favor of the motion, except Rowe who voted no.

Mike Johnson, City Administrator, thanked Mr. McFarland for all of his hard work on all the developments that he has been involved with within the City of Marshall.

PUBLIC HEARING – PROJECT 2002-004 SOUTH "A" STREET & SARATOGA STREET WATERMAIN REPLACEMENT:

This was the date and time set for a public hearing on Project 2002-004 South "A" Street & Saratoga Street Watermain Replacement. Glenn Olson, Director of Public Works, reviewed this project with the council and others in attendance at the meeting. Mr. Donald Brewers was in attendance at the meeting on behalf of his parents who reside at 105 South "A" Street. Mr. Brewers indicated that this watermain was replaced a few years ago and now it is going to be replaced with a 10" watermain and they will be assessed again. Robert Archbold, Archbold Water Conditioning Service at 123 Marvin Schwan Memorial Drive, indicated that they are still paying for the first project. It was indicated that a storm sewer project was done in this area a few years ago. Glenn Olson indicated that Marshall Municipal Utilities would pay for the up sizing from the normal residential size. Boedigheimer was concerned about there being access into the Fire station at all times. Don Brewers asked if the YMCA would be paying for a portion of this project. George Jacob owns 2 pieces of property in this area and he was concerned about the special assessments, especially since his taxes have already increased on these parcels. Sturrock asked if the project would be completed this construction season. Robert Archbold requested a copy of the feasibility report when it has been completed. Rowe moved, Sturrock seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2448, SECOND SERIES and that the reading of the same be waived. Resolution Number 2448, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project 2002-004 South "A" Street and Saratoga Street Watermain Replacement. All voted in favor of the motion.

REGULAR MEETING – MAY 20, 2002

Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2449, SECOND SERIES and that the reading of the same be waived. Resolution Number 2449, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project 2002-004 South "A" Street and Saratoga Street Watermain Replacement. All voted in favor of the motion.

PUBLIC HEARING – PROJECT 2002-005 NORTH 3RD STREET RECONSTRUCTION PROJECT:

This was the date and time set for a public hearing on Project 2002-005 North 3rd Street Reconstruction. Glenn Olson, Director of Public Works/City Engineer, reviewed this project with the council and those in attendance at the meeting. Steve Smisek, 421 North 3rd Street, was concerned with the amount of traffic in this area and suggested that access onto 3rd Street not be allowed from East College Drive. Ms. Rasmussen, 419 North 3rd Street, indicated that it was very difficult to get into and out of their driveways on 3rd Street. Council member Boedigheimer suggested making 3rd Street a dead end street at this intersection. It was suggested that the State Highway Department conduct a safety study in this area. Ms. Rasmussen wanted to know if any estimates were available for this project. Sturrock indicated that some of these concerns were enforcement issues. Rowe moved, Doyle seconded, that the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2450, SECOND SERIES and that the reading of the same be waived. Resolution Number 2450, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project 2002-005 North 3rd Street Reconstruction. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - CONSIDER APPLICATION FOR RENEWAL OF PLUMBER'S LICENSE FOR PLUMBING AND HEATING – WILLMAR; CONSIDER APPLICATION FOR DISPLAY OF FIREWORKS ON JULY 4, 2002; CONSIDER AMENDING RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DEED TO CONVEY REAL ESTATE OWNED BY THE CITY OF MARSHALL; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Rowe moved, Doyle seconded, that the following consent agenda items be approved:

The renewal of a Plumber's License for the period April 1, 2002 through March 31, 2002 for Gary W. Lohse dba Plumbing & Heating of Willmar, Inc., at a fee of \$50.00.

The approval of an application for Community Services to buy fireworks for display purposes on July 4, 2002 at Independence Park. Community Services will be making arrangements with the Marshall Volunteer Fire Department for the fireworks display.

The adoption of RESOLUTION NUMBER 2451, SECOND SERIES and that the reading of the same be waived. Resolution Number 2451, Second Series is a resolution Amending Resolution Number 2428, Second Series authorizing the proper city officials to execute a deed to convey real estate owned by the City of Marshall. This resolution refers to Outlots A, B, and C, Lyon County Co-op Addition.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 33661 through 33866.

All voted in favor of the motion.

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

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	Applicant	Location Address	Description of Work	Valuation
1.	Hazel Lavoie Trust	1200 Alan Street	Reroof	\$2,500
2.	Frank Sanow	311 Lawrence Street	Reroof	\$1,500
3.	Steven Baumann Construction	307 East Redwood Street	Addition	\$40,000
4.	Steven Baumann Construction	226 Rainbow Drive	Deck	\$2,300
5.	Babcock Construction	407 Kathryn Avenue	Exterior Remodeling	\$5,700
6.	Sara Connelly	606 Peltier Street	Reroof	\$1,500
7.	William Koska	103 East Maple Street	Replace Stoop	\$1,400
8.	Southwest Properties	902 West College Drive	Vestibule Addition	\$5,000
9.	Geske Building & Supply Co.	1108 East Lyon Street	Siding	\$3,300
10.	JOTHO Properties, LLP	401 Jewett Street	Storage Shed	\$1,200
11.	Robert Buysse	617 Donita Avenue	Install Window	\$500
12.	Babcock Construction	903 Pine Avenue	Reside Dwelling & Install Doors	\$6,800
13.	Slagel Construction	105 North "A" Street	Replace Windows & Install Fireplace	\$4,000
14.	Brad Knutson	1217 East College Drive	Fence Construction	\$2,000
15.	Bruce Robinson	600 Jewett Street	Install Window	\$1,200
16.	Heather and Jonah Jenniges	1205 Prospect Road	Reside Dwelling & Replace Window	\$3,500
17.	True Value Home Center	1113 David Drive	Dwelling	\$190,000
18.	Hasslen Construction Company, Inc.	200 South "A" Street	Assembly Building	\$8,156,800
19.	James Lozinski	616 West Marshall Street	Replace Porches	\$7,000
20.	Max Lord	401 South 5th Street	Reside Dwelling & Install Doors	\$5,000
21.	Geske Building & Supply Co.	903 Cheryl Avenue	Siding	\$6,000
22.	True Value Home Center	1221 Patricia Court	Dwelling	\$105,000
23.	Bladholm Construction, Inc.	801 West Main Street	Retail Store	\$260,000

REQUEST FOR KENNETH R. MOON FOR A VARIANCE ADJUSTMENT PERMIT AT 303 SOUTH WHITNEY STREET:

Per the recommendation of the Planning Commission, Boedigheimer moved, Rowe seconded, the approval of a Variance Adjustment Permit for Kenneth R. Moon, 303 South Whitney Street for the construction of a detached accessory building with a half story storage area attic and a "mean height" of 16" in lieu of 12" as permitted by the Zoning Code in an R-1 One Family Residence District. All voted in favor of the motion.

SPECIAL PERMIT FOR MORE THAN TWO BOARDERS AND/OR ROOMERS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT:

A discussion was held at this time on the request from James W. Brandt for a Special Permit to allow occupancy of a home in a single-family district at 606 Kendall Street for his son and up to three additional roommates. Mr. Brandt indicated that he is purchasing this home and leasing it to his son. His son will then like to have up to three roommates. It was indicated that

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Section 86-97 of the Code of Ordinances allows not more than two boarders and/or roomers without a Special Permit. Boedigheimer moved, Rowe seconded, the approval of a Special Permit for one year effective August 15, 2002 to allow for up to three boarders at 606 Kendall Street which is located in an R-1 Single Family Residence District with the following conditions:

1. Provide four (4) off-street parking spaces
2. No valid complaints for activities objectionable to the normal use of a single-family area (i.e., excessive parking problems, noise, partying, etc.)

All voted in favor of the motion.

A 5-minute recess was called at this time.

CONSIDER EXTENSION OF EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL FOR CARR SUBDIVISION I:

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Stores moved, Sturrock seconded, the approval of an agreement to extend the final plat approval date of Carr Subdivision I to August 15, 2002 in order to address the following issues:

1. The owner brought the preliminary plat forward to final review late last year.
2. The design of the storm sewer is being reviewed for sizing and funding.
3. The issues of the outlots on the north side of the subdivision are being reviewed in order to incorporate these outlots as public easements for future access to utilities.

All voted in favor of the motion.

PROJECT 40135 – PARKWAY ADDITION IMPROVEMENT PHASE 2:

Doyle moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2452, SECOND SERIES and that the reading of the same be waived. Resolution Number 2452, Second Series is a resolution Declaring Official Intent regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project 40135 in an amount not to exceed \$1,240,000. All voted in favor of the motion.

2002 AIRPORT TERMINAL AREA CONSTRUCTION:

Boedigheimer moved, Rowe seconded, that the approval of a Supplemental Engineering Agreement #3 with TKDA for Construction Phase Engineering on the 2002 Terminal Area Construction Project. The cost of this agreement is \$188,300 and has been included in the overall 2002 Terminal Area Construction project that had received funding from MnDOT. All voted in favor of the motion.

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2453, SECOND SERIES and that the reading of the same be waived. Resolution Number 2453, Second Series is a resolution Amending Declaration of Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the construction of a municipal hangar, arrival/departure building and terminal area improvements for an amount not to exceed \$2,000,000. All voted in favor of the motion.

Stores moved, Boedigheimer seconded, the proper city personnel be authorized to enter into a Proposal for Construction Testing Services with American Engineering Testing, Inc. This proposal provides for testing services for the Proposed Construction at the Marshall Municipal Airport. All voted in favor of the motion.

RESOLUTION IMPOSING RESTRICTIONS ON PROPERTY OWNED BY THE CITY OF MARSHALL:

Doyle moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2454, SECOND SERIES and that the reading of the same be waived. Resolution Number 2454, Second Series is a resolution imposing restrictions on the City Park located on East Main Street and owned by the City of Marshall. This resolution is necessary to comply with the Department of Natural Resources Outdoor Recreation Project Agreement. The restrictions are as follows:

1. The property shall be managed and maintained for outdoor recreation purposes consistent with the approved grant application.
2. The property may not be used for any other purpose without the express prior written approval of the Commissioner of the Minnesota Department of Natural Resources.

All voted in favor of the motion.

REQUEST FROM HEARTLAND FOODS TO CLOSE SOUTH SIXTH STREET:

Rowe moved, Sturrock seconded, the approval to close South Sixth Street between the Seventh Street intersection and Saratoga Street intersection for approximately 8 hours. This closure would be to bring in some large equipment to remove equipment from the 1st and 2nd floors of the Heartland Facility that is adjacent to this section of South Sixth Street. They are not sure of the exact date but would be able to give us 3 to 5 days notice. All voted in favor of the motion.

PERSONNEL COMMITTEE – STAFFING FOR ANIMAL IMPOUNDMENT FACILITY:

Per the recommendation of the Personnel Committee, Stores moved, Doyle seconded, that authorization be granted to hire a half-time (approximately 20 hours per week) Community Service Officer to work primarily at the City of Marshall Animal Impound Monday through Friday and authorization to hire a half-day (approximately 4 hours) CSO primarily to work at the Marshall Animal Impound on Saturdays and authorization to hire a full-day (approximately 8 hours) CSO to work on Sundays. These people would do the morning watering, feeding, etc., plus be in the kennel for the last four hours of their shift. In-between they would help with the minor police duties. All voted in favor of the motion.

Per the recommendation of Rob Yant, Director of Public Safety, and legal counsel, Rowe moved, Doyle seconded, that Kay Nauman, Records Clerk for the Marshall Police Department, be terminated effective May 20, 2002 for “unsatisfactory” and “poor” performance associated with her April 10, 2002 conviction and guilty plea for the theft of \$1,000 from the Marshall Area Crime Fund. This action is necessary to address closeout issues associated with various leave benefits as required by the City’s Personnel Policy. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

Byrnes EDA met this past week; Regional Development Commission met last Thursday.

Stores Library Board met last Monday and has sold their old van; Personnel Committee items were previously discussed.

Sturrock Cable Commission met on May 14th; Utilities Commission met on May 15th and there are minutes in the agenda packet from other meetings; Public

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Improvement/Transportation Committee discussed purchasing Mike's Café property; storm water management billing was discussed and the new flood zone map process is taking place.

Doyle Housing Commission met this past Monday.

Rowe Planning Commission items were discussed earlier in the meeting; Community Services Advisory Board will hold their annual tour on June 6th.

COUNCIL MEMBER INDIVIDUAL ITEMS:

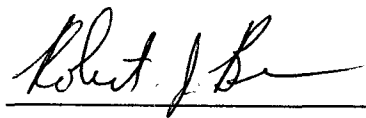
Other items brought forth by the Mayor and Council members included: thanking Schwan's for the baseball game and the concert on Sunday; that when a special permit is applied for the neighborhood should be informed; a Summer Festival listing was in the St. Paul paper; and the ground breaking was held at the YMCA.

REVIEW OF PENDING AGENDA ITEMS:

Interviews for the various boards and commissions will be held on May 29, 2002.

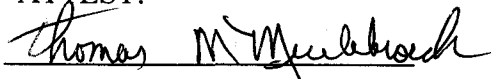
Mike Johnson, City Administrator, thanked the council for taking the time to tour the facilities at the Marshall Municipal Airport. Mike also, indicated that he will be gone from May 24th through June 4th and that Cal Barnett, Director of General Services, will be in charge.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – MAY 29, 2002

A special meeting of the Common Council of the City of Marshall was held 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, Stores, Reynolds and Sturrock. Absent: Rowe and Boedigheimer. Staff present included: Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Engineering Technician; Harry Weilage, Director of Community Services; and Jane DeVries, Deputy City Clerk.

CONSIDER APPROVAL OF A CONTRACT FOR CONDUIT SYSTEM FOR THE AIRPORT PROJECT:

Doyle moved, Stores seconded, the proper city personnel be authorized to enter into an agreement with Midwest Underground of Minnesota for a Conduit System at Marshall Regional Airport – Ryan Field in the amount of \$26,368.00. This agreement is for labor, materials, equipment and miscellaneous items necessary for the construction of the Conduit System for the 2002 Terminal Area Improvement. All voted in favor of the motion.

PRESENTATION ON COMPREHENSIVE ASSESSMENT OF HOUSING NEEDS FOR THE CITY OF MARSHALL AND LYON COUNTY MINNESOTA:

Mary Bujold, Maxfield Research, Inc., was in attendance at the meeting to briefly review the Comprehensive Assessment of Housing needs for the City of Marshall and Lyon County. This overview included:

Demographic Analysis

- Resurgence in population and HH growth
- Analysis of trends and interviews revealed continued modest growth
- Aging of the population
- Declining younger age group until the echo boom
- Strong employment growth occurred during the 1990's

Housing Characteristics

- Relatively new housing stock in Marshall
- 64% of Lyon County's housing stock was built in Marshall between 1960's and 1990's
- Marshall holds nearly two-thirds of the County's rental stock

For-Sale Market Analysis

- Average price of homes in Marshall increased from \$59,592 in 1990-1991 to \$105,173 in 1999-2000
- Over the past couple of years the resale market has been very active; only recently has it slowed somewhat due to economy
- Majority of homes in Marshall are listed at \$100,000 or above compared to the remainder of Lyon County where most homes are listed below \$100,000
- 7 Active/pending developments
- 483 single family lots; 20 multi family lots
- 223 lots available; 4-5 year lot supply based on recent trends
- Transient workers
- Move-up/executive buyers
- First-time buyers
- Retirees

SPECIAL MEETING – MAY 29, 2002

Rental Market Analysis

- Surveyed 48 larger rental developments
- 1,519 units – 72 vacant (4.7%)
- 1,184 units surveyed in Marshall (78%)
- 542 Subsidized units – 16 vacant (2.9%)
- 444 Senior units – 292 market rate; 152 subsidized
- Identified two pending developments – total of 30 units

Recommended development

- Marshall projected to capture 65% of the County's housing demand and replacement demand = 526 new units in the 2000's
- Remainder of Lyon County would need 339 new housing units
- 30% of demand will be for rental units with majority of that demand in Marshall

Recommended development – single family

- First time homebuyers - \$110,000 to \$150,000 = 96 units
- Move up - \$150,000 to \$230,000 = 108 units
- Executive - \$230,000+ = 36 units

Recommended development – rental

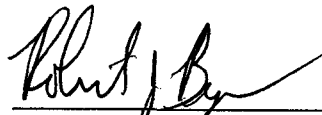
- Market rate: Apartments - \$500 to \$600 = 30 units
Town homes - \$600 to \$900 = 20 units
- Affordable: Apartments - \$400 to \$600 = 50 units
Town homes - \$500 to \$700 = 50 units
- Subsidized: Apartments – 30% of AGI = 20 units
Town homes – 30% of AGI = 35 units

Recommended development – multi family owned

- Entry level - \$110,000 to \$140,000 = 36 units
- Empty nester/seniors - \$140,000 to \$225,000 = 44 units

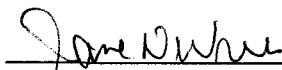
Ms. Bujold indicated that the recommendations are based on a ten-year period

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



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

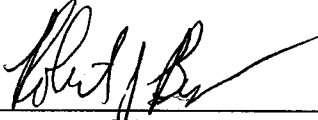
SPECIAL MEETING – JUNE 3, 2002

A special meeting of the Common Council of the City of Marshall was held on June 3, 2002 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 6:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Sturrock, Reynolds, Boedigheimer and Doyle. Absent: Reynolds. Guests included: Tim Flaherty and Jennifer Dunn, Coalition of Greater Minnesota Cities.

Mayor Byrnes introduced and welcomed Tim Flaherty and Jennifer Dunn. Mr. Flaherty and Ms. Dunn addressed and reviewed the following areas of concern from the 2002 Legislative Session:

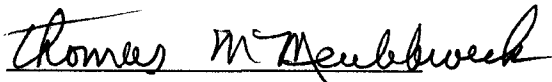
- City Aid
- Annexation
- Transportation
- Economic Development
- Environment

Mayor Byrnes declared the meeting adjourned at 7:20 P.M.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JUNE 3, 2002

The regular meeting of the Common Council of the City of Marshall was held on June 3, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Brian Murphy, City Attorney; Calvin Barnett, Director of General Services/City Assessor; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; 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:

Stores moved, Doyle seconded, that the minutes of the regular meeting held on May 20, 2002 and the minutes of the special meeting held on May 29, 2002 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 – PROJECT 2002-009 RAINBOW DRIVE WATERMAIN REPLACEMENT; PROJECT 2002-010 “H” STREET WATERMAIN REPLACEMENT; AND PROJECT 2002-011 WEST MAIN STREET WATERMAIN REPLACEMENT:

This was the date and time set for a public hearing on the proposed assessments for the watermain replacement projects. Glenn Olson, Director of Public Works/City Engineer, reviewed the bids that were received for this project and the costs that would be assessed to the property owners. Mr. Olson also compared these bids and costs to the bids that were received in 2001 for these same projects. Mr. Olson used a formula to determine the costs to be paid by the property owners and MMU. This formula determined that MMU would pay 61% of this project, which they agreed to. Using the same formula for 2002, the residential assessments were reduced and MMU's share increased to 69%. This increase was a result of the decrease in the cost for the Rainbow Drive area and the addition of a 5% contingency added to cover any possible additional costs. Steve Johnson, Marshall Municipal Utilities, was in attendance at the meeting and indicated that MMU was not in favor of paying 69% of these projects. Reynolds moved, Sturrock seconded, that the public hearing be closed.

Boedigheimer moved that notices be sent for a new public hearing with and that the proposed assessments for this project be recalculated with MMU paying 50% of the total cost of the project. This motion died due to the lack of a second. Rowe moved, Stores seconded, that a public hearing be held on July 1, 2002 to consider a new proposed assessment for the watermain replacement projects. The new proposed assessment would provide for each of the property owners to pay \$1,799.48 and that MMU would pay 61% as was agreed to in 2001. All voted in favor of the motion, except Byrnes who voted no.

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2455, SECOND SERIES and that the reading of the same be waived. Resolution Number 2455, Second Series is a resolution Accepting the Bid for Project 2002-009 Rainbow Drive Watermain Replacement; Project 2002-010 “H” Street Watermain Replacement; and Project 2002-011 West Main Street Watermain Replacement. This bid was awarded to Schoep & Sons Contract, LLC, Montevideo, Minnesota in the amount of \$98,087.60. All voted in favor of the motion.

REGULAR MEETING – JUNE 3, 2002

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2456, SECOND SERIES and that the reading of the same be waived. Resolution Number 2456, Second Series is a resolution of Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project 2002-009 Rainbow Drive watermain replacement in the amount of \$66,415; Project 2002-010 "H" Street watermain replacement in the amount of \$37,523; and Project 2002-011 West Main watermain replacement in the amount of \$48,680. All voted in favor of the motion.

AWARD OF BIDS – 2002 EXTENDED CAB PICKUP FOR THE PARKS DEPARTMENT:

The bids were received, opened and read on May 22, 2002 for a pickup truck for the Parks Department. Bids received, opened and read were from:

Lockwood Motors Marshall, Minnesota 2002 Dodge RAM 1500 Quad Cab \$22,801.65 2002 Dodge RAM \$24,079.55	Marshall Ford Marshall, Minnesota 2003 Ford F150 \$22,398.01 2002 Ford F150 \$23,463.01	Tholen Auto Sales Marshall, Minnesota 2003 GMC Sierra 1500 \$23,012.52 2002 GMC Sierra 1500 \$24,077.52
Lithia Dodge Sioux Falls, South Dakota 2003 Dodge 1500 SLT Quad 2 x 4 \$23,706.90 2003 Dodge 1500 SLT Quad 2 x 4 \$25,304.40	Tholens of Tyler Tyler, Minnesota 2003 Chevrolet CC 15753 \$22,746.27 2003 Chevrolet CC 15753 \$23,811.27	Rochester Ford/Toyota Rochester, Minnesota 2002 Ford F150 XL \$15,296.67 2002 Ford F150 XLT \$19,085.87

Per the recommendation of the Community Services Department, Rowe moved, Stores seconded, the bid for a 2002 pickup truck for the Parks Department be awarded to Rochester Ford/Toyota in the amount of \$19,085.87 for a 2002 Ford F150 XLT. This vehicle will replace the 1992 Chevrolet pickup, which will be transferred to the Airport maintenance staff. All voted in favor of the motion.

AWARD OF BIDS – PROJECT 2002-003 CITY OVERLAY:

Bids were received, opened and read on May 31, 2002 for Project 2002-003 for Bituminous Resurfacing on various city streets. The bids received, opened and read were from:

Central Specialties, Inc. Alexandria, Minnesota \$155,433.18	Duininck Bros. Inc Prinsburg, Minnesota \$169,886.49	McLaughlin & Schulz Marshall, Minnesota \$127,980.20
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This bid is a unit price bid; therefore Boedigheimer moved, Doyle seconded, the bid for the Bituminous Resurfacing on various city streets within the City of Marshall be awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in an amount not to exceed \$150,000 which was budgeted for this item. It is the intent to be able to resurface additional streets that were not included in the original bid. All voted in favor of the motion.

AWARD OF BIDS – PROJECT 2002-002 STATE AID OVERLAY:

Bids were received, opened and read on May 31, 2002 for Project 2002-002 for State Aid Overlay for the following streets: 4th Street from Saratoga Street to North Bruce Street, S.A.P. 139-110-03; South Bruce Street from East Lyon Street to East College Drive, S.A.P. 139-107-06; North Bruce

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Street from East College Drive to Birch Street, S.A.P. 139-115-03; and North Bruce Street from Birch Street to Emerald Court, S.A.P. 139-120-05. The bids received, opened and read were from:

Central Specialties, Inc.
Alexandria, Minnesota
\$254,111.93

Duininck Bros. Inc
Prinsburg, Minnesota
\$309,040.88

McLaughlin & Schulz
Marshall, Minnesota
\$240,548.20

Reynolds moved, Stores seconded, the bid for Project 2002-002 State Aid Overlay be awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$240,548.20. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - A. APPLICATION FOR SCHWAN'S TO SPONSOR A FIREWORKS PRESENTATION AT THEIR 50TH CELEBRATION; B. APPLICATION FOR RENEWAL OF SPECIAL VEHICLE LICENSES; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

Reynolds moved, Doyle seconded, that the following consent agenda items be approved:

A fireworks display to be held on Saturday, July 27, 2002 at Mattke Field. This display is sponsored by Schwan's Sales Enterprises Inc., and Zambelli Fireworks International will be in charge of the display.

The renewal of two Special Vehicle Permits per the request of Nancy Long, Long Term Care Activities Manager for Weiner Memorial Medical Center Nursing Home for Hal's Pals Trailers. These permits will expire on December 31, 2002 and the fee for these permits was waived.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 33867 through 34026.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Dave Haney	1002 Cheryl Avenue	Garage Addition	\$7,500
2.	Scott Truedson	100 East Maple Street	Garage Addition & Reroof Dwelling	\$23,000
3.	Christine Brewers	810 West Southview Court	Dwelling	\$85,000
4.	John Blowers	517 Village Drive	Repair Wall	\$5,000
5.	Todd and Rose Draper	705 South 2nd Street	Replace Windows	\$2,800
6.	Blaine Schnaible	801 Lawrence Court	Install Fireplace	\$2,500
7.	James Lozinski	506 Carlson Street	Install Windows & Install Door	\$3,000
8.	Clarence & Dianne Zylstra	401 South Whitney Street	Move Out Garage	\$0
9.	Mary L. Brandt	606 Kendall Street	Install Window	\$1,000
10.	Timothy & Penny Wall	105 East Redwood Street	Interior Remodel	\$4,000
11.	Ace Signs of Willmar, Inc.	1402 East College Drive	Install Sign	\$1,500

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12.	Les Lenz	417 North 7th Street	Remodel Dwelling - Additional Work	\$49,900
13.	Bernie Heck Construction	603 Jefferson Circle	Reroof	\$5,200
14.	Bernie Heck Construction	612 Donita Avenue	Replace Window	\$600
15.	Four Seasons Companies	300 East College Drive	Remodel Retail	\$6,200
16.	Mary Nordgren	1102 Columbine Drive	Reroof	\$4,600
17.	Sussner Construction, Inc.	1001 West College Drive	Car Wash Addition	\$120,000
18.	Babcock Construction	508 West Marshall Street	Reside Dwelling & Install Doors	\$6,400
19.	Babcock Construction	602 Jefferson Circle	Reside Chimney	\$500
20.	Denny Miller Construction, Inc.	701 Elaine Avenue	Addition	\$10,600
21.	Lyon County Co-Op Oil Co.	1210 Floyd Wild Drive	Install Signs	\$8,000
22.	Roger VanOverbeke	513 Lawrence Street	Reroof Porch	\$1,000
23.	G&P Construction, Inc.	500 Genesis Avenue	Dwelling	\$98,000
24.	G&P Construction, Inc.	400 Genesis Avenue	Dwelling	\$125,000
25.	True Value Home Center	1140 David Drive	Dwelling	\$105,000
26.	David & LaDonna Miller	306 Sunrise Lane	Reroof	\$3,000
27.	Hisken Construction, Inc.	618 West Main Street	Reroof	\$4,300
28.	Geske Home Improvement Co.	1227 East Fairview Street	Reside Dwelling	\$6,600
29.	Schaefer Woodworks	100 South High Street	Reroof Dwelling	\$4,500
30.	Amy Schreifels	401 West College Drive	Basement Remodel & Install Window	\$600

CHANGE ORDER WITH GENERAL SAFETY EQUIPMENT:

Per the recommendation of Marc Klaith, Fire Chief for the Marshall Fire Department, Stores moved, Sturrock seconded, the approval of a change order with General Safety Equipment in the amount of \$684. This change order provides for a cabinet to be built inside the cab of the truck to hold emergency equipment for the firefighters and also the Thermal Image Camera. All voted in favor of the motion.

AMEND CITY CODE TO GRANT PERMISSION TO AUTHORIZE THE USE OF INTOXICATING LIQUOR LICENSES AT A COMMUNITY FESTIVAL:

Doyle moved, Stores seconded, the introduction of an ordinance to provide for the retail on-sale of intoxicating liquor for community festivals within the City of Marshall, Minnesota. Council member Boedigheimer was concerned that this request was not submitted sooner so that it could go through the proper procedure and be referred to the Legislative and Ordinance Committee for review and their recommendation. All voted in favor of the motion, except Boedigheimer and Rowe who voted no.

RESOLUTION AMENDING BUSINESS SUBSIDY AGREEMENT WITH SCHWAN'S SALES ENTERPRISES:

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2459, SECOND SERIES and that the reading of the same be waived. Resolution Number 2459, Second Series is a resolution Amending the October 25, 2000 Business Subsidy Agreement between the City of Marshall and Schwan's Sales Enterprises Inc. Mr. Barnett, Director of General Services, indicated that the changes to this document are primarily language clarification. All voted in favor of the motion.

REGULAR MEETING – JUNE 3, 2002

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Doyle moved, Rowe seconded, and it was unanimously approved that the following appointments be made to the various boards and commissions:

- Airport Commission – Dan Taft for a term to expire on May 31, 2005
- Airport Commission – Lee VanDenBroeke for a term to expire on May 31, 2005
- Cable Commission – Karen Meyer for a term to expire on May 31, 2005
- Cable Commission – Sandra Altman for a term to expire on May 31, 2004
- EDA – Robert Kaufman for a term to expire on May 31, 2008
- Hospital Board – William Kremer for a term to expire on May 31, 2007
- Human Rights Commission – Cheryl McChesney for a term to expire on May 31, 2005

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

Byrnes No report.

