

REGULAR MEETING – JANUARY 6, 2003

The regular meeting of the Common Council of the City of Marshall was held on January 6, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order 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/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Harry Weilage, Director of Community Services; and Rob Yant, Director of Public Safety.

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 9c which is a resolution establishing a corporate account with Edward Jones and authorizing the proper city personnel to execute the necessary documents in relationship to the transfer of stock from Robert L. Carr.

APPROVAL OF THE MINUTES:

Reynolds moved, Stores seconded, that the minutes of the regular meeting held on December 16, 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: CONSIDER RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES; CONSIDER RESOLUTION DESIGNATING OFFICIAL NEWSPAPER; CONSIDER NEW TOBACCO LICENSE FOR COUNTY FAIR FOOD STORE; BILLS/PROJECT PAYMENTS; AND BUILDING PERMITS:

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

The adoption of RESOLUTION NUMBER 2510, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2510, Second Series is a resolution Appointing Official Depositories for the City of Marshall City Funds for the year 2003.

The adoption of RESOLUTION NUMBER 2511, SECOND SERIES and that the reading of the same be waived. Resolution Number 2511, Second Series is a resolution Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall.

The approval of a tobacco license for the County Fair Food Stores.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 36485 through 36947.

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. Branco Ljubisavljevic	1113 East College Drive	Temporary Transportable Sign	\$0

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2.	Paxton Signs, Inc.	1301 East College Drive	Temporary Transportable Sign	\$0
3.	Lesage Family Investment	202 North 11th Street	Storage Building	\$11,700
4.	Lesage Family Investment	202 North 11th Street	Storage Building	\$11,700
5.	Branco Ljubisavljevic	1113 East College Drive	Interior Remodeling	\$1,500
6.	Premier Painting & Construction	417 West College Drive	Garage	\$7,000
7.	Tami Johnson	222 Oslo Avenue	Finish Basement	\$10,000
8.	Jessica Williams	504 Genesis Avenue	Finish Basement	\$1,000
9.	Larry & Dawn Schiavo	1400 Ridgeway Road	Replace Windows	\$2,700
10.	Doom & Cuypers, Inc.	105 Market Street	Addition	\$96,000

PUBLIC HEARING OF UTILITY EASEMENT – LOWELL & LAURINE MCDANIEL PROPERTY:

This was the date and time set for a public hearing to consider the vacating of a utility easement located on the Lowell & Laurine McDaniel property at 1002 West College Drive. Director of Public Works/City Engineer Glenn Olson, reviewed the requested vacation with the city council and others in attendance at the meeting. There were no questions or concerns addressed, therefore Doyle moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion. Sturrock moved, Stores seconded, the adoption of ORDINANCE NUMBER 488, SECOND SERIES and that the reading of the same be waived. Ordinance Number 488, Second Series is an ordinance vacating a utility easement in the City of Marshall on the property owned by Lowell & Laurine McDaniel at 1002 West College Drive. All voted in favor of the motion.

AWARD OF BIDS FOR DIGITAL AERIAL ORTHO-PHOTOGRAPHY:

Glenn Olson, Director of Public Works/City Engineer, reviewed with the council the proposals that were received for professional services for Aerial Ortho-Photography for a 39 square mile area including the City of Marshall and the surrounding planning area. The proposals that were received were as follows:

	Base bid	Option #1	Option #2	Base bid plus Option #2 Total
Horizons, Inc. Minnetonka, MN	\$25,560	\$61,000	\$500	\$26,060
Markhurd Maple Grove, MN	\$24,845	\$63,310	\$350	\$25,195
Photo Science, Inc. Bangor, ME	\$34,465	\$16,400	\$1,000	\$35,465
Base Bid	Ground control, aerial photography acquisition, digital ortho-photography production			
Option #1	Digital topographic data development suitable for two-foot contours including the two-foot contours			
Option #2	Compressed images of 2500' x 2500' tiles			

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Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Doyle moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement for Digital Aerial Ortho-Photography with Markhurd of Maple Grove, Minnesota in the amount of \$25,195 of which \$17,259.15 is included in the 2002 budget under account number 101-60162-3312 and the balance of \$7,935.85 is included in the 2003 budget under account 101-60162-3312. All voted in favor of the motion.

ORDINANCE PERMITTING THE CITY OF MARSHALL TO SELL CERTAIN REAL ESTATE TO MIKE BUYSSE:

Boedigheimer moved, Stores seconded, the adoption of ORDINANCE NUMBER 489, SECOND SERIES and that the reading of the same be waived. Ordinance Number 489, Second Series is an ordinance Permitting the City of Marshall, Minnesota to Sell Certain Real Estate to Mike Buysse. This ordinance provides for the sale of Outlot B of Southview Third Subdivision to Mike Buysse in the amount of \$1,000. All voted in favor of the motion.

CONSIDER LIQUOR LICENSE TRANSFER FOR CHALET:

Stores moved, Reynolds seconded, that a public hearing be scheduled for January 21, 2003 at 7:30 P.M. to consider the transfer of an on-sale intoxicating liquor license from Boulevard Developers, Inc., dba the Chalet to Nordin Holdings, Inc., dba Naomi's at 1419 East College Drive, Marshall, Minnesota. All voted in favor of the motion.

PUBLIC SAFETY GRANT RESOLUTIONS:

Per the recommendation of Director of Public Safety Rob Yant, Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2512, SECOND SERIES and that the reading of the same be waived. Resolution Number 2512, Second Series is a resolution Authorizing Acceptance of a Traffic Safety Award. The City of Marshall Department of Public Safety has been awarded a Traffic Safety Award of \$2,000. This award is granted to the City of Marshall from the Minnesota Department of Safety, Office of Traffic Safety for the period December 2, 2002 to June 30, 2003 and is to be used for traffic enforcement, overtime, equipment and promotional materials and is a part of the Safe and Sober Challenge. All voted in favor of the motion.

Per the recommendation of Director of Public Safety Rob Yant, Boedigheimer moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2513, SECOND SERIES and that the reading of the same be waived. Resolution Number 2513, Second Series is a resolution Authorizing Execution of Agreement as the Administrative Agent of the Brown, Lyon, and Redwood Drug Task Force with the office of drug policy and violence prevention in the Minnesota Department of Public Safety. This resolution authorizes the Director of Public Safety Rob Yant, to execute the necessary agreements and amendments and to serve as the fiscal agent as the administrator of the grant on behalf of the Brown, Lyon and Redwood Counties. All voted in favor of the motion.

Per the recommendation of Director of Public Safety Rob Yant, Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2514, SECOND SERIES and that the reading of the same be waived. Resolution Number 2514, Second Series is a resolution Authorizing Acceptance of a Grant with the State of Minnesota for a Regional Chemical Assessment Team. This is the first of 5 years of the grant, which was effective July 1, 2002. There is no local match requirement for this grant. The team will be staffed with part-time city employees who are primarily on the Schwan's Foods and ADM HAZMAT Teams. In addition to providing a local assessment team this grant would generate a large amount of equipment and expertise for HAZMAT response that will reside in Marshall. All voted in favor of the motion.

DONATION OF FUNDS FROM MILDRED MADDEN FOR PARK IMPROVEMENTS:

Boedigheimer moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2515, SECOND SERIES and that the reading of the same be waived. Resolution Number 2515, Second Series is a resolution Accepting the Grant of Personal Property from Mildred Madden Irrevocable Trust by the City of Marshall. This grant acknowledges the City of Marshall's receipt of \$37,500 from the Mildred Madden Irrevocable Trust, which has been designated for park improvements within the City of Marshall. The city expressed its appreciation to the Mildred Madden family for this contribution to the city. All voted in favor of the motion.

RESOLUTION FOR MARSHALL SKATE PARK:

Harry Weilage, Director of Community Services, addressed with the City Council donations that are being presented to the City of Marshall for the construction of a skateboard, which is a part of the planning stages of Phase II of the Marshall Aquatic Center. Mr. Weilage indicated that the proposed cost for the dirt work and etc., is estimated at \$65,000 and the equipment is estimated at \$30,000 for a total project of \$95,000. Mr. Weilage also indicated that he has had discussions with the League of Minnesota Cities on insurance coverage for this facility and it is estimated that the cost will be approximately \$2,500 per year.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2516, SECOND SERIES and that the reading of the same be waived. Resolution Number 2516, Second Series is a resolution Accepting the Grant of Personnel Property from D & G Excavating, Inc., by the City of Marshall, Minnesota. D & G Excavating, Inc., is donating to the City of Marshall dirt, gravel work and fencing totaling a value of \$20,000, which is to be used for the Marshall Skateboard Park. All voted in favor of the motion.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2517, SECOND SERIES and that the reading of the same be waived. Resolution Number 2517, Second Series is a resolution Accepting the Grant of Personal Property from Robert L. Carr by the City of Marshall. This resolution provides for the donation from Robert L. Carr of 1,192 shares of stock in Eli Lilly and Company of which stock has a value of approximately \$75,000. The funds that are to be received from this stock is to be used for the construction of the Marshall Skateboard Park near the Marshall Aquatic Center. All voted in favor of the motion.

Boedigheimer moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2518, SECOND SERIES and that the reading of the same be waived. Resolution Number 2518, Second Series is a resolution establishing a Corporate Account with Edward Jones for the sale of Eli Lilly stock donated by Robert L. Carr to the City of Marshall. This resolution was approved with the understanding that in the authorization for the establishment and maintenance of brokerage accounts that the reference in item no. 1 – Establish of an Account: the part that stated "which may be margin or loan accounts" be deleted as well as section 1b on Margin/Loan also be deleted from the document. All voted in favor of the motion.

CHANGE ORDER WITH BLADHOLM CONSTRUCTION INC., FOR PROJECT 2001-009 ARRIVAL/DEPARTURE BUILDING:

Reynolds moved, Hilton seconded, the approval of change order no. 4 with the contract with Bladholm Construction Inc., for Project 2001-009, which is the Arrival/Departure Building at the Marshall Municipal Airport. This change order provides for an increase in the contract in the amount of \$16,522.00 for various changes in the contract as addressed by Bladholm Construction, Inc., and approved by Hay-Dobbs. All voted in favor of the motion.

AMENDING ASSESSMENT ROLL – PROJECT 2002-004 SOUTH “A” STREET & SARATOGA STREET WATERMAIN REPLACEMENT PROJECT:

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2519, SECOND SERIES and that the reading of the same be waived. Resolution Number 2519, Second Series is a resolution Amending Resolution Number 2478, Second Series Adopting the Assessment for Project No. 2002-004 for South “A” Street & Saratoga Street Watermain Replacement Project. This resolution is being amended as a result of previous agreements that were approved between the City of Marshall and Robert Archbold for Parcel No. 27-677001-0 and 27-677001-1. This resolution provides for the reduction in the assessment of \$5683.21 for Parcel No. 27-677001-0 from the original assessment of \$6,683.21 leaving a net assessment of \$1,000. This assessment is being reduced by the watermain assessment of \$2,804.76 which will be paid by the Marshall Municipal Utilities and the sidewalk assessment of \$2,878.45 which will be paid by the City of Marshall’s “429” Revolving Fund. This resolution also provides for a decrease of \$1532.21 in the original assessment of \$5,336.97 for Parcel No. 27-677001-1 leaving a net assessment of \$3,804.76. The reduction in the assessment of \$1,532.21 will be paid by the City of Marshall’s “429” Revolving Fund. All voted in favor of the motion.