Stores Library Board discussed filters to childproof the Internet not being allowed.

Sturrock No report.

Boedigheimer Lyon County Enterprise Development met on May 28, 2002.

Doyle Marshall Area Transit's new bus has arrived and the will be selling the 2 older buses.

Rowe Community Services annual tour will be on Wednesday, June 5th.


COUNCIL MEMBER INDIVIDUAL ITEMS:

There is still concern with the speed limit on Highway 23 and the Cable TV Franchise will expire soon.

REVIEW OF PENDING AGENDA ITEMS:

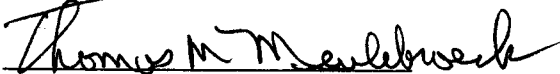
Construction will begin on the North 7th Street Bridge on June 10th.

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



Mayor

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JUNE 17, 2002

The regular meeting of the Common Council of the City of Marshall was held on June 17, 2002 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, Sturrock, Boedigheimer and Stores. Absent: Reynolds. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk 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 deletion of item 7b, which is the consideration of a supplemental agreement for the Kossuth Avenue Bridge replacement project.

APPROVAL OF THE MINUTES:

Rowe moved, Doyle seconded, that the minutes of the regular meeting held on June 3, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA: CONSIDER APPLICATION FOR A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE CHAMBER OF COMMERCE ON AUGUST 14, 2002 AT THE FAIRGROUND; CONSIDER GAMBLING APPLICATION FOR THE MARSHALL JAYCEE'S ON JUNE 26, 2002; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Stores moved, Doyle seconded, that the following consent agenda items be approved:

A temporary on-sale liquor license for the Chamber of Commerce on August 15, 2002 at the Fairgrounds at a fee of \$25.00.

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 the Marshall Jaycees to be used at Legion Field, Marshall, Minnesota on Saturday, June 26, 2002.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34027 through 34263.

All voted in favor of the motion.

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

	<i>Applicant</i>	<i>Location Address</i>	<i>Description of Work</i>	<i>Valuation</i>
1.	Geske Home Improvement	1003 Willow Avenue	Reside Dwelling	\$6,500
2.	True Value Home Center	1001 Paris Road	Dwelling	\$85,000
3.	Mike Buysse Construction	600 West Erie Road	Reroof	\$9,800

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4.	Thor's Handyman Service	303 South Whitney Street	Garage Addition	\$26,000
5.	Chris Miller	605 Genesis Avenue	Reside Dwelling	\$4,000
6.	Dan & Diane Flygare	1107 East Lyon Street	Dwelling	\$130,000
7.	Marshall Animal Clinic	704 Huron Road	Interior Remodeling	\$4,000
8.	Kris Salhus	307 North 6th Street	Garage	\$8,000
9.	Robert L. Carr Co.	1113 East College Drive	Construct Sign	\$1,000
10.	Daniel & Erin Fischer	1205 Parkside Drive	Utility Shed & Replace Steps	\$1,500
11.	Harold & Florence Johnson	111 West Maple Street	Reroof Dwelling	\$1,000
12.	Gackstetter Construction	504 West Lyon Street	Reroof Porch	\$1,800
13.	Geske Home Improvement	915 Pine Avenue	Bay Window	\$3,700
14.	Melissa Astar	113 George Street	Install Window	\$500
15.	George J. Jacob Construction	113 Donita Avenue	Reroof	\$3,000
16.	Kim & Kristin Wegner	903 Elaine Ave.	Window Replacement	\$1,500
17.	Donald Jants	504 West Marshall Street	Replace Porch	\$2,000
18.	Geske Home Improvement	305 Elm Street	Install Window & Door	\$6,000
19.	Midwest Aviation	1612 West College Drive	Office Partitions	\$2,000
20.	Reyco Construction, Inc.	904 Pearl Avenue	Reroof Apartment Building	\$33,000
21.	Bladholm Construction, Inc.	101 West Main Street	Service Building	\$99,300
22.	Ace Signs of Willmar, Inc.	1402 East College Drive	Install Awnings	\$2,500
23.	First Lutheran Church	100 Church Street	Addition to Church	\$1,384,200
24.	Greig & Gregerson	416 North 5th Street	Reroof	\$3,200
25.	Babcock Construction	204/206 West Redwood Street	Residing	\$8,000
26.	Steve Tutt Construction	800 South 1st Street	Install Window	\$800
27.	Steve Tutt Construction	610 West Marshall Street	Reroof	\$2,800
28.	Steve Tutt Construction	617 Kathryn Avenue	Reroof	\$3,200
29.	Steve Tutt Construction	501 West Main Street	Office Remodel (Lyon County Abstract & Title)	\$1,200
30.	Yury & Laurie Vyhovsky	405 West Southview Drive	Bathroom Remodel	\$500
31.	Albert & Ellen Wischer	500 South 2nd Street	Reroof Dwelling	\$3,000

APPROVE NEW TRANSIENT MERCHANT LICENSE FOR MATTHEW HAAG DBA H & R PYROTECHNIC ENTERPRISES TO SELL FIREWORKS:

This application was included for consideration under the consent agenda, but was removed to provide for discussion on the application. Matthew Haag did respond to the concerns for a transient merchants license to sell fireworks in the Wal Mart parking lot. Minnesota law now allows the sale of Class "C" Common Fireworks. Mr. Haag indicated that he would be selling "Safe and Sane" fireworks, which consist of sparklers, "fountain" fireworks and smoke bombs; nothing aerial and nothing explosive. Boedigheimer indicated that the selling of fireworks should be referred to the Legislative and Ordinance Committee for review. Rowe moved, Sturrock seconded, the approval of a transient merchants license for Matthew Haag DBA H & R Pyrotechnic Enterprises to sell fireworks at the Wal

REGULAR MEETING – JUNE 17, 2002

Mart parking lot and to refer the selling of fireworks in the City of Marshall to the Legislative and Ordinance Committee. The fee for this license is \$250.00 and will expire on December 31, 2002. All voted in favor of the motion.

ORDINANCE FOR RETAIL ON-SALE OF INTOXICATING LIQUOR FOR COMMUNITY FESTIVALS WITHIN THE CITY OF MARSHALL:

Doyle moved, Stores seconded, the adoption of ORDINANCE NUMBER 477, SECOND SERIES and that the reading of the same be waived. Ordinance Number 477, Second Series is an ordinance Providing for the Retail On-Sale of Intoxicating Liquor for Community Festivals within the City of Marshall, Minnesota. Boedigheimer indicated that he would be voting against this motion because this ordinance did not go through the Legislative and Ordinance Committee and Sturrock was concerned if the city would have guidelines on declaring an event a community festival. Mike Johnson, City Administrator, explained why this ordinance did not go the Legislative and Ordinance Committee for a recommendation. All voted in favor of the motion, except Boedigheimer who voted no.

BOARD AND COMMISSION MEMBERS RECOGNITION:

At this time the City Council took the opportunity to recognize community residents for their contributions and time provided to the various boards and commissions. The following members were recognized:

Don Bartz, Airport Commission, 1997-2001
Lynn Halverson, Cable Commission, 2001-2001
Janet Vigna, Community Services Advisory Board, 1997-2002
Dick Halverson, Community Services Advisory Board, 1997-2002
James Smalley, Community Services Advisory Board, 1998-2002
Shirley Anderson, Community Services Advisory Board, 1999-2002
Kristi Huss, Community Services Advisory Board, 2001-2002
Bob Verkindren, Community Services Advisory Board, 1999-2001
Pat Mellinthin, Hospital Board, 2000-2001
Richard Shearer, Housing Commission, 1997-2002
Steve Linstrom, Library Board, 1996-2001
Brian Brandt, Planning Commission, 1999-2002
Ali Jaffery, Police Commission, 1997-2002

The following members were present at the meeting to receive their recognition:

Mark Burau, Housing Commission, 1997-2002

RESOLUTION FOR AUTHORIZATION TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR 2002 AIRPORT IMPROVEMENT:

Stores moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2460, SECOND SERIES and that the reading of the same be waived. Resolution Number 2460, Second series is a resolution authorizing the execution of the Federal Aviation Administration (FAA) Grant Agreement for the 2002 Airport Improvement project. The grant from the FAA is for \$150,000. All voted in favor of the motion.

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AGREEMENT BETWEEN LYON COUNTY, CITY OF MARSHALL, AND MN/DOT FOR SHARED SALT SHED AT MARSHALL:

Sturrock moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2461, SECOND SERIES and that the reading of the same be waived. Resolution Number 2461, Second Series is a resolution authorizing the proper city personnel to enter into an Agreement between Lyon County, City of Marshall and MN/DOT for a Shared Salt Shed at Marshall, Minnesota. This agreement replaces the agreement that was entered into on August 7, 2000. The changes in this agreement are for clarification of legal responsibilities and liabilities. All voted in favor of the motion.

KOSSUTH AVENUE BRIDGE REPLACEMENT PROJECT – CHANGE ORDER:

Rowe moved, Sturrock seconded, the approval of Change Order No. 1 with Midwest Contracting, LLC for the Kossuth Avenue Bridge Replacement Project. This change order adjusts bid quantities to actual quantities installed as per inspection and recommendation by Banner Associates, Inc. The cost of this change order is an additional \$1,232.40. All voted in favor of the motion.

CHANGE ORDER NO. 3 – PROJECT 2001-009 ARRIVAL/DEPARTURE BUILDING:

Stores moved, Doyle seconded, the approval of Change Order No. 3 with Bladholm Construction Inc., for the Arrival/Departure Building at the Marshall Municipal Airport. This change order involves changes to the flooring types after the terrazzo floor was eliminated. This change order is an increase in the amount of \$11,129.00. Change Order No. 1 included the deletion of the terrazzo. All voted in favor of the motion.

CABLE TELEVISION FRANCHISE RENEWAL:

Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2462, SECOND SERIES and that the reading of the same be waived. Resolution Number 2462, Second Series is a resolution Authorizing CC VIII Operation, LLC, doing business at Charter Communications to temporarily operate the Cable Communications System. This extension is through December 31, 2002. All voted in favor of the motion.

Sturrock moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2463, SECOND SERIES and that the reading of the same be waived. Resolution Number 2463, Second Series is a resolution Authorizing McLeodUSA Telecom Development, Inc., to temporarily operate the Cable Communications System. This extension is through December 31, 2002. All voted in favor of the motion.

Sturrock moved, Rowe seconded, the proper city personnel be authorized to engage Moss and Barnett to assist in the transfer of the Cable Television Franchise that is currently held by McLeodUSA. All costs associated with the transfer are to be paid by McLeodUSA. All voted in favor of the motion.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes and second by Rowe, and it was unanimously approved that the following appointments be made to the various boards and commissions:

- Housing Commission – Ann Palmer Estrada for a term to expire on May 31, 2007
- Housing Commission – Quinn Horvath for a term to expire on May 31, 2007

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- Planning Commission – Brennan (Buck) McAlpin for a term to expire on May 31, 2005
- Planning Commission – Mary Lou Harthun for a term to expire on May 31, 2005
- Police Civil Service – Mike Henle for a term to expire on May 31, 2005
- Senior Citizen Center – Terry Peterson for a term to expire on May 31, 2005
- Senior Citizen Center – Elias Soenen for a term to expire on May 31, 2005
- Utilities Commission – Daniel Baun for a term to expire on May 31, 2007

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

- Byrnes EDA met this past week and are continuing to work on the Parkway Housing Addition; Regional Development Commission will be holding their annual meeting on July 11, 2002.
- Stores Library Board met and discussed their budget.
- Sturrock Cable Commission met last week and reviewed their operating procedure; Utilities Commission will meet on June 18th.
- Boedigheimer Airport Commission met last Monday, but was unable to attend.
- Doyle Housing Commission minutes are included in the agenda packet.
- Rowe Community Services Advisory Board held their annual tour and picnic.
- Reynolds Hospital Board – Byrnes indicated that there would be a ribbon cutting ceremony at the Hospital on Sunday at 2:00 P.M. and an open house from 1:00 P.M. to 4:00 P.M.

REVIEW OF PENDING AGENDA ITEMS:

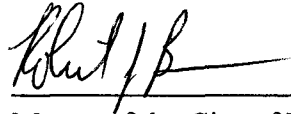
Glenn Olson, Director of Public Works/City Engineer, indicated he would be meeting with Group II to discuss options for Hangar No. 2.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council members included: the bike trail not being usable from College Drive to North 7th Street bridge; Rowe felt that the water at the pool is colder than normal, that attendance was down and that the staff was doing a much better job this year; the manholes on Whitney Street from College Drive to 4th Street should be checked; there was a concern about the rumble strips on Hwy 23 by the college; the City will be receiving an award at the League of Minnesota Cities Conference on Friday, June 21, 2002; the list for additional street work should be sent to the Public Improvement/Transportation Committee; there is work being done on the Redwood river; and there are new left turn signs at the intersection of College Drive and Main Street.

REGULAR MEETING – JUNE 17, 2002

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JULY 1, 2002

The regular meeting of the Common Council of the City of Marshall was held on July 1, 2002 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by President Pro Tem Rowe. In addition to Rowe the following members were present: Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Mayor Byrnes. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Brian Murphy, City Attorney; Harry Weilage, Director of Community Services; Kim Jergensen, Engineer Technician; 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 14a, which is the consideration of the S.A.P. 139-121-02 Kossuth Avenue Bridge Replacement Project Supplemental Agreement; and the addition of item 14b, which is the consideration of Change Order No. 2 for Project 2001-013 Tiger Lake Storm Water Lift Station Forcemain Relocation.

APPROVAL OF THE MINUTES:

Doyle moved, Reynolds seconded, that the minutes of the regular meeting held on June 17, 2002 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.

PUBLIC HEARING – PROJECT 2002-009 RAINBOW DRIVE WATERMAIN REPLACEMENT; PROJECT 2002-010 “H” STREET WATERMAIN REPLACEMENT; PROJECT 2002-011 WEST MAIN STREET WATERMAIN REPLACEMENT:

This was the date and time set for a public hearing on the Watermain Replacement Projects for Rainbow Drive, “H” Street, and West Main Street. Glen Olson, Director of Public Works/City Engineer, reviewed these projects and indicated that Marshall Municipal Utilities has agreed to pay 61% of the cost of these projects. There were no objections or concerns, therefore Boedigheimer moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2464, SECOND SERIES and that the reading of the same be waived. Resolution Number 2464, Second Series is a resolution Adopting the Assessment Roll for Project 2002-009 Rainbow Drive Watermain Replacement; Project 2002-010 “H” Street Watermain Replacement and Project 2002-011 West Main Street Watermain Replacement. This resolution provides for these assessments to be paid over 8 years at an interest rate of 8%. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA: BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Reynolds moved, Stores seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34264 through 34468. All voted in favor of the motion.

REGULAR MEETING – JULY 1, 2002

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

	Applicant	Location Address	Description of Work	Valuation
1.	Sears Home Improvement Products	504 Jewett Street	Replace Windows	\$6,700
2.	Everstrong Construction	205 Rainbow Drive	Dwelling	\$88,000
3.	Everstrong Construction	221 Oslo Avenue	Dwelling	\$85,000
4.	Everstrong Construction	225 Oslo Avenue	Dwelling	\$88,000
5.	Bakke's Home Repair & Construction	304 Elm Street	Install Door	\$600
6.	Geske Home Improvement Co.	306 South Hill Street	Reside Dwelling	\$8,000
7.	Farmers Co-Op Association	1100 West College Drive	Reroof	\$1,000
8.	Kesteloot Construction, Inc.	202 Donita Avenue	Reroof	\$3,100
9.	Tutt Construction	408 North High Street	Reroof	\$1,500
10.	Tutt Construction	703 Kennedy Street	Reroof	\$3,200
11.	Tom Tighe Construction	112 Circle Drive	Replace Porch Roof	\$1,000
12.	Ron Schilling	805 North Bruce Street	Residing & Reroof	\$3,500
13.	Steven Baumann Construction	102 Fremont Avenue	Reside Dwelling, Install Doors, Install Windows	\$6,500
14.	Deloris Metz	625 Donita Avenue	Reroof	\$3,200
15.	Mark & Lorinda Peters	302 South Hill Street	Garage	\$10,000
16.	Rick Slagel	613 West Thomas Avenue	Install Window	\$2,000
17.	Schwan's Sales Enterprises, Inc.	203 Rainbow Drive	Dwelling	\$99,000
18.	Babcock Construction	201 "F" Street	Reside Dwelling & Install Door	\$5,100
19.	Babcock Construction	102 West Thomas Avenue	Reside Dwelling	\$4,400
20.	Babcock Construction	606 West Lyon Street	Install Doors	\$2,900
21.	Scott VanOverbeke	903 Birch Street	Reside Dwelling, Install Doors, Construct Deck	\$12,000
22.	Kevin Reese	400 East Main Street	Garage	\$20,000
23.	Brian Nohava	411 West Main Street	Reroof	\$68,700
24.	Kevin Peterson	151 Lilac Drive	Garage	\$17,800
25.	Ken Dunn	500 East Southview Drive	Reroof	\$3,500
26.	David Freeburg	207 East Main Street	Bedroom Addition	\$16,000
27.	Babcock Construction	420 North 7th Street	Reroof Dwelling	\$800
28.	Greig & Gregerson	109 North 3rd Street	Rear Entry	\$2,000
29.	Greig & Gregerson	113 North 3rd Street	Exterior Remodel	\$22,000
30.	Crystal Glass, Inc.	1420 East College Drive	Replace Store Front	\$20,000
31.	Gregory S. Taylor	1100 Birch Street	Reroof	\$3,200

INTRODUCTION OF ORDINANCE AMENDING THE SALARIES AND COMPENSATION OF THE MAYOR AND COUNCIL MEMBERS:

Boedigheimer moved, Reynolds seconded, the introduction of an ordinance Amending the salaries and Compensation of the Mayor and Council Members. This ordinance provides for salaries of the mayor and council members to be increased by 3.5% effective January 1, 2003. All voted in favor of the motion.

PROJECT 2002-004 SOUTH "A" STREET & SARATOGA STREET WATERMAIN REPLACEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Watermain Replacement Project on South "A" Street and Saratoga Street. Marshall Municipal Utilities will be paying 50% of the watermain replacement, 100% of the watermain oversizing and 50% of the costs associated with this replacement project.

Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2465, SECOND SERIES and that the reading of the same be waived. Resolution Number 2465, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for South A" Street and Saratoga Street for an amount not to exceed \$196,000. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2466, SECOND SERIES and that the reading of the same be waived. Resolution Number 2466, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project 2002-004 South "A" Street & Saratoga Street Watermain Replacement. All voted in favor of the motion.

Doyle moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2467, SECOND SERIES and that the reading of the same be waived. Resolution Number 2467, Second Series is a resolution calling for a Hearing on Proposed Assessment. This resolution provides for a public hearing to be held at 7:30 P.M. on August 5, 2002 for Project 2002-004 South "A" Street & Saratoga Street Watermain Replacement. All voted in favor of the motion.

CHANGES TO JOINT RESOLUTION OF THE CITY OF MARSHALL AND WEINER MEMORIAL MEDICAL CENTER:

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2468, SECOND SERIES and that the reading of the same be waived. Resolution Number 2468, Second Series is a resolution of the City Council of the City of Marshall and the Weiner Memorial Medical Center Board of Directors. This resolution amends Resolution Number 2430, Second Series by spelling out Mabel Olivia Weiner's middle name (vs. using the initial "O") and to remove "after his death" in the first "be it further resolved, leaving the last part of that sentence "to be succeeded by his son, Zachary Weiner; and,". All voted in favor of the motion.

COMPUTER NETWORK TECHNOLOGY – TODD PICKTHORN:

Todd Pickthorn, Marshall School District, was in attendance at the meeting to update the council the Computer Network Technology. Todd indicated that they have been providing

REGULAR MEETING – JULY 1, 2002

support and update for the city's current system. He has also spent the last 6 months reviewing, inventorying and gathering information on the current system and equipment. Mr. Pickthorn is recommending that the city hire a communications engineer to make a plan of necessary changes in the city system to upgrade their telecommunications network. There was some concern expressed since Mr. Pickthorn was not able to provide more information on what the city needs and the costs to upgrade their telecommunications network. They felt frustrated that it was going to cost \$20,000 for the contract with the Marshall School District for the year 2002 and they would have to pay an additional \$10,000 for a communications engineer. Reynolds moved, Sturrock seconded, to continue the contract with the Marshall School District for the year 2002 to provide continued support, fix problems, train employees on new software and to continue to gather information for the communications engineer at a cost of \$20,000. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, that the proper city personnel met with Todd and make a recommendation on engineers and more information on needs for the system. This information will be presented at the August 5, 2002 regular council meeting. All voted in favor of the motion.

CONSIDER PROPOSED MARSHALL FIRE DEPARTMENT BY-LAW CHANGES:

Boedigheimer moved, Sturrock seconded, that the proposed changes to the Marshall Fire Department By-Laws be referred to the Ways and Means Committee. All voted in favor of the motion.

CHANGE ORDER NO. 5 FOR 2001 TERMINAL AREA IMPROVEMENT AREA:

Boedigheimer moved, Doyle seconded, the approval of Change Order No. 5 with R & G Construction for Project 2001-005, 2001 Terminal Area Improvement Area. This change order provides for additional electrical construction as well as water service connections to Schwan's Hangar, the City's Maintenance Building, WPA Hangar, and new water service to T-Hangar No. 4 at a cost of \$31,335.26. All voted in favor of the motion.

PROJECT 2002-012 – SOUTH 1ST STREET WATERMAIN REPLACEMENT AND SANITARY SEWER REPLACEMENT PROJECT ASSESSMENT PROCEDURES:

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2469, SECOND SERIES and that the reading of the same be waived. Resolution Number 2469, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement on South 1st Street Watermain Replacement and Sanitary Sewer Replacement Project 2002-012. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2470, SECOND SERIES and that the reading of the same be waived. Resolution Number 2470, Second Series is a resolution Receiving Report for South 1st Street Watermain Replacement and Sanitary Sewer Replacement Project 2002-012. All voted in favor of the motion.

Sturrock moved, Stores seconded, the approval of an Assessment and Waiver or Irregularity and Appeal with Casey's General Stores, Inc., and J. F. Taylor & Sons Inc., for their

REGULAR MEETING – JULY 1, 2002

share of the assessment for Project 2002-012 South 1st Street Watermain Replacement and Sanitary Sewer Replacement Projects. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2471, SECOND SERIES and that the reading of the same be waived. Resolution Number 2471, Second Series is a resolution Ordering Improvement and Preparation of Plans for South 1st Street Watermain Replacement and Sanitary Sewer Replacement Project 2002-012. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2472, SECOND SERIES and that the reading of the same be waived. Resolution Number 2472, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for South 1st Street Watermain Replacement and Sanitary Sewer Replacement Project 2002-012 not to exceed \$32,000. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2473, SECOND SERIES and that the reading of the same be waived. Resolution Number 2473, Second Series is a resolution Approving Plans and Specifications and Ordering Request for Quotes for South 1st Street Watermain Replacement and Sanitary Sewer Replacement Project 2002-012. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2474, SECOND SERIES and that the reading of the same be waived. Resolution Number 2474, Second Series is a resolution Accepting Quotes for South 1st Street Watermain Replacement and Sanitary Sewer Replacement Project 2002-012. These quotes were awarded to Thompson Excavating, Minneota, Minnesota in the amount of \$26,476.93. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2475, SECOND SERIES and that the reading of the same be waived. Resolution Number 2475, Second Series is a resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessments for South 1st Street Watermain Replacement and Sanitary Sewer Replacement Project 2002-012. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2476, SECOND SERIES and that the reading of the same be waived. Resolution Number 2476, Second Series is a resolution Adopting Assessment for South 1st Street Watermain Replacement and Sanitary Sewer Replacement Project 2002-012. These assessments shall be payable over 8 years at an interest rate of 8%. All voted in favor of the motion.

REQUEST FROM CHARTER COMMUNICATIONS FOR AN ANTENNA TOWER:

Charter Communications recently moved their operations to 1108 East College Drive including their tower that was currently at 1104 West College Drive. Per the recommendation of Building Official Dale Howe, Stores moved, Reynolds seconded, the approval of an Antenna Tower for Charter Communications at 1108 East College Drive. All voted in favor of the motion.

A 5-minute recess was called at this time.

**PROCEDURE FOR CITY PROGRAM ON SUMP PUMP INSTALLATION
DISCHARGE ELIMINATION/RELOCATION (S.P.I.D.E.R. PROGRAM):**

Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2477, SECOND SERIES and that the reading of the same be waived. Resolution Number 2477, Second Series is a resolution Establishing a Procedure for City Program on Sump Pump Installation Discharge Elimination/Relocation (S.P.I.D.E.R. Program). This resolution is for those residents that were included in a previous City variance for storm sewer discharge to the sanitary sewer. The program allows the property owner to have the cost of the installation of the sump pump system and/or the cost of the relocation of the discharge of the sump pump from the sanitary sewer system placed on their tax rolls over a period of four (4) years at 0% interest up to a maximum of \$2,000. All voted in favor of the motion.

**MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE BUILDING
LEASE:**

Doyle moved, Reynolds seconded, that the 2000-2002 Building Lease Agreement with Minnesota West be tabled until the July 15, 2002 City Council meeting. All voted in favor of the motion.

**AUTHORIZATION TO PARTICIPATE IN LEAGUE OF MINNESOTA CITIES NPDES
PHASE II PERMIT APPLICATION AND STORM WATER POLLUTION
PREVENTION PROGRAM:**

Reynolds moved, Doyle seconded, that the proper city personnel be authorized to participate in the League of Minnesota Cities NPDES Phase II Permit Application and Storm Water Pollution Prevention Program. The city is being asked to pay \$5,000 to participate in the program to develop a guide plan. This fee will be paid from the 2002 Engineering budget. This guide plan as outlined by the League Staff, include efficiency, cost savings, support from the MPCA, and consistency as it relates to the development of a guide plan than be used by all Minnesota cities that are affected by these regulations instead of each individual city having to develop their own guide plan. All voted in favor of the motion.

**KOSSUTH AVENUE BRIDGE REPLACEMENT PROJECT – SUPPLEMENTAL
AGREEMENT:**

Per the recommendation of City Attorney Brian Murphy, Doyle moved, Reynolds seconded, that the proper city personnel be authorized to enter into supplemental agreement with Midwest Contracting, Marshall, Minnesota. This agreement provides for the removal and replacement of curb and gutter, sidewalks, street lighting and miscellaneous items in the area of the downtown park, the intersection of West College Drive and East Main Street. Because the city is requesting to utilize State Aid Funds for the work within the State Right of Ways, the State recommended that this work be added to the Kossuth Avenue Bridge Replacement Project by a Supplemental Agreement with Midwest Contracting. The total cost of this additional work is \$106,678.48. All voted in favor of the motion.

TIGER LAKE STORM WATER LIFT STATION FORCE MAIN RELOCATION PROJECT – CHANGE ORDER NO. 2:

Reynolds moved, Stores seconded, the approval of Change Order No. 2 for Project 2001-013 Tiger Lake Storm Water Lift Station Force main Relocation with H & W Contracting LLC, Sioux Falls, South Dakota in the amount of \$30,823.35. This change order provides for the installation of a parking lane on the west side of South 1st Street, adjacent to the new park area, some concrete pavement removal beneath the asphalt surfacing that was not know about at the time the plans were developed, and some additional black dirt to be hauled and spread adjacent to the Fire Station. All voted in favor of the motion.

APPOINTMENT TO VARIOUS BOARDS AND COMMISSIONS:

Rowe moved, Stores seconded, that Shirley Anderson Porsch be appointed to the Senior Citizen Center Commission for a term to expire on May 31, 2005. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council members of the various boards and commissions were presented at this time:

Stores No report.

Sturrock Public Improvement/Transportation Committee minutes from June 25th are included in the agenda packet.

Boedigheimer Airport Commission will be meeting next week; and the Legislative and Ordinance Committee needs to meet.

Doyle Human Rights Commission did not have a quorum.

Rowe No report.

Reynolds Hospital Board met earlier this evening; Downtown Redevelopment Commission member Mark Goodenhow resigned.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Council members included: there was a reception for David Weiner and a ribbon cutting ceremony for Phase 4 of Weiner Memorial Medical Center remodeling project; there was a special cancellation at the Post Office for the Schwan Memorial Postage Stamp; the council will meet at 7:00 P.M. before the next regular meeting to present an update on the League meeting in Rochester; the audit report will be sent in by the end of June and an update will be presented to the council at a later time.

Mike Johnson, City Administrator, indicated that the City of Marshall has received an award at the League Conference in Rochester for the airport projects.

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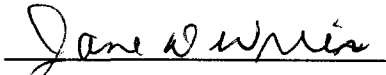
Glenn Olson, Director of Public Works/City Engineer, gave an update on the current projects in the City of Marshall.

Stores moved, Sturrock seconded, that the meeting be adjourned. All voted in favor of the motion.



President Pro Tem

ATTEST:



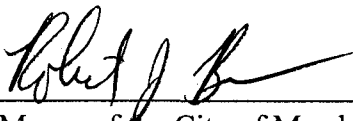
Deputy City Clerk

SPECIAL MEETING – JULY 15, 2002

A special meeting of the Common Council of the City of Marshall was held on July 15, 2002 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 7:03 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Doyle, Sturrock, Boedigheimer and Stores. Absent: Reynolds. Staff present included, Michael Johnson, City Administrator, and Thomas M. Meulebroeck, Financial Director/City Clerk.


The purpose of this special meeting was for those who attended the League of Minnesota Cities Conference in Rochester from June 18-21, 2002 to share information from the various sessions they attended.

Mayor Byrnes declared the meeting adjourned at 7:28 P.M.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JULY 15, 2002

The regular meeting of the Common Council of the City of Marshall was held on July 15, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; 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 the Proclamation for Schwan's Sales Enterprises, Inc., 50th Anniversary Celebration under item 6.

APPROVAL OF THE MINUTES:

Rowe moved, Doyle seconded, that the minutes of the regular meeting held on July 1, 2002 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.

APPROVAL OF CONSENT AGENDA - A. AUTHORIZATION TO ATTEND THE ICMA CONFERENCE; B. AUTHORIZATION FOR OUT OF STATE TRAVEL IN SEPTEMBER – DIRECTOR OF PUBLIC WORKS OLSON; C. CONSIDER APPLICATION FOR INDOOR PYROTECHNICS AT THE MARSHALL REGIONAL AIRPORT (RYAN FIELD) ON JULY 19, 2002; D. CONSIDERATION OF A TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MONGEAU-THOLEN VFW POST 742 FOR THE LYON COUNTY FAIR (AUGUST 8-11, 2002); E. CONSIDER STREET CLOSURE FOR VIKING DRIVE BLOCK PARTY ON AUGUST 7, 2002; F. REQUEST TO TRANSFER FUNDS BY THE AREA SENIOR CENTER; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

Rowe moved, Stores seconded, that the following consent items be approved:

Authorization for Mike Johnson, City Administrator, to attend the International City Management Association in Philadelphia, Pennsylvania on September 28 – October 2, 2002.

Authorization for Glenn Olson, Director of Public Works/City Engineer, to attend the International American Public Works Association Congress in Kansas City, Missouri on September 22 – 25, 2002.

An indoor fireworks/pyrotechnics special effects display permit for Schwan's Sales Enterprises Inc., on July 19, 2002 at the Schwan's Hangar at the Marshall Municipal Airport.

An application for a temporary on-sale non-intoxicating beer license for the Mongeau-Tholen VFW Post 742 for August 8 – 11, 2002 at the Lyon County Fairgrounds. The fee for this license is \$25.00

The closing of the 400 block of Viking Drive between James Avenue and Robert Street on August 7, 2002 from 6:00 P.M. to 10:00 P.M. for a block party. The Public Works will make barricades/cones available and will notify the Public Safety department.

REGULAR MEETING – JULY 15, 2002

The transfer of \$843.99 from account number 101-42071-2223 to 101-42071-5560 for the carpet replacement at the Senior Center.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34469 through 36702.

All voted in favor of the motion.

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

Applicant	Location Address	Description of Work	Valuation
1. Patricia Enger	121 East Redwood Street	Reroof Dwelling	\$10,500
2. Sussner Construction, Inc.	1501 State Street / Founders Hall	Ceiling Replacement	\$117,000
3. DuWayne Johnson-RE/MAX Town & Country	1104 East College Drive	Install Signs	\$400
4. Domino's Pizza	1001 East College Drive	Install Signs	\$2,600
5. Lesage Family Investment	202 North 11th Street	Storage Building	\$11,700
6. Lesage Family Investment	202 North 11th Street	Storage Building	\$11,700
7. Dusty & Tony Halverson	600 Kossuth Avenue	Garage	\$11,000
8. Midwest Aviation	1612 West College Drive	Parts Room Partitions	\$2,000
9. Dulas Construction, Inc.	1612 West College Drive	Install Signs	\$20,000
10. Sussner Construction, Inc.	203 West Main Street	Structural Renovations	\$165,900
11. City of Marshall	1708 West College Drive	Reside Hangar	\$16,700
12. City of Marshall	1710 West College Drive	Reside Hangar	\$16,700
13. City of Marshall	1712 West College Drive	Reside Hangar	\$12,600
14. Greg Dobrenski	202 South Whitney Street	Finish Basement	\$700
15. Gene Lecy	216 Rainbow Drive	Deck	\$4,000
16. True Value Home Center	214 Oslo Avenue	Dwelling	\$96,000
17. Charter Communications	1108 East College Drive	Tower Foundation	\$100
18. Kurt and Brenda Hovaldt	614 West Southview Drive	Replacing Windows and Siding	\$7,500
19. John DeJaeghere	308 Sunrise Lane	Replace Steps	\$300
20. Russ Lee	407 South 1st Street	Reroof Dwelling	\$1,000
21. Wallace Schlemmer	207 Robert Street	Reside Dwelling	\$2,500
22. David Hissam & Patricia Day	234 Legion Field Road	Install Door & Windows	\$1,700
23. Glen Kuehl	203 Stephen Avenue	Finish Basement & Finish Garage	\$1,800

ORDINANCE AMENDING THE SALARIES AND COMPENSATION OF THE MAYOR AND COUNCIL MEMBERS:

Rowe moved, Stores seconded, the adoption of ORDINANCE NUMBER 478, SECOND SERIES and that the reading of the same be waived. Ordinance Number 478, Second Series is an ordinance Amending the Salaries and Compensation of the Mayor and Councilpersons for the City of Marshall effective January 1, 2003. All voted in favor of the motion.

WEINER MEMORIAL MEDICAL CENTER – LONG TERM CARE FACILITY PROJECT AND RECOMMENDATION TO PURCHASE PROPERTY FOR HOME AND COMMUNITY BASED SERVICES:

Dick Slieter, Administrator & CEO Weiner Memorial Medical Center, was in attendance at the council meeting and provided an update on the proposed nursing home project. The project will convert the semi-private shared rooms to all private rooms. The 76 beds will remain because a state moratorium does not allow nursing homes to expand their number of beds. Stores moved, Sturrock seconded, the approval of an agreement between Weiner Memorial Medical Center and Group II Architects. This agreement includes costs of \$405,000 plus 7% of all construction cost that exceeds \$5,855,000. All voted in favor of the motion.

Sturrock moved, Doyle seconded, the approval of Weiner Memorial Medical Center purchasing the Cline Building on East College Drive subject to the City Attorney's review. Dick Slieter indicated that the purchase price includes improvements that need to be made. Mr. Slieter also indicated that WMMC will be buying the entire block, which includes a former gas station. The Cline building will be used for the Home and Community Based Services. James Carr questioned why the hospital did not receive bids. City Attorney indicated that WMMC board does not have to receive bids or quotes when it buys property. All voted in favor of the motion.

RESOLUTION APPROVING FINAL PLAT FOR CARR SUBDIVISION I:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat for Carr Subdivision I. It was indicated that the size of the storm water mains needs to be resolved. Mr. Olson also indicated that an assurance agreement was needed on infrastructure and installation, which must be completed within one year of the approval of the final plat. Boedigheimer moved, Stores seconded, that the approval of the Final Plat for Carr Subdivision I be tabled until the August 5, 2002 City Council meeting. All voted in favor of the motion.

SCHWAN'S 50TH CELEBRATION:

Sturrock moved, Doyle seconded, the approval of the Proclamation of the Schwan's Sales Enterprises, Inc., 50th Anniversary Celebration July 19, 2002 – July 28, 2002. All voted in favor of the motion.

Stores moved, Reynolds seconded, that the City of Marshall declare the Schwan's 50th Anniversary as a Community Festival for the period July 19-28, 2002. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the two applications that were received from the Gambler and the Wooden Nickel to utilize their intoxicating liquor license off premises. Boedigheimer moved, Stores seconded that the Gambler be authorized to utilize their intoxicating liquor license off premises in the parking lot (#17 and #18) between West College Drive and South 4th Street on July 20, 2002 and the Wooden Nickel be authorized to utilize their intoxicating liquor license off premises at SSU Mattke Field for various dates between July 19 – 28, 2002. These applications were reviewed by the Department of Public Safety. All voted in favor of the motion.

Doyle moved, Stores seconded, the approval of a temporary closure of Channel Parkway and Madrid Road, which is within the Red Baron's flight zone during the air show on Sunday, July 21, 2002. All voted in favor of the motion.

REZONE MCFARLAND FOURTH ADDITION FROM B-3 AND B-4 TO B-3:

Rowe moved, Sturrock seconded, the introduction of an ordinance amending Chapter 86 of the City Code relating to zoning. This ordinance would rezone McFarland Fourth Addition, Lots 1, 2, and 3

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from B-3, General Business District and B-4 Shopping Center Business District to B-3 General Business District. A public hearing will be held at 7:30 P.M. on August 5, 2002 in the Council Chambers. All voted in favor of the motion.

ANNEXATION OF LANDS ADJACENT TO LYON COUNTY COOP FIRST ADDITION:

Rowe moved, Doyle seconded, the introduction of an ordinance extending the city limits of the City of Marshall to include certain unincorporated property abutting the city limits of Marshall, Minnesota. This ordinance would provide for the annexation of a portion of Lyon County Co-op First Addition included in the subdivision and immediately adjacent to the current city limits. A public hearing will be held at 7:30 P.M. on September 3, 2002 in the Council Chambers. All voted in favor of the motion.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR HIGHWAY 23 LIFT STATION UPGRADE:

Rowe moved, Stores seconded, that the proper city personnel be authorized to advertise for bids for the T.H. 23 Sanitary Sewer Lift Station upgrade. Bids are to be received on July 31, 2002. All voted in favor of the motion.

TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM MCLEOD USA TO PRAIRIEWAVE:

Sturrock moved, Doyle seconded, a public hearing be held at 7:30 P.M. on August 5, 2002 in the Council Chambers to consider the transfer of the cable television from McLeod USA to PrairieWave. All voted in favor of the motion.

MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE BUILDING LEASE:

Stores moved, Doyle seconded, that the proper city personnel be authorized to enter into a Building Lease Agreement with Minnesota West Community and Technical College for the period July 1, 2002 to June 30, 2003. This lease is for \$16,000 for the area within the Municipal Building and \$6,500 for the M.E.R.I.T. Center. All voted in favor of the motion.

APPROVAL OF INTERIM FINANCING – AIRPORT IMPROVEMENT AND 2002 IMPROVEMENT PROJECTS:

Doyle moved, Sturrock seconded, the approval of interim financing for the airport improvements and 2002 improvement projects. This financing would provide for money to be loaned, as needed from the General Fund, Liquor Fund and Wastewater Fund to the Capital Projects Fund at an interest rate of 4%. This interim financing also provides for General Fund to be reimbursed interest at the rate of 4% on the \$910,828 that has been loaned since November 30, 2001. All voted in favor of the motion.

APPROVAL OF DEPOSITORY PLEDGE AGREEMENT:

Rowe moved, Doyle seconded, that the proper city personnel be authorized to enter into Depository Pledge Agreements with MinnWest Bank M V and with Wells Fargo Bank Minnesota N.A. City Attorney, Brian Murphy, has reviewed these agreements. All voted in favor of the motion, except Byrnes who abstained.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commission were presented at this time:

Byrnes EDA minutes were included in the July 1, 2002 council packet; Fire Relief Association information was distributed to the council members.

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Stores Library Board is working on the 2003 budget and marketing plan

Sturrock He attended the annual meeting of the Regional Development Commission as a representative of SSU; Utilities Commission will have a special meeting on July 24th.

Boedigheimer Airport Commission met on July 8th; Senior Citizen Center Commission will meet on Wednesday

Doyle Housing Commission will meet on Tuesday

Rowe M.E.R.I.T. Center representatives met with the Industrial Development Committee Planning Commission items were acted on earlier by the council

COUNCIL MEMBER INDIVIDUAL ITEMS:

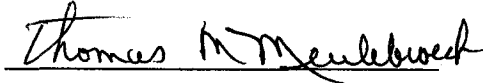
Other items brought forth by the Council members included: parking on South 4th Street for a week at a time; the new fire truck has arrived; Doug Goodmund from Community Services responded in a positive way to the letters to the editor in regard to the pool; people using the shelter at Justice Park are not cleaning up when they leave; and when will the orderly annexation agreements be completed.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – JULY 22, 2002

A special joint meeting of the Common Council of the City of Marshall and the Lyon County Commissioners was held on July 22, 2002 at the Marshall Golf Club. The meeting was called to order by Mayor Byrnes at 7:00 P.M. In addition to Byrnes the following members were present: Rowe, Stores, Reynolds, Doyle and Boedigheimer. Absent: Sturrock. Staff present included: Michael Johnson, City Administrator; Calvin Barnett, Director of General Services/City Assessor; Glenn Olson, Director of Pubic Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; and Brian Murphy, City Attorney. County Commissioners present were: Bob Fenske, Phil Nelson, Jerry Gladis, Mark Goodenow, and Clarence Buysse. County Staff included: Greg Lewis, County Administrator; Don Stokke, Sheriff; Anita Benson, County Engineer; Dean Champine, Assessor; Brad Marks, Jail Administrator; Chris Winters, GIS Coordinator; and Rich Anderson, Parks Manager.

The purpose of this meeting was for the City of Marshall and Lyon County to update each other on projects and issues that involve both entities.

AIRPORT IMPROVEMENTS/FUTURE IMPROVEMENTS (CITY):

- Regional Airport
- Future County Assistance
- Financing
- Planning
- Joint Airport

RECREATION FACILITIES/PROJECTS (CITY):

- YMCA – Complete in 12 months

- Multi use
 - Aquatic
 - Physical Fitness

Joint Soccer Project at SSU

- Irrigation
 - Phase I – 2 fields and irrigation

Trails

- Trail maintenance
 - Wayside Park to SSU
 - Trails in County Comprehensive Plan
 - Joint meeting between City/County on trails

FAIRGROUND ACTIVITIES (COUNTY):

- Public Works building / HHHW
- Infield area parking
- BMX Bike racing
- 2003 – 100 year of Fair

TECHNOLOGY UPDATES (JOINT)

- Service systems – 2 year wait
- Connectivity – T-1 to P.W., wireless, operating systems
- IP Telephone System – PW building
- GIS System – Since August 2001; Web Site
- Aerial Photo with GIS
- Property valuation system for assessing

LYON COUNTY COMPREHENSIVE PLAN (COUNTY):

Transportation Planning (County)

- Hwy 23 – Green Valley to Camden
- Frontage roads

Annexation/Zoning/Joint Planning (Joint)

- South of City
- Annexation – South/East within ½ mile
- Cooperation/tax issues/roadway designs

Housing (Study/EDA Projects) (City)

- Phase I done
- Phase II in construction
- Housing needs – affordability, short supply
- Defending property value tax appeals

Jail Expansion (County)

- Fulltime jail administrator
- Studied issue extensively
- State pushing issue
- Class 3 facility – no juveniles
- Use to generate income – now incur costs to transfer prisoners
- Reviewing sites – obtain options in and around city
- Politics – financing

M.E.R.I.T. CENTER (CITY):

- MMUA – electric training facility (20 annual events)
- Finish construction last year
- Bids due August 1 – Classroom
- Confined spaces training venue
- Water pond – boating/rescue
- Fire tower
- MNWEST
- Chemical Assessment Team (C.A.T.)

MAJOR CONSTRUCTION PROJECTS (JOINT):

Roads/Bridges

- County Road 33
- North 7th Street Bridge
- Kossuth Street Bridge
- County Road 67 – South Saratoga
(Not state aid – rural/urban)
- # 5 North of Lynd to Hwy 19

Channel Parkway

Other

Comp plan – frontage roads, Saratoga/Hwy 23, interchange and County Road 7

ANIMAL IMPOUND FACILITY (CITY):

Took over March 15th

Operated with current staff – hiring new

Open to other communities – contract basis, maintain capacity, proximity to residential area

OPPORTUNITIES FOR AREAS OF COOPERATION? (JOINT):

Campground facility

Recreation

Assessing

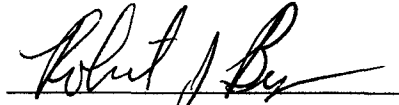
Law Enforcement

OTHER:

Thanked Don Stokke, Sheriff for his years of service to the City/County.

Bob Byrnes suggested future items for discussion may include: Library building; public works facilities.

It was the general consensus that the meeting be adjourned at 8:45 P.M.



Mayor of the City of Marshall

ATTEST:



City Administrator

SPECIAL MEETING – JULY 29, 2002

A special meeting of the Common Council of the City of Marshall was held on July 29, 2002 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 5:34 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present included: Michael Johnson, City Administrator; Richard McDonald, Director of Marshall Lyon County Library; Bob VanMoer, Superintendent of Wastewater Treatment Facility; Jim VanHyfte, Manager Marshall Liquor Store; and Thomas M. Meulebroeck, Finance Director/City Clerk. Also in attendance was Tom Koop, Auditor from Larson Allen Weishar.

The purpose of this special meeting was for Tom Koop, Auditor from Larson Allen Weishar to present to the City Council the 2001 City of Marshall Financial Report. In Mr. Kopp's presentation he reviewed the required auditor communication to the Council under Audit Standard No. 61; and provided graphic analysis for General Fund, Wastewater Treatment Facility Fund and Municipal Liquor Fund. Mr. Koop also, addressed the accounting of the City's General Fund Assets, the financing of the County's Public Works Building; and the Parkway Town home Project.

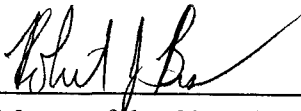
Mayor Byrnes excused himself from the meeting at 6:15 P.M. and President Pro-Tem Rowe was then in charge of the meeting.

It was suggested that various funds that no longer have activity in them be closed.


Boedigheimer moved, Sturrock seconded, to accept the 2001 Audited City of Marshall Financial Report subject to some minor changes. All voted in favor of the motion.

The City of Marshall is required to comply with GASB #34 for the 2003 audit report.

Upon motion by Stores, seconded by Sturrock, the meeting was adjourned at 6:30 P.M. All voted in favor of the motion.

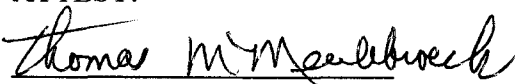


Mayor of the City of Marshall



President Pro-Tem

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – AUGUST 5, 2002

The regular meeting of the Common Council of the City of Marshall was held on August 5, 2002 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: Doyle, Rowe, Sturrock, Reynolds, and Boedigheimer. Absent: Stores. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Rob Yant, Director of Public Safety; Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Engineer Technician; 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, that the minutes of the regular meeting held on July 15, 2002 and the special meeting held on July 22, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA: A. APPROVAL OF OUT-OF-STATE TRAVEL FOR LERN ANNUAL CONVENTION; B. APPROVAL OF STREET CLOSURE FOR PURSUIT OF EXCELLENCE ON SEPTEMBER 21, 2002; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

Reynolds moved, Rowe seconded, that the following consent items be approved:

Authorization for Harry Weilage, Director of Community Services, to attend the 2002 LERN Annual Convention on Lifelong Learning scheduled for December 5-7, 2002 in Orlando, Florida.

That Main Street be closed from 6th Street to First Street and First Street be closed from Main Street to Marvin Schwan Memorial Drive on Saturday, September 21, 2002 from 10:30 A.M. to 12:00 noon for the "Pursuit of Excellence" Southwest Minnesota Marching Festival.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34501 through 34764.

All voted in favor of the motion.

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

Applicant	Location Address	Description of Work	Valuation
1. Second Connection	1109 West Main Street	Install Sign	\$200
2. Steve Tutt	102 Circle Drive	Reroof Dwelling	\$2,400
3. William Tyson	909 East Fairview Street	Finish Basement & Basement Bedroom	\$2,500

REGULAR MEETING – AUGUST 5, 2002

4.	Joe & Sharon Buysse	1400 Pinehurst Road	Reside Dwelling	\$8,000
5.	Jeff & Lisa Hoover	110 Kathryn Avenue	Reside Dwelling	\$5,300
6.	DSD Enterprises, Inc.	1416 East College Drive	Addition and Remodel	\$20,000
7.	Geske Home Improvement Co.	405 Donita Avenue	Repair Roof	\$400
8.	Southwest State University	1501 State Street / IL Building	Remodel Partitions	\$4,000
9.	Patrick Nutter & Gretchen Peterson	103 Circle Drive	Basement Remodel	\$2,000
10.	Ace Signs	900 East Main Street	Install Sign	\$3,000
11.	Geihl Construction, Inc.	1307 East College Drive	Exterior & Interior Remodel	\$220,000
12.	Ricky J. Gagnon	706 South Bend Avenue	Garage	\$7,500
13.	Lois Novosad	710 North 6th Street	Replace Steps	\$1,000
14.	Independent Lumber of Marshall, Inc.	203 East Thomas Avenue	Dwelling	\$193,500
15.	Space Development Co.	401 South Highway 23	Garage	\$4,000
16.	Hisken Construction, Inc.	1210 East College Drive	Repair Roof	\$4,200
17.	Geske Home Improvement Co.	510 North High Street	Reside Dwelling	\$8,500
18.	Ronald & Julie Enga	610 Kendall Street	Replace Doors	\$400
19.	Bakke's Home Repair & Construction	305 North Elm Street	Install Doors	\$1,800
20.	Karen Hearnen	108 South High Street	Remodel	\$15,000
21.	N. LeRoy & Betty Bengtson	808 Westmar Circle	Reside Dwelling	\$7,300
22.	Dulas Construction, Inc.	608 South Saratoga Street	Dwelling	\$90,000
23.	Babcock Construction	508 West Lyon Street	Reside Dwelling & Install Doors	\$7,600
24.	Group II Architects	1511 Carlson Street	Retail Store	\$331,100
25.	True Value Home Center	813 DeSchepper Street	Dwelling	\$225,000
26.	Bakke's Home Repair & Construction	112 Ranch Avenue	Install Window	\$1,000
27.	Four Seasons Companies, Inc.	300 East College Drive	Exterior Remodeling	\$11,000
28.	Bakke's Home Repair & Construction	706 North 4th Street	Install Guardrail & Handrail	\$2,000
29.	David & Rebecca Johnson	603 Lawrence Street	Four-Season Porch	\$10,500
30.	Tutt Construction	107 "G" Street	Reroof	\$2,600
31.	DI Construction	302 Hudson Avenue	Reroof	\$2,500
32.	Karl Campbell Construction	603 Charles Avenue	Reroof Dwelling	\$3,400
33.	Larry Hyatt	620 West Main Street	Reroof Dwelling	\$2,100
34.	Gregory S. Taylor	122 East Main Street	Reroof	\$800

REGULAR MEETING – AUGUST 5, 2002

PUBLIC HEARING – PROJECT 2002-004 SOUTH “A” STREET & SARATOGA STREET WATERMAIN REPLACEMENT:

This was the date and time set for a public hearing on Project 2002-004 South “A” Street & Saratoga Street Watermain Replacement. Glenn Olson, Director of Public Works/City Engineer, reviewed this project with the council and those in attendance at the meeting. Morey Chaplin, Marshall Municipal Utilities, indicated that the watermain in this area was installed in the late 1800’s and that the watermain on Saratoga has pits and other problems. MMU wants to connect with a 10-inch watermain on Main Street to loop around the YMCA. The primary reason for looping is for fire protection. Mr. Chaplin indicated that it was more cost effective to do this project during the YMCA construction. MMU will be paying for over 33% of the project, the city will pay 14%, YMCA 32% and the residents about 22%. There were several objections to this project from the residents. Jeff Peterson, Attorney for Bob Archbold, indicated that they were opposing the project. They felt that their property value would not increase by the amount that would be assessed. Mr. Archbold did not feel that sidewalk would benefit his business. Mr. Brewers, 105 and 107 South “A” Street, felt the assessment was too high. Mr. Brewers has two parcels of property with one house; therefore he will be assessed for only 1 service. Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2478, SECOND SERIES and that the reading of the same be waived. Resolution Number 2478, Second Series is a resolution Adopting the Assessment for Project 2002-004 South “A” Street & Saratoga Street Watermain Replacement. All voted in favor of the motion.

Bids were received, opened and read on June 19, 2002 for Project 2002-004 South “A” Street & Saratoga Street Watermain Replacement. Bids received, opened and read were as follows:

Bartz Excavating, Inc.,
Marshall, Minnesota
\$178,799.00

MidStates Utilities, Inc.,
Slayton, Minnesota
\$195,214.60

Gaub Inc.
Olivia, Minnesota
\$200,243.00

H & W Contracting, LLC
Sioux Falls, South Dakota
\$200,611.35

Boedigheimer moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2479, SECOND SERIES and that the reading of the same be waived. Resolution Number 2479, Second Series is a resolution Accepting Bid for Project 2002-004 South “A” Street & Saratoga Street Watermain Replacement. This bid was awarded to Bartz Excavating, Marshall, Minnesota in the amount of \$178,799.00. All voted in favor of the motion.

PUBLIC HEARING - REQUEST OF D. C. MCFARLAND, JR., TO REZONE MCFARLAND FOURTH ADDITION:

This was the date and time set for a public hearing to rezone McFarland Fourth Addition from a B-3, General Business District, and a B-4, Shopping Center Business District, to a B-3, General

REGULAR MEETING – AUGUST 5, 2002

Business District. There were not objections, therefore Rowe moved, Doyle seconded, that the public hearing be closed. All voted in favor of the motion.

Rowe moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 479, SECOND SERIES and that the reading of the same be waived. Ordinance Number 479, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for McFarland Fourth Addition, Lots 1, 2 and 3 to be removed from B-3, General Business District, and B-4, Shopping Center Business District, and placed in the B-3, General Business District. All voted in favor of the motion.

PUBLIC HEARING – TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM MCLEOD USA TO PRAIRIE WAVE:

Per the request of Mike Johnson, City Administrator, Boedigheimer moved, Sturrock seconded, that the public hearing on the transfer of the Cable Television Franchise from McLeod USA to PrairieWave be continued to August 19, 2002 at 7:30 P.M. All voted in favor of the motion.

PRESENTATION OF RECOGNITION PLAQUE TO OFFICER LARRY HANSON:

Rob Yant, Director of Public Safety, presented a Recognition Plaque to Officer Larry Hanson in Recognition of Service of K-9 Officer Chance who died last month of cancer. Officer Hanson trained and was the handler for the Marshall Police Department's first canine, "Chance". Chance served the department from March, 1992 until he was retired in March, 2000.

A 5-minute recess was taken at this time.

At this time David Danahar, SSU President, took this opportunity to thank the City of Marshall for all of their hard work during the Schwan's Anniversary Celebration. Mr. Danahar appreciated the cooperation between the City of Marshall, Schwan's and SSU during the celebration.

AUTHORIZATION TO ADVERTISE FOR POLICE SQUAD CAR BIDS:

Doyle moved, Reynolds seconded, that the proper city personnel be authorized to advertise for bids for the purchase of a new front-wheel drive police squad unit. The bid will include the trade-in or sale of the Chevrolet Tahoe. All voted in favor of the motion.

AUTHORIZATION TO RETAIN EVERST ENTERPRISES, INC., FOR THE CITY'S TECHNOLOGY INFRASTRUCTURE DESIGN:

Dale Petelinsek, from Everest Enterprises, Inc., reviewed with the council the proposal to develop a comprehensive technology infrastructure design plan for the City operations. The proposal identifies the technical services to be provided for the development of the Technology Infrastructure Design Plan (TIDP) at a cost not to exceed \$10,000. Reynolds moved, Sturrock seconded, the proper city personnel be authorized to enter into an agreement with Everest Enterprises, Inc., for the development of the Technology Infrastructure Design Plan (TIDP) at a cost not to exceed \$10,000. All voted in favor of the motion.

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2001-2002 LAW ENFORCEMENT LABOR SERVICES, INC., POLICE SUPERVISORS AGREEMENT:

Per the recommendation of the Personnel Committee, Reynolds moved, Doyle seconded, that the proper city personnel be authorized to enter into the 2001-2002 Law Enforcement Labor Services, Inc., Police Supervisors Agreement. All voted in favor of the motion.

VACATION OF UTILITY EASEMENT CARR SUBDIVISION I:

Rowe moved, Doyle seconded, the introduction of an ordinance and call for a public hearing to vacate a utility easement in the City of Marshall. This easement is located in the proposed Carr Subdivision I. The public hearing will be held at 7:30 P.M. on August 19, 2002. All voted in favor of the motion.

CONSIDER EXTENSION OF EFFECTIVE PERIOD OF PRELIMINARY PLAT FOR CARR SUBDIVISION I:

Because of extenuating circumstances surrounding the storm sewer review of Carr Subdivision I, Robert Carr and James Carr are requesting an extension of the effective period of preliminary plat approval until October 7, 2002 for Carr Subdivision I. This extension will allow time for the redesign of the proposed storm sewer system and the potential for the revision of roads, road grades and sanitary sewer elevations. Doyle moved, Reynolds seconded, the approval of the extension of the effective period of preliminary plat approval for Carr Subdivision I to October 7, 2002. All voted in favor of the motion.