WORKERS COMPENSATION INSURANCE RENEWAL:

Thomas M. Meulebroeck, Finance Director/City Clerk reviewed with the City Council the proposed workers compensation insurance renewal information effective January 1, 2003. The renewal reflects an increase of approximately 10% in the various classification rates for workers compensation insurance coverage. Boedigheimer moved, Doyle seconded, the City of Marshall Workers Compensation Insurance be renewed with the League of Minnesota Insurance Trust effective January 1, 2003. The renewal was approved including a Managed Care Credit and a \$2,500 medical deductible credit. The net premium with these credits is \$93,492. All voted in favor of the motion.

NON-UNION EMPLOYEE WAGE SCHEDULE/BENEFITS FOR 2003/2004:

Reynolds moved, Hilton seconded, that the recommendation of the City Council Personnel Committee for the City’s non-union personnel wage schedule/benefit package for the period January 1, 2003 through December 31, 2004 be approved as identified by the Personnel Committee. The wage schedule/benefit package is as follows:

1. Term of Proposal – January 1, 2003 to December 31, 2004 (2 years)
2. Wage Schedule – The City of Marshall Wage Schedule shall be adjusted at Step 5 by 3% on January 1, 2003 and by 2.75% on January 1, 2004.
3. Post-Retirement Health Care Savings Plan – The City is willing to look at developing and implementing a Post-Retirement Health Care Savings Plan. The Personnel Committee would be willing to explore the details and conditions of this type of plan after January 1, 2003.
4. Dental Insurance – There will be no change in the Dental Insurance contributions on January 1, 2003. The Personnel Committee would propose that a joint committee consisting on non-union employees, union representatives, and city staff meet to review and evaluate needed changes in either dental coverage or premium contributions.
5. Sick Leave – The maximum sick leave accumulation for regular employees and regular part-time employees hired after January 1, 2003 will not exceed 1,200 hours.
6. Other Benefits – All other benefits would remain the same for 2003-2004.

All voted in favor of the motion.

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Byrnes moved, Reynolds seconded, that City Administrator, Mike Johnson, be granted a 3% salary increase effective January 1, 2003. All voted in favor of the motion.

APPOINTMENTS TO HOSPITAL BOARD:

Reynolds moved, Stores seconded, that Cliff Carmody be appointed to the Weiner Memorial Medical Center Hospital Board to complete an unexpired 5-year term, which expires on May 31, 2004, and that Dr. Michael Rich also be appointed to the Weiner Memorial Medical Center Hospital Board to complete an unexpired 5-year term, which expires 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:

Byrnes No report.

Stores No report.

Sturrock Planning Commission had met on January 8th; Marshall Municipal Utilities had met on December 18th and there was a preliminary hearing on January 10, ²⁰⁰³ in reference to the Heartland Power District; Public Improvement/Transportation Committee had meet with the Minnesota Department of Transportation on December 19, 2002 to discuss the traffic study on Highway 23 by-pass and the next meeting is scheduled for January 10, 2003.

Boedigheimer No report.

Doyle Minutes of the Housing Commission and Human Rights Commission are included in the agenda packet.

Hilton No report.

Reynolds No report.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

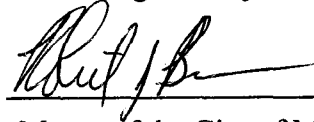
Other items brought forth by the Mayor and Council Members included: a discussion on the letter that was received and address in the Marshall Independent in regard to a suspect who was arrested by the Marshall Police Department and the satisfaction of the parents of the suspect as to how the individual was treated in the Police Department and how well the Police Department worked with the family in reference to this case; a discussion on the hours in which the restroom facility is to opened in the Downtown Park; a request was made for the council members to receive a copy of the Joint Powers Agreement between the City and the Marshall Independent School District No. 413; a concern was expressed with the city council setting policy and that not being the responsibility of the various boards, commissions and committees as appointed by the city council; Mayor Byrnes briefly addressed the information that had been circulating in regard to the closing of the Heartland Food Plant.

PENDING AGENDA ITEMS:

Pending agenda items were reviewed in particular as it relates to meeting schedule for the city council retreat; the joint city council meeting with the hospital; the joint meeting with the Marshall Municipal Utilities; and the meeting in regard to the Technology proposal. It was also indicted that members of the city council would be attending a legislation action day at the State Capital.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

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The regular meeting of the Common Council of the City of Marshall was held on January 21, 2003 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, Reynolds, Boedigheimer and Stores. Absent: none. Council member Sturrock arrived late. 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 with the addition of item 3c, which is the consideration of an On-Sale Sunday Liquor License; and that item number 6, which is the presentation of the 2003 budget by Marshall Municipal Utilities be moved to a later time on the agenda to allow council member Sturrock to be in attendance.

APPROVAL OF THE MINUTES:

Reynolds moved, Stores seconded, that the minutes of the regular meeting held on January 6, 2003 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. AGREEMENTS RELATING TO PAYING AGENCY, REGISTRAR AND TRANSFER AGENCY FOR: 1. \$1,090,000 GENERAL OBLIGATION WASTEWATER SYSTEM REVENUE REFUNDING BOND, SERIES 2002C; 2. \$1,000,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2002B; 3. \$2,015,000 GENERAL OBLIGATION TAX INCREMENT REVENUE BONDS, SERIES 2002A;**
- B. CONSIDER APPLICATION FOR TOBACCO LICENSE FOR NAOMI'S.**
- C. MARSHALL BASEBALL ASSOCIATION - MINNESOTA GAMBLING CONTROL BOARD PREMISES PERMIT APPLICATION – LG214; AND LEASE FOR PULL-TAB, PADDLEWHEEL, TIPBOARD, AND/OR RAFFLE ACTIVITY – LG221; AND LEASE FOR BINGO ACTIVITY – LG222 AT THE VARSITY PUB**
- D. MARSHALL BASEBALL ASSOCIATION - MINNESOTA GAMBLING CONTROL BOARD PREMISES PERMIT APPLICATION – LG214; AND LEASE FOR PULL-TAB, PADDLEWHEEL, TIPBOARD, AND/OR RAFFLE ACTIVITY – LG221; AT SAM'S CLUB**
- E. BILLS/PROJECT PAYMENTS**
- F. BUILDING PERMITS**

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

The proper city personnel be authorized to enter into an agreement relating the paying agency, registrar and transfer agency for the \$1,090,000 General Obligation Wastewater System Revenue Refunding Bonds Series 2002C with U. S. Bank National Association. This agreement outlines the duties and responsibilities as they relate to the registrar/paying agent capacity.

The proper city personnel be authorized to enter into an agreement relating the paying agency, registrar and transfer agency for the \$1,000,000 General Obligation Improvement Bonds, Series 2002B with U. S. Bank National Association. This agreement outlines the duties and responsibilities as they relate to the registrar/paying agent capacity.

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The proper city personnel be authorized to enter into an agreement relating the paying agency, registrar and transfer agency for the \$2,015,000 General Obligation Tax Increment Revenue Bonds, Series 2002A with U. S. Bank National Association. This agreement outlines the duties and responsibilities as they relate to the registrar/paying agent capacity.

The approval of a tobacco license for Nordin Holdings, Inc., dba Naomi's at 1419 East College Drive, Marshall, Minnesota.

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; Lease for Pull-Tab, Paddlewheel, Tipboard, and/or Raffle Activity – LG221; and Lease for Bingo Activity – LG222 for the Marshall Baseball Association to be used at the Varsity Pub, 128 West Main Street, Marshall, Minnesota.

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; and Lease for Pull-Tab, Paddlewheel, Tipboard, and/or Raffle Activity – LG221 for Sam's Place Restaurant, 236 West Main Street, Marshall, Minnesota.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 36948 through 37150.

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.	Weiner Memorial Medical Center	1104 East College Drive	Install Signs	\$12,000
2.	Allan Wyffels	511 Central Avenue	Install Windows	\$400
3.	DeVries Construction, Inc.	412 North 5th Street	Reside Dwelling & Install Windows	\$10,000
4.	Bladholm Construction, Inc.	102 South Whitney Street	Replace Basement Wall	\$4,500
5.	Koch Materials Company	901 North 7th Street	Interior Remodel	\$7,000
6.	Gardom Construction, Inc.	1420 East College Drive	Remodel Space 601 & 602	\$10,000
7.	Craig & Tira Louwagie	1112 David Drive	Finish Basement	\$6,000
8.	Hisken Construction, Inc.	401 West Main Street	Repair Wall	\$2,500
9.	Paxton Signs, Inc.	1419 East College Drive	Install Signs	\$6,000
10.	Bruce Sign Co.	1113 East College Drive	Install Signs	\$4,500
11.	Love Signs	405 Country Club Drive	Install Signs	\$41,200

PUBLIC HEARING - TRANSFER FROM BOULEVARD DEVELOPERS, INC., DBA THE CHALET TO NORDIN HOLDINGS, INC DBA NAOMI'S:

This was the date and time set for a public hearing on the transfer of a liquor license from Boulevard Developers, Inc., dba The Chalet to Nordin Holdings Inc., dba Naomi's. Thomas M.

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Meulebroeck, Finance Director/ City Clerk reviewed the application with the council. Council member Boedigheimer suggested that when doing a liquor license transfer that maybe they should terminate the original license and refund them money before issuing a new license for the same location. Doyle moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, the approval of the transfer of an on-sale intoxicating liquor license from Boulevard Developers, Inc., dba The Chalet to Nordin Holdings, Inc., dba Naomi's. This license will expire December 31, 2003. All voted in favor of the motion.

Stores moved, Reynolds seconded, the approval of an on-sale Sunday liquor license for Nordin Holding's Inc., dba Naomi's. This license will expire on December 31, 2003 and the fee for this license is \$200.00. All voted in favor of the motion.

AWARD OF PROPOSALS – FOR COMPREHENSIVE UTILITY STUDY CONSULTANT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposals that were received for the Comprehensive Utility Study. The proposal were reviewed by a representative from Mn/DOT, Marshall Municipal Utilities, Lyon County and the City of Marshall and considerations were given to expertise in each of the following areas of infrastructure: collector and arterial street layouts; watermain distribution and storage; Wastewater; storm drainage; and electrical distribution. The budgeted amount for the Comprehensive Utility Study is \$50,000 with a 50% participation from MMU. Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Doyle moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Bolton & Menk, Inc., of Mankato, Minnesota for professional services for a Comprehensive Utility Study for all study areas excepting the electrical portion of the project in the amount of \$44,500; and an agreement with Consulting Engineers Group of Farmington, Minnesota for the electrical portion for all study areas in the amount of \$8,200. All voted in favor of the motion.