WALNUT STREET SANITARY SEWER & WATERMAIN REPLACEMENT PROJECT ASSESSMENT PROCEDURES:

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2480, SECOND SERIES and that the reading of the same be waived. Resolution Number 2480, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement on Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013. This resolution was adopted contingent upon receipt of signed petitions from the affected property owners. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2481, SECOND SERIES and that the reading of the same be waived. Resolution Number 2481, Second Series is a resolution Receiving Report for Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013. All voted in favor of the motion.

Rowe moved, Stores seconded, the approval of an Assessment and Waiver of Irregularity and Appeal with Oscar & Evelyn Serreyn, Lois Henkel, Bertha Blomme, Patricia Schmidt, Randy & Darcy Seiler for their share of the assessment for Project 2002-012 Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2482, SECOND SERIES and that the reading of the same be waived. Resolution Number 2482, Second Series is a

REGULAR MEETING – AUGUST 5, 2002

resolution Ordering Improvement and Preparation of Plans for Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2483, SECOND SERIES and that the reading of the same be waived. Resolution Number 2483, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013 not to exceed \$35,000. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2484, SECOND SERIES and that the reading of the same be waived. Resolution Number 2484 Second Series is a resolution Approving Plans and Specifications and Ordering Request for Quotes for Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2485, SECOND SERIES and that the reading of the same be waived. Resolution Number 2485, Second Series is a resolution Accepting Quotes for Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013. These quotes were awarded to Bartz Excavating in the amount of \$13,920.00 for Watermain Replacement and \$14,383.00 for Sanitary Sewer Replacement. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2486, SECOND SERIES and that the reading of the same be waived. Resolution Number 2486, Second Series is a resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessments for Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013. All voted in favor of the motion.

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2487, SECOND SERIES and that the reading of the same be waived. Resolution Number 2487, Second Series is a resolution Adopting Assessment for Walnut Street Sanitary Sewer & Watermain Replacement Project 2002-013. All voted in favor of the motion.

Rowe moved, Doyle seconded, that Resolution Number 2486, Second Series and Resolution Number 2487, Second Series should include the interest rate of 8%. All voted in favor of the motion.

AWARDING BIDS ON MERIT CENTER CLASSROOMS:

Bids were received, opened and read on at 4:00 P.M. on August 1, 2002 in the Council Chambers for classroom remodeling at the M.E.R.I.T. Center. Bids received, opened and read were from:

<u>General Construction</u>	<u>Base Bid</u>	<u>Alt. No. G-1</u>	<u>Total</u>
Bladholm Const., Inc., Marshall, MN	\$15,990.00	\$6,415.00	\$22,405.00
Sussner Construction, Inc., Marshall, MN	\$16,740.00	\$6,770.00	\$23,510.00
Doom & Cuyper Inc., Marshall, MN	\$18,480.00	\$6,205.00	\$24,685.00

REGULAR MEETING – AUGUST 5, 2002

KHC Construction, Marshall, MN	\$21,217.00	\$6,540.00	\$27,757.00
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<u>Mechanical</u>	<u>Base Bid</u>	<u>Alt. No. M-1</u>	<u>Total</u>
Tri-State Mechanical, Inc., Marshall, MN	\$ 9,750.00	\$1,350.00	\$11,100.00
Chappell Central, Inc., Willmar, MN	\$12,400.00	\$2,500.00	\$14,900.00
Bisbee Plumbing & Heating, Marshall, MN	\$14,474.00	\$2,762.00	\$17,236.00

<u>Electrical</u>	<u>Base Bid</u>	<u>Alt. No. E-1</u>	<u>Alt. No. E-2</u>	<u>Total</u>
Meier Electric, Marshall, MN	\$4,670.00	\$ 810.00	\$1,850.00	\$ 7,330.00
Mears Electric, Marshall, MN	\$6,600.00	\$1,200.00	\$2,200.00	\$10,000.00
Monte's Electric, Marshall, MN	\$7,865.00	\$ 825.00	\$1,925.00	\$10,615.00

Rowe moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2488, SECOND SERIES and that the reading of the same be waived. Resolution Number 2488, Second Series is a resolution Awarding Contract for Classroom Remodeling at the M.E.R.I.T. Center. The bids were awarded as follows: General Construction to Bladholm Construction, Marshall, Minnesota in the amount of \$22,405.00; Mechanical to Tri-State Mechanical, Inc., Marshall, Minnesota in the amount of \$11,100.00; and Electrical to Meier Electric, Marshall, Minnesota in the amount of \$7,330.00. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time.

Byrnes No report

Sturrock Utilities Commission met on July 24th and 30th – will be holding a water rate hearing; Joint Public Improvement/Transportation Committee – Transit Committee met on July 30th and discussed a facility for the transit operations.

Boedigheimer Airport Commission will meet next Monday; Lyon County Enterprise Development met last week, but was not at meeting

Doyle Housing Commission minutes are in the agenda packet.

Rowe No report

Reynolds Council Personnel Committee minutes are in the agenda packet; Downtown Redevelopment projects are being completed.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Council Members included: there was a Coalition of Greater Minnesota Cities meeting in Worthington last week; representatives from the utilities and city need to

REGULAR MEETING – AUGUST 5, 2002

discuss the payment in lieu of taxes; the Schwan's 50th Anniversary Celebration brought over 100,000 people to the community; the city staff was thanked for all of their work during the Schwan's 50th Anniversary Celebration; there was a question on the status of the sanitary sewer project in the area of the hospital; a recommendation needs to be made on the storm water utility.

**AUTHORIZATION TO GO INTO A CLOSED SESSION TO ADDRESS MATTERS
PERTAINING TO LITIGATION IN ACCORDANCE WITH MN STATUTE 13D.05 SUBD.**


3.(b):

Doyle moved, Reynolds seconded, that the city council go into a closed session at 9:30 P.M. All voted in favor of the motion.

At 10:04 P.M. the City Council reconvened their regular meeting.

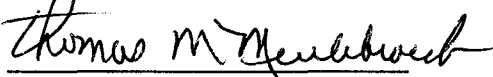
Mike Johnson, City Administrator, displayed the picture that was presented to the City of Marshall from Schwan's. This picture will be displayed at the Arrival Departure Building at the Marshall Municipal Airport.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – AUGUST 19, 2002

The regular meeting of the Common Council of the City of Marshall was held on August 19, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, 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.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Reynolds moved, Rowe seconded, that the minutes of the special meeting held on July 29, 2002 and the regular meeting held on August 5, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA: A. BILLS/PROJECT PAYMENTS; B. BUILDING PERMITS:

Rowe moved, Stores seconded, that the following consent items be approved:

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34765 through 34982.

All voted in favor of the motion.

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

Applicant	Location Address	Description of Work	Valuation
1. Craig Dale	506 North High Street	Install Window	\$200
2. Tutt Construction	600 West Marshall Street	Garage Addition	\$6,000
3. Babcock Construction	1107 East Fairview Street	Reside Dwelling, Install Doors, Replace Windows, Deck Addition	\$9,700
4. William F. Ziegenhagen	705 West Main Street	Addition to Retail Store	\$50,000
5. Realco Incorporated	240 West Main Street	Reroof	\$19,300
6. Tutt Construction	503 Jewett Street	Reroof	\$9,000
7. Alan & Kelli Thielges	502 East Southview Drive	Addition	\$17,000
8. Marshall Residential Properties, LLC	421 North 7th Street	Exterior Remodeling	\$3,800
9. Robert & Nancy Blomme	312 Walnut Street	Addition	\$20,000

REGULAR MEETING – AUGUST 19, 2002

10.	B&G Properties	1104 East College Drive	Interior Remodeling/SW Rental Area	\$30,000
11.	Kevin Schultz	1215 Prospect Road	Finish Bedroom	\$700
12.	William Krakowski	603 Kendall Street	Remodel Porch	\$2,000
13.	Dealyn Rose	601 & 603 Williams Street	Replace Steps	\$300
14.	Sarah Archbold	409 North 4th Street	Reside Dwelling & Construct Deck	\$3,000
15.	Dulas Construction, Inc.	700 West Erie Road	Warehouse Addition	\$46,000
16.	Geske Home Improvement Co.	207 Donita Avenue	Reside Dwelling	\$7,500
17.	Jennifer Serreyn	220 Oslo Avenue	Deck	\$1,300
18.	Sarah Nemeth	409 Genesis Avenue	Finish Basement	\$10,000
19.	Rod & Michelle Salzwedel	106 South Minnesota Street	Garage	\$10,000
20.	Alden Construction Co.	1420 East College Drive	Remodel Space 100	\$23,000
21.	Mike Buysse Construction	204 North "A" Street	Garage	\$8,500
22.	David & Mary Gislason	102 South Minnesota Street	Garage	\$11,000
23.	G&P Construction, Inc.	410 Genesis Avenue	Dwelling	\$94,000
24.	Betty J. Smith	707 South 2nd Street	Addition	\$23,000
25.	Broadmoor Valley	353 Timberlane Drive	Manufactured Home Installation	

PUBLIC HEARING – VACATION OF UTILITY EASEMENT CARR SUBDIVISION I:

This was the date and time set for a public hearing on the vacation of a utility easement in the proposed Carr Subdivision I. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council and those in attendance at the meeting. There were no objections, therefore Rowe moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 480, SECOND SERIES and that the reading of the same be waived. Ordinance Number 480, Second Series is an ordinance Vacating a Utility Easement in the City of Marshall. This utility easement is located in the proposed Carr Subdivision I. All voted in favor of the motion.

PUBLIC HEARING – PROPOSED TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM MCLEOD USA TO PRAIRIEWAVE COMMUNICATIONS:

This was the date and time set for the continuation of a public hearing on the proposed transfer of the Cable Television Franchise from McLeodUSA Telecom Development, Inc., to PrairieWave Communications, Inc. Mike Johnson, City Administrator, introduced Brian Grogan of Moss and Barnett. Upon reviewing Section 1. Executive Summary of the report dated August 8, 2002, Moss and Barnett believes PrairieWave possesses the necessary legal, technical and financial qualifications based on the Standards of Review identified in applicable local, state and federal laws subject to the conditions

REGULAR MEETING – AUGUST 19, 2002

referenced in Section 7 of the report with respect to PrairieWave's financial qualifications. Mr. Pat Mastel, Attorney for McLeod USA and Kelly Kuyper, Customer Service for McLeod USA, were both in attendance at the meeting. Reynolds moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2489, SECOND SERIES and that the reading of the same be waived. Resolution Number 2489, Second Series is a resolution Approving the Change of Control of McLeodUSA Telecom Development, Inc., to PrairieWave Communications, Inc., with the condition in 3b being changed from 30 days to 60 days for PrairieWave to provide written notification to the City regarding the completion of the transaction. All voted in favor of the motion.

REQUEST FOR CONDITIONAL USE PERMIT – DAY CARE FACILITY AT 1420 EAST COLLEGE DRIVE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the conditional use request for a day care facility at 1420 East College Drive. Mr. Olson indicated that the Planning Commission approved this conditional use permit with 5 conditions. Council member Boedigheimer was concerned with operating a day care facility in the life skills center because they would be taking square footage away from the life skills center and the day care facility would not be limited in size. Per the recommendation of the Planning Commission, Stores moved, Boedigheimer seconded, the approval of a conditional use permit for Brian Pellowski, Marshall Square Shopping Center, Ltd to operate a day care facility in a B-4 Shopping Center District at 1420 East College Drive with the following conditions:

1. The use be limited to serving 15 individuals.
2. The use be licensed by the State.
3. The permit be restricted to the existing Market Street Mall building, Space No. 100.
4. The Market Street Mall building and its property are prohibited from operating businesses which sell alcoholic beverages, tobacco products, tattoos, adult videos, adult books or adult products.
5. The use is limited to the Life Skill Center participants or faculty only and if the Life Skills Center terminates its lease, the day care permit will expire.

All voted in favor of the motion, except Rowe who voted no.

REQUEST FOR CONDITIONAL USE PERMIT – ADVERTISING SIGN AT 501 SOUTH HIGHWAY 23:

Per the recommendation of the Planning Commission, Rowe moved, Reynolds seconded, the approval of a conditional use permit to construct an advertising sign in a B-3 General Business District at 501 South Highway 23, the property between Marshall Spas and Pools and the mobile home park. with the following conditions:

1. The sign be limited to 300 S.F. including the structure
2. The maintenance of the sign is the responsibility of the owner and future owners of Wilke-Miller-Buesing Addition, Block 2, Lot 2
3. The sign be set off of the 50' utility easement.

All voted in favor of the motion.

REGULAR MEETING – AUGUST 19, 2002

REQUEST TO REZONE 1107 & 1109 CANOGA PARK DRIVE:

Rowe moved, Sturrock seconded, the introduction of an ordinance to rezone 1107 & 1109 Canoga Park Drive from R-1 One Family Residence District to B-3 General Business District and call for a public hearing to be held at 7:30 P.M. on September 3, 2002. All voted in favor of the motion.

NORTH AMBULANCE SIX-MONTH FINANCIAL REVIEW:

Brennan McAlpin, Manager North Ambulance was in attendance at the meeting to review the financial performance for the first six months of 2002.

CONSIDER AMENDED LIQUOR LICENSE APPLICATION FOR PAPPY'S:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed with the council the request from Pappy's for an amended liquor license to allow them to sell liquor outside their premises in an enclosed area for a street dance that is being sponsored by SSU on September 6th and 7th. They have received permission from Abra Auto Body & Glass to use their parking lot and they have provided a certificate of insurance for an outdoor dance in the parking lot adjacent to their premise. The City Attorney Brian Murphy also reviewed this request. Pappy's is required to apply for an amended liquor license, since the original liquor license application did not include the parking lot. It was indicated that there would be additional security and they would be using wristbands to designate those that were of legal drinking age. Boedigheimer moved, Reynolds seconded, the approval of an amended liquor license for Pappy's to allow them to sell liquor outside their premise in an enclosed area for a street dance that is being sponsored by SSU on September 6th and 7th. All voted in favor of the motion.

AMENDING SECTION 38.32 OF THE CODE OF ORDINANCES REGARDING LETTER OF MAP REVISION (LOMR) DATED AUGUST 30, 2002 TO FLOOD INSURANCE RATE MAP (FIRM) DATED DECEMBER 21, 1979:

Glenn Olson, Director of Public Works/City Engineer, reviewed the new 100-year flood plan map for the City of Marshall. Mr. Olson indicated that if the 2002 map is adopted by the city, property owners who are removed from the 100-year flood plan would no longer be required by insurance agencies to have flood insurance. The new map also opens more land to development within the city. Rowe moved, Stores seconded, the introduction of an ordinance to amend section 38.32 of the Code of Ordinances regarding the 100-year flood plan and called for a public hearing to be held at 7:30 P.M. on September 16, 2002. All voted in favor of the motion.

A 5-minute recess was called at this time.

PROJECT 2000-010 EFFLUENT FILTER AND SLUDGE STORAGE PROJECT AT WWTF – CHANGE ORDER NO. 2 (FINAL):

Rowe moved, Stores seconded, the approval of Change Order No. 2 with PKG Contracting Inc., for the Effluent Filter and Sludge Storage Project 2000-010 at the Wastewater Treatment Facility. This change order is for a deduct in the amount of \$50,444.43 which includes additions and subtractions for various items including an adjustment to the contract due to increased expenses due to project time extension past the required completion date. All voted in favor of the motion.

REGULAR MEETING – AUGUST 19, 2002

REQUEST FOR PRIVATE USE OF PUBLIC STREET AND SIDEWALK FROM THRIFTY WHITE FOR SIDEWALK SALE AT 321 WEST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Thrifty White for a sidewalk sale at 321 West Main Street. Mr. Olson was recommending that the request include up to three adjacent parking stalls on West Main Street. Mr. Olson said that when a request is made to MN/DOT for street closing that they pass the responsibility for liability to the city. There was considerable discussion on whether or not to pass this liability on the agency requesting the street closing. Rowe moved, Stores seconded, the request for private use of the sidewalk and up to three adjacent parking stalls on West Main for the purpose of a sidewalk sale for 3 to 4 days sometime between August 19 and September 2, 2002, with the condition that a clear area for pedestrian traffic is maintained through the sidewalk/parking area be approved for Thrifty White at 321 West Main Street. The motion also included that the issue on insurance and liability be referred to the Insurance Advisory Committee. All voted in favor of the motion.

JOINT RESOLUTION FOR SOUTHWEST AREA RECREATION PROJECT:

Rowe moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2490, SECOND SERIES and that the reading of the same be waived. Resolution Number 2490, Second Series is a Joint Resolution of Lyon County, City of Marshall, Independent School District #413 and Southwest State University for Southwest Area Recreation Project. The need for this resolution is due to the August 20th Minnesota Amateur Sports Commission deadline. This resolution should meet their needs to encumber the grant funds. All voted in favor of the motion.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:

Byrnes moved, Rowe seconded, that Ajeet Yadav be appointed to the Human Rights Commission for a term to expire on May 31, 2003. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

- | | |
|--------------|--|
| Byrnes | <u>EDA</u> met last week and the bids were awarded for 5 more houses in Parkway Addition. |
| Stores | <u>Library Board</u> met. |
| Sturrock | <u>Cable Commission</u> met last week they are working on questions for discussion of the franchise renewal; <u>Utilities Commission</u> has not met; <u>Public Improvement/Transportation Committee</u> needs to meet. |
| Boedigheimer | <u>Airport Commission</u> met last week but Boedigheimer was out of town; <u>Senior Citizen Center Commission</u> , <u>Lyon County Enterprise Development</u> , <u>Ways and Means Committee</u> and <u>Legislative and Ordinance Committee</u> have not met. |
| Rowe | <u>Community Services Advisory Board</u> met the 1 st week of August and discussed the Aquatic Center. |

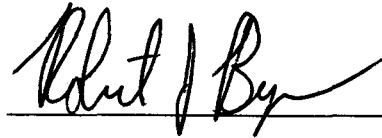
REGULAR MEETING – AUGUST 19, 2002

Reynolds Hospital Board met earlier this evening and discussed their budget for the fiscal year.

COUNCIL MEMBER INDIVIDUAL ITEMS:

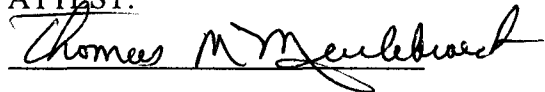
Other items brought forth by the Council Members included: Ted Rowe and Glenn Olson attended a meeting on the final revision to the County Comp Plan; it has been requested that the rumble strips by the college be moved and Sturrock want to know what the status of this is; and a request was made for prior and current costs on orderly annexation; and an update on projects.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – SEPTEMBER 3, 2002

The regular meeting of the Common Council of the City of Marshall was held on September 3, 2002 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, Sturrock, Reynolds and Stores. Absent: Boedigheimer. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; 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, Stores seconded, that the minutes of the regular meeting held on August 19, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA: A: BILLS/PROJECT PAYMENTS; B. BUILDING PERMITS:

Reynolds moved, Doyle seconded, that the following consent items be approved:

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 34982 through 35170.

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

	Applicant	Location Address	Description of Work	Valuation
1.	DI Construction	612 West Main Street	Siding and Windows	\$12,000
2.	G&P Construction, Inc.	412 Genesis Avenue	Dwelling	\$99,900
3.	Todd & Rose Draper	705 South 2nd Street	Reroof & Reside Dwelling	\$13,300
4.	Jeffrey L. Gay	411 North High Street	Reroof Dwelling	\$5,100
5.	Terri Knott	225 Rainbow Drive	Deck	\$1,200
6.	Sussner Construction, Inc.	115 West College Drive	Interior Remodel	\$35,000
7.	Everstrong Construction	227 Oslo Avenue	Dwelling	\$121,000
8.	Michael DeVos	108 Ranch Avenue	Reroof Dwelling	\$800
9.	Geske Home Improvement Co.	715 Marguerite Avenue	Reside Dwelling	\$4,700
10.	Robert & Karen Egly	801 South 4th Street	Install Window	\$100
11.	Lozinski Construction	406 Walnut Street	Reroof Dwelling	\$3,200
12.	Lozinski Construction	500 Village Drive	Partial Reroof	\$9,000
13.	William Weber	206 East Saratoga Street	Deck	\$500
14.	Barb Berkenpas	617 Elaine Avenue	Reside Dwelling	\$1,400
15.	Davis Typewriter	300 East College Drive	Temporary Transportable Sign	\$0
16.	Peterson Construction	708 South 1st Street	Install Window	\$900
17.	Herzog Roofing, Inc.	1502 State Street	Reroof Child Care	\$80,000

REGULAR MEETING – SEPTEMBER 3, 2002

			Center	
18.	Tim & Donna Swenson / Action Sports	301 South Highway 23	Awning	\$5,000
19.	Gary Kelly	707 DeSchepper Street	Bathroom Remodeling	\$400
20.	Jerry Parker	101 South Whitney Street	Remodel Roof	\$10,000
21.	Kristin Neet-Holien	412 North 6th Street	Deck	\$1,000

PUBLIC HEARING – REQUEST OF GREGORY S. TAYLOR TO REZONE 1107 & 1109 CANOGA PARK DRIVE FROM R-1 TO B-3:

This was the date and time set for a public hearing to consider the rezoning of 1107 & 1109 Canoga Park Drive from R-1 One Family Residence District to a B-3 General Business District. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council. There were no objections or concerns, therefore Rowe moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Doyle moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 481, SECOND SERIES and that the reading of the same be waived. Ordinance Number 481, Second Series is an ordinance Amending Chapter 86 of the City Code relating to zoning. This ordinance provides for 1107 & 1109 Canoga Park Drive to be rezoned from R-1 One Family Residence District to a B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – ANNEXATION OF MN/DOT RIGHT OF WAY ON T.H. 59 SOUTH:

This was the date and time set for a public hearing to consider the Annexation of Lands adjacent to Lyon County Co-Op First Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council and those in attendance at the meeting. The annexed area includes the site of the old Club 59 property but does not include the residential properties coming off this right-of-way line. Corey Lins asked if the city considered the neighboring properties being annexed. Mr. Olson indicated that the city has discussed this issue and how the sewer and other utilities would need to be extended. Mr. Lins also asked if property outside the city limits could connect to city electrical service before annexation. Mr. Murphy, City Attorney, stated that city utilities are not extended outside the city limits. Stores moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Rowe moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 482, SECOND SERIES and that the reading of the same be waived. Ordinance Number 482, Second Series is an Ordinance Extending the City Limits of the City of Marshall to include certain unincorporated property abutting the City limits of the City of Marshall, Minnesota. This ordinance provides for the annexation of the MN/DOT T.H. 59 right of way connecting the state right of way to Canoga Park Drive as well as the right of way area along T.H. 59 down to the south line of Section 10 just south of Running's warehouse. All voted in favor of the motion.

HIRING OF POLICE OFFICER FOR PUBLIC SAFETY:

Director of Public Safety Rob Yant administered the Oath of Office to Terrence R. Flynn as a Police Officer for the City of Marshall. Upon the recommendation of Director of Public Safety Robert Yant, Doyle moved, Sturrock seconded, that Terrence R. Flynn be employed as a fulltime Police Officer with the City of Marshall at the rate of \$15.83 effective September 10, 2002. The following resolution was adopted: BE IT RESOLVED that Terrence R. Flynn be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by

REGULAR MEETING – SEPTEMBER 3, 2002

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.

CONSIDER PROPOSED MARSHALL FIRE DEPARTMENT BY-LAWS:

Russ Labat, Marshall Volunteer Fire Department, was in attendance at the meeting to review with the council the proposed changes of the Marshall Fire Department By-Laws. The changes clarify requirements for firefighters including the expectations to attend drills and meetings and the penalties for unexcused absences. It also identified the requirements for response time to the fire hall. Reynolds moved, Rowe seconded, the approval of the revised By-Laws of the Marshall Volunteer Fire Department. All voted in favor of the motion.

PARTNERSHIP AGREEMENT WITH THE MUNICIPAL UTILITIES:

Sturrock moved, Doyle seconded, the approval of the Partnership Agreement for 2003 between the City of Marshall and the Marshall Municipal Utilities. This agreement is for the payments/charges between the City of Marshall and Marshall Municipal Utilities for the calendar year 2003. A summary of the agreement is as follows:

MMU payment in lieu of taxes	\$689,893
Less street lighting charges to be	
Paid to MMU (1)	\$151,000
Less fire protection charges (1)	\$145,000

Net payment to City after charges

Paid to MMU and transfer	\$393,893
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(1) charges based on MMU's audit. All voted in favor of the motion.

SW MN HOUSING PARTNERSHIP GRANT-DEVELOPMENT AGREEMENT FOR SMALL CITIES GRANT APPLICATION:

Reynolds moved, Stores seconded, the proper city personnel be authorized to enter into a Grant-Development Agreement with Southwest Minnesota Housing Partnership. This grant agreement is for the second phase to continue commercial rehabilitation, rental rehabilitation, and owner-occupied housing rehabilitation. The application fee for this grant is \$6,500 which is to be charged to account number 101-41136-3312 and transferred from the Mayor and Council Contingency account number 101-40141-7210. All voted in favor of the motion.

PRIVATE USE OF PUBLIC STREET ON THOMAS AVENUE:

Per the request of the neighborhood along Thomas Avenue between South 4th Street and Alan Avenue; Doyle moved, Reynolds seconded, the closing of Thomas Avenue from South 4th Street to Alan Avenue on September 8, 2002 from 4:00 P.M. to 9:00 P.M. for a block party. All voted in favor of the motion.

CHANGE ORDER NO. 1 DUININCK BROTHERS, INC., PROJECT 2001-011 STATE AID OVERLAY PROJECT:

Stores moved, Sturrock seconded, the approval of Change Order No. 1 with Duininck Brothers, Inc., for Project 2001-011 State Aid Overlay Project in the amount of \$14,645.90. This change order reflects the actual final quantities and measurements related to the State Aid Overlay Project. All voted in favor of the motion.

REGULAR MEETING – SEPTEMBER 3, 2002

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

Byrnes No report.

Stores Library Board will meet next week.

Sturrock Utilities Commission held a special meeting on August 29th and the minutes for the July 30th meeting are included in the agenda packet.

Doyle Human Rights Commission an Marshall Area Transit minutes are included in the agenda packet.

Rowe No report

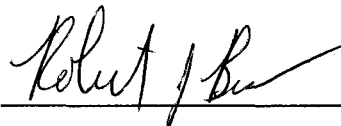
Reynolds Personnel Committee discussed the crossing guards and the upcoming negotiations with the employees.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Council Members included: patch work has been completed by the street department; the retaining wall in the downtown park along the South side of the river adjacent to the channel is not attractive looking – this is part of a three phase project; there was a concern on how long a vehicle can park on the street; the Hwy 23 by-pass speed limit is still a concern; they asked for an update on the status of the Hill Street/Marshall Street area sewer backup issue and it was indicated that alternative funding is being considered in addition to special assessments for the Hill Street/Marshall Street area.

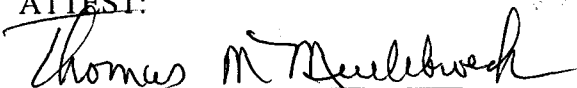
There will be a budget meeting on September 11, 2002 at 7:30 P.M. in the Cottonwood Room.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – SEPTEMBER 11, 2002

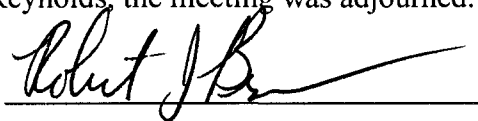
A Special Meeting of the Common Council of the City of Marshall was held on September 11, 2002 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 7:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Stores, Doyle, Sturrock and Reynolds. Absent: Boedigheimer. Staff present included: Michael Johnson, City Administrator; Harry Weilage, Director of Community Services; Cal Barnett, Director of General Services/City Assessor; Glenn Olson, Director of Public Works/City Engineer; and Jane DeVries, Deputy City Clerk.

The purpose of this special meeting was to review the preliminary 2003 General Fund Budget and to consider the adoption of the proposed general fund budget for 2003 and the adoption of the preliminary tax levy for the year 2003. Mike Johnson, City Administrator, indicated that the city is limited and controlled by our "adjusted levy limit base" that has been slightly adjusted by three statistical factors. They include an inflation adjustment, a household adjustment and an adjustment for ½ of the percent increase in commercial and industrial market value. Due to a very low inflation rate, the inflation statistic will only provide for a 0.76% increase in the levy limit. The household adjustment provides for an increase of 0.91% and the market value adjustment for a new commercial and industrial construction amounts to 0.65%. In the preliminary tax levy there was \$200,000 added for the 2002 Airport Improvement Bonds.

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2491, SECOND SERIES and that the reading of the same be waived. Resolution Number 2491, Second Series is a resolution Adopting the Proposed Budget for the General Fund for the City of Marshall for the year 2003. The proposed budget for the general fund provides for the revenues of \$8,014,512 and expenditures of \$8,974,118 of which the revenues are supported with a tax levy of \$2,213,337. All voted in favor of the motion.

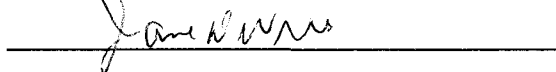
Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2492, SECOND SERIES and that the reading of the same be waived. Resolution Number 2492, Second Series is a resolution Adopting a Preliminary Tax Levy for the year 2003. The proposed levy is in the amount of \$2,700,732 of which \$2,213,337 is the General Fund portion of the levy, Debt Service Levy of \$280,395, a Special Levy for the employer's portion of the increase of PERA Contribution for coordinated members including the library of \$7,000 and a Special Levy for 2002 Airport Projects in the amount of \$200,000. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

REGULAR MEETING – SEPTEMBER 16, 2002

The regular meeting of the Common Council of the City of Marshall was held on September 16, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Marc Klaith, Fire Chief; Kim Jergenson, Engineering Technician; 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 no. 2e, which is the consideration of a utility easement with Bartz, Tutt and Bornhoft Concrete.

APPROVAL OF THE MINUTES:

Reynolds moved, Rowe seconded, that the minutes of the regular meeting held on September 3, 2002 and the minutes of the special meeting held on September 11, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA: A. AUTHORIZATION TO HOLD A CITY AUCTION ON OCTOBER 17, 2002; B. CONSIDER REQUEST FOR A TEMPORARY ON-SALE BEER LICENSE FOR MARSHALL BASEBALL ASSOCIATION FOR SEPTEMBER 21, 2002; C. CONSIDER REQUEST FOR A TEMPORARY ON-SALE BEER LICENSE FOR SSU ALUMNI FOR OCTOBER 5, 2002; D. CONSIDER GRANT AMENDMENT FROM MINNESOTA DEPARTMENT OF NATURAL RESOURCES ON DOWNTOWN CITY PARK; E. CONSIDER APPROVAL OF UTILITY EASEMENT WITH LOWELL AND LAURINE MCDANIEL, CONSIDER APPROVAL OF UTILITY EASEMENT WITH DONALD BARTZ AND MARLIEN BARTZ, STEVEN TUTT AND JOANN TUTT, AND BORNHOFT CONCRETE OF MARSHALL; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Rowe moved, Stores seconded, that the following consent items be approved:

Authorization to hold a City Auction on October 17, 2002.

The approval of a temporary on-sale beer license for the Marshall Baseball Association for September 21, 2002 at Legion Field at a fee of \$25.00.

The approval of a temporary on-sale beer license for the SSU Alumni Association for use at Mattke Field on October 5, 2002 at a fee of \$25.00.

The proper city personnel be authorized to enter into a Grant Amendment with the Minnesota Department of Natural Resources on the Downtown City Park. This amendment changes the scope of the project from an acquisition and development of a shelter, restrooms, bridges, lighting and fencing to acquisition and development of a restroom building.

The approval of a Utility Easement with Lowell and Lauraine McDaniel in the amount of \$975.00. This easement is for the property within the SE ¼ SW ¼ of Section 5 Township 111 North Range 41, City of Marshall located along Highway 19 West.

REGULAR MEETING – SEPTEMBER 16, 2002

The approval of a Utility Easement Donald and Marlien Bartz; Steven and Joann Tutt; and Bornhoft Concrete of Marshall in the amount of \$1.00 for Lot one (1) and Lot Three (3) of Crow's Addition to the City of Marshall.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 35171 through 35360.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	G & P Construction	408 Genesis Avenue	Dwelling	\$97,900
2.	ROC Management & Associates	1400 East College Drive	Reside	\$5,000
3.	Tim DeSaer	608 DeSchepper Street	Remodel Basement	\$1,800
4.	Todd Ellis	104 West James Avenue	Addition	\$48,200
5.	Bakke's Home Repair & Construction	112 Ranch Avenue	Install Door	\$400
6.	George J. Jacob Construction	110 Ranch Avenue	Roof Replacement	\$1,500
7.	Babcock Construction	612 Elaine Avenue	Install Window	\$1,300
8.	B&G Properties	1104 East College Drive	Remodel Office Building	\$200,000
9.	Timmy & Donna Swenson	301 South Highway 23	Storage Building	\$35,000
10.	Bernard Heck	201 DeSchepper Court	Replace Door	\$1,900
11.	ALM Builders	1100 Paris Road	6-Unit Apartment	\$407,800
12.	ALM Builders	1102 Paris Road	4-Unit Apartment	\$323,500
13.	ALM Builders	1104 Paris Road	6-Unit Apartment	\$418,300
14.	ALM Builders	1106 Paris Road	4-Unit Apartment	\$284,900
15.	ALM Builders	1108 Paris Road	4-Unit Apartment	\$300,400
16.	ALM Builders	1110 Paris Road	6-Unit Apartment	\$407,800
17.	Steve Berkenpas	508 Elaine Avenue	Reroof	\$1,200
18.	Ward Wyffels	406 North Fifth Street	Remodel Steps	\$1,500
19.	True Value Home Center	118 McFarland Circle	Dwelling	\$145,000
20.	Babcock Construction	1102 Birch Street	Install Doors	\$700
21.	Babcock Construction	503 Donita Avenue	Residing & Install Window	\$8,000
22.	Merle & Linda Karjala	207 DeSchepper Street	Garage Remodeling	\$2,500
23.	Mark L. Paulsen	404 Lawrence Street	Garage Addition	\$12,000
24.	Phyllis Nagel	702 North 4th Street	Reroof	\$1,500
25.	Brian VandeVeire	1312 Parkside Drive	Garage Addition	\$4,000
26.	Robert Carr	1507 East College Drive	Storeroom Addition	\$2,000

REGULAR MEETING – SEPTEMBER 16, 2002

27.	Willard Krogen	1003 Willow Avenue	Remodel Garage Wall & Door	\$700
28.	CMB Construction	107 West James Avenue	Replace Door	\$300
29.	Stan & Conni Stensrud	107 Marlene Street	Install Door and Window	\$2,000
30.	REM, Inc.	1201 Alan Avenue	Bathroom Remodel	\$3,000
31.	Mark & Jennie Jensen	609 West James Avenue	Reroof	\$2,000
32.	Broadmoor Valley, LLC	102 Spruce Drive	Manufactured Home Installation	

PUBLIC HEARING – LETTER OF MAP REVISION (LOMR) TO FLOOD INSURANCE RATE MAP (FIRM):

This was the date and time set for a public hearing on the Letter of Map Revision (LOMR) to Flood Insurance Rate Map (FIRM). Glenn Olson, Director of Public Works/City Engineer, reviewed the modifications made to the Marshall Flood Control Project. The subject area is located along the Redwood River, Redwood River Diversion Channel, and the Westwood Acres Overflow area throughout the City of Marshall. This revision was initiated by the Federal Emergency Management Agency (FEMA) on January 3, 2001. FEMA has published the changes to the FIRM, and the LOMR is effective only after the 90-day appeal period elapses and they resolve any appeals that they receive during this period. Upon completion of the appeal period, the LOMR may be changed to reflect any of the appeals. The 90-day appeal period ends on August 30, 2002 and no appeals have been received nor do they feel any appeals will be submitted. Councilmember Boedigheimer questioned whether or not the flood plain map would change when the County completed their flood plain. Mr. Olson stated that when the flood plain map was revised the area outside the City of Marshall was also used. Gary Deutz questioned why the 100-year flood plan does not allow building along Country Club Drive. Glenn Olson indicated that the flood elevations affects whether or not building would be allowed in a certain area. Rich Blomme indicated that he owns land on the corner of Westwood Drive and Country Club Drive and the land on the left side was not in the flood plain and the area on the right side was in the flood plain and he would not be able to build there. Mr. Olson indicated that you could develop in the flood way as long as the changes made to the area does not affect the 100-year flood plain area. Mr. Blomme was asking for the council to table this item and take the time to look at his concern. Reynolds moved, Boedigheimer seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of ORDINANCE NUMBER 483, SECOND SERIES and that the reading of the same be waived. Ordinance number 483, Second Series is an ordinance Amending Section 38.32 of the Code of Ordinances of the City of Marshall Regarding Letter of Map Revision (LOMR) Dated August 30, 2002 to Flood Insurance Rate Map (FIRM) Dated December 21, 1979. This ordinance becomes effective on September 20, 2002. All voted in favor of the motion.

PROPOSED FIRE DEPARTMENT MEMORIAL:

Marc Klaith, Fire Chief, was in attendance at the meeting to request approval from the City for a Fire Department Memorial. This memorial would be developed around a piece of the World Trade Center that was acquired by Craig Schafer. Marc indicated that this project is in the development stages and that it would be funded by private donations, therefore there would be no cost to the city. Reynolds moved, Stores seconded, approval to proceed with this project. All voted in favor of the motion.

PRESENTATION ON DOWNTOWN SMALL CITIES GRANT OVERVIEW (SWMNHP):

Rick Goodman, SW MN Housing Partnership, and Jill Houseman, Western Community Action, were in attendance at the meeting to provide a brief overview of the City of Marshall's Small Cities Development Program that has been in existence for the past two years. They provided a PowerPoint presentation of before and after pictures of the work that has been completed. Mr. Goodman indicated that the goals were reached or surpassed with a total of 104 projects and a total of Marshall SCDP dollars used was \$2,709,370.34.

NORMA RASKE FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT AT 1105 WASHINGTON AVENUE:

Per the recommendation of the Planning Commission, Stores moved, Boedigheimer seconded, to approve the request of Norma Raske for a five-year renewal of a Conditional Use Permit for a home occupation of a beauty shop business in an R-1 One Family Residence District at 1105 Washington Avenue. This conditional user permit was approved with the following conditions:

1. The permit be issued for a five-year renewal period.
2. The hours of business shall be between 6:00 A.M. and 10:00 P.M. only.

All voted in favor of the motion.

WINONA J. BARBER FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT AT 204 EAST SARATOGA STREET:

Per the recommendation of the Planning Commission, Doyle moved, Rowe seconded, to approve the request of Winnie Barber for a five-year renewal of a Conditional Use Permit for a home occupation of a computer embroidery business in a R-3 Low to Medium Density Multiple Family Residence District at 204 East Saratoga Street. This conditional use permit was approved with the following conditions:

1. The permit be issued for a five-year renewal period.
2. The hours of business shall be between 6:00 A.M. and 10:00 P.M. only.

All voted in favor of the motion.

ARNOLD S. ZIMMERMAN FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT AT 1307 WESTWOOD DRIVE:

Per the recommendation of the Planning Commission, Rowe moved, Reynolds seconded, to approve the request of Arnie Zimmerman for a five-year renewal of a Conditional Use Permit for a home occupation of gun sales in a R-1 One Family Residence District at 1307 Westwood Drive with the following conditions:

1. The permit be issued for a five-year period.
2. The hours of business shall be between 6:00 A.M. and 10:00 P.M. only.
3. The business is limited to a "special order" business.
4. The business will have not exterior displays relating to guns.

All voted in favor of the motion.

REQUEST FOR SCHWAN'S SALES ENTERPRISES INC., FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A UTILITY STATION AT 115 SOUTH 1ST STREET:

Per the recommendation of the Planning Commission, Rowe moved, Reynolds seconded, to approve the request of Schwan's Sales Enterprises Inc., to construct a utility station for an electrical

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generator on the property across South 1st Street from Schwan's Corporate Offices with the following conditions:

1. Noise must be muffled so as not to be objectionable due to intermittence, frequency, shrillness or intensity at the property line.
2. The street frontage must be landscaped and maintained with a planting screen that will mature to a height of five-foot minimum.

All voted in favor of the motion.

VARIANCE ADJUSTMENT PERMIT JERRY FIFIELD AT 204 SOUTH HILL STREET:

Discussion was held at this time on the request of Jerry Fifield to construct a 2' x 20' addition onto an existing non-conforming detached garage that has a rear yard of 4" in lieu of 15' as required in an R-1 One Family Residence District at 204 South Hill Street. This request was denied by the Planning Commission. Boedigheimer moved, Sturrock seconded, the approval of a variance adjustment permit for Jerry Fifield to construct a 2' x 20' addition onto an existing non-conforming detached garage that has a rear yard of 4" in lieu of 15' as required in an R-1 One Family Residence District at 204 South Hill Street. Voting in favor were Boedigheimer and Sturrock. Voting no were: Rowe, Doyle, Byrnes, Reynolds and Stores.

Per the recommendation of the Planning Commission, Rowe moved, Doyle seconded, to deny the request of Jerry M. Fifield for a variance adjustment permit to construct an addition onto a detached accessory building with a rear yard of less than required by City Code in an R-1 One Family Residence District at 204 South Hill Street since there is no undue hardship. All voted in favor of the motion, except Boedigheimer and Sturrock.

VARIANCE ADJUSTMENT PERMIT WILLIAM KRAKOWSKI, 603 KENDALL STREET:

Per the recommendation of the Planning Commission, Boedigheimer moved, Doyle seconded, the approval of a variance adjustment permit for William Krakowski to construct a porch addition onto the dwelling located at 603 Kendall Street with a front yard setback of 21' in lieu of 25' as required by City Code in an R-1 One Family Residence District, stating that the drainage issue was the undue hardship. All voted in favor of the motion, except Rowe who voted no.

CONSIDER RENEWAL OF PROPERTY, AUTO AND LIABILITY INSURANCE:

Sheldon Kimpling, agent of record for the City of Marshall's property, auto and general liability insurance, was in attendance at the meeting and reviewed the Property, General Liability, Excess Liability, Airport and Boiler Insurance coverage for 10-1-02 to 10-1-03. Doyle moved, Boedigheimer seconded, that the Property, General Liability and Excess Liability for the period October 1, 2002 to October 1, 2003 be renewed with the League of Minnesota Cities at a cost of \$ 227,116. All voted in favor of the motion.

Boedigheimer, moved, Rowe seconded, that the Airport Liability for the period October 1, 2002 to October 1, 2003 be renewed with ACE USA at a cost of \$4,400. All voted in favor of the motion.

Sturrock moved, Doyle seconded, that the Boiler Insurance for the period October 1, 2002 to October 1, 2003 be renewed with Hartford Steam Boiler at a cost of \$13,500. All voted in favor of the motion.

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A 5-minute recess was taken at which time Mayor Byrnes excused himself and President Pro-Tem Rowe reconvened the meeting.

CHANGE ORDER NO. G-1 WITH BLADHOLM CONSTRUCTION, INC., PROJECT 50135 M.E.R.I.T. CLASSROOM REMODELING PROJECT:

Stores moved, Reynolds seconded, the approval of Change Order No. G-1 with Bladholm Construction, Inc., for Project 50135 M.E.R.I.T. Classroom Remodeling Project at a cost of \$220. This change order relates to expediting delivery of hollow metal doors and frames. All voted in favor of the motion.

PROJECT 2002-002 STATE AID OVERLAY PROJECTS SUPPLEMENTAL AGREEMENT:

Sturrock moved, Doyle seconded, the proper city personnel be authorized to enter into a supplemental agreement with McLaughlin & Schulz for the State Aid Overlay Projects in the amount of \$51,000. These projects involves the milling, asphalt overlay, and miscellaneous items for S.A.P. 139-111-03 Saratoga Street from Redwood River to South 6th Street and S.A.P. 139-119-05 Southview Drive from East Main Street south approximately 750 feet. All voted in favor of the motion.

AGREEMENTS FOR DEFERRED ASSESSMENTS ON PARKWAY ADDITION IMPROVEMENT PROJECT PHASE 2:

Stores moved, Reynolds seconded, the proper city personnel be authorized to enter into an Agreement for Deferred Assessment with Douglas and Lisa Severson for their property located on London Road. This agreement provides for \$12,433.67 of the original assessment to parcel number 27-600134.0 to be spread against said property according to the terms of the original assessment resolution and that \$9,354.21 would be deferred at a rate of 8% interest from May 6, 2002. All voted in favor of the motion.

Doyle moved, Sturrock seconded, the proper city personnel be authorized to enter into an Agreement for Deferred Assessment with Elwood and Sandra Miller for their 10 acre parcel located on London Road. This agreement provides for \$25,000 of the original assessment to parcel number 27-537001-0 to be spread against the property according to the terms of the original assessment resolution and that the remaining balance of \$9,736.65 be deferred at a rate of 8% interest from May 6, 2002. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

Stores Library Board discussed their budget and the Insurance Advisory Commission met earlier this evening and the Council acted on their items.

Sturrock Cable Commission met last Wednesday and discussed the franchise renewal.

Boedigheimer Airport Commission met last Monday and will be having a special meeting in September.

Doyle Housing Commission minutes are included in the agenda packet.

REGULAR MEETING – SEPTEMBER 16, 2002

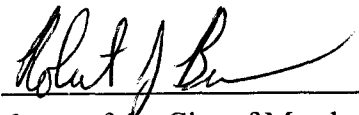
Rowe Community Services Advisory Board discussed their budget.

Reynolds Hospital Board met earlier this evening and Group II reviewed plans for the long-term care facility and indicated the cost is estimated at \$8,000,000

COUNCIL MEMBER INDIVIDUAL ITEMS:

Council member Boedigheimer indicated that he would be attending a League Committee meeting on Friday and was requesting that other council members review the information from him and provide any input before Friday; Mr. Boedigheimer also indicated that he would be involved with putting the agenda together for the League of Minnesota Cities annual meeting.

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

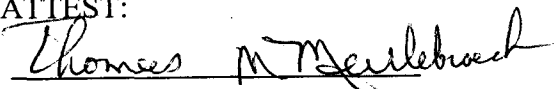


Mayor of the City of Marshall



President Pro-Tem

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – OCTOBER 7, 2002

The regular meeting of the Common Council of the City of Marshall was held on October 7, 2002 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, Sturrock, Boedigheimer and Stores. Absent: Doyle and Reynolds. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; 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 a consent agenda item, which is the consideration of a temporary on-sale liquor license for SSU for an event to be held on October 26, 2002.

APPROVAL OF THE MINUTES:

Rowe moved, Stores seconded, that the minutes of the regular meeting held on September 16, 2002 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.

CONSENT AGENDA – CONSIDER A TEMPORARY ON-SALE LIQUOR LICENSE FOR SSU FOR AN EVENT ON OCTOBER 26, 2002; BILLS/PROJECT PAYMENTS; AND BUILDING PERMITS:

Stores moved, Sturrock seconded, that the following consent items be approved:

A temporary on-sale liquor license for Southwest State University Foundation to be used on October 26, 2002 at a fee of \$25.00.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 35361 through 35595.

All voted in favor of the motion.

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

Applicant	Location Address	Description of Work	Valuation
1. Everstrong Construction	200 Rainbow Drive	Dwelling	\$91,300
2. Everstrong Construction	202 Rainbow Drive	Dwelling	\$95,700
3. Lonny Sowden	206 West Southview Drive	Replace Windows	\$700
4. Curtis Herrick	203 South 4th Street	Replace Steps	\$800
5. Roseann Varpness	603 North 6th Street	Install Windows	\$5,300
6. David & Cheryl Regnier	822 West Main Street	Replace Steps & Install Dormer	\$1,500
7. Thooft Construction	301 North 7th Street	Replace Garage Door	\$1,700
8. Premier Painting & Construction	513 Central Avenue	Reroof Dwelling	\$4,500

REGULAR MEETING – OCTOBER 7, 2002

9.	Camille Graven	107 South Minnesota Street	Reside Dwelling & Install Windows	\$3,500
10.	Schaefer Woodworks	511 Central Avenue	Install Windows	\$2,500
11.	Schaefer Woodworks	402 Woodland Way	Three-Season Porch Addition	\$15,000
12.	Southwest Properties II	902 West College Drive	Reside Warehouse	\$18,300
13.	William & Lucille Weidauer	600 East Southview Drive	Garage Addition	\$3,300
14.	MB Properties	802 East Southview Court	Three-Unit Apartment	\$125,000
15.	Sarah Nemeth	409 Genesis Avenue	Finish Garage Interior	\$1,500
16.	George J. Jacob Construction	103 Donita Avenue	Reroof	\$3,000
17.	Bladholm Construction, Inc.	1001 West Erie Road	Apparatus Building / Classroom Remodeling	\$40,800
18.	True Value Home Center	223 Oslo Avenue	Dwelling	\$95,000
19.	Wury Vyhovsky	405 West Southview Drive	Reroof Dwelling	\$1,000
20.	Adam Hess	225 London Road	Dwelling	\$100,000
21.	Geihl Construction, Inc.	116 McFarland Circle	Dwelling	\$228,000
22.	James & Stella Wuebker	401 South Highway 23	Retail Addition	\$27,000
23.	Premier Painting & Const.	900 South 1st Street	Addition	\$14,000
24.	Premier Painting & Const.	507 East Main Street	Reroof	\$6,000
25.	Aaric Geihl	612 West Lyon Street	Remodel Bedroom	\$3,000
26.	Heck Construction	102 Kathryn Avenue	Replace Doors	\$1,000
27.	DI Construction	615 West Thomas Avenue	Basement Remodel	\$4,900
28.	Dale & Mary Erickson	1314 Parkside Drive	Reside Dwelling & Install Window	\$6,500
29.	Bladholm Construction, Inc.	300 West College Drive	Office Building	\$130,000
30.	Geske Home Improvement Co.	407 Donita Avenue	Reside Dwelling	\$7,800
31.	Ivan Carrow	1005 Birch Street	Reroof	\$6,000
32.	Todd Vogl	503 Lawrence Street	Building a Deck	\$2,500
33.	Wallace Schlemmer	200 Lucille Street	Repair Basement	\$3,500
34.	G&P Construction, Inc.	406 Genesis Avenue	Dwelling	\$105,000
35.	Carr Properties	601 Village Drive	24-Unit Apartment Addition	\$480,000
36.	Dulas Construction, Inc.	1112 David Drive	Dwelling	\$91,000
37.	Everstrong Construction	222 Athens Avenue	Dwelling	\$89,100
38.	Everstrong Construction	223 Athens Avenue	Dwelling	\$91,100
39.	Everstrong Construction	224 Athens Avenue	Dwelling	\$88,500
40.	Holabird Properties	1104 Holabird Circle	Footings & Foundation	\$30,000

RECEIVE REPORT AND RECOMMENDATION OF INSURANCE ADVISORY COMMITTEE ON BOILER INSURANCE RENEWAL:

Sheldon Kimpling, agent of record for the City of Marshall's Insurance, was in attendance at the meeting and reviewed the Boiler Insurance renewal for 10-1-02 to 10-1-03. Mr. Kimpling indicated that he had received a quote of \$17,165 from Hartford Insurance Company. This quote includes coverage of a roughly \$2 million of coverage for a substation on Saratoga Street but not a generator. Sheldon also indicated that the city could get a lower premium if it did not cover the sub station. Boedigheimer moved, not to cover the sub station on Saratoga Street but due to the lack of a second the motion died. Per the recommendation of the Insurance Advisory Committee Boedigheimer moved, Rowe seconded, that the Boiler Insurance for the period October 1, 2002 to October 1, 2003 be renewed with Hartford Steam Boiler in the amount of \$17,165. A friendly amendment was made to the motion to see if this could be added to the League of Minnesota Insurance Trust Policy. All voted in favor of the motion.

INTRODUCE ORDINANCE AMENDING CHAPTER 38 "FLOODS" OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL:

Rowe moved, Sturrock seconded, the introduction of an ordinance Amending Chapter 38 "Floods". This ordinance amends Sections 38-21, 38-26, 38-32, 38-71, of the Code of Ordinances of the City of Marshall. This ordinance is a result of the Federal Emergency Management Agency (FEMA) adopting the new Letter of Map Revision (LOMR) and all Floodway Data Tables, Flood Profiles and Flood Insurance Map Panels associated with the LOMR All voted in favor of the motion.

EXTENSION OF EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL FOR CARR SUBDIVISION I:

Per the recommendation of Glenn Olson, Public Works Director/City Engineer, Stores moved, Boedigheimer seconded, the approval of the extension of the effective period of preliminary plat approval for Carr Subdivision I to November 4, 2002. The following items remain outstanding in the Final Plat review of Carr Subdivision I, therefore Robert L. Carr Co., is requesting this extension:

1. Development of an Assurance Agreement for infrastructure improvements.
2. Revisions of storm sewer on the preliminary plat reflecting changes after new considerations including South 4th Street storm sewer and off-site drainage.
3. Adjustments to the plat including an outlot on the West side of Travis Road for access restriction.

All voted in favor of the motion.

RESOLUTION AMENDING RESOLUTION NUMBER 2438, SECOND SERIES – ADOPTING ASSESSMENT ROLL:

Rowe moved, Stores seconded, the adoption of RESOLUTION NUMBER 2493, SECOND SERIES and that the reading of the same be waived. Resolution Number 2493, Second Series is a resolution Amending Resolution Number 2438, Second Series Adopting Assessment. This resolution amends the assessment roll for Project 40135, Parkway Addition Improvement Project (Phase 2). All voted in favor of the motion.

AUTHORIZATION TO MAKE APPLICATION TO THE MINNESOTA JUVENILE DELINQUENCY PREVENTION GRANT ON BEHALF OF SW MN PRIVATE INDUSTRIES COUNCIL INC.:

Jim Smalley from SW MN Private Industries Council was in attendance at the meeting to review the request for the City of Marshall making a Minnesota Delinquency Prevention Grant Application on behalf of the Private Industries Council (PIC) Inc. The grant is to be to local units of government to prevent delinquency. This grant would be in the amount of \$50,000 and would be used to fund summer work and summer work site visits for low-income youth. The grant would be written, administered and

REGULAR MEETING – OCTOBER 7, 2002

implemented by the Private Industries Council. There would be no cost to the city for this grant. Stores moved, Rowe seconded, the approval for the City of Marshall to make application to the Minnesota Juvenile Delinquency Prevention Grant on behalf of the Southwest Minnesota Private Industries Council, Inc. All voted in favor of the motion.

CONSIDER APPROVAL OF THE PURCHASE OF A POLICE VEHICLE:

Bids were received, opened and read for a Police type squad car on October 1, 2002. The bids received, opened, and read were as follows:

Anton Chevrolet	Lockwood Motors, Inc.	Tholen Auto Sales
Marshall, Minnesota	Marshall, Minnesota	Marshall, Minnesota
\$17,639.43	\$19,594.50	\$18,001.03

Boedigheimer moved, Stores seconded, the bid for a Police type squad car be awarded to Anton Chevrolet, Marshall, Minnesota in the amount of \$17,639.43. This vehicle will replace the Tahoe that was totaled in a rear-end accident this summer. All voted in favor of the motion.

CONSIDER SUBORDINATION POLICY FOR SMALL CITIES DEVELOPMENT LOAN PROGRAM:

Rowe moved, Sturrock seconded, the approval of a Subordination Policy for Small Cities Development Loan Program as corrected. This policy was corrected to say, "The subordination fee to be paid to Southwest Minnesota Housing Partnership shall be 1% of the original loan awarded by the City of Marshall." This policy is needed to address refinancing issued on outstanding real estate loans that exist on both residential and commercial properties associated with the Small Cities Loan Program. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

Byrnes	<u>EDA</u> will be meeting tomorrow; <u>Fire Relief Association</u> has not met; and <u>Regional Development Commission</u> will be meeting on Thursday.
Stores	<u>Library Board</u> will meet next Monday in Cottonwood; <u>Insurance Advisory Commission</u> met earlier today and the council discussed their recommendation.
Sturrock	<u>Cable Commission</u> will be meeting on Tuesday; <u>Utilities Commission</u> met on September 17, 2002.
Boedigheimer	<u>Airport Commission</u> minutes are included in the agenda packet and their next meeting will be on October 14 th ; <u>Lyon County Enterprise Development</u> had a meeting – but was unable to attend.
Rowe	<u>Community Services Advisory Board</u> their football program is underway, the extension of the grant for soccer has been approved, the skate board park has been put out for bids, the filter and heating elements are to be repaired at the pool; <u>M.E.R.I.T. Center</u> not at the meeting but classrooms and schedule were discussed.

REGULAR MEETING – OCTOBER 7, 2002

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Council Members included: the bituminous surfacing has been completed on the city streets; Cities Week event at the MMUA Center was a success; the Police Department was thanked for efforts during the SSU Parade; a suggestion was made to contact the owners of Mike's Café about purchasing the property; Glenn Olson provided a brief update of the current public improvement projects.

REVIEW OF PENDING AGENDA ITEMS:

A budget meeting needs to be scheduled during the week of November 11, 2002 through November 14, 2002.

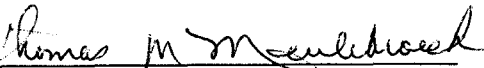
At this time there was a brief discussion with the Marshall High School students who attended the city council meeting. A brief job description was given of the mayor, council and city staff that were at the meeting.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 14, 2002

A special meeting of the Common Council of the City of Marshall was held on October 14, 2002 in the Board Room at the Marshall Municipal Utilities. The meeting was called to order at 7:05 P.M. by Mayor Byrnes. In addition to Byrnes the following council members were in attendance: Rowe, Doyle, Sturrock and Stores. Absent: Reynolds and Boedigheimer. Staff present included: Mike Johnson, City Administrator; Cal Barnett, Director of General Government Services; Harry Weilage, Director of Community Works; Rob Yant, Director of Public Safety, and Thomas M. Meulebroeck, Finance Director/City Clerk.

Mike Johnson provided the City Council and others in attendance at the meeting the agency request for the 2003 budget and the proposed budget for the Marshall Lyon County Library.

Mr. Johnson gave a brief overview of the proposed General Fund revenues and expenditures for 2003 and hi-lited some of the significant budget requests. A comparison of the expenses budget by the categories of personnel, operating and maintenance, capital outlay and debt service/transfer was reviewed.

Mike addresses some of the major reasons for increase in personnel and operating and maintenance costs.