REQUEST FOR VARIANCE ADJUSTMENT PERMIT – PARKING SETBACK AT 105 SOUTH 1ST STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Gregory S. Taylor for a Variance Adjustment Permit for parking with a front yard setback of less than required by code in a B-3 General Business District at 105 South 1st Street. Mr. Taylor provided an accurate scale drawing of the property and parking locations to the Director of Public Works and the City Council showing that each parking space is within the limits of the property and each space is independently accessible. Per the recommendation of the Planning Commission, Stores moved, Reynolds seconded, the approval of a request of Gregory S. Taylor for a Variance Adjustment Permit for parking with a front yard setback of less than required by code in a B-3 General Business District at 105 South 1st Street. All voted in favor of the motion.

CONSIDER SPONSORING UNIT OF GOVERNMENT RESOLUTION REQUEST FROM THE SOUTHWEST MINNESOTA FOUNDATION:

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2520, SECOND SERIES and that the reading of the same be waived. Resolution Number 2520, Second Series is a Sponsoring Unit of Government Resolution. This resolution is required on behalf of businesses requesting financing through the Southwest Minnesota Foundation's partnership with the State of Minnesota's Challenge loan program and other loan programs

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provided by the Southwest Minnesota Foundation. This resolution is on behalf of Brian Hart and Kevin Hart owners of The Computer Man Inc., and Energy Saving Service Inc., of Marshall in Lyon County, Minnesota. All voted in favor of the motion.

CONSIDER CGMC AGREEMENT FOR 2003:

Mike Johnson, City Administrator, reviewed the Coalition of Greater Minnesota Cities Objectives and Committees for 2003. Also provided was a listing of the proposed assessments for 2003 for the Property Tax/LGA program and the additional voluntary programs for annexation, economic development and transportation. Council member Boedigheimer felt that the city should pay the voluntary assessment for the annexation program and the economic development program. Boedigheimer moved, Stores seconded, that the proper city personnel be authorized to pay the 2003 general assessment for the City of Marshall in the amount of \$13,828 and for the voluntary assessment for the CGMC economic development program in the amount of \$2,822. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, that the 2003 voluntary assessment for the annexation program be tabled to the next meeting and that Marshall Municipal Utilities be asked to share ½ of the cost of this program. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, that the CGMC Environment Legal Defense Fund – Voluntary Contribution in the amount of \$3,848 be paid out of the Wastewater Treatment Facility Fund. All voted in favor of the motion.

APPROVAL OF MN/DOT GRANT AGREEMENT FOR AIRPORT PICKUP TRUCK:

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2521, SECOND SERIES and that the reading of the same be waived. Resolution Number 2521, Second Series is a resolution authorizing the proper city personnel to enter into an agreement with the Minnesota Department of Transportation for an Airport Improvement. This agreement is for the purchase of a GMC 4x4 pickup truck for the Marshall Airport. This agreement provides for the State of Minnesota to pay \$14,800, which is 60% of the purchase price, and the city will pay \$9,867, which is 40% of the purchase price and is included in the city's 2002 budget. All voted in favor of the motion.

Be it noted the arrival of council member Sturrock.

PROJECT 2002-002 – AIRPORT SEWER AND WATER (T.H. 19 & COUNTY ROAD 7 UTILITY EXTENSION) PROJECT – CHANGE ORDER NO. 4 (FINAL) AND CONSIDER RELEASE OF T-BILL FOR FINAL PAYMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed change order no. 4 (final) with GM Contracting, Inc., in the amount of \$22,655.40 and the releasing of the T-Bill in the amount of \$25,000. Reynolds moved, Hilton seconded, the approval of Changer Order No. 4 with GM Contracting, Inc., in the amount of \$22,655.40 and the authorization of the city to release T-Bill in the amount of \$25,000, which was being held in lieu of retainage for Project 2000-002 upon payment of the final estimate. All voted in favor of the motion.

PROJECT 2002-003 – BITUMINOUS RESURFACING PROJECT ON CITY STREETS – CHANGE ORDER NO. 1 (FINAL):

Doyle moved, Reynolds seconded, the approval of Change Order No. 1 (final) with McLaughlin and Schulz, Inc., for an additional amount of \$58,198.25 for Project No. 2002-003

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Bituminous Resurfacing Project On City Streets. This change order is for additional work that was performed under this contract. All voted in favor of the motion.

APPOINTMENT TO LIBRARY BOARD:

Reynolds moved, Sturrock seconded, that Ted Rowe be appointed to the Library Board for a term to expire on December 31, 2005. All voted in favor of the motion.

PRESENTATION OF THE 2003 BUDGET BY MARSHALL MUNICIPAL UTILITIES:

At this time Roxy Moon, Treasurer, and Greg Sherman, General Manager, of the Marshall Municipal Utilities reviewed the 2003 budget of the Marshall Municipal Utilities. Roxy briefly compared the 2003 budget with the 2002 budget.

MAYOR AND COUNCIL MEMBER REPORTS:

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

- Byrnes Fire Relief Association held their annual meeting.
- Stores Library Board met on January 13th – they conducted the Director's evaluation and indicated that the automation system is on hold because the software would not work on all the computers; Convention and Visitors Bureau met on January 15th – they have 2 new members, reviewed the 2003 budget and discussed the proposed community festival for 2003.
- Sturrock Planning Commission items were discussed earlier in the council meeting; Utilities Commission met on January 14th and discussed the managers position; Public Improvement/Transportation Committee met with MN/DOT on January 10th.
- Boedigheimer Airport Commission discussed the address of the airport and would like this issue to be discussed; they also discussed the number of vacancies that the Airport Commission will have in the near future.
- Doyle Housing Commission met on January 22nd; Human Rights Commission will met on January 27th and the Marshall Area Transit will be meeting on January 27th.
- Hilton Hospital Board met at 4:00 p.m. today – there was a presentation on the Wellness Center and discussed the joint meeting with the City Council.
- Reynolds Cable Commission met on January 14th and discussed the franchise; the Downtown Redevelopment Committee will meet on January 22nd.

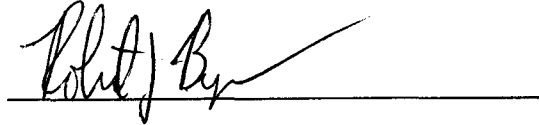
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the comprehensive plan be reviewed at the retreat; the status of the leases with Midwest Aviation and Schwan's for the Arrival/Departure Building at the Airport; Council member Boedigheimer shared an article on the airport project that was in the MN Chapter of Association of Builders and Contractors and also in the Professional Pilot Magazine; there was a Taser demonstration held on January 10th; the joint meeting with MMU will be held after the new manager has been

REGULAR MEETING – JANUARY 21, 2003

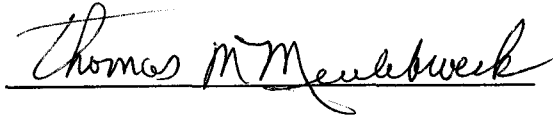
hired; Mayor Byrnes and Paul Rehkamp met with the CEO of Jennie-O Foods on the plant closing and with a potential purchaser for this property.,

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

A handwritten signature in cursive script, appearing to read "Robert J. Byrnes", written over a horizontal line.

Mayor of the City of Marshall

ATTEST:

A handwritten signature in cursive script, appearing to read "Thomas M. Menzies", written over a horizontal line.

Financial Director/City Clerk

REGULAR MEETING – FEBRUARY 3, 2003

The regular meeting of the Common Council of the City of Marshall was held on February 3, 2003 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, Sturrock, Reynolds and Stores. Absent: Doyle and Boedigheimer. Staff members 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 as presented.

APPROVAL OF THE MINUTES:

Reynolds moved, Stores seconded, that the minutes of the regular meeting held on January 21, 2003 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 MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR HOLY REDEEMER CHURCH FOR BINGO AND A RAFFLE AT HOLY REDEEMER SCHOOL ON MAY 18, 2003; CONSIDER MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR ROCKY MOUNTAIN ELK FOUNDATION SW GREAT DIVIDE FOR A RAFFLE ON APRIL 5, 2003 AT BEST WESTERN MARSHALL INN; CONSIDER APPLICATION FOR A TRANSIENT MERCHANTS LICENSE FOR WALT SHRADER DBA WVS MARKETING; CONSIDER FARM LEASE AGREEMENT WITH PAUL DEUTZ; CONSIDER SETTING LOCAL BOARD OF APPEAL AND EQUALIZATION DATE; REQUEST OF IRISH SOCIETY OF MARSHALL FOR ST. PATRICK'S DAY PARADE ON MARCH 14, 2003; CONSIDERATION AND APPROVAL OF A DEPOSITORY PLEDGE AGREEMENT WITH COMMUNITY FIRST NATIONAL BANK; BILLS/PROJECT PAYMENTS; AND BUILDING PERMITS:

Reynolds moved, Hilton 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 Exempt Permit –LG 220 for Holy Redeemer Church for bingo and a raffle at Holy Redeemer School, 501 South Whitney, Marshall, Minnesota on May 18, 2003 and that the 30-day waiting period be waived for both applications.

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 5, 2003 and that the 30 day waiting period be waived.

The approval of a Transient Merchants License for Walt Shrader dba WVS Marketing. This license is for telemarketing sales of the Hometown Supersaver discount card and is being sponsored by Big Buddies of Western Community Action, Inc. The fee for this license is \$250.00 and the license will expire on December 31, 2003.

REGULAR MEETING – FEBRUARY 3, 2003

The Local Board of Appeal and Equalization be held at 6:00 P.M. on Monday, April 15, 2003 in the City Council Chambers.

A Parade Permit for March 14, 2003 for the 7th 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.

Authorization for the proper city personnel to execute the Pledge Agreement with Community First National Bank authorizing security transactions for the City of Marshall.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 37151 through 37320.

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.	Sussner Construction, Inc.	1605 Halbur Road	Warehouse Addition	\$52,500
2.	Tutt Construction	1004 Country Club Drive	Basement Remodel	\$14,000
3.	Dulas Construction, Inc.	1304 East College Drive	Replace Ceiling	\$2,500
4.	Scenic Sign Corp.	301 South 2nd Street	Install Sign	\$4,000
5.	Daniel & Maureen Stores	419 West College Drive	Replace Window	\$2,000
6.	Customworks Construction Services	401 North "A" Street	Basement Remodel	\$3,800
7.	Kane Transport, Inc.	901 North 7th Street	Temporary Office	\$0
8.	Brian Tollefson	603 South Bruce Street	Finish Basement	\$500

PROJECT 2001-007 – HANGAR NO. 1 CONSTRUCTION - CHANGE ORDER NO. G-9 (FINAL) AND PAYMENT APPLICATION NO. 10 (FINAL) WITH NELSON CONSTRUCTION CO.:

Stores moved, Sturrock seconded, the approval of Change Order No. G-9 and the acknowledgement of payment no. 10 which is the final payment for Nelson Construction Co. This change order provides for a decrease in the contract in the amount of \$1,425.83 for the painting of the hangar doors and jambs and the final payment is in the amount of \$1,229.17. All voted in favor of the motion.