Harry Weilage, Director of Community Services, addressed the budget for the various departments within the Culture and Recreation area as well as the Cable Commission and Senior Citizen Center operations. Harry indicated that the changes and issues of the labor market have had an effect on the hiring and available employees for the various departments with Culture and Recreation.

Be it noted the arrival of council member Reynolds at 7:40 P.M.

The budget request to replace the shingles on the Senior Center was discussed. Cal Barnett and Rod Salzwedell had investigated the status of the shingles. The Senior Center was built in 1988 and the shingles have been damaged by hail and winds and are no longer able to seal properly.

Cal Barnett, Director of General Government Services, reviewed the proposed budget for Finance/Clerk; City Assessing; Municipal Building; Community Development and Duplication. Mr. Barnett addressed the importance of consideration of document imaging equipment for the Finance/Clerk's Office as well as the need to complete improvements to the Municipal Building to comply with ADA requirements. These improvements are not included in the budget.

Be it noted the arrival of Boedigheimer at 8:00 P.M.

Mayor Byrnes called for a recess at 8:20 P.M.

SPECIAL MEETING – OCTOBER 14, 2002

Rob Yant, Director of Public Safety, addressed the proposed 2003 budget for Police Services; Brown-Lyon-Redwood Grant; Emergency Management Services; Fire Department and Animal Control.

Council Member Rowe raised questions concerning liquor license fees, legal fees and costs to address public intoxication, and if comparable city liquor license fee information was available. City Administrator Johnson indicated that he would have the City Attorney address these questions when the legal budget is reviewed.

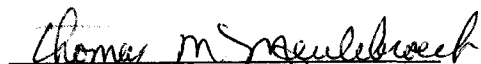
The council had discussion about dates for future budget workshops. Budget workshop no. 2 will be October 28th; no. 3 will be November 7th; and no. 4 will be November 25th. The Council also asked staff to move the budget meetings around to the various city building facilities.

Their being no further business, it was the consensus of the Council to adjourn at approximately 9:20 P.M.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

REGULAR MEETING – OCTOBER 21, 2002

The regular meeting of the Common Council of the City of Marshall was held on October 21, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; Marc Klaith, Fire Chief; 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 a consent agenda item, which is the appointment to the Transit Committee. It was also the general consensus of the council that the two items from the Planning Commission be added to the special meeting to be held on October 28th to allow the council time to review these items.

APPROVAL OF THE MINUTES:

Rowe moved, Doyle seconded, that the minutes of the regular meeting held on October 7, 2002 be approved as corrected and as filed with each member and that the reading of the same be waived; and that the minutes of the special meeting held on October 14, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA – APPOINTMENT TO THE TRANSIT COMMITTEE; BILLS/PROJECT PAYMENTS; AND BUILDING PERMITS:

Reynolds moved, Stores seconded, that the following consent agenda items be approved:

Christopher Sorenson be appointed to the Transit Committee.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 35596 through 35764.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Mark Paulsen	404 Lawrence Street	Addition	\$35,000
2.	True Value Home Center	219 Athens Avenue	Dwelling	\$88,000
3.	Albert Eggermont	302 West College Drive	Install Sign	\$1,400
4.	Chad Drake & Renae Hefele	812 West Southview Court	Two-Family Dwelling	\$147,400
5.	Jody Gladis	302 George Street	Basement Remodel	\$4,000

REGULAR MEETING – OCTOBER 21, 2002

6.	John McDonald / Dan Fosvick / Randy Wartner	600 West Lyon Street	Garage	\$5,000
7.	Brian Bohn	1205 Patricia Court	Basement Remodel & Install Window	\$2,000
8.	Terrence Cinkle	1206 Westwood Drive	Addition	\$21,000
9.	Babcock Construction	608 West Thomas Avenue	Reside Dwelling	\$5,700
10.	B&G Properties	1100 East College Drive	Demolish Retail Building	\$0
11.	St. Aubin Drywall	1604 Superior Road	Laboratory Expansion	\$100,000
12.	K. Andrew & Joyce Hedlin	505 Lincoln Avenue	Reroof Dwelling	\$1,000
13.	Tutt Construction	501 Garden Circle	Reroof	\$4,100
14.	Everstrong Construction	203 Athens Avenue	Two-Family Dwelling	\$167,800
15.	Monte & Shelley Buntjer	516-A East Main Street	Reside	\$3,600
16.	Flag Builders	1501 State Street	Temporary Modular Building No. 6 - Replace Kitchen	\$2,000
17.	Don Votava Building, Remodeling & Repair	304 Sunrise Lane	Finish Garage	\$2,000
18.	George J. Jacob Construction	202 Donita Avenue	Install Windows	\$2,000
19.	Tutt Construction	509 East Lyon Street	Reroof	\$3,100

ADOPTION OF ORDINANCE AMENDING CHAPTER 38 "FLOODS" (SECTIONS 38-21, 38-26, 38-32, & 38-71):

Doyle moved, Rowe seconded, the adoption of ORDINANCE NUMBER 484, SECOND SERIES and that the reading of the same be waived. Ordinance Number 484, Second Series is an ordinance Amending Chapter 38 "Floods" (Sections 38-21, 38-26, 38-32, 38-71) of the Code of Ordinances of the City of Marshall. This ordinance is a result of the adoption of the new Letter of Map Revision (LOMR) and all Floodway Data Tables, Flood Profiles and Flood Insurance Rate Map Panels associated with the LOMR. All voted in favor of the motion.

M.E.R.I.T. CENTER FIRE TRAINING TOWER PRESENTATION:

Mike Johnson, City Administrator, indicated that the City of Marshall had received a grant from the Department of Public Safety in the amount of \$400,000 to construct a Fire Training Tower. This tower was constructed in conjunction with the Apparatus Maintenance/Storage Building that also received State assistance in the amount of \$880,000. The entire M.E.R.I.T. Center operation has been designed to be utilized for training of public safety personnel and private sector employees in various training opportunities. At this time Ted Rowe, Chair of the M.E.R.I.T. Center Advisory Board, made a presentation to Dave Marks for his significant contribution to the M.E.R.I.T. Center Fire Training Tower. Mr. Marks thanked everyone involved in this project and indicated that the plaque is for everyone and not just Dave Marks.

REGULAR MEETING – OCTOBER 21, 2002

PRESENTATION OF REPORTS BY MARSHALL AMENITIES TASK FORCE:

At this time Mike Bjella and Jay Cattoor, representatives from the Marshall Amenities Task Force, gave a brief report. They indicated that the first step the city of Marshall needs to take to recruit and retain employees is to form a structure through which public and private entities can better cooperate on economic and community development. Mr. Bjella indicated that the committee's mission is the recruitment and retention of employees and if that is accomplished in the community, the amenities will follow. You need economic growth before you see the amenities.

A 3-minute recess was called at this time.

CONSIDER JOINT RESOLUTION FOR ORDERLY ANNEXATION WITH LAKE MARSHALL TOWNSHIP:

Glenn Olson, Director of Public Works/City Engineer, reviewed with the council and those in attendance at the meeting the request of several property owners on the annexation of property that is either contiguous or adjacent to the southern city limits. This request was approved by Lake Marshall Township. The land being considered is owned by James Doty, Robert Carr and the Mathiowetz Co., and consists of approximately 478 acres. Dan Sussner, owner of the Mini Storage in this area is requesting that their 5 acres not be annexed at this time. Mr. Sussner indicated that they have no use for water or sewer but are using city electric. Mr. Sussner asked how long it would take to develop this area. Mr. Olson indicated it would take 10 to 20 years to complete. Boedigheimer moved, Rowe seconded, the adoption of RESOLUTION NUMBER 2494, SECOND SERIES and that the reading of the same be waived. Resolution Number 2494, Second Series is a Joint Resolution for Orderly Annexation. This resolution provides for the 478 acres owned by James Doty, Robert Carr and the Mathiowetz Co., to be annexed into the City of Marshall. All voted in favor of the motion.

WAYS AND MEANS COMMITTEE RECOMMENDATIONS - RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$2,015,000 GENERAL OBLIGATION TAX INCREMENT BONDS, SERIES 2002A; RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,000,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2002B; RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,095,000 GENERAL OBLIGATION WASTEWATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2002C; APPROVAL OF ENGINEERING DESIGN/BIDDING PHASE SERVICES AGREEMENT WITH SHORT ELLIOTT HENDRICKSON FOR HIGHWAY 23 LIFT STATION; APPROVAL OF ENGINEERING DESIGN SERVICES AGREEMENT WITH KAEDING & ASSOCIATES, INC. FOR WASTEWATER TREATMENT PLANT STANDBY GENERATION:

Gerry Shannon and Terri Heaton, representatives from Springsted, were in attendance at the meeting to review the issuance and sale of \$2,015,000 General Obligation Tax Increment Bonds, Series 2002A; \$1,000,000 General Obligation Improvement Bonds, Series 2002B; and \$1,095,000 General Obligation Wastewater System Revenue Refunding Bonds, Series 2002C. Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2495, SECOND SERIES and that the reading of the same be waived. Resolution Number 2495, Second Series is a resolution Providing for the Issuance and Sale of \$2,015,000 General Obligation Tax Increment Bonds, Series 2002A. All voted in favor of the motion.

REGULAR MEETING – OCTOBER 21, 2002

Doyle moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2496, SECOND SERIES and that the reading of the same be waived. Resolution Number 2496, Second Series is a resolution Providing for the Issuance and Sale of \$1,000,000 General Obligation Improvement Bonds, Series 2002B. All voted in favor of the motion.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2496A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2496A, Second Series is a resolution Providing for the Issuance and Sale of \$1,095,000 General Obligation Wastewater System Revenue Refunding Bonds, Series 2002C. All voted in favor of the motion.

Rowe moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Short Elliott Hendrickson. This agreement is for Engineer Design/Bidding Phase Services for improvements to the sanitary sewer lift station located adjacent to T.H. 23. This proposal provides for all of necessary information for the development of construction plans and specifications for the improvement of the lift station including the installation of two additional pumps and changes to the electrical controls necessary for the operation of the lift station as revised. All voted in favor of the motion.

Reynolds moved, Sturrock seconded, the approval of Engineering Design services agreement with Kaeding & Associates, Inc., for Wastewater Treatment Plant standby generation. With the old Effluent Filter Building being empty due to the new construction, there is not a very viable building to house a new generator. The financing for this project could be paid for by excess construction bond revenue from the Effluent Filter/Sludge Storage Project. All voted in favor of the motion.

CONSIDER COMMENTS TO PROPOSED FIVE-YEAR (2003-2007) ROAD AND BRIDGE CAPITAL IMPROVEMENT PLAN FOR LYON COUNTY:

Rowe moved, Stores seconded, that the City request section of County Road 67 from T.H. 23 southward to County Road 74 be included in the needs of the Proposed Five-Year Road and Bridge Capital Improvement Program for Lyon County. All voted in favor of the motion.

AMENDMENT TO SERVICES AGREEMENT WITH MINNESOTA MUNICIPAL UTILITIES FOR 2003 SAFETY PROGRAM:

Doyle moved, Stores seconded, the approval of an Amendment to the Services Agreement with Minnesota Municipal Utilities for 2003 Safety Program at an estimated cost of \$15,678.47. This agreement provides for the coordinated training and oversight of the City's entire safety compliance program. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

- | | |
|----------|---|
| Byrnes | <u>EDA</u> minutes are included in the agenda packet. |
| Stores | <u>Library Board</u> met last Monday in Cottonwood and is continuing to work on the budget; <u>Insurance Advisory Commission</u> met last week and discussed the renewal of the boiler insurance. |
| Sturrock | <u>Cable Commission</u> met on October 8 th and the <u>Utilities Commission</u> met on October 16 th . |

REGULAR MEETING – OCTOBER 21, 2002

Boedigheimer Airport Commission meets next week and there will be a ribbon cutting ceremony at the Arrival/Departure Building on October 24th; Senior Citizen Center Commission, Lyon County Enterprise Development and Legislative and Ordinance Committee have not met;

Doyle Housing Commission met today; Human Rights Commission meets next week; Transit will meet on Tuesday and the Convention and Visitors Bureau will meet Wednesday.

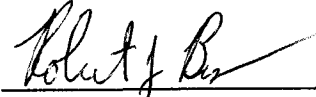
Rowe Was not able to attend the Planning Commission meeting.

Reynolds Hospital Board met earlier today with the anticipation that Dave Wiener would be making a presentation of his donation. Mr. Weiner was not able to attend this meeting.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the appearance of several pot holes on 3rd Street; the new restroom in the Downtown Park is not heated, therefore it is locked for the winter; the comprehensive plan needs to be reviewed; it was suggested that the Mike's Café property be discussed by the Downtown Design Committee; the North 7th Street Bridge construction project needs to be completed in a timely manner; Norm Coleman will be at the airport on Tuesday.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 28, 2002

A special meeting of the Common Council of the City of Marshall was held on October 28, 2002 in the Board Room at the Marshall Regional Airport – Ryan Field. 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: Reynolds, Sturrock, Doyle and Stores. Absent: Boedigheimer and Rowe. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Brian Murphy, City Attorney; and Jane DeVries; Deputy City Clerk.

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

REQUEST FOR CONDITIONAL USE PERMIT/HOME OCCUPATION FOR JEANNE CURIELLI:

Per the recommendation of the Planning Commission, Reynolds moved, Stores seconded, that a conditional use permit be approved for Jeanne Curielli for a home occupation for a massage therapy business at 401 ½ Williams Street. This permit was issued for a one-year period with the condition that the hours of business be between 6:00 A.M. and 10:00 P.M. All voted in favor of the motion.

REQUEST FOR VARIANCE ADJUSTMENT PERMIT/PARKING FOR ROBERT L. CARR:

Per the recommendation of the Planning Commission, Doyle moved, Sturrock seconded, that a variance adjustment be approved for Robert L. Carr to construct a 24-unit congregate/assisted living apartment building addition at 601 Village Drive with no additional off-street parking in lieu of 48 additional spaces as required by Code only as long as the building is used as congregate/assisted living apartments. All voted in favor of the motion.

HIRING OF POLICE OFFICER FOR PUBLIC SAFETY:

Upon the recommendation of Director of Public Safety Robert Yant, Stores moved, Doyle seconded, that Bruce K. Hanson be employed as a part-time Police Officer with the City of Marshall at the rate of \$14.79 effective October 29, 2002. The following resolution was adopted: BE IT RESOLVED that Bruce K. Hanson 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.

Agency presentations were received at this time for the budget requests for the City of Marshall General Fund for the year 2003.

Carol Marshall, Bob Mann and Charles Carrera from the Marshall Area Fine Arts Council submit their request of \$5,000 from the City of Marshall for 2003. Carol Marshall reviewed the various activities of MAFAC and the other funding sources that they have.

Be it noted the arrival of Council Member Boedigheimer at 7:20 P.M.

SPECIAL MEETING – OCTOBER 28, 2002

Richard MacDonald, Director of Marshall/Lyon County Library, requested that the Library be treated as any other department of the City of Marshall. He is requesting to given the same percent of increase or decrease that the city approves for the other departments. Mr. MacDonald also indicated that the Library employees would receive the same type of pay increase as the City of Marshall employees.

Be it noted the arrival of Council Member Rowe at 7:30 P.M.

Mark Goodenow was in attendance on behalf of the Lyon County Historical Society. He indicated that the Lyon County Historical Society is requesting the same funding of \$13,000 from the City of Marshall that they received in the year 2002.

Mike Johnson, City Administrator, reviewed the request that he had received from the SW Minnesota Foundation.

At this time Brian Murphy, City Attorney, presented his request for the year 2003. Mr. Murphy indicated that he receives a per month fee for legal service. Mr. Murphy also indicated that his agreement provides for him to charge additional fees for certain projects, such as the Corp Project. Mr. Murphy indicated that his fee is used to cover the expenses of an attorney, a para-legal and their secretarial staff as needed. Mr. Murphy is requesting a 5% increase for the 2003 General Fund Budget.

There was a Ribbon Cutting Ceremony at the Arrival/Departure Building on October 24, 2002 at which time a power point presentation was made. At this time, there was a power point presentation for those who were unable to attend the Ribbon Cutting Ceremony on October 24, 2002.

Glenn Olson, Director of Public Works/City Engineer, took this opportunity to discuss future projects such as the development of airport runways and taxiways; the Red Baron museum; the need for another hangar and the possibility of commercial air traffic at the Marshall Regional Airport. Mr. Olson reviewed the budget request for the Airport and indicated the increase of \$28,000 under other repairs and maintenance was due to the new facility and that this increase will be off set with lease revenue from Schwan's and Midwest Aviation. Glenn also reviewed the capital outlay improvements other than building in the amount of \$902,000.

The Engineer budget has been split between engineer and building inspection & zoning. Each of these budgets are requesting \$7,800 under general professional services for the use of Staffing Specialist. The increase in capital outlay machinery and equipment is for computers and software that is needed in the engineer department.

Under the Street Department budget there is an increase of \$100,000 under other repairs and maintenance. This is to be used for additional overlay of city streets. There was also discussion of how to stretch the city dollars by assessing the residents for part of the overlay projects.

A new area has been added under the Public Works Department. This area is for Public Way Maintenance in the amount of \$36,000. This budget would provide for maintenance of the M.E.R.I.T. Center area, Corp Project area, Technology Park, the Parkway Housing Addition.

SPECIAL MEETING – OCTOBER 28, 2002

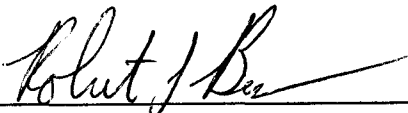
Another new area under the Public Works Department is the Pollutant Discharge Elimination System (NPDES) permit in the amount of \$100,000. This budget is a federal/state mandated program and the goal is to reduce pollutants in storm water runoff from construction sites, industrial facilities, and municipal separate storm sewer systems.

Glenn indicated that they met with Duinick Brothers in regard to the North 7th Street Bridge and plans are for this bridge to be open by Thanksgiving weather permitting.

There was a brief discussion of the City of Marshall working with Marshall Municipal Utilities on projects in the future.


The next budget meeting will be held on November 7, 2002 at the Wastewater Treatment Facility.

Upon motion by Reynolds, seconded by Sturrock, the meeting was adjourned.



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

REGULAR MEETING – NOVEMBER 4, 2002

The regular meeting of the Common Council of the City of Marshall was held on November 4, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Jane DeVries, Deputy City Clerk; and Glenn Olson, Director of Public Works/City Engineer arrived at 7:40 P.M.

The Pledge of Allegiance was recited at this time.

At this time the Mayor welcomed students from SSU and the boy scouts from Troup 320.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Doyle moved, Reynolds seconded, that the minutes of the regular meeting held on October 21, 2002 and the minutes of the special meeting held on October 28, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA: A. BILLS/PROJECT PAYMENTS; B. BUILDING PERMITS:

Stores moved, Rowe seconded, that the following consent agenda items be approved:

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 35765 through 35939.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Chirstopher & Maria Sorensen	1100 Indiana Jones Avenue	Finish Basement	\$8,500
2.	D&G Excavating, Inc.	201 East College Drive	Demolish Retail Building	\$0
3.	D&G Excavating, Inc.	203 West Redwood Street	Demolish Garage	\$0
4.	Sussner Construction, Inc.	115 West College Drive	Remodel Office Building	\$495,000
5.	True Value Home Center	801 Viking Drive	Dwelling	\$195,000
6.	Koch Materials Company	901 North 7th Street	Utility Building	\$1,700
7.	REM Southwest Services, Inc.	408 West Thomas Avenue	Replace Windows	\$2,000
8.	Karl Campbell Construction	603 Charles Avenue	Replace Windows	\$7,000

REGULAR MEETING – NOVEMBER 4, 2002

9.	True Value Home Center	201 Rainbow Drive	Dwelling	\$96,000
10.	French Construction	104 Carrow Street	Install Window	\$2,000
11.	Jason & Kimberly Holm	226 Oslo Avenue	Install Fireplace	\$2,000
12.	Betty J. Smith	707 South 2nd Street	Interior Remodel	\$8,000
13.	Domino's Pizza	1001 East College Drive	Retail Remodeling	\$47,000
14.	Dulas Construction, Inc.	301 Baseline Road	Office Remodel	\$8,000
15.	Dulas Construction, Inc.	606 South Saratoga Street	Dwelling	\$90,000
16.	Marlin Besse	1138 David Drive	Dwelling	\$150,000
17.	G&P Construction, Inc.	221 Athens Avenue	Dwelling	\$101,800
18.	G&P Construction, Inc.	217 Athens Avenue	Dwelling	\$106,000
19.	Babcock Construction	904 Poplar Avenue	Reside Dwelling	\$5,700
20.	Complete Chiropractic Center, P.A.	105 North 3rd Street	Interior Remodel	\$1,000

SOUTHWEST STATE UNIVERSITY ACCREDITATION PROCESS – MARY HICKERSON:

At this time Mary Hickerson, Southwest State University NCA Coordinator, provided an overview of the accreditation process that is currently underway at Southwest State University. Ms. Hickerson indicated that SSU must prepare a Self-Study Report that reviews and evaluates all aspects of its operations. This report must demonstrate that the University meets 24 General Institutional Requirements (GIRs) and 5 Criteria for Accreditation. This report will then be sent to the NCA offices in Chicago and reviewed by a team of five experienced evaluators who will visit the campus, conduct an on-site evaluation and write a team report.

EXTENSION OF EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL FOR CARR SUBDIVISION I:

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Boedigheimer moved, Doyle seconded, that Mr. Carr's request for the extension of the effective period of preliminary plat approved for Carr Subdivision I to December 2, 2002 be approved. This extension is necessary to complete the following items:

1. Execution of a Developer Agreement for infrastructure improvements.
2. Revisions of storm sewer on the preliminary plat reflecting changes after new considerations including South 4th Street storm sewer and off-site drainage.
3. Adjustments to the plat including an outlot on the west side of Travis Road for access restriction.

All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING SECTIONS 78-29 (CONNECTIONS) OF THE CITY CODE OF ORDINANCES:

Rowe moved, Sturrock seconded, the introduction of an ordinance amending Section 78-29 of the Code of Ordinances of the City of Marshall. This ordinance provides for the correction of a typographical error in the description of Tract No. 3 for the 1993 Sanitary Sewer Project Area. All voted in favor of the motion.

INTRODUCTION OF AN ORDINANCE AMENDING THE CITY LIMITS OF THE CITY OF MARSHALL:

Reynolds moved, Doyle seconded, the introduction of an ordinance and call for a public hearing to amend the City limits of the City of Marshall. This ordinance would amend the City limits of the City

REGULAR MEETING – NOVEMBER 4, 2002

of Marshall to include certain unincorporated property completely surrounded by the City limits of the City of Marshall. This petition was submitted by The 5968 Company, sole property owner of the property which is located within the Southeast quarter of Section 33, Township 112 North, Range 41 West. All voted in favor of the motion.

CONSIDER WINTER MAINTENANCE OF ROADWAYS IN VIKING ADDITION PLAT 12:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Pat McFarland concerning the issue of winter maintenance (snow removal and sanding) of Viking Addition Plat 12 prior to final lift of asphalt being installed. Normally the City has not taken over maintenance of additions until the project has been completed. Mr. Olson indicated that winter maintenance operations may cause additional problems with the existing paved surface, utility manholes and water valves, and he believes that the city may be responsible since they have allowed building permits to be approved and the construction of new homes in this area. Stores moved, Sturrock seconded, the approval of winter maintenance (snow removal and sanding) of Viking Addition Plat 12. All voted in favor of the motion, except Boedigheimer who voted no.

MARSHALL AMENITIES TASK FORCE FINAL REPORT:

At this time the City Council discussed the Marshall Amenities Task Force Final Report. The discussion included: regional type development; the organization structure including more than the City of Marshall; affordable housing; and time line. It was the general consensus of the Council that the Marshall Amenities Task Force present their report to the Lyon County Commissioners.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

Byrnes No report.

Stores No report.

Sturrock Public Improvement/Transportation Committee met last Tuesday.

Boedigheimer Airport Commission met earlier today.

Doyle Human Rights Commission met last Monday.

Rowe No report.

Reynolds No report.

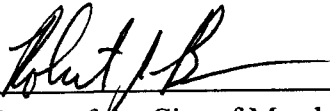
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: street lighting requests for the Engineer's Office; a fact sheet update on sewer projects; a joint meeting between the City of Marshall and Marshall Municipal Utilities; a letter being sent to MN/DOT on the speed limit on Hwy 23; congratulations to the Marshall High School volleyball team and cross country team in reaching the State Finals.

REGULAR MEETING – NOVEMBER 4, 2002

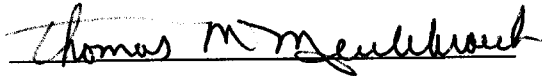
Glenn Olson, Director of Public Works/City Engineer; indicated that there will be a meeting with the County to discuss the Hwy 23 & Saratoga Street intersection and County Road 67 not being included in the County State Aid System. Mr. Olson also indicated that he has contacted all the contractors on the status of the current projects being completed.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 7, 2002

A special meeting of the Common Council of the City of Marshall was held on November 7, 2002 in the Conference Room of the Wastewater Treatment Plant. The meeting was called to order at 7:07 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Rowe, Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Mike Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Jim VanHyfte, Manager Marshall Municipal Liquor Store; Bob VanMoer, Superintendent Wastewater Treatment Facility; Marc Klaith, Fire Chief; and Thomas M. Meulebroeck, Finance Director/City Clerk.

The purpose of this special meeting was to canvas the ballots of the General Election held on November 5, 2002 and to consider the budget requests for the 2003 budget.

Election returns as filed by the election judges for the General Election held on November 5, 2002 were provided by the Finance Director/City Clerk Thomas M. Meulebroeck. The summary of the votes cast for the council members were as follows for said election:

	Ward I	Ward II	Ward III	Total
Number of Registered Voters	2,238	2,351	2,174	6,763
New Registrations Election Day	402	302	279	983
TOTAL	2,640	2,653	2,453	7,746
Total Voted	1,463	1,755	1,504	4,722
% Voted	55.42%	66.15%	61.31%	60.96%
City Council				
Donald L. Edblom	485	-----	-----	485
Michael Reynolds	814	-----	-----	814
Michael Boedigheimer	-----	1,530	-----	1,530
Shelly Hilton	-----	-----	1,240	1,240
Other (write-ins & blanks)	164	225	264	653
TOTAL	1,463	1,755	1,504	4,722

Write-ins for each ward included:

Ward I

James Goldenstein
Steve Ritter
Craig Sinnett
Mike Ziebell
Matt Hille
Sheron Copeland
Lope Solis

Ward II

Bill Wagner
Steve Ritter
David A. Johnson
Scott Skulstad
Marlin Thompson
Tony Alcorn

Ward III

Joshua Norweicke
Tom VanderHagen
Dave Grong
Joe Fischer
Art Olson
Don Deruyck
Don Edblom
Marlin Paradis
Joe Clark

Ward III

Don Knobin
Rose Grow
Steve Ritter
Ted Rowe
Robert Blomme

SPECIAL MEETING – NOVEMBER 7, 2002

Sturrock moved, Doyle seconded, that Michael Reynolds be declared duly elected as council member for Ward 1; Michael Boedigheimer be declared duly elected as council member for Ward 2; and Shelly Hilton be declared duly elected as council member for Ward 3 of the City of Marshall and that all of these elected council member positions expire on December 1, 2006. All voted in favor of the motion.

Jim VanHyfte, Manager Marshall Municipal Liquor Store, reviewed with the city council his proposed budget for the year 2003. Mr. VanHyfte also reviewed with the city council information that was provided to them in regard to the profitability and sales of the Marshall Municipal Liquor Store in comparison to similar operations throughout the state. From the information that Mr. VanHyfte provided the Marshall Municipal Liquor Store is a leader in providing a profit in their operations.

Marc Klaith, Fire Chief, reviewed with the city council some concerns of the Fire Department budget for the year 2003. Mr. Klaith did indicate that the contribution to the Relief Association would have be increased to \$31,921 due to a change in the form that needs to be provided to the State of Minnesota certifying the amount of the city's levy. Mr. Klaith also addressed the recruitment of new members for the Marshall Volunteer Fire Department since there will be some retirements within the next year or two. Mr. Klaith requested consideration of new members for the fire department due to the length of time it takes for new members to receive the necessary training and meet the requirements in order to perform the duties of a fire department member. Mr. Klaith addressed the capital equipment request for the fire department and also the disposal of two trucks within their department.

Robert VanMoer, Superintendent Wastewater Treatment Plant, and Glenn Olson, Director of Public Works/City Engineer, were in attendance at the meeting to address with the city council the proposed 2003 budget for the Wastewater Treatment Facility operations. Prior to the consideration of the budget requests, Mr. VanMoer addressed the update on new environmental rules affecting the City of Marshall Wastewater Treatment Facility. Mr. VanMoer also, addressed the Total Maximum Daily Load Rule and 2002 Draft 303 (d) Impaired Water List Summary of Process and Reasons for Filing Legal Action. The proposed revenues and expenditures for the 2003 Wastewater Treatment operation were reviewed. A concern was expressed with the need for the study being done by Springsted's Inc., being updated to determine if the proposed increase in revenues is sufficient to cover the operation and debt service for the Wastewater Treatment Facility operations.