PROJECT 40130 – PARKWAY ADDITION IMPROVEMENT PROJECT (PHASE I) – CHANGE ORDER NO. 2 (FINAL) AND FINAL PAYMENT APPLICATION WITH R & G CONSTRUCTION CO.:

Sturrock moved, Stores seconded, the approval of Change Order No. 2 and the acknowledgement of the final payment to R & G Construction Co. This change order is for an additional cost of \$48,392.32 and the final payment is in the amount of \$92,520.33. All voted in favor of the motion.

UTILITY EASEMENTS IN LYON COUNTY CO-OP FIRST ADDITION - GRANT OF A UTILITY EASEMENT AND VACATION OF UTILITY EASEMENT (INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING):

Stores moved, Reynolds seconded, that the proper city personnel be authorized to grant a utility easement of 5 ft. on the Southeasterly five (5) feet of the Northwesterly 129.04 feet of Lot Two (2), Block One (1) of Lyon County Coop First Addition to the City of Marshall. The reason for the request is to relocate the existing utility easement to the new property line in accordance with a partial lot sale. All voted in favor of the motion.

Stores moved, Hilton seconded, the introduction of an ordinance to vacate a utility easement and call for a public hearing to be held at 7:30 p.m. at the February 18, 2003 City Council meeting. The Utility Easement that is being requested to be vacated is the northwesterly five (5) feet of Lot Three (3), Block One (1) of Lyon County Coop First Addition of the City of Marshall, except the Southwesterly 7.5 feet thereof. All voted in favor of the motion.

PROJECT 2003-003 – CANOGA PARK IMPROVEMENT PROJECT:

Reynolds moved, Stores seconded, that the petition be received for improvement on Canoga Park Drive between South and West of Floyd Wild Drive and West of Canoga Park Circle by the installation of watermain, street grading, base, surfacing, curb and gutter and the adoption of RESOLUTION 2522, SECOND SERIES and that the reading of the same be waived. Resolution Number 2522, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement. This resolution is for the improvement of Canoga Park Drive from the west line of Canoga Circle to T.H. 59 by the installation of curb & gutter, street, watermain, storm sewer, sanitary sewer, sidewalks and miscellaneous items - Project No. 2003-003. All voted in favor of the motion.

PROJECT 2003-004 – FLOYD WILD DRIVE IMPROVEMENT PROJECT:

Stores moved, Reynolds seconded, that the petition be received for improvement on Floyd Wild Drive between the completed south end of Floyd Wild Drive and the north curb of Canoga Park Drive by the installation of street grading, base, surfacing, curb & gutter and the adoption of RESOLUTION NUMBER 2523, SECOND SERIES and that the reading of the same be waived. Resolution Number 2523, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement. This resolution is for the improvement of Floyd Wild Drive from the southeasterly end of existing Floyd Wild Drive to Canoga Park Drive by the installation of curb & gutter, street, watermain, storm sewer, sanitary sewer, sidewalks and miscellaneous – Project No. 2003-004. All voted in favor of the motion.

PROJECT 2003-005 – SARATOGA STREET WATER & SANITARY SEWER IMPROVEMENT PROJECT:

Stores moved, Reynolds seconded, that the petition be received for improvement on Saratoga Street from Genesis Avenue south 2,500 feet by the installation of water and sewer and the adoption of RESOLUTION NUMBER 2524, SECOND SERIES and that the reading of the same be waived. Resolution Number 2524, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement. This resolution is for the improvement along Saratoga Street from Genesis Avenue south 2,500 feet more or less by the installation of watermain, sanitary sewer and miscellaneous items on Saratoga Street – Project No. 2003-005. All voted in favor of the motion.

RESOLUTION OF SUPPORT OF HIGHWAY 23 CORRIDOR FROM CITY OF WILLMAR:

Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2525, SECOND SERIES and that the reading of the same be waived. Resolution Number 2525, Second Series is a Resolution of Support for the Highway 23 Corridor and is being requested by the City of Willmar. This resolution is requesting the State and Federal Legislation to make the Paynesville by-pass a priority for the State of Minnesota. All voted in favor of the motion.

INSURANCE ADVISORY COMMITTEE:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the renewal of the Group Self Insured Accident Plan for city volunteers. The Insurance Advisory Committee is recommending that this be renewed at a premium of \$1,847 and this does include the optional medical benefit, which is consistent with the coverage in the past. Reynolds moved, Sturrock seconded, the renewal of the Group Self Insured Accident Plan for city volunteers with the League of Minnesota Cities at a cost of \$1,847. All voted in favor of the motion.

Tom also indicated that the Insurance Advisory Committee is not recommending the Terrorism Insurance coverage at the airport or the sewer backup coverage with the League of Minnesota Cities.

2002 BUDGET ADJUSTMENT:

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2526, SECOND SERIES and that the reading of the same be waived. Resolution Number 2526, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year Ended December 31, 2002. All voted in favor of the motion.

RESOLUTION AMENDING CITY PERSONNEL POLICIES, RULES AND REGULATIONS:

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2527, SECOND SERIES and that the reading of the same be waived. Resolution Number 2527, Second Series is a resolution Establishing and Providing for the Personnel Policies, Rules and Regulations for the Employees of the City of Marshall, Minnesota, and Repealing those Provisions as Set Forth in Previous Resolutions. This resolution provides for an addition in Section 8. Employee Benefits, No. 2 Sick Leave Policy which reads as follows: Regular employees and regular part-time employees hired after January 1, 2003 will be limited to a maximum of one thousand two hundred (1,200) hours of sick leave. 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 Insurance Advisory Commission met last Monday and their items were discussed earlier in the meeting; Library Board will meet next Monday.

Sturrock Planning Commission meets next week Wednesday; Utilities Commission will be interviewing for the General Manager position and they held their annual appreciation dinner for the employees last Friday.

REGULAR MEETING – FEBRUARY 3, 2003

Hilton No report.

Reynolds No report.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Stores and Hilton recently attended training for elected officials; Schwan's Speech Spectacular was held last Friday and Saturday.

PENDING AGENDA ITEMS:

There will be a joint City Council and Weiner Memorial Medical Center meeting on February 10th; and the presentation on the Proposed City Telecommunications Plan will be on February 24th at 5:15 p.m.

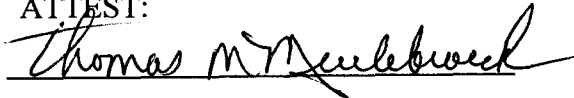
Glenn Olson, Director of Public Works/City Engineer, shared with the council Project of the Year Honorable Mention plaque that the city received from the City Engineers Association for the airport project.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – FEBRUARY 10, 2003

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 February 10, 2003. The meeting was called to order by WMMC Board Member Art Olson. In attendance at the meeting were the Mayor Bob Byrnes, Council members Hilton, Sturrock, Reynolds, Doyle and Stores. Absent: Boedigheimer. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney 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.

EXPANDED REPRESENTATION ON WMMC BOARD:

Brian Murphy, City Attorney, reviewed the City Charter in regard to board members being residents of the City of Marshall during their term. There was discussion on having sub-committees that would provide input to the Boards and Commissions and that these sub-committees could consist of non-residents. Mayor Byrnes indicated that there are always candidates available that are willing to serve on the boards and commissions, and the liaison to the boards and commission is relied on for input during the interview process.

UPDATE ON 501(c)(3) STATUS:

Dan Vandenberghe from McGladrey & Pullen, discussed the dual status and recommended that the board eliminate this dual status.

2002 WMMC AUDIT:

Dan Vandenberghe from McGladrey & Pullen reviewed with the City Council and the WMMC Board of Directors an overview of the WMMC, September 30, 2002 audit. Summaries of the audit had been provided to all the members present.

WMMC REVIEW:

Other items reviewed by the Weiner Memorial Medical Center Board included:

- A. Presentation on the proposed Long Term Care Project and financing of this project.
- B. Recruitment of new physicians
- C. The Wellness Center coordinating with the YMCA to serve a greater area

CITY OF MARSHALL:


Bob Byrnes, Mayor for the City of Marshall, indicated that the City of Marshall has the same concerns as the hospital board and that they are in support of what is happening with the hospital.

The meeting was adjourned at 8:00 P.M.



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

REGULAR MEETING – FEBRUARY 18, 2003

The regular meeting of the Common Council of the City of Marshall was held on February 18, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 8:01 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Doyle, Reynolds and Stores. Absent: Sturrock and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Marc Klaith, Fire Chief; and Jane DeVries, Deputy City Clerk. City Attorney Brian Murphy arrived at 8:15 P.M.

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, Stores seconded, that the minutes of the regular meeting held on February 3, 2003 and the minutes of the special Joint Hospital/City Council meeting held on February 10, 2003 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:

This was the date and time set for a public hearing on the vacation of a utility easement in Lyon County Co-op First Addition. There are no utilities installed in this easement area. There were no questions or concerns therefore, Doyle moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of ORDINANCE NUMBER 490, SECOND SERIES and that the reading of the same be waived. Ordinance Number 490, Second Series is an Ordinance Vacating a Utility Easement in the City of Marshall. This ordinance vacates the easement in Lot Three, Block One of Lyon County Coop First Addition. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA -CONSIDER APPLICATION FOR TRANSIENT MERCHANTS LICENSE FOR MIRACLE EAR; FARM LEASE – MIKE MORTIER; MARSHALL BASEBALL ASSOCIATION – MINNESOTA GAMBLING CONTROL BOARD PREMISES PERMIT APPLICATION – LG214; AND LEASE FOR PULL-TAB, PADDLEWHEEL, TIPBOARD, AND/OR RAFFLE ACTIVITY - LG 221; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

The approval of a Transient Merchants License for Precision Hearing Instruments dba Miracle Ear. The fee for this license is \$250.00 and the license will expire on December 31, 2003.

The approval of a Farm Lease with Mike Mortier for 2 tracts of land. The first tract of land is approximately 7.5 acres and the second tract of land is approximately 8 acres. This lease is from January 1, 2003 through January 1, 2005 and the rent is \$1,317.50 per year.

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

REGULAR MEETING – FEBRUARY 18, 2003

Application – LG214 and the Lease for Pull-Tab, Paddlewheel, Tipboard, and/or Raffle Activity – LG221 for the Marshall Baseball Association for use at the Gambler, 303 West Street, Marshall, Minnesota and that the 30-day waiting period be waived for both applications.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 37320 through 37500.

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. Sussner Construction, Inc.	202 North 1st Street	Interior Remodeling & Replace Window	\$66,900
2. Sussner Construction, Inc.	202 North 1st Street	Reroof Storage Building	\$1,800
3. Sussner Construction, Inc.	202 East Main Street	Reroof Storage Building	\$1,700
4. Sussner Construction, Inc.	1101 Winchester Avenue	Reroof Storage Building	\$2,900
5. Kanoa Baynard	1225 Patricia Court	Finish Basement	\$5,000

PRESENTATION – MARTIN LUTHER KING, JR., POSTER CONTEST:

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

Kindergarten	Hanna Peterson, Mrs. Konietzko
Grade 1	Brittany Schrupp, Mrs. Hefti
Grade 2	Maci Louwagie, Mrs. Quist
Grade 3	Grace Ayodele, Mrs. Dulas
Grade 4	Snowflower Yang, Mrs. Volker
Grade 5	Ellie Geraets, Ms. Vierstraete
Grade 6	Emily Larson, Mr. Allen

ANNUAL FINANCIAL REPORT (2002) FOR NORTH AMBULANCE:

Brennan (Buck) McAplin, Manager of the North Ambulance System, was in attendance at the meeting to present the 2002 annual financial report to the City Council for the North Ambulance operations. Buck briefly updated the council on some of the new equipment that North has purchased and is not part of the ambulance system.

AGREEMENTS WITH TOWNSHIPS FOR FIRE PROTECTION SERVICES FOR 2003-2004 AND 2004-2005:

At this time Marc Klaith, Fire Chief, reviewed with the council the agreements with the surrounding townships for fire protection services for 2003-2004 and 2004-2005. Mr. Klaith indicated

that these agreements provide for an increase of \$5.00 per section per year. Doyle moved, Reynolds seconded, the approval of the Agreements with Townships for Fire Protection Services for 2003-2004 at a rate of \$150.00 per section and 2004-2005 at a rate of \$155.00 per section. All voted in favor of the motion.

FEDERAL EQUITABLE SHARING AGREEMENT:

Stores moved, Hilton seconded, that the proper city personnel be authorized to enter into an agreement on behalf of the Brown, Lyon and Redwood Drug Taskforce for equitable sharing with the federal government. This agreement provides that if there is a federal forfeiture, the BLR Taskforce will equitably split with the federal government. All voted in favor of the motion.

AUTHORIZATION TO REQUEST BIDS FOR SQUAD CARS FOR THE PUBLIC SAFETY DEPARTMENT AND A PICKUP TRUCK FOR THE WASTEWATER TREATMENT FACILITY:

Doyle moved, Reynolds seconded, that bids be received for two police squad cars for the Public Safety Department and a pickup truck for the Wastewater Treatment Facility. It was indicated that with the proposed budget cuts with the state level that the city will receive bids for these vehicles, but it does not mean they will purchase them at this time. All voted in favor of the motion.

PROJECT 2001-013: TIGER LAKE STORM WATER LIFT STATION FORCEMAIN RELOCATION – CHANGE ORDER NO. 3 (FINAL) AND FINAL PAYMENT APPLICATION WITH H & W CONTRACTING, LLC:

Stores moved, Reynolds seconded, the approval of Change Order No. 3, which is a deduct in the amount of \$9,030.68 with H & W Contracting, LLC and the acknowledgement of Final Payment with H & W Contracting, LLC in the amount of \$39,737.13. This change order reflects the final quantities that were used for this project. All voted in favor of the motion.

PROJECT 2002-004: “A & SARATOGA WATERMAIN REPLACEMENT – CHANGE ORDER NO. 1 WITH BARTZ EXCAVATING, INC.:

Doyle moved, Hilton seconded, the approval of Change Order No. 1 with Bartz Excavating, Inc., in the amount of \$18,371.35. This change order is a result of additional work for this project. All voted in favor of the motion.

RESOLUTION ENTERING INTO A PARTNERSHIP CONTRACT WITH MN/DOT FOR CERTAIN TECHNICAL, TRANSPORTATION-RELATED SERVICES:

Reynolds moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2528, SECOND SERIES and that the reading of the same be waived. Resolution Number 2528, Second Series is a resolution Entering into a Partnership Contract with Mn/DOT for Certain Technical, Transportation-Related Services. The purpose of this contract is to identify certain services that may be provided by Mn/DOT without the need for many separate agreements. This agreement would be for a five-year period beginning on the date that all required signatures are obtained. All voted in favor of the motion.

RESOLUTION AMENDING SPECIFIC FEES:

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2529, SECOND SERIES and that the reading of the same be waived. Resolution Number 2529,

REGULAR MEETING – FEBRUARY 18, 2003

This resolution reflects the changes that have been made in the Public Works Department. All voted in favor of the motion.

APPOINTMENTS TO COMMUNITY SERVICES ADVISORY BOARD:

Byrnes moved, Reynolds seconded, that Teresa Kock and Linda Saugstad be reappointed to the Community Services Advisory Board for three (3) year terms to expire on February 28, 2006. There was also discussion on appointing members that represent certain groups. It was the general consensus that this policy be changed and that appointments will not have to be from a certain group. 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 Tuesday and will have a special meeting at noon tomorrow;
Regional Development Commission met last Thursday.

Stores Library Board met last week – usage of the Internet is up and the book sale will
be next month.

Doyle Housing Commission held a special meeting last week; Human Rights
Commission poster contest winners were introduced earlier at the meeting.

Hilton Hospital Board held a joint meeting with the City Council on February 10th.

Reynolds Cable Commission meeting was postponed due to the weather and the
Community Services Advisory Board will be meeting this week.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council members included: the governor's recommendation for the reduction in local government aid; the council will have a retreat on March 26th; Mayor Byrnes asked the liaison to the boards and commissions to ask the boards and commissions to recommend ways to increase revenue and reduce expenditures.

REVIEW OF PENDING AGENDA ITEMS:

The Initial Draft Presentation (street and utility corridors) of the Comprehensive Infrastructure Planning Study will be changed from February 26th to February 27th; and there will be a presentation of the proposed City Telecommunication Plan on February 24th.


Be it noted the arrival of Council member Sturrock at 8:50 P.M.

Council member Sturrock asked if the judges at the School Board election are recruited from the same pool that the City of Marshall uses for the general elections. Mr. Sturrock also was concerned with how the school would be billed for use of the city voting machines and city staff.

REGULAR MEETING – FEBRUARY 18, 2003


There has been discussion with MN/DOT of the Highway 23 Intersection with Saratoga Street, East & West Main; County Road 7 and Highway 19. It was the general consensus of the council that their retreat will start at 4:30 P.M. on March 26th.

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



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

SPECIAL MEETING – FEBRUARY 24, 2003

A Special meeting of the Common Council of the City of Marshall was held at the Marshall Municipal Utilities Board Room on February 24, 2003. The meeting was called to order at 5:15 p.m. by Mayor Byrnes. In addition to Byrnes, the following members were present: Reynolds, Hilton, Stores and Sturrock. Absent: Doyle and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Harry Weilage, Director of Community Services; Rob Yant, Director of Public Safety; Glenn Olson, Director of Public Works/City Engineer; and Cal Barnett, Director of General Services/City Assessor. Others present included: John DeCramer, TNT/Utilities Board Member; Steve O'Connor and Todd Pickthorn, Marshall High School; Steve Johnson, Marshall Municipal Utilities; James Carr, Chamber Chairman; Greg Lewis, Lyon County Administrator; Stan Finnestad, Economic Development Authority Chairman; Lu Anderson, Marshall/Lyon County Library; Richard Slieter, Weiner Memorial Medical Center and Jeff Gunvalson, Marshall Industries Foundation. Also in attendance were members of the Everest Enterprises, Inc.: Frank Cesario, President and Dave Feltault, Network Engineer.

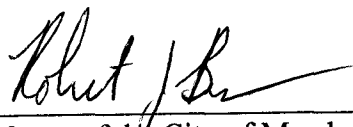
City Administrator Johnson introduced Frank Cesario, President of Everest Enterprises, Inc., whose firm had developed the City's proposed Technology Plan.

Mr. Cesario introduced himself and his firm and proceeded to provide the Council with an overview of the "Community of Marshall's Technology Convergence Plan" and the "Community Strategic Technology Plan" for the City.

John DeCramer provided the Council with a brief overview of "TNT" and his vision of how the community could work smarter with all governmental entities working together in a 24/7 operation with technology.

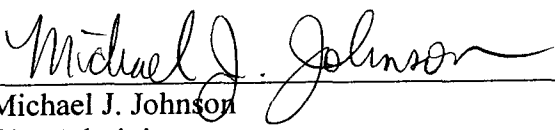
The session was intended as a workshop, with interaction and dialogue occurring between the speakers, Council and Staff. No final action was taken on the technology reports.

Upon motion by Reynolds, seconded by Sturrock, the meeting was adjourned at 7:50 p.m. All voted aye.



Mayor of the City of Marshall

ATTEST:



Michael J. Johnson
City Administrator

REGULAR MEETING – MARCH 3, 2003

The regular meeting of the Common Council of the City of Marshall was held on March 3, 2003 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, 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; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Thomas M. Meulebroeck, Finance Director/City Clerk; 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 as presented.

APPROVAL OF THE MINUTES:

Stores moved, Sturrock seconded, that the minutes of the regular meeting held on February 18, 2003 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: CONSIDER THE RENEWAL OF CONSUMPTION AND DISPLAY PERMIT FOR THE PRAIRIE EVENT CENTER, THE DAILY GRIND, AND SOUTHWEST STATE UNIVERSITY FOR THE PERIOD OF APRIL 1, 2003 TO MARCH 31, 2003; CONSIDER MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR LYON COUNTY PHEASANTS FOREVER ON FRIDAY, APRIL 4, 2003 AT THE BEST WESTERN MARSHALL INN; CONSIDER REQUEST FOR NEW ON-SALE LIQUOR LICENSE FOR HITCHING POST OF MARSHALL, INC. DBA HITCHING POST EATERY AND SALOON AT 1104 EAST MAIN STREET (FORMERLY DETOYS) CALL FOR PUBLIC HEARING; BILLS/PROJECT PAYMENTS; BUILDING PERMITS.