Glenn Olson, Director of Public Works/City Engineer, gave a brief overview of the projected budget for the Municipal State Aid Fund for 2003.

Mayor Byrnes called for a short break at 9:05 P.M.

Thomas M. Meulebroeck, Finance Director/City Clerk, provided a brief overview of the proposed budgets for 2003 for the Capital Equipment Fund; Property Liability/Medical Insurances Fund; Special Revenue Fund; Debt Service Fund; Capital Project Fund; Parkway

SPECIAL MEETING – NOVEMBER 7, 2002

Town Home Budget and the Community Services Trust Agency Budget. The 2003 Transit Service Budget was also reviewed.

City Administrator Mike Johnson briefly reviewed the budget requests for 2003 for the Mayor and Council, Human Rights, Administration, Data Processing, and Motor Pool.

A brief discussion was held at this time in regard to the improvements at the Marshall Municipal Airport/Ryan Field and also with the potential name change for this facility.

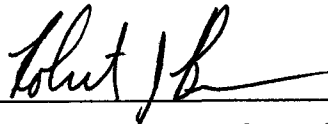
City Administrator Mike Johnson requested direction from the City Council to city staff as to areas to consider in revisions to the budget to get it to a balanced budget status. Items that were discussed were the consideration on the Capital Outlay items; the pollution permitting/storm water program; consideration of the Liquor Fund transfer to the General Fund; and the designation of a General Fund reserve balance to be considered at year end and the potential of using some of those funds if they are in excess of what is needed at year end. Mr. Johnson, also addressed a memo of October 11, 2002 which was provided to the city council in regard to the preliminary 2003 General Fund Budget. This memo addressed some of the areas of personnel and O & M where there were changes in the budgets from 2002 to 2003.

The status of the dental insurance program was also addressed.

It was suggested that the request from the Marshall Area Fine Arts Council of \$5,000 for 2003 be left at that amount. It was also suggested that the transfer from the Liquor Fund to the General Fund be set at \$400,000.

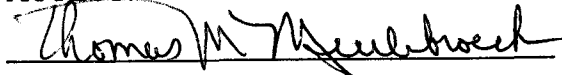
The next meeting to consider the 2003 budget requests has been set for 7:00 P.M. on November 25, 2002. A concern was expressed with the status of a joint meeting between the City Council and the Marshall Municipal Utilities.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – NOVEMBER 18, 2002

The regular meeting of the Common Council of the City of Marshall was held on November 18, 2002 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, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Calvin Barnett, Director of General Services/City Assessor; Marc Klaith, Fire Chief, and Jane DeVries, Deputy City Clerk. Brian Murphy, City Attorney; Rob Yant, Director of Public Safety and Harry Weilage, Director of Community Services arrived late for the meeting.

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 the following items: a bill being added to the bills/project payment; appointments to the Charter Commission as the first item of new business; and a special recognition be made before the consent agenda.

APPROVAL OF THE MINUTES:

Rowe moved, Reynolds seconded, that the minutes of the regular meeting held on November 4, 2002 and the minutes of the special meeting held on November 7, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

RECOGNITION OF COUNCIL MEMBER:

At this time Mayor Byrnes thanked Council member Rowe for his years of service as a Council Member and presented him with a plaque.

CONSENT AGENDA – CONSIDER APPLICATION FOR TEMPORARY ON-SALE LIQUOR LICENSE FOR THE KNIGHTS OF COLUMBUS AT THE PRAIRIE EVENT CENTER ON NOVEMBER 23, 2002; CONSIDER APPLICATION FOR PLUMBERS LICENSE FOR BERWIN DEJAGER DBA DEJAGER PLUMBING & HEATING INC., LETTER OF AUTHORIZATION FOR MAYOR TO SIGN DOCUMENT ON BEHALF OF THE CITY OF MARSHALL FOR THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002; BILLS/PROJECT PAYMENTS; AND BUILDING PERMITS:

Rowe moved, Stores seconded, that the following consent agenda items be approved:

The approval of a temporary on-sale liquor license for the Knights of Columbus at the Prairie Event Center on November 23, 2002 at a fee of \$25.00.

The approval of a plumber's license for Berwin DeJager dba DeJager Plumbing & Heating, Inc., at a fee of \$50.00. This license will expire on March 31, 2003.

The approval of a letter of authorization for the Mayor to sign documents on behalf of the City of Marshall for the Farm Security and Rural Investment Act of 2002.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 35940 through 36151 and a pay request in the amount of \$69,457.39 to R & G Construction, Inc.

All voted in favor of the motion.

REGULAR MEETING – NOVEMBER 18, 2002

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

<i>Applicant</i>	<i>Location Address</i>	<i>Description of Work</i>	<i>Valuation</i>
1. Keith & Cheryl Derynck	1110 Bruce Circle	Basement Remodel	\$700
2. Geske Home Improvement Co.	619 West Southview Drive	Reside Dwelling	\$7,000
3. Dulas Construction, Inc.	710 Marguerite Avenue	Install Window	\$1,100
4. Babcock Construction	111 Ranch Avenue	Reside	\$7,200
5. PR Ventures	800 DeSchepper Street	Dwelling	\$105,000
6. Bruce & Mary Ahrendt	1401 Westwood Drive	Interior Remodel	\$1,000
7. Mark Timmerman	1214 Parkside Drive	Addition	\$17,000
8. Art-n-Sign	1100 West Main Street	Install Signs	\$29,800
9. Doom & Cuypers, Inc.	1106 East College Drive	Remodel Office Building	\$200,000
10. Ecowater Systems, Inc.	801 West Main Street	Install Signs	\$4,000
11. Karen Miles	107 Maple Lane	Manufactured Home Installation	

ORDINANCE AMENDING SECTION 78-29 OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL:

Sturrock moved, Stores seconded, the adoption of ORDINANCE NUMBER 485, SECOND SERIES and that the reading of the same be waived. Ordinance Number 485, Second Series is an ordinance Amending Section 78-29 of the Code of Ordinances of the City of Marshall. This ordinance corrects the description of property included within the 1993 Sanitary Sewer Project area; it was found that there was a typographical error in the description of Tract no. 3. Section 22 should be changed to Section 2. All voted in favor of the motion.

IDENTIFICATION OF INDIVIDUALS TO SERVE ON CHARTER COMMISSION:

Rowe moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2497-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2497-A, Second Series is a resolution Appointing Members to the City of Marshall, Minnesota, Charter Commission and Establishing their Terms of Office. The following individuals were appointed for a term to expire on December 18, 2004: Cork J. Kizer, Kathy Lozinski, Bill Cole, Ann Berglind, Maureen Stores, Paul Imm, and Roma Mortenson Kindschi; and the following individuals were appointed for a term to expire on December 18, 2006: Phyllis Bowden, Steve Glaeser, Aileen Rowe, Kip Sillers, John Feda, Mary Meffert, Todd Schweer and Dan Stores. All voted in favor of the motion.

REQUEST OF LISA J PARKER FOR A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO CONDUCT A EMBROIDERY BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 408 NORTH HIGH STREET:

Per the recommendation of the Planning Commission, Stores moved, Rowe seconded, to approve the request of Lisa Parker for a Conditional Use Permit for a home occupation to conduct an embroidery business in an R-1 One Family Residence District at 408 North High Street. This conditional use permit was approved with the following conditions:

1. The permit be issued for a one-year period.
2. The hours of business shall be between 6:00 A.M. and 10:00 P.M. only.

All voted in favor of the motion.

REQUEST OF GARY D. BECKER TO REZONE 1301 WEST MAIN STREET FROM A – AGRICULTURE DISTRICT TO I-2 GENERAL BUSINESS DISTRICT:

REGULAR MEETING – NOVEMBER 18, 2002

Rowe moved, Doyle seconded, the introduction of an ordinance Amending Chapter 86 of the City Code Relating to Zoning and call for a public hearing to be held at 7:30 P.M. on December 2, 2002. This ordinance would provide for 1301 West Main Street to be rezoned from A – Agriculture District to I-2 General Business District. All voted in favor of the motion.

SPRINGSTED PUBLIC FINANCE ADVISORS – RESOLUTION AUTHORIZING AND AWARDING SALE OF, AND PROVIDING THE FORM, TERM, COVENANTS AND DIRECTIONS FOR \$2,015,000 GENERAL OBLIGATION TAX INCREMENT REVENUE BONDS, SERIES 2002A:

Teri Heaton, Springsted Inc., was in attendance at the meeting to review the bids received for the three bond issues that were to be awarded.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2498, SECOND SERIES and that the reading of the same be waived. Resolution Number 2498, Second Series is a resolution awarding the Sale of \$2,015,000 General Obligation Tax Increment Revenue Bonds, Series 2002A; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment. The sale of these bonds was awarded to U.S. Bancorp Piper Jaffray Inc/Wells Fargo Brokerage Services, LLC at a price of \$1,998,275.50, a net interest cost of \$421,376.17 and a True Interest Rate of 3.5078%. All voted in favor of the motion.

RESOLUTION AUTHORIZING AND AWARDING SALE OF, AND PROVIDING THE FORM, TERM, COVENANTS AND DIRECTIONS FOR \$1,000,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2002B:

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2499, SECOND SERIES and that the reading of the same be waived. Resolution Number 2499, Second Series is a resolution Awarding the Sale of \$1,000,000 General Obligation Improvement Bonds, Series 2002B; Fixing their Form and Specifications, Directing their Execution and Delivery; and Providing for their Payment. The sale of these bonds was awarded to United Bankers' Bank, First Independent Bank of Marshall, Minnesota at a price of \$994,000.00, a net interest cost of \$120,202.08 and a True Interest Rate of 2.9818%. All voted in favor of the motion.

RESOLUTION AUTHORIZING AND AWARDING SALE OF, AND PROVIDING THE FORM, TERM, COVENANTS AND DIRECTIONS FOR \$1,095,000 GENERAL OBLIGATION WASTE WATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2002C:

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2500, SECOND SERIES and that the reading of the same be waived. Resolution Number 2500, Second Series is a resolution Awarding the Sale of \$1,095,000 General Obligation Waste Water System Revenue Refunding Bonds, Series 2002C; Fixing their Form and Specifications, Directing their Execution and Delivery; and Providing for their Payment. The sale of these bonds was awarded to United Bankers' Bank, First Independent Bank of Russell, Minnesota at a price of \$1,085,692.00, a net interest cost of \$223,751.33, and a True Interest Rate of 3.4121%. All voted in favor of the motion.

AMENDMENT TO ADDENDUM "A" OF AGREEMENT FOR CONTINUING DISCLOSURE SERVICES AND ADDENDUM "B" OF AGREEMENT FOR ARBITRAGE AND REBATE MONITORING FOR \$2,015,000 GENERAL OBLIGATION TAX INCREMENT REVENUE BONDS, SERIES 2002A AND \$1,000,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2002B:

Rowe moved, Doyle seconded, the proper city personnel be authorized to enter into an agreement with Springsted's Inc., for Amendment to Addendum "A" of Agreement for Continuing Disclosure Services and Addendum "B" of Agreement for Arbitrage and Rebate Monitoring for

REGULAR MEETING – NOVEMBER 18, 2002

\$2,015,000 General Obligation Tax Increment Revenue Bonds, Series 2002A and \$1,000,000 General Obligation Improvement Bonds, Series 2002B. All voted in favor of the motion.

AMENDMENT TO ADDENDUM "A" OF AGREEMENT FOR CONTINUING DISCLOSURE SERVICES AND ADDENDUM "B" OF AGREEMENT FOR ARBITRAGE AND REBATE MONITORING FOR \$1,095,000 GENERAL OBLIGATION WASTEWATER SYSTEM REVENUE BONDS, SERIES 2002C:

Doyle moved, Stores seconded, the proper city personnel be authorized to enter into an agreement with Springsted's Inc., for Amendment to Addendum "A" of Agreement for Continuing Disclosure Services and Addendum "B" of Agreement for Arbitrage and Rebate Monitoring for \$1,095,000 General Obligation Wastewater System Revenue Bonds, Series 2002C. All voted in favor of the motion.

FIRE DEPARTMENT – STAFFING REQUESTS FOR 2003; AUTHORIZATION TO DISPOSE OF VEHICLES:

Marc Klaith, Fire Chief for the Marshall Volunteer Fire Department, was in attendance at the meeting to review their request to add 8 new members to the fire department. The department will be losing up to 5 members due to retirement in the fall of 2003 and with the training requirements it is necessary to start the process of adding new members. Rowe moved, Boedigheimer seconded, that the Marshall Volunteer Fire Department be allowed to add up to 8 new members. All voted in favor of the motion.

The Marshall Volunteer Fire Department is also requesting authorization to dispose of surplus equipment in their fleet of the Fire Department. The vehicles are a 1976-pumper truck and a 1970 85 ft Snorkel truck. These vehicles are in perfect working condition and have been certified. Stores moved, Reynolds seconded, that the proper city personnel be authorized to advertise for bids to sell the 1976 pumper truck and the 1970 85 ft Snorkel truck. All voted in favor of the motion.

Russ Labat, Marshall Volunteer Fire Department, took this opportunity to present to the City of Marshall a check in the amount of \$750, which is their annual contribution to the Scholarship Fund; and the final payment of approximately \$4,500 to the City of Marshall for the Thermal Digital Camera that the Fire Department Purchased.

AIRPORT COMMISSION RECOMMENDATION REGARDING NAME CHANGE:

The Airport Commission is recommending the City Council consider a name change to the airport based on future anticipated activities and actions that will be occurring at the airport. Sturrock moved, Reynolds seconded, that the name of the airport be changed to Southwest Minnesota Regional Airport Marshall Ryan Field. Following discussion Rowe moved, Doyle seconded, that the motion be amended to provide for a slash (/) between Marshall and Ryan Field, therefore the name would be Southwest Minnesota Regional Airport Marshall / Ryan Field. This is also the name that was being recommended by the Airport Commission. All voted in favor of the amendment, except Sturrock who voted not. All voted in favor of the motion as amended.

AUTHORIZE AMENDMENT TO MINNESOTA DEPARTMENT OF PUBLIC SAFETY GRANT AGREEMENT #1000-433 (M.E.R.I.T. CENTER):

Doyle moved, Reynolds seconded, the approval of Amendment #1 to the General Fund Disbursement Agreement Construction Grant #1000-433 with the Minnesota Department of Public Safety on the City's M.E.R.I.T. Center project. This amendment provides for a completion date extension from June 30, 2002 to December 31, 2002 and also the approval to reallocate \$42,000 of

REGULAR MEETING – NOVEMBER 18, 2002

expenditures within the Grant to cover the classroom remodeling contracts that were approved by the City Council in approximately June/July 2002. All voted in favor of the motion.

PROJECT 2002-007 – 2002 TERMINAL AREA CONSTRUCTION CHANGE ORDER NO. 2:

Reynolds moved, Rowe seconded, the approval of Change Order no. 2 with R & G Construction Co., in the amount of \$34,483.10. This change order provides for the following: install a card-controlled, electrically operated single cantilever rolling gate; construct additional bituminous surfaced aircraft apron; install 10" underground drain line; revise storm sewer construction; adjust hydrant; extend irrigation system; and install subdrain system for pavement drainage. All voted in favor of the motion.

RESOLUTION FOR SIGNAGE AT THE MARSHALL REGIONAL AIRPORT – RYAN FIELD:

Rowe moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2501, SECOND SERIES and that the reading of the same be waived. Resolution Number 2501, Second Series is a resolution Providing for Signage in the City of Marshall. This resolution provides for the following signs to be installed at the Airport:

1. Parking Lot A – "NO PARKING – 10:00 P.M. TO 5:00 A.M."
2. Parking Lot B – "NO PARKING – 10:00 P.M. TO 5:00 A.M."
3. Parking Lot C – "OVERNIGHT PARKING" and "LONG-TERM PARKING"

All voted in favor of the motion.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PICK-UP OF GARBAGE AND TRASH FOR VARIOUS CITY LOCATIONS:

Reynolds moved, Doyle seconded, that the proper city personnel be authorized to advertise for bids for the pick-up of garbage and trash for various City locations. These bids are to be received at 4:00 P.M. on December 4, 2002. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

Byrnes No report.

Stores Library Board is working on their budget and has discussed smoke alarms for the Library.

Sturrock Cable Commission minutes are included in the agenda packet; Utilities Commission held a special meeting on November 13th.

Boedigheimer Airport Commission minutes are included in the agenda packet.

Doyle Human Rights Commission minutes from their October meeting are included in the agenda packet.

Rowe Community Services Advisory Board discussed the future of their services; Planning Commission minutes are included in the agenda packet.

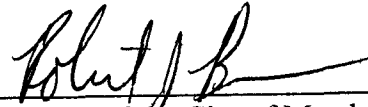
Reynolds Hospital Board met earlier this evening; Council Personnel Committee also held a brief meeting earlier this evening.

REGULAR MEETING – NOVEMBER 18, 2002

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the speed limit in the alley of 600 West Redwood being set at 10 mph; the improvements to the building at the corner of Bruce Street and College Drive are progressing; several vehicles are using the old Mike's Café property as a parking lot; packets have been provided to the council members for the annual review of Mike Johnson, City Administrator; Dan Stores was appointed as the council liaison to the Charter Commission; the Housing Commission has requested to change their time for the meetings; and Mayor Byrnes asked for input on time changes for the council meetings and the other board and commission meetings.

Rowe moved, Reynolds seconded, that the meeting be adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 25, 2002

A special meeting of the Common Council of the City of Marshall was held on November 25, 2002 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 7:00 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doyle, Sturrock, Boedigheimer and Stores. Absent: Rowe and Reynolds. Staff present included: Mike Johnson, City Administrator; Calvin Barnett, Director of General Government Services/City Assessor; Harry Weilage, Director of Community Services; Rob Yant, Director of Public Safety; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; and Bob VanMoer, Superintendent Wastewater Treatment Facility.

The purpose of this meeting was to consider the 2003 budget request with primary emphasis on the General Fund. Mike Johnson reviewed the staffs recommended adjustments to budgeted revenues and expenditures for 2003. With the recommended changes, the expenditures of \$8,434,685 exceed revenues of \$8,334,946 by \$99,739.

The options Mike shared at this time were to: (1) consider further personnel reductions; (2) consider additional operation and maintenance reductions; (3) consider additional capital outlay reductions; (4) consider an increase in license and permit fees; (5) consider a reduction in services; and (6) consider the use of fund balances.

Be it noted the arrival of Council member Rowe at 7:20 P.M.

The Fund Balance of General Fund as of 12-31-01 was reviewed as to the amount reserved, designate and undesignated.

The General Fund changes suggested or addressed included: (1) the amount requested by MAFAC potentially being set at \$3,000; (2) there be an amount set aside in the Mayor and Council Contingency; (3) a clarification as to why certain capital expenditures are removed from the budgeted and others are not; (4) that a portion of the amount being budgeted in Data Processing for technology improvements be set aside in the Mayor and Council Contingency; and (5) that there be a one additional transfer of \$100,000 from the Wastewater Treatment Facility operations to the General Fund.

City staff has been working with personnel from Springsteds, Inc., on the proposed 2003 Wastewater Treatment Facility Operation budget and potential rate adjustments. The various options prepared by Springsteds were distributed and discussed.

Mayor Byrnes called for a 5-minute recess at 8:10 P.M.

Boedigheimer moved, Doyle seconded, that there be an additional \$100,000 one-time transfer from the Wastewater Treatment Facility Fund to the General Fund in 2003 and that this amount be reduced from the need operating cash balance. All voted in favor of the motion.

SPECIAL MEETING – NOVEMBER 25, 2002

Stores moved, Rowe seconded, that the amount budgeted as a capital expenditure in the Data Processing budget for technology improvements be reduced by \$15,000 and transferred to the Mayor and Council Contingency. All voted in favor of the motion.

Sturrock moved, Stores seconded, that the 2003 budget amount for MAFAC be set at \$3,000 and increase of \$1,000 over 2002. All voted in favor of the motion, except Rowe who voted no.

Per Mike Johnson's computation the amount needed to balance the budget at this time is \$739, therefore Sturrock moved, Doyle seconded, that the capital expenditure be adjusted by \$739 to provide for a balanced General Fund Budget. All voted in favor of the motion.

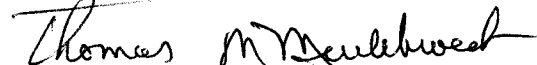
Mike Johnson reviewed the proposed 2003 Tax Levy, which reflects an increase of \$143,936 or a 5.6% increase.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 4, 2002

The Truth and Taxation Public Hearing was held on Wednesday, December 4, 2002 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 6:03 P.M. by Mayor Byrnes. In addition to Byrnes the following council members were in attendance at the meeting: Hilton, Doyle, Sturrock, Reynolds and Stores. Absent: Boedigheimer. Staff in attendance at the meeting included: Mike Johnson, City Administrator; and Thomas M. Meulebroeck, Finance Director/City Clerk. There were three residents from the City of Marshall at the meeting.

The purpose of this Truth and Taxation Public Hearing was to hear any comments from the City Council and from the general public in regard to the proposed budget and tax levy payable in the year 2003. Mike Johnson, City Administrator, conducted the public hearing. Mr. Johnson indicated that the budget that is presented at this time is a preliminary budget. The final general fund budget will be presented to the City Council for approval at the December 16, 2002 meeting. Mike Johnson commended various city staff for their work in preparing the budget and materials for the Truth and Taxation Hearing.

Mike addressed the following 2002 Accomplishments:

- Completed 2-year (2001-2002) Airport Improvement Projects with total investment exceeding \$8,000,000 – (A/D Building, New Schwan's Hangar, New FBO Hangar, Terminal Improvements, Utility Extension (Water & Sewer), T-Hangar Relocation and Re-siding)
- Parkway Housing Addition (Marshall EDA) – Completed Phase I (42 Lots) and opened Phase II (39 Lots)
- North 7th Street/Kossuth Avenue Bridge Replacements
- Construction of London Road
- Downtown Park Development (East Main Street/East College Drive)
- Schwan's Sales Enterprises, Inc., 50th Anniversary Celebration
- Economic Development Projects (Schwan's Distribution Center, Razor Project and new R & D Center)
- Completed Tiger Lake Forcemain Replacement Project and Started Construction of New YMCA
- Annexation of 478 Acres of Land into City Limits (10% Increase)
- Completed \$4,000,000 Wastewater Treatment Facility Improvements (Effluent Filters and Sludge Storage)
- Fire Department New \$360,000 Fire Truck/Equipment and New Educational Smoke Trailer
- City Hosted State American Legion Baseball Tournament
- City Hosted Initial St. Paul Saints/Sioux Falls Canaries Baseball Game at Legion Field
- Public Safety Department Received \$200,000 Chemical Assessment Team (CAT) Grant
- 57 New Single-Family Homes Constructed (Highest Number of New Homes in 25 Years)

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 4, 2002

Following the review of the 2002 Accomplishments, Mike reviewed the 2003 Issues Confronting the City of Marshall:

- State of Minnesota \$4.56 Billion Budget Deficit and Corresponding Impact on City Budget/Services
- Construction of East Side Sanitary Sewer Interceptor Project
- Airport Study with MnDOT for Commercial Air Service
- Implementation of Stormwater Management Plan to Address "NPDES" Rules
- Implementation of City Technology Plan
- City/Municipal Utility Planning for Utility Extensions and Subdivision Development in Newly Annexed Areas
- Community Discussion and Implementation of 2002 "Amenities Committee" Recommendations
- Development of Financing Plans and Special Assessment Program for Neighborhood Infrastructure Replacement
- Construction of Southwest Recreation Facility Soccer Project at SSU
- Examine Municipal Building Infrastructure Issues
- GASB 34 and Fixed Asset Accounting Program
- Complete Cable Television Franchise Renewal with 2 Cable Companies
- Address Infrastructure and Transportation Issues with New High School if Referendum Passes
- Continue EDA Housing Efforts with Parkway Housing Addition (Phase II)
- Interaction with MnDOT to Address Safety/Development Issues on U.S. Highway 23

Mike briefly reviewed the 2003 proposed general fund budget, which is balanced with revenues, and expenditures equal to \$8,434,946. Mike also reviewed the general fund revenues and expenditures for the years 1990 through the 2003 budget along with the change in fund balance for each year. Other items that were briefly reviewed included: the 2003 General Fund Capital Outlay; information on how property taxes are determined; property tax class rates for the State of Minnesota; the City of Marshall Tax Capacity comparisons for the period 1994 through estimated 2003; the State Aids and Property Tax Levy from 1998 through 2003; the proposed 2003 Marshall Property Tax Levy; the comparison of Marshall's Property Tax Levy from 1999 through 2003; a break down of total tax capacity rate paid by Marshall City residents from 1984 to present; the history of local Tax Capacity Rates from 1992 through 2002; and a comparison of 2002 Tax Capacity Rates for Greater Minnesota Cities with 8,000 population and above.

Mike briefly addressed correspondence that was recently received indicating that the State of Minnesota is expecting a \$356 million deficit for the 2002-2003 biennium and a \$4.2 billion deficit for the 2004-2005 biennium and how these deficits may affect the City of Marshall. The City of Marshall currently receives approximately 41% of its revenues through State Aids and 20% from property taxes.

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 4, 2002


John Feda indicated that the local taxes are low because of the school district and that he would like to use the information provided at this hearing for presentations on the upcoming school referendum.

With no further comments brought forth, Reynolds moved, Doyle seconded, that the meeting be adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – DECEMBER 2, 2002

The regular meeting of the Common Council of the City of Marshall was held on December 2, 2002 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: Hilton, Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Brian Murphy; City Attorney; Glenn Olson, 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.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 9a, which is the request to close Marvin Schwan Memorial Drive between West College Drive and South 1st Street from December 16-21, 2002.

Thomas M. Meulebroeck, Finance Director/City Clerk administered the Oath of Office to the re-elected Council Members Boedigheimer and Reynolds; and to the newly elected Council Member Shelly Hilton.

APPROVAL OF THE MINUTES:

Doyle moved, Reynolds seconded, that the minutes of the regular meeting held on November 18, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - A. CONSIDER ANNUAL RENEWAL OF LICENSES FOR 2003; B. CONSIDER APPROVAL OF RESOLUTION FOR THE APPOINTMENT OF SHELLY HILTON TO THE HOUSING AND REDEVELOPMENT AUTHORITY COMMITTEE; C. CONSIDER APPROVAL OF RESOLUTION FOR THE REAPPOINTMENTS OF MIKE REYNOLDS AND MIKE BOEDIGHEIMER TO THE HOUSING AND REDEVELOPMENT AUTHORITY COMMITTEE; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS;

Reynolds moved, Stores seconded, that the following consent agenda items be approved:

The 2002 license renewals for Liquor, Sunday Liquor, Off-Sale Beer, On-Sale Beer and Tobacco for the following:

LIQUOR LICENSE APPLICATIONS (\$3,500 per year)

- 1) American Legion Post 113
- 2) Apple American Ltd Ptsp of MN dba Applebee's Neighborhood Grill & Bar
- 3) Best Western/Marshall Inn
- 4) Chalet Club
- 5) FOE Aerie 3405 dba Eagles Club
- 6) El Tequilla
- 7) Gambler
- 8) Marshall Golf Club
- 9) Varsity Pub
- 10) Sam's Place
- 11) Wooden Nickel

REGULAR MEETING – DECEMBER 2, 2002

SUNDAY LIQUOR LICENSE APPLICATIONS (\$200 per year)

- 1) American Legion Post 113
- 2) Apple American Ltd Ptsp of MN dba Applebee's Neighborhood Grill & Bar
- 3) Best Western/Marshall Inn
- 4) Chalet Club
- 5) FOE Aerie 3405 dba Eagles Club
- 6) El Tequilla
- 7) Gambler
- 8) Marshall Golf Club
- 9) Varsity Pub
- 10) Sam's Place
- 11) Wooden Nickel

OFF-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$75.00 per year)

Ampride West/Lyon County Co-Op
Casey's General Store
Cattoor Oil dba Phillips 66
Freedom Value Center/Erickson Oil
Hy-Vee Food Store
Hy-Vee Gas Station
La Mexicana
Texaco-Super Stop & Wash

ON-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$200.00 per year)

BRHB Inc dba Godfather's Pizza
Prairie Event Center

TOBACCO LICENSE APPLICATIONS (\$60.00 per year)

American Legion	K. C. Pawn & Gun Shop
Ampride Main/Lyon County Co-Op	K-Mart
Ampride West/Lyon County Co-Op	La Mexicana
Caseys General Store	Marshall Golf Club
Cattoor Oil/Phillipps 66	Marshall Liquor Store
Chalet Club	Varsity Pub
County Market	Sam's Place
Eagles Club	SSU Bookstore Corral
Erickson Oil Products	Super America/Cattoor Oil
Gambler	Texaco Super Stop & Wash
Hy-Vee Food Store	Traveler's Lodge
Hy-Vee Gas Station	Wooden Nickel

TRANSIENT MERCHANTS LICENSE APPLICATIONS (\$250.00 per year)

Pacesetter Corporation
American Studios Inc

REGULAR MEETING – DECEMBER 2, 2002

The adoption of RESOLUTION NUMBER 2502, SECOND SERIES and that the reading of the same be waived. Resolution Number 2502, Second Series is a resolution Approving the Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution provides for the appointment of Shelly Hilton as a Commissioner to the Housing and Redevelopment Authority in and for the City of Marshall.