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

The annual renewal of a Consumption and Display Permit for the Prairie Event Center, the Daily Grind and Southwest State University for the period April 1, 2003 through March 31, 2004 at a fee of \$100;

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 Lyon County Pheasants Forever for a raffle to be held at the Best Western/Marshall Inn on April 4, 2003 and that the 30 day waiting period be waived;

A public hearing be held at 7:30 P.M. on March 17, 2003 to consider the application for a new on-sale liquor license for the Hitching Post of Marshall, Inc., dba Hitching Post Eatery Saloon at 1104 West Main Street, Marshall, Minnesota; and that

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 37501 through 37652.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Schwan's Sales Enterprises, Inc.	115 West College Drive	Office Remodeling	\$438,400
2.	Dan Vogt	348 West Main Street	Remodel Office	\$5,000
3.	Paul & Jennifer Wellnitz	402 Genesis Avenue	Finish Basement	\$500
4.	William J. Krakowski	603 Kendall Street	Interior & Exterior Remodeling	\$10,000
5.	George J. Jacob Construction	911 West Main Street	Replace Steps	\$800
6.	George J. Jacob Construction	119 Circle Drive	Install Window	\$1,000
7.	Duane & Judy Kimpe	801 North 6th Street	Kitchen & Bathroom Remodel	\$2,700

AWARD OF BID – PROJECT 2002-014 T.H. 23 LIFT STATION IMPROVEMENT:

Bids were received, opened and read for the T.H. 23 Lift Station Improvement Project 2002-014. The bids received, opened and read were from:

KHC Construction, Inc.
Marshall, Minnesota
\$131,000.00

GM Contracting, Inc.
Lake Crystal, Minnesota
\$139,850.00

Glenn Olson, Director of Public Works/City Engineer reviewed this project and indicated that it would take 2 to 3 months to get the pump and that the project should be completed by fall. It was also indicated that KHC failed to attach an Affidavit of Non-Collusion with their bid, which was subsequently provided to the city. Upon review by Brian Murphy, City Attorney, omission by KHC was considered to be a minor bid irregularity. Sturrock moved, Stores seconded, to waive the minor bid irregularity of the contractor's omission of the Affidavit of Non-Collusion with the bid. All voted in favor of the motion.

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2530, SECOND SERIES and that the reading of the same be waived. Resolution Number 2530, Second Series is a resolution awarding the bid for T.H. 23 Lift Station Improvement Project 2002-014 to KHC Construction, Inc., Marshall, Minnesota in the amount of \$131,000.00 less \$5,000 for an alternate control systems as included in the bid, for a total project cost of \$126,000. This project will be financed through the Wastewater Treatment Facility Fund. All voted in favor of the motion.

AWARD OF PROPOSAL FOR THE CONSTRUCTION OF MARSHALL SKATEBOARD PARK:

Proposals were received, opened and read on December 12, 2002 for the construction of Marshall Skateboard Park. The proposals received, opened and read were from:

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	Proposal	Alternate #1 Skateboard ¼ pipe and top platform	Unit Price #1 Concrete slab per square ft.	Unit #2 8 ft fence per linear foot
Bladholm Construction Co. Marshall, Minnesota	\$56,400	\$5,600	\$3.35	\$11.50
Robert L. Carr Marshall, Minnesota	\$45,000	\$4,800	\$4.50	\$11.14
Dulas Construction Co. Marshall, Minnesota	\$57,000	\$9,357	\$2.75	\$16.95
Sussner Construction Co. Marshall, Minnesota	\$60,350	\$8,250	\$3.00	\$12.80

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2531, SECOND SERIES and that the reading of the same be waived. Resolution Number 2531, Second Series is a resolution awarding the contract for the Marshall Skateboard Park to Robert L. Carr, Marshall, Minnesota in the amount of \$49,800. This includes the base bid of \$45,000 plus \$4,800 for Alternate #1. All voted in favor of the motion.

AUTHORIZATION TO SELL USED FIRE TRUCK (PUMPER #360):

Rob Yant, Director of Public Safety, indicated that the Marshall Fire Department has advertised to sell two trucks that have been replaced, the Snorkel (old ladder truck) and an old pumper #360). They did not receive any bids for these trucks. The Ghent Fire Department has indicated that they are interested in purchasing the pumper and is willing to pay the minimum price of \$5,000 that it was advertised for. Sturrock moved, Reynolds seconded, that the 1976 Pierce Pumper Unit #360 be sold to the Ghent Fire Department for \$5,000 with the understanding that the proceeds from this sale be transferred from the General Fund to the M.E.R.I.T. Center Fund. All voted in favor of the motion.

RESOLUTION DECLARING OFFICIAL INTENT OF THE CITY OF MARSHALL TO REIMBURSE WITH THE PROCEEDS OF REVENUE BONDS CERTAIN EXPENDITURES TO BE MADE BY THE CITY OF MARSHALL WITH RESPECT TO THE WEINER MEMORIAL MEDICAL CENTER:

Mike Johnson, City Administrator, indicated that it is the Weiner Memorial Medical Center Hospital Board's intent to have the City of Marshall issue revenue bonds for the proposed Nursing Home Project. By adopting this resolution, the City and Hospital are protecting their abilities to cover the cost incurred with this project through the issuance of tax-exempt bonds. Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2532, SECOND SERIES and that the reading of the same be waived. Resolution Number 2532, Second Series is a resolution Declaring the Official Intent of the City of Marshall, Minnesota to Reimburse with the Proceeds of Revenue Bonds Certain Expenditures to be made by the City of Marshall,

REGULAR MEETING – MARCH 3, 2003

Minnesota with Respect to the Weiner Memorial Medical Center. All voted in favor of the motion.

PRELIMINARY PLAT – WILKE-MILLER-BUESING SECOND ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Wilke-Miller-Buesing Second Addition. Stores moved, Reynolds seconded, the introduction of the Preliminary Plat of Wilke-Miller-Buesing Second Addition and that a public hearing be held at 7:30 P.M. at the March 17, 2003 City Council meeting. All voted in favor of the motion.

RECOMMENDATION FROM EDA ON TAX FORFEITED PARCEL (OUTLOT B, BLOCK 1, DANO ADDITION):

Reynolds moved, Sturrock seconded, the sale of Outlot B, Block 1, Dano Addition to Habitat for Humanity at a price of \$1.00. This lot will be used to build a second Habitat for Humanity House in Marshall. All voted in favor of the motion.

NORTH 3RD STREET BRIDGE REPLACEMENT:

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2533, SECOND SERIES and that the reading of the same be waived. Resolution Number 2533, Second Series is a resolution Requesting the Minnesota State Transportation Funds (Bond Funds) for the North 3rd Street Bridge and that there is Commitment to Proceed with this project as a high priority. All voted in favor of the motion.

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

Glenn Olson, Director of Public Works/City Engineer, gave a brief update on the preliminary plat for Carr Subdivision I. He indicated that they have met with adjacent property owner Gary Deutz on the subdivision. The execution of a Developer Agreement for infrastructure improvements has not been completed, therefore Hilton moved, Reynolds seconded, the approval of the extension of the effective period of preliminary plat approval for Carr Subdivision I to April 21, 2003 in order to address this issue. All voted in favor of the motion.

MARSHALL TECHNOLOGY CONVERGENCE PLAN/COMMUNITY STRATEGIC TECHNOLOGY PLAN:

A discussion was held at this time on the presentation that was made by Everest Enterprises, Inc., on the City's "Technology Convergence Plan" and "Community Strategic Technology Plan". At the request of city staff, Mr. Frank Cesario provided a list of the most critical items to achieve the successful implementation of Phase I of the Marshall Convergence Plan. Sturrock moved, Stores seconded, authorization be granted for the proper city personnel to put together specs and plans for the Upgrade of City Hall Infrastructure at an estimated cost of \$48,000 and the Enhance MS Exchange Server Utilization at an estimated cost of \$1,000. All voted in favor of the motion.

REGULAR MEETING – MARCH 3, 2003

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were as follows:

Byrnes No report.

Stores No Report

Sturrock Utilities Commission met in closed session on February 24th.

Hilton No report.

Reynolds No report.

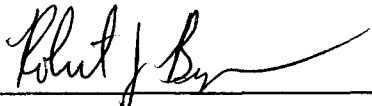
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the article that was published in the Twin Cities Star Tribune – the article talked about Marshall loosing employers and that there were only low paying jobs available. Mayor Byrnes indicated that when he talked to the reporter he talked about new business and new jobs, but this was not included in the article. It was the general consensus of the council that the Mayor addresses these concerns in a letter to the Twin Cities Star Tribune.

REVIEW OF PENDING AGENDA ITEMS:

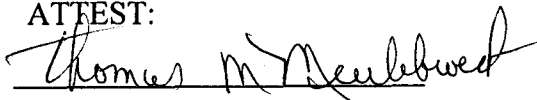
The Joint Power Agreement with the Marshall Public Schools needs to be modified; Glenn Olson gave a brief update on the Comprehensive Infrastructure Planning Study.

Upon motion by Sturrock, seconded by Hilton, 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 17, 2003

The regular meeting of the Common Council of the City of Marshall was held on March 17, 2003 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/City Engineer; Rob Yant, Director of Public Safety; Marc Klaith, Fire Chief; Bob VanMoer, Wastewater Superintendent; 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 8c, which is the consideration of a utility easement with Marshall Mini Storage, LLP.

APPROVAL OF THE MINUTES:

Reynolds moved, Hilton seconded, that the minutes of the special meeting held on February 24, 2003 and the minutes of the regular meeting held on March 3, 2003 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 – NEW ON-SALE LIQUOR LICENSE FOR HITCHING POST OF MARSHALL, INC., DBA HITCHING POST EATERY AND SALOON AT 1104 EAST MAIN STREET:

This was the date and time set for a public hearing for a new on-sale liquor license for the Hitching Post of Marshall, Inc., dba Hitching Post Eatery and Saloon at 1104 East Main Street. Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed this application with the council and those in attendance at the meeting and indicated that this application met the requirements. Mr. Tom Handeland, owner of the Hitching Post Eatery & Saloon, was in attendance at the meeting and indicated that they would have a steak house type menu and would be open from 11:00 A.M. to 10:00 P.M. 7 days a week. Mr. Handeland also indicated that he plans to open on April 1, 2003. Doyle moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Sturrock seconded, the approval of an on-sale intoxicating liquor license for the Hitching Post of Marshall, Inc., dba Hitching Post Eatery and Saloon at 1104 East Main Street at a fee of \$3,500.00 effective April 1, 2003. All voted in favor of the motion.

PUBLIC HEARING – PRELIMINARY PLAT OF WILKE-MILLER-BUESING SECOND ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Wilke-Miller-Buesing Second Addition with the council. Glenn indicated that there is a sidewalk agreement for this addition. Sturrock moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Stores seconded, the approval of the Preliminary Plat of Wilke-Miller-Buesing Second Addition. All voted in favor of the motion.

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AWARD OF BIDS – PICKUP TRUCK FOR WASTEWATER:

Bids were received, opened and read for a pickup truck for the Wastewater Treatment Facility on March 4, 2003. Bids received, opened and read were from:

	Proposal A	Proposal B	Proposal C
Anton Chevrolet Marshall, Minnesota	\$16,234.86	\$19,057.11	None
Lockwood Motors Marshall, Minnesota	\$19,862.25	\$23,962.50	None
Marshall Ford Marshall, Minnesota	\$22,757.56	\$24,887.56	None
Tholen Auto Sales Marshall, Minnesota	\$22,036.22	\$24,166.22	None
Tholen Auto Sales Marshall, Minnesota	\$22,396.53	\$24,499.53	None

Proposal A: Bidder furnish one (1) pickup truck and trade-in of existing vehicle.

Proposal B: Bidder furnish one (1) pickup truck with no trade-in.

Proposal C: Bidder purchase one (1) trade-in existing vehicle only.

Council member Boedigheimer was not aware that this bid was for a full size pickup and that they were trading in a small size pickup. Sturrock indicated that when a department requests authorization for bids that the council should receive a copy of the specifications at that time. Stores moved, Doyle seconded, that the bid be awarded to Anton Chevrolet for Proposal A for a 2003 Chevrolet regular cab 4-wheel drive pickup including the trade-in of a 1994 Chevrolet S-10 pickup in the amount of \$16,234.86. There is \$16,000 included in the 2003 Wastewater Treatment Facility Budget and the additional \$234.86 will be funded from the Wastewater Reserve. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - A. CONSIDER REQUEST FOR TOBACCO LICENSE FOR HITCHING POST EATERY AND SALOON; B. CONSIDER SUNDAY ON-SALE LIQUOR LICENSE FOR HITCHING POST EATERY AND SALOON; C. CONSIDER ANNUAL RENEWAL OF PLUMBERS LICENSES FOR APRIL 1, 2003 TO MARCH 31, 2004; D. CONSIDER ANNUAL RENEWAL OF REFUSE HAULERS LICENSES FOR RITTER'S SANITARY SERVICE & CURRY SANITATION FOR APRIL 1, 2003 TO MARCH 31, 2004; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

Mayor Byrnes requested that consent agenda item D. Consider Annual Renewal of Refuse Haulers Licenses for Ritter's Sanitary Service and Curry Sanitation for April 1, 2003 to March 31, 2004 be removed from the consent agenda.

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

A Tobacco License for the Hitching Post of Marshall Inc., dba the Hitching Post Eatery and Saloon at 1104 East Main Street at a fee of \$60.00. This license will expire on December 31, 2003.

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An On-Sale Intoxicating Sunday Liquor License for the Hitching Post of Marshall Inc., dba Hitching Post Eatery and Saloon at 1104 East Main Street at a fee of \$200.00. This license will expire on December 31, 2003.

The renewal of the Plumbers License for the period April 1, 2003 through March 31, 2004 at a fee of \$50.00 for:

Charles DeVos DBA **Bisbee Plumbing & Heating**
Rodney Bruflat DBA **Bruflat Plumbing**
Berwin DeJager DBA **DeJager Plumbing & Heating**
Ed Duthoy DBA **Ed's Plumbing & Heating**
Glenn Larson DBA **Enviro Pump Plus**
Ron Sussner DBA **Frank's Electric, 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**
Jerry Roguske DBA **Lake Country Mechanical**
Tony McChesney DBA **McChesney 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 following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 37653 through 37818.

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. James C. Carr	1000 East Southview Drive	Interior Remodel	\$15,000
2. FMLB Associates	1002 Pearl Avenue	Interior & Exterior Remodeling	\$48,100
3. FMLB Associates	1003 Pearl Avenue	Interior & Exterior Remodeling	\$48,100
4. ABC Seamless of Redwood Falls	303 North Minnesota Street	Reside Dwelling	\$3,000
5. Lance Hurd	200 Rainbow Drive	Finish Basement	\$2,000

Discussion was held at this time on the applications for refuse haulers licenses. It was the general consensus of the council that the application be changed to include a statement and acknowledgement by the applicant that: "All items removed by the contractor shall be disposed

REGULAR MEETING – MARCH 17, 2003

of in the Lyon County Landfill and in accordance with the Lyon County solid waste plan and Lyon County ordinances". Doyle moved, Reynolds seconded, the approval of the renewal of the Refuse Haulers Licenses for Ritter's Sanitary Service and Curry Sanitation for the period April 1, 2003 through March 31, 2004 at a fee of \$120.00. All voted in favor of the motion.

GRANT APPLICATION FOR MARSHALL FIRE DEPARTMENT UNDER THE FEMA PROGRAM:

Marc Klaith, Fire Chief, was in attendance at the council meeting to review the request that the Marshall Fire Department is submitting under the FEMA program. This grant will replace 20 SCBA's (air packs) that the fire department now has and they will also be including one fill station to fill the SCBA's in this grant. The total grant is approximately \$130,000, which requires a 10% match of \$13,000. The Marshall Volunteer Firefighter's Relief Association would be willing to pay the 10% match using proceeds made in fundraising events. The Fire Department is requesting to borrow \$8,000 from the City and to reimburse them in two installments of \$4,000 a year for two years and the association would come up with the \$5,000 at the time the grant is awarded. Boedigheimer moved, Sturrock seconded, the approval for the Marshall Fire Department to apply for the grant and that the City of Marshall will borrow \$8,000 to the Marshall Fire Department to be paid back in two installments of \$4,000 a year for two years. All voted in favor of the motion.

AUTHORIZATION OF GRANT APPLICATION FOR SW MINNESOTA GANG STRIKE FORCE:

Rob Yant, Director of Public Safety, was in attendance at the meeting to request authorization for a Grant Application for SW Minnesota Gang Strike Force. This is the grant funding that covers a portion of Commander Jody Gladis's wages \$98,322.83 and the operational expenses of \$202,822.59 for a total Gang Strike Force Grant of \$301,146.00. Hilton moved, Stores seconded, that the proper city personnel be authorized to submit the Grant Application for SW Minnesota Gang Strike Force. All voted in favor of the motion.

REQUEST OF MARSHALL MINI-STORAGE TO REZONE 1410 SOUTH SARATOGA STREET FROM AN A-AGRICULTURAL DISTRICT TO B-3 GENERAL BUSINESS DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, indicated that this property is located south of the church on South Saratoga Street and the intersection of South Highway 23. Marshall Mini-Storage does have a Conditional Use Permit from Lyon County, but this property has recently been annexed into the City of Marshall as an A-Agricultural District. Mr. Olson also indicated that this property is not included in the 1996 Marshall Comprehensive Plan Future Lands Use Map.

Sturrock moved, Doyle seconded, the introduction of an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance would provide for Marshall Mini-Storage located at 1410 South Saratoga Street to be rezoned from A-Agricultural to B-3 General Business District. All voted in favor of the motion.

UTILITY EASEMENT – MARSHALL MINI-STORAGE LLP:

Stores moved, Reynolds seconded, the approval of a Utility Easement between the City of Marshall and Marshall Mini-Storage LLP, for and in the amount of \$1,320.00. This utility easement is for the construction, operation, maintenance and addition or removal of any public utilities over, along, and under the property described within the utility easement. All voted in favor of the motion.

PRELIMINARY PLAT – CARR ESTATES:

Sturrock moved, Stores seconded, the introduction of the Preliminary Plat for Carr Estates and the calling for a public hearing to be held at 7:30 P.M. on April 7, 2003. Glenn Olson, Director of Public Works/City Engineer, indicated that he has received the first draft of the Comprehensive Infrastructure Planning Study, which includes the Carr Estates area. Included in this draft is a Proposed Collector and Arterial Streets map indicating the proposed Windstar Avenue to serve as a minor arterial parallel and south of T. H. 23, therefore an additional 10 feet of public right-of-way is needed to accommodate future needs for this street, as well as limited access from the adjacent residential areas to this street. There is also concern about the platting of Lots 1, 2 & 3, Block 1, adjacent to South Saratoga Street as it relates to the future development of an overpass structure at the intersection of Saratoga Street and T. H. 23. All voted in favor of the motion.

PRELIMINARY PLAT – DOTY ADDITION:

Doyle moved, Reynolds seconded, the introduction of the Preliminary Plat for Doty Addition and the calling for a public hearing to be held at 7:30 P.M. on April 21, 2003. Glenn Olson, Director of Public Works/City Engineer, indicated that he has received the first draft of the Comprehensive Infrastructure Planning Study, which includes the Doty Addition. Included in this draft is a Proposed Collector and Arterial Streets map indicating the proposed Windstar Avenue to serve as a minor arterial parallel and south of T. H. 23, therefore an additional 10 feet of public right-of-way is needed to accommodate future needs for this street. Mr. Olson also indicated that a portion of this proposed addition is included in the 100-year flood plain. All voted in favor of the motion.

NORTH 3RD STREET BRIDGE – AMENDING RESOLUTION 2533, SECOND SERIES REQUESTING MINNESOTA STATE TRANSPORTATION FUNDS (BOND FUNDS) AND COMMITMENT TO PROCEED:

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2534, SECOND SERIES and that the reading of the same be waived. Resolution Number 2534, Second Series is a resolution Amending Resolution Number 2533, Second Series Requesting Minnesota State Transportation Funds (Bond Funds) and Commitment to Proceed. This resolution provides for the entire amount of the new bridge construction, including the structure, channel excavation, slope protection, and riprap to be eligible for bridge bonding. The acquisition of the right of way, removal of the old bridge, removal of the retaining wall and all items associated with the construction of the street over the new structure are not eligible for bridge bonding but are available for funding from the State Aid reserve account. All voted in favor of the motion.

PROJECT 2002-015 WASTEWATER TREATMENT FACILITY STANDBY AND DEMAND GENERATION PROJECT – RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Doyle moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2535, SECOND SERIES and that the reading of the same be waived. Resolution Number 2535, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for Project 2002-015 – Standby and Generation Project at the Wastewater Treatment Facility. This project includes the proposed installation of a standby generator and all associated structural, electrical, mechanical and miscellaneous work required for the installation of the standby generator at the Wastewater Treatment Facility. The estimated cost of this project is \$365,000. This standby generator will allow the Wastewater Treatment

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Facility to operate at full power during power outage and would also be used as a supplement during peak demand time. All voted in favor of the motion.

RESOLUTION PROVIDING FOR THE ABATEMENT OF SPECIAL ASSESSMENTS ON TAX FORFEITED PROPERTY WITHIN THE CITY OF MARSHALL:

Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2536, SECOND SERIES and that the reading of the same be waived. Resolution Number 2536, Second Series is a resolution Providing for the Abatement of Special Assessments on Tax forfeited Property within the City of Marshall. This resolution provides for the special assessments on Outlot "B", Block 1, Dano Addition Parcel No. 27-162008-0 be abated and removed from the City of Marshall's records to allow Habitat for Humanity of Lyon County to construct affordable housing on this property. The amount of special assessments to be abated is \$11,167.31 plus interest of \$6,477.06 for a total of \$17,644.37. All voted in favor of the motion.

CABLE TELEVISION FRANCHISE EXTENSION:

A discussion was held on extending the cable television franchise from April 1, 2003. Council member Boedigheimer was concerned that this is the fourth time an extension has been requested. Sturrock asked what legal action the City can take to complete the franchise process. Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2537 SECOND SERIES and that the reading of the same be waived. Resolution Number 2537, Second Series is a resolution Authorizing PrairieWave Communications, Inc., to temporarily operate the Cable Communications System. This extension is through June 30, 2003. All voted in favor of the motion, except Boedigheimer who voted no.