The adoption of RESOLUTION NUMBER 2503, SECOND SERIES and that the reading of the same be waived. Resolution Number 2503, Second Series is a resolution Approving the Re-Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution provides for the re-appointment of Mike Reynolds and Michael Boedigheimer as commissioners to the Housing and Redevelopment Authority in and for the City of Marshall.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 36152 through 36283.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Marc Gaddis	1206 Patricia Court	Finish Basement	\$10,000
2.	Tutt Construction	1201 Morningside Circle	Install Window	\$900
3.	Tutt Construction	111 George Street	Addition	\$12,000
4.	Steve Buck	104 South Hill Street	Reroof	\$2,000
5.	Paul & Fran Deutz	304 East Main Street	Install Window	\$1,000
6.	Sussner Construction, Inc.	601 Michigan Road	Silo Tank Framing Modifications	\$73,200
7.	Hisken Construction, Inc.	400 South 5th Street	Residing, Reroof & Replace Windows	\$25,000
8.	Bernie Heck Construction	204 Rainbow Drive	Deck	\$1,800
9.	Paxton Signs, Inc.	1307 East College Drive	Signs	\$5,200
10.	Lozinski Construction	206 West Marshall Street	Reroof	\$3,200

PUBLIC HEARING – REQUEST OF GARY D. BECKER TO REZONE 1301 WEST MAIN STREET FROM A – AGRICULTURE DISTRICT TO I-2 GENERAL INDUSTRIAL DISTRICT:

This was the date and time set for a public hearing to rezone 1301 West Main Street from A – Agricultural to I-2 General Industrial District for Gary D. Becker. Glenn Olson, Director of Public Works/City Engineer, reviewed this request. Doyle moved, Sturrock seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, the adoption of ORDINANCE NUMBER 486, SECOND SERIES and that the reading of the same be waived. Ordinance Number 486, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 1301 West Main Street to be rezoned from A – Agricultural to I-2 General Industrial District. All voted in favor of the motion.

CONSIDER EXTENSION OF EFFECTIVE PERIOD OF PRELIMINARY PLAT FOR CARR SUBDIVISION I:

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer; Doyle moved, Reynolds seconded, that Mr. Carr's request be approved for the extension of the effective period to March 3, 2003 for the preliminary plat approval for Carr Subdivision I. This extension is necessary to review the design the proposed Development Agreement. All voted in favor of the motion.

CALL FOR A PUBLIC HEARING REGARDING FY 2003 WASTEWATER USER RATES:

Stores moved, Sturrock seconded, that a public hearing be set for 7:30 P.M. on December 16, 2002 to consider the proposed Wastewater User Rates. All voted in favor of the motion.

CONSIDER APPROVAL OF UTILITY EASEMENT WITH LOWELL AND LAURINE MCDANIEL:

Boedigheimer moved, Reynolds seconded, the approval of a utility easement with Lowell and Laurine McDaniel on the condition that the McDaniel's sign the agreement. This easement replaces the easement that was approved on September 16, 2002. This easement is for the purpose of the construction, operation, and maintenance of public utilities on the property described. This easement is in a different location than the easement that was approved on September 16, 2002. All voted in favor of the motion.

APPOINTMENT OF COUNCIL MEMBERS TO BOARDS/COMMISSIONS/COMMITTEES:

Mayor Byrnes made the following appointments of the Council members to the various boards, commissions and committees:

Personnel Committee: Dan Stores, Mike Reynolds and Shelly Hilton

Ways and Means Committee: Mike Boedigheimer, Dan Stores and John Doyle

Legislative and Ordinance Committee: Mike Boedigheimer, Mike Reynolds and David Sturrock

Public Improvement/Transportation Committee: John Doyle, David Sturrock, and Shelly Hilton

Airport Commission: Mike Boedigheimer

Cable Television Commission: Mike Reynolds

Charter Commission: Dan Stores

Community Services Advisory Board: Mike Reynolds

Economic Development Authority: John Doyle and Bob Byrnes

Hospital Board: Shelly Hilton

Housing Commission: John Doyle

Human Rights Commission: John Doyle

Insurance Advisory Commission: Dan Stores

Library Board: Dan Stores

Planning Commission: David Sturrock

Police Commission: Shelly Hilton

Senior Citizen Center Commission: Mike Boedigheimer

Utilities Commission: David Sturrock

Downtown Redevelopment: Mike Reynolds

Convention & Visitors Bureau: Dan Stores

Fire Relief Association: Bob Byrnes

Lyon County Enterprise Development: Mike Boedigheimer

Lyon County Ice Facility: Mike Reynolds, David Sturrock and Shelly Hilton

Marshall Area Transit: John Doyle

M.E.R.I.T. Fire Training Center: Mike Boedigheimer

REGULAR MEETING – DECEMBER 2, 2002

Regional Development Commission: Bob Byrnes

City Council-County Board/Library Agreement & Operations: John Doyle and Dan Stores

Joint Law Enforcement Committee: David Sturrock and Mike Boedigheimer

Lyon County Historical Society: Mike Reynolds and Shelly Hilton

SELECTION OF PRESIDENT PRO-TEM:

Council Member Mike Reynolds was nominated as the President Pro-Tem, therefore Stores moved, Sturrock seconded, that nominations cease and that a unanimous ballot be cast for Mike Reynolds as the President Pro-Tem for the City Council. All voted in favor of the motion.

APPOINTMENT OF CITY ATTORNEY AND APPROVAL OF MEMORANDUM OF UNDERSTANDING:

Boedigheimer moved, Doyle seconded, that Brian Murphy be appointed as the City Attorney for the City of Marshall for a two year term and that Memorandum of Understanding be approved. All voted in favor of the motion.

REQUEST FOR STREET BLOCKADE FOR CHRISTMAS TREE WALK:

Stores moved, Reynolds seconded, that Marvin Schwan Memorial Drive be closed between West College Drive and South 1st Street from December 16-21, 2002 for the Christmas Tree Walk. The section between West College Drive and the access to the Schwan's parking lot will remain open to local traffic only. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

Byrnes No report.

Stores No report.

Sturrock Utilities Commission met on November 20th.

Boedigheimer No report.

Doyle Human Rights Commission minutes are included in the agenda packet; Marshall Area Transit minutes are included in the agenda packet.

Reynolds No report.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

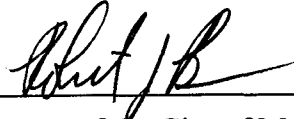
Other items brought forth by the Mayor and Council Members included: the downtown restroom in the new park being locked, Boedigheimer felt that it should be open for the public to use and not locked like the restrooms in the other parks; the Public Improvement Transportation Committee met last Monday.

REGULAR MEETING – DECEMBER 2, 2002

REVIEW OF AGENDA ITEMS:

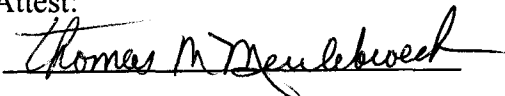
Review of agenda items included: Cable Franchise; and safety issued on State Highway 23 and a letter received from Mn/DOT in regard to this issue.

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



Mayor of the City of Marshall

Attest:

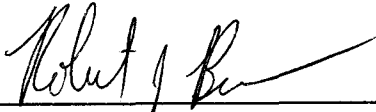


Thomas M. Meulebroeck
Financial Director/City Clerk

SPECIAL MEETING – DECEMBER 16, 2002

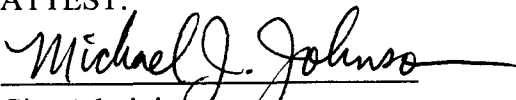
There was a special city council meeting held at 6:15 P.m. in the Cottonwood Room of the Marshall Municipal Building. The purpose of this special meeting was for the City Council and staff to meet with Representative Seifert and Senator Frederickson to discuss the 2003 Legislative Session Issues.

The meeting was declared adjourned at 7:15 P.M.



Mayor of the City of Marshall

ATTEST:



City Administrator

REGULAR MEETING – DECEMBER 16, 2002

The regular meeting of the Common Council of the City of Marshall was held on December 16, 2002 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: Hilton, Doyle, Sturrock, Reynolds, and Stores. Absent: Boedigheimer. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Rob Yant, Director of Public Safety; Bob VanMoer, Wastewater Treatment Facility 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 as presented.

APPROVAL OF THE MINUTES:

Doyle moved, Reynolds seconded, that the minutes of the special meeting held on November 25, 2002, the minutes of the regular meeting held on December 2, 2002 and the minutes of the Truth in Taxation meeting held on December 4, 2002 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA - CHANGE OF MEETING DATES FOR CITY COUNCIL; B. RENEWAL OF TRANSPORTATION AGREEMENT FOR 2003 WITH WESTERN COMMUNITY ACTION FOR TRANSIT OPERATIONS; C. ANNUAL RENEWAL OF LICENSES FOR: LIQUOR, SUNDAY LIQUOR, TOBACCO, ON-SALE BEER, AND TOWING & STORAGE; D. DEPOSITORY PLEDGE AGREEMENT WITH BREMER BANK; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

Reynolds moved, Stores seconded, that the following consent agenda items be approved:

That the three City Council meetings that fall on holidays in 2003 be changed as follows:

<u>Monday holidays</u>		<u>New meeting date</u>
January 20, 2003	Martin Luther King	January 21, 2003
February 17, 2003	President's Day	February 18, 2003
September 1, 2003	Labor Day	September 2, 2003

The renewal of the Transportation Agreement between the City of Marshall and Western Community Action, Inc., for the period January 1, 2003 through December 31, 2003. This agreement identifies the City of Marshall's contribution to be 2003 operations of \$25,842.80, which is included in the city's 2003 budget and the City's share of capital expenditures of \$21,600.00 for the replacement of two (2) vehicles.

The 2003 license renewals for Liquor, Sunday Liquor, Tobacco, On-Sale Beer, and Towing & Storage for the following:

LIQUOR LICENSE APPLICATIONS (\$3,500 per year)

- 1) Pappy's
- 2) Marshall Bowl

SUNDAY LIQUOR LICENSE APPLICATIONS (\$200 per year)

- 1) Pappy's
- 2) Marshall Bowl

ON-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$200.00 per year)

Pizza Hut

TOBACCO LICENSE APPLICATIONS (\$60.00 per year)

Pappy's

Brad's One Stop Plus

Wal Mart

TOWING AND STORAGE (\$1250.00 per year)

Brad's One Stop Plus

The approval of a Depository Pledge Agreement with Bremer Bank, N. A.. This agreement has been reviewed by City Attorney Brian Murphy.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 36284 through 36484.

All voted in favor of the motion.

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

Applicant	Location Address	Description of Work	Valuation
1. G&P Construction, Inc.	1118 Clifton Circle	Dwelling	\$137,000
2. Nohava Construction	901 Oak Street	Reroof Maintenance Shop	\$33,000
3. SHYM Building Company, LLC	200 West Main Street	Interior Remodeling	\$40,000
4. Babcock Construction	405 South 4th Street	Reside & Install Doors	\$12,000
5. Holabird Properties	1104 Holabird Circle	12-Unit Apartment	\$388,000
6. Domino's Pizza	1001 East College Drive	Temporary Transportable Sign	\$0
7. Brad & Judi Kurth	905 Poplar Avenue	Interior Remodeling & Replace Windows	\$10,000
8. Sussner Construction, Inc.	113 South 6th Street	Replace Window	\$1,600

PUBLIC HEARING – WASTEWATER USER RATES FOR FY 2003:

This was the date and time set for a public hearing on the Wastewater user rates for the year 2003. The proposed rates have been calculated based on a financial analysis of the Wastewater Utility Fund prepared by Springsted's Incorporated. Stores moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2504, SECOND SERIES and that the reading of the same be waived. Resolution Number 2504, Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 2002. All voted in favor of the motion.

REGULAR MEETING – DECEMBER 16, 2002

PUBLIC HEARING – ORDINANCE AMENDING THE CITY LIMITS OF MARSHALL – REQUEST OF THE 5968 COMPANY:

This was the date and time set for a public hearing on request to amend the City Limits of Marshall. The 5968 Company, the sole property owners of the property, is requesting a certain area be incorporated into the City limits of the City of Marshall. This property is less than 60 acres and is completely surrounded by the City of Marshall. This property would be brought in as A agricultural and a request will have to be made to have this property rezoned. Stores moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 487, SECOND SERIES and that the reading of the same be waived. Ordinance Number 487, Second Series is an ordinance Amending the City Limits of the City of Marshall to include certain unincorporated property completely surrounded by the City Limits of the City of Marshall. This land is less than 60 acres and is currently owned by the 5968 Company. This property is located to in Northland 2nd Addition. All voted in favor of the motion.

AWARD OF BIDS FOR GARBAGE AND REFUSE HAULING FOR A 2-YEAR PERIOD FROM JANUARY 1, 2003 THROUGH DECEMBER 31, 2004:

The following bids were received, opened and read on December 4, 2002 for the pickup of garbage and junk at numerous City of Marshall locations for the 2-year period January 1, 2003 through December 31, 2004.

UNIT BID SCHEDULE OF UNIT PRICES PER LOCATION

<u>Location</u>	<u>Job Description</u>	<u>Curry Sanitation</u>	<u>Ritter's Sanitary Service</u>
1. Wastewater Treatment Plant	Twice per week, two (2) One-yard containers	\$ 4,250.00	\$ 4,253.86
	Twice per week, one (1) one and one-half yard containers	Included above	Included above
2. Municipal Airport	Once a week, one (1) one yard container	\$ 800.00	\$ 759.00
	Once a week, one (1) three yard container	\$ 1,500.00	\$ 1,325.00
3. Street Department Shops	Once per week, one (1) one yard container	\$ 800.00	\$ 915.20
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.	\$ 1,000.00	\$ 1,100.00

REGULAR MEETING – DECEMBER 16, 2002

5. Municipal Liquor Store	Two (2) times per week, one (1) one and one-half yard container	\$ 1,750.00	\$1,752.00
6. Municipal Building	Five (5) days per week two (2) 30 gallon containers	\$ 500.00	\$ 493.90
7. Senior Citizen Center Building	Two (2) times per week, one (1) one yard container	\$ 1,600.00	\$ 1,752.00
Sub Total		\$12,200.00	\$12,350.96
Sales Tax		\$ 2,074.00	\$ 2,099.66
TOTAL BID		\$14,274.00	\$14,450.62

ALTERNATES

PROVIDE THE FEE PER CONTAINER FOR THE FOLLOWING "ON CALL SAME DAY SERVICE" FOR THE FOLLOWING LOCATIONS:

	<u>Per Container Fee</u>	
A. One (1) yard container:		
A (1) Municipal Airport	\$11.70	\$18.00
B. One and one-half (1 ½) yard container:		
B (1) Fire Station	\$17.55	\$24.00
C. Three (3) yard container:		
C (1) Legion Field Park	\$29.25	\$41.00
C (2) Justice Park	\$29.25	\$41.00
C (3) Softball Complex	\$29.25	\$41.00
C (4) Swimming Pool	\$29.25	\$41.00
C (5) Independence Park – Baseball Complex	\$29.25	\$41.00
C (6) Park Maintenance Shop	\$29.25	\$41.00
D. Six (6) yard container:		
D (1) Independence Park	\$58.50	\$77.00

FEE FOR ALTERNATE BID FOR RECYCLING:

1. Wastewater Treatment Plant	On Call	NC	NC
2. Municipal Building	On Call	NC	NC

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3. Independence Park (Baseball Complex)	Weekly Recycling estimated 20 times/year	NC	NC
4. Legion Park (Baseball Complex)	Weekly Recycling estimated 20 times/year	NC	NC
5. Municipal Liquor Store	Recyclable corrugated cardboard 4 times/week	NC	NC
6. Swimming Pool	Weekly Recycling estimated 20 times/year	NC	NC

Doyle moved, Reynolds seconded, the bid for the pickup of garbage and junk at numerous City of Marshall locations for the 2 year period beginning January 1, 2003 be awarded to Curry Sanitation Inc., in the amount of \$14,274.00 plus the per container fee of \$11.70 for a one yard container; \$17.55 for a one and one-half yard container; \$29.25 for a 3 yard container; \$58.50 for a six yard container; and that there be no charge for the pickup of recycling items. All voted in favor of the motion.

AWARD OF BID – PICKUP TRUCK FOR AIRPORT; TRACTOR WITH MOWER FOR PUBLIC WAYS MAINTENANCE:

Bids were received, opened and read on December 11, 2002 for a pickup truck for the Airport. Bids received, opened and read were as follows:

<u>Name</u>	<u>Proposal A</u>	<u>Proposal B</u>	<u>Proposal C</u>	<u>Comments</u>
Anton Chevrolet Marshall, Minnesota	\$22,177.47	\$22,496.98		Did not meet minimum specs
Lockwood Motors Marshall, Minnesota	\$24,495.00	\$26,625.00	\$2,000.00	Did not meet minimum specs
Marshall Ford Marshall, Minnesota	\$24,308.07	\$25,053.57		Did not meet minimum specs
Tholen Auto Sales Marshall, Minnesota	\$23,890.82	\$24,636.32		Met all minimum specs
Rochester Ford Rochester, Minnesota		\$24,594.48		Did not meet minimum specs
			No bid bond	
Nelson Dodge GMC Fergus Falls, Minnesota	\$21,984.80	\$23,049.80		Did not meet minimum specs

Proposal A: Bidder furnish one (1) pick up truck and trade-in of existing vehicle
 Proposal B: Bidder furnish one (1) pick up truck with no trade-in
 Proposal C: Bidder purchase one (1) trade-in existing vehicle only

Reynolds moved, Hilton seconded, that the bid for the pick up truck for the Airport be awarded to Tholen Auto Sales, Marshall, Minnesota for Proposal B in the amount of \$24,636.32 and the sale of

REGULAR MEETING – DECEMBER 16, 2002

the existing vehicle to Lockwood Motors, Marshall, Minnesota in the amount of \$2,000.00. All voted in favor of the motion.

A bid was received, opened and read for a Compact Tractor with Mower for the Public Ways Maintenance on December 11, 2002. The bid received, opened and read was from:

D & M Implement
Marshall, Minnesota
\$25,000.87

Stores moved, Reynolds seconded, that the bid for the Compact Tractor with Mower for the Public Ways Maintenance be awarded to D & M Implement, Marshall, Minnesota in the amount of \$25,000.87. All voted in favor of the motion.

REQUEST FOR VARIANCE ADJUSTMENT PERMIT FOR WEINER MEMORIAL MEDICAL CENTER:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Weiner Memorial Medical Center for a variance adjustment permit to construct parking that would be within 10 feet of a rear lot line in lieu of 81 feet, which is 25% of the lot depth, as required by City Code. This variance is to replace the parking spaces that will be deleted with the addition of the Long Term Care Facility. No additional spaces will be required for the building addition because there will not be an increase in the number of beds. Hilton moved, Doyle seconded, that the request for a variance adjustment for Weiner Memorial Medical Center to construct parking that would be within 10 feet of a rear lot line in lieu of 81 feet, which is 25% of the lot depth, as required by City Code be approved. All voted in favor of the motion, except Sturrock who abstained.

REQUEST OF THRIFTY WHITE FOR USE OF REAR PARKING LOT FOR A GREENHOUSE AT 321 WEST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for a greenhouse in the parking lot at 321 West Main Street. Items of concern included: the amount of compensation for use of the parking lot; electrical cords running from Thrifty White's business to the greenhouse; this would reduce the amount of parking available; liability and insurance issue; and the greenhouse would have to be free-standing with no stakes driven through the surfacing of the parking lot. Mike Johnson, City Administrator, indicated that this is a public parking lot and not developed for use as an extension of a business. City Attorney, Brian Murphy, indicated that as a property owner behind the parking lot he is not in favor of this request. Reynolds moved, Sturrock seconded, that the request for a greenhouse in the parking lot at 321 West Main Street be denied. All voted in favor of the motion.

CONSIDER RECOMMENDATIONS FROM INSURANCE ADVISORY COMMITTEE - REVIEW HEALTH INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2003; CONSIDER LIFE INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2003; CONSIDER LONG-TERM DISABILITY INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2003:

Thomas M. Meulebroeck, Finance Director/City Clerk, briefly reviewed the proposed insurance recommendations that Insurance Ad Hoc Committee is recommending to the City Council for approval.

Doyle moved, Stores seconded, the renewal of the Health Insurance with Blue Cross/Blue Shield effective January 1, 2003. The rates reflect a 7.5% increase. The single premium will increase from \$265.23 per month to \$285.12 per month; and the family premium will increase from \$708.86 per month to \$762.02 per month. All voted in favor of the motion.

Sturrock moved, Reynolds seconded, the approval of the Life Insurance for City of Marshall employees for 2003, with Madison National Life Insurance. The Life Insurance rates are \$.28 per \$1,000 for Life Insurance and \$.035 per \$1,000 for employee AD&D and dependent life is \$1.65 per unit. All voted in favor of the motion.

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Stores moved, Reynolds seconded, that the Long Term Disability Insurance be renewed with Madison National Life Insurance effective January 1, 2003. The rate is .425% of wages with coverage up to \$90,000 of wages. All voted in favor of the motion.

VACATION OF UTILITY EASEMENT – LOWELL & LAURINE MCDANIEL:

Doyle moved, Reynolds seconded, the introduction of an ordinance vacating a utility easement and call for a public hearing to be held at 7:30 P.M. on Monday, January 6, 2003. This ordinance would vacate a utility easement located on the Lowell & Laurine McDaniel property at 1002 West College Drive. All voted in favor of the motion.

CHANGE ORDER – WALNUT STREET IMPROVEMENT PROJECT 2002-013:

Stores moved, Reynolds seconded, the approval of Change Order No. 1 with Bartz Excavating Inc., for the Walnut Street Improvement Project 2002-013. This change order provides for an increase in the contract amount by \$5,828.00, which is for additional work for the watermain and sanitary sewer development. All voted in favor of the motion.

RENTAL AGREEMENT WITH MIDWEST CONTRACTING, LLC FOR LEASE OF MOTOR GRADER:

Sturrock moved, Doyle seconded, that the proper city personnel be authorized to enter into a rental agreement with Midwest Contracting, LLC for the lease of a motor grader for the Public Works Department. This lease is for the period December 1, 2002 through April 30, 2003 at a rate of \$1,800 per month or \$65 per hour whichever is greater. All voted in favor of the motion.

PURCHASE AGREEMENT WITH MIKE BUYSEE FOR OUTLET B IN SOUTHVIEW 3RD SUBDIVISION:

Stores moved, Reynolds seconded, the approval of a purchase agreement and the introduction of an ordinance permitting the City of Marshall, Minnesota to sell certain real estate to Mike Buysse. This agreement and ordinance is for the property known as Outlot B of Southview 3rd Subdivision, which is located at the intersection of Southview Drive and Southview Court East. This will allow the City to deed this piece of property to Mike Buysee under the condition that no structures can be located upon it and that he give back to the City on Lot 14, which is located just south of this, a 10 foot easement. The reason for these restrictions is that there are utilities lines located on Outlot B and in the North 10 feet of Lot 14. All voted in favor of the motion.

JOINT RESOLUTION FOR ORDERLY ANNEXATION WITH LAKE MARSHALL TOWNSHIP:

Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2505, SECOND SERIES and that the reading of the same be waived. Resolution Number 2505, Second Series is a Joint Resolution of the City of Marshall and the Township of Lake Marshall designating certain areas as in need of orderly annexation. This resolution will supersede and replace Resolution Number 2494, Second Series that was adopted on October 21, 2002. All voted in favor of the motion.

RESOLUTION APPROVING THE 2002 TAX LEVY, COLLECTIBLE IN 2003:

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2506, SECOND SERIES and that the reading of the same be waived. Resolution Number 2506, Second Series is a resolution Approving 2002 Tax Levy, Collectible in 2003. This resolution provides for a total levy of \$2,696,632 which includes the General Fund Levy of \$1,809,443; Library \$403,894; Flood Control Debt Service \$217,329; Senior Center/Swimming Pool Debt Service \$63,066; Airport Improvements \$195,900; and PERA Employer contribution of \$7,000. All voted in favor of the motion.

RESOLUTION ADOPTING THE FISCAL YEAR 2003 BUDGET:

Rowe moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2507, SECOND SERIES and that the reading of the same be waived. Resolution Number 2507, Second Series is a resolution Adopting a Budget for 2003. This resolution provides for General Fund revenues of \$8,434,946 and expenditures of \$8,434,946 and of which the revenues will be supported with a tax levy of \$2,220,337. The total revenue for all funds is \$18,594,459 and the total expenditures for all funds is \$19,721,923. All voted in favor of the motion.

PROPOSED REVISION TO THE MARSHALL FIRE DEPARTMENT SCHOLARSHIP TRUST FUND:

Stores moved, Sturrock seconded, the approval of the amendment to the Marshall Fire Department Scholarship Trust Fund. The amendment provides for item #4 under the criteria for awarding funds be changed to include a “deceased member”. All voted in favor of the motion.

NOTICE TO COUNTIES AND MUNICIPALITIES ON GREAT PLAINS NATURAL GAS COMPANY FILING WITH MINNESOTA PUBLIC UTILITIES COMMISSION FOR A RATE INCREASE:

Great Plains Natural Gas Company has provided the City of Marshall with a notice that has been sent to counties and municipalities concerning a proposed rate increase. They have also provided a notice showing that the Minnesota Public Utilities Commission granted Great Plains request for an interim rate increase that is effective for service rendered on and after December 6, 2002. It is anticipated that the final decision would not be received until on or before August 22, 2003.

CONSIDER APPROVAL OF AGREEMENT FOR SPECIAL ASSESSMENT APPEALS – SARAH ARCHBOLD AND ROBERT ARCHBOLD:

Reynolds moved, Stores seconded, that the proper city personnel be authorized to enter into an agreement for a Special Assessment Appeal with Sarah Archbold. This agreement provides for the special assessment on parcel no. 27-677002-1 in the amount of \$2,804.76 shall remain on the records as originally assessed against the property. All voted in favor of the motion.

Reynolds moved, Stores seconded, that the proper city personnel be authorized to enter into an agreement for a special Assessment Appeal with Robert Archbold. This agreement provides for the special assessment on parcel no. 27-677001-0 for the watermain assessment in the amount of \$2,804.76 will be eliminated and paid for by the Marshall Municipal Utilities; the sidewalk assessment be reduced from the original amount of \$3,878.45 to \$1,000.00; and the sidewalk assessment on parcel no. 27-677001-1 in the amount of \$2,532.21 be reduced to \$1,000.00. The difference for the sidewalk assessments will be paid for out of the City’s 429 Improvement Fund. All voted in favor of the motion.

CONSIDER APPROVAL OF AGREEMENT FOR SENIOR CITIZEN CENTER:

Hilton moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with Marshall Area Senior Citizens, Inc., for the Senior Central Rental. This agreement is for the period January 1, 2003 through December 31, 2003 at a cost of \$550.00 per month. All voted in favor of the motion.

Hilton moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with Western Community Action Inc., for the Senior Nutrition Program. This agreement is for the period January 1, 2003 through December 31, 2003 and provides for the City to be reimbursed 6 cents per meal prepared at the Marshall Senior Center. All voted in favor of the motion.

REGULAR MEETING – DECEMBER 16, 2002

CABLE TELEVISION FRANCHISE EXTENSION:

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2508 SECOND SERIES and that the reading of the same be waived. Resolution Number 2508, Second Series is a resolution Authorizing PrairieWave Communications, Inc., to temporarily operate the Cable Communications System. This extension is through March 31, 2003. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2509, SECOND SERIES and that the reading of the same be waived. Resolution Number 2509, Second Series is a resolution Authorizing CC VIII Operating Company, LLC, dba Charter Communications to temporarily operate the Cable Communications System. This extension is through March 31, 2003. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

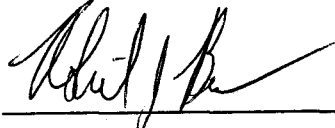
Reports by the Mayor and Council Members of the various boards and commissions were presented at this time:

- Byrnes EDA met last week, but was unable to attend; Regional Development Commission will be meeting on Wednesday.
- Stores Insurance Advisory Commission items were acted on by the council; Library Board met last Monday.
- Sturrock Planning Commission minutes are included in the agenda packet; Public Improvement/Transportation Committee met last Wednesday and discussed a special assessment issue.
- Doyle Housing Commission met last Monday.
- Hilton Hospital Board met earlier tonight and suggested the annual meeting with the City Council be held on February 10, 2003; Police Commission also met earlier today and reviewed the eligibility list for the corporal position.
- Reynolds Downtown Redevelopment has not met and the Council Personnel Committee needs to meet.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the tree lighting ceremony earlier this evening; there was a retirement party for Ted Rowe at SSU; Colleen Thompson has resigned from the Hospital Board; it was suggested that the City Council meet with MMU Commission on January 28, 2003; and there was a concern expressed with the need for a fence to be installed along the river bank in the new park.

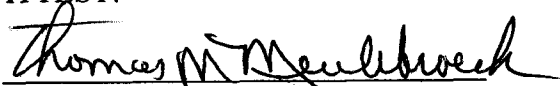
Upon motion by Stores, seconded by Reynolds, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

REGULAR MEETING – DECEMBER 16, 2002

ATTEST:


Financial Director/City Clerk