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2538, SECOND SERIES and that the reading of the same be waived. Resolution Number 2538, 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 June 30, 2003. All voted in favor of the motion, except Boedigheimer who voted no.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various board and commissions were as follows:

- Bynres EDA had a booth at the Home Show, they have awarded a bid for four model homes, and it was indicated that all of the lots in the second phase have been spoken for; Fire Relief Assocaition met last Tuesday and held interviews on the management of the pension fund; Regional Development Commission discussed plans for the Prairie Expo – it will not be reopened and there is a possibility that it will be put up for auction.
- Stores Library Board met on March 10th and discussed their budget.
- Sturrock Planning Commission minutes and Utilities Commission minutes are included in the agenda packet; Public Improvement Transportation Committee met on March 13th and discussed the special assessment policy, storm water utility, and emergency snow routes.
- Boedigheimer Airport Commission minutes are included in the agenda packet, there will be 4 vacancies on the Airport Commission; Senior Citizen Center Commission met to discuss their budget.
- Doyle Housing Commission met this past Monday.

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Hilton Hospital Board met at 4:00 P.M. today at their new facility, Home Health Services, located on East College Drive.

Reynolds Community Services Advisory Board discussed their budget; and was not at the last Cable Commission meeting.


MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the Amenities Task Force will be meeting in the next three weeks; the St. Patrick Day Parade was held last Friday; the Mayor provided a response to the article in the Minneapolis Star & Tribune and the Argus Leader about Marshall being a dying town; there are a number of vacancies on the various boards and commissions; and the Council retreat will be held on March 26th.

REVIEW OF PENDING AGENDA ITEMS:

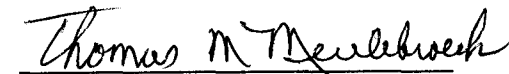
Glenn Olson, Director of Public Works/City Engineer, indicated that the second draft of the Comprehensive Utility Study will be on March 20th.

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:



Financial Director/City Clerk

SPECIAL CITY COUNCIL RETREAT
March 26, 2003

A special retreat of the Common Council and City Staff of the City of Marshall was held on March 26, 2003 in the Board Room of the Marshall Municipal Utilities. Mayor Byrnes called the meeting to order at 4:33 P.M. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present at the meeting included: Mike Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services; Rob Yant, Director of Public Safety; and Jane DeVries, Deputy City Clerk. Others in attendance included Rae Kruger, Marshall Independent. John DeCramer arrived late.

Mike Johnson, City Administrator, indicated that the purpose of this retreat is to review budget issues and to give the staff direction in regard to the proposed cuts. He briefly prioritized the issues/concerns according to Growth/Development; Infrastructures; and Current and Burning Issues and indicated if they were completed, in process or inactive.

Mike provided an overview of Governor's Proposed 2003/2004 budget cuts and related legislative actions (State aids, levy limits and debt restrictions). The proposed cut for 2003 is \$507,791 and \$1,164,440 for 2004. Mike indicated that the city must cut about 15 to 20 percent this year and more for next year. Mike indicated that General Fund Budget consists of: approximately 54% for personnel services; 32-½% for operation and maintenance; 5% for capital outlay and 8-½% for Debt Service/Transfers.

Calvin Barnett, Director of General Services, reviewed the following General Services Division priorities and action steps:

1. The possibility of a second liquor store
2. GASB34 – Fixed Assets is a required item due to legislative changes that will affect the municipal accounting format
3. Garage floor and other municipal building issues
4. Economic Development planning
5. Affordable housing
6. Property acquisitions

A recess was called at 5:45 p.m. for dinner. The meeting was reconvened at 6:20 p.m.

Rob Yant, Director of Public Safety, reviewed the priorities for the Public Safety Division:

1. Chemical Assessment Team (C.A.T.) for SW Minnesota
2. Revising the City of Marshall Emergency Response Plan
3. Joint LEC Technology Development
4. M.E.R.I.T. Center Status and Development

Public Works Director/City Engineer Glenn Olson reviewed several issues as they relate to the Public Works Division:

1. The Surface Water Management Utility (Storm Water Utility)

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2. The Public Improvement/Transportation Committee review of the Special Assessments Policy
3. The Comprehensive Infrastructure Planning Study (Comprehensive Utility Study)
4. The 1996 Comprehensive Plan needs to be reviewed and updated
5. A checklist has been developed for preliminary plats, final plats, and project development timelines to help the owners/developers understand the procedures that must be used for the installation of infrastructure.
6. Continuing development at the Airport
7. Extending sanitary sewer services along T. H. 23
8. Annexation of properties within and adjacent to the City to allow proper development of infrastructure for these areas.
9. Planning consideration for T. H. 23.
10. 2003/2004 project developments to be considered include: Carr Estates, Carr Subdivision I, Doty Addition, Northland Third Addition, Lyon County Co-Op First Addition, Wilke-Miller-Buesing Second Addition, the new High School area subdivision, North 3rd Street Reconstruction Project, City/State Aid Overlays, Wastewater T. H. 23 Lift Station Expansion Project, Wastewater Standby and Demand Generation Project, East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project, Hill/East Marshall Street infrastructure/reconstruction project, Channel Parkway reconstruction, affordable housing Phase III, Marshall Skateboard Park, Soccer Field, City Hall technology infrastructure, plus 2002 carryover work.

Harry Weilage, Director of Community Services, gave an update on the Community Service Division:

1. Matke Field Soccer Project
2. Marshall Skateboard Park
3. Aquatic Center
4. Marshall's Community Festival

Harry also reviewed the Proposal for Planning Development Services by and between the Southwest Minnesota Housing Partnership and the City of Marshall.

At this time Mike Johnson, City Administrator, reviewed some other general city issues:

1. Cable Television Franchises
2. City Technology Plan
3. Marshall Amenities Task Force
4. Employee Labor Negotiations
5. 2003 General Fund Budget Discussion
6. City Council meeting time

Mike briefly talked about how the city has moved services into the private sector to save the city money, the franchise fees that have been added to increase revenue, and the city is not

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overly staffed. Mike also indicated that the Amenities Task Force would be meeting within the next couple of weeks.


A 5-minute recess was taken at this time.

Mayor Byrnes suggested that city services be divided into essential and non-essential services as a way to consider cuts over the next several months. City staff needs to review if an essential service is funded at an appropriate level, what the cost for the service is and if this service generates a revenue; and they also need to review non-essential services to determine if the service is vital to growth and development of the city or if it is vital to the quality of life and what is the return investment and cost of service. Budget cuts could mean no overtime; cuts in services; and increases in fees. The city staff was directed to use the next 30 days to determine possible cuts in services; elimination of services; or increases in fees.

Other items that were briefly discussed include:


1. Changing the Council meeting time to 5:30 p.m.
2. Charter Commission meeting to review the Charter
3. Scheduling tours of the various departments
4. A joint City/County meeting – the City of Tracy also wants to meet with the City Council
5. Parking at the polling places and possible new locations, YMCA or M.E.R.I.T. Center
6. John DeCramer stressed the importance of keeping the public informed of possible budget cuts.
7. The way of determining the franchise fee on cable, natural gas, electric and Weiner Memorial Medical Center
8. Adding a franchise fee for water
9. The different public entities pooling funds and resources for the development of the Technology area.
10. Council member involvement to help staff use their time better
11. Allowing SSU students to serve on Boards and Commissions

Motion by Stores, seconded by Sturrock, the meeting was adjourned at 9:00 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

REGULAR MEETING – APRIL 7, 2003

The City Council met on April 7, 2003 at 6:30 P.M. in closed session for labor negotiations strategy per MN Statutes 13D.03 in Room 6 of the Marshall Municipal Building.

The regular meeting of the Common Council of the City of Marshall was held on April 7, 2003 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/City Engineer; Rob Yant, Director of Public Safety; 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 no. 10 which is to consider Annexation of Wayside Park Rest Area and T.H. 23 Right of Way by Ordinance; and the deletion of item no. 11 which is a resolution for designation of authorized representation with the Western Minnesota Municipal Power Agency (WMMPA).

APPROVAL OF THE MINUTES:

Doyle moved, Sturrock seconded, that the minutes of the regular meeting held on March 17, 2003 be approved and that the minutes of the special meeting held on March 26, 2003 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 OF MARSHALL MINI-STORAGE TO REZONE 1410 SOUTH SARATOGA STREET FROM AN A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, reviewed this zoning request with the council. This property is located immediately south of the church on South Saratoga Street and the intersection of South Highway 23. This property was annexed into the City in February as an A-Agricultural District. There were no objections, therefore Reynolds moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 491, SECOND SERIES and that the reading of the same be waived. Ordinance Number 491, Second Series is an Ordinance Amending Chapter 86 of the City Code relating to Zoning. This ordinance rezones the Marshall Mini Storage Property located at 1410 South Saratoga Street from A-Agricultural District to a B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – PRELIMINARY PLAT FOR CARR ESTATES:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat for Carr Estates. The City has also received its first draft of the Comprehensive Infrastructure Planning Study, which includes the Carr Estates area. Included is a Proposed Collector and Arterial Streets map indicating Windstar Avenue will serve as a minor arterial parallel and south of T.H. 23. Because of the designation, the city has required an additional 10 feet of public right-of-way to accommodate future needs for this street, as well as limited access from the adjacent residential areas to this street. These adjustments have been incorporated into this preliminary plat. There is also an additional concern about the platting of Lots 1, 2 and 3 of Block 1, adjacent to South Saratoga Street as it relates to future development of an overpass structure at the intersection of Saratoga Street and T.H. 23 Mr. Carr is

REGULAR MEETING – APRIL 7, 2003

receptive to the idea of an option on the property for a period of time to be determined in cooperation with the City. This should be developed prior to adoption of the Final Plat. Mike Johnson, City Administrator, indicated that Robert Carr will be assuming a portion of the special assessments on Oulot A behind Genesis Street. Stores moved, Doyle seconded, that the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Hilton seconded, the approval of the Preliminary Plat for Carr Estates. All voted in favor of the motion.

CONSIDER AWARD OF BIDS FOR POLICE SQUAD CAR:

Bids were received, opened and read on April 1, 2003 for two police type squad car vehicles. The bids received, opened and read were from:

	Anton Chevrolet Marshall, Minnesota	Lockwood Motors Inc Marshall, Minnesota
Proposal A	\$27,060.00	\$31,182.00
Proposal B	35,860.80	39,382.00
Proposal C	29,960.80 32,960.80	
Proposal D	12,030.40 15,030.40	
Proposal E	17,930.40	
Proposal F		

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

Proposal B: furnish two (2) police type squad car vehicles with trade-in

Proposal C: furnish two (2) police type squad car vehicles and trade-in of one existing vehicle

Proposal D: furnish one (1) police type squad car vehicles and trade-in of one existing vehicle

Proposal E: furnish one (1) police type squad car vehicles with no trade-in

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

Due to the proposed budget cuts Rob Yant, Director of Public Safety, is recommending the purchase of only one new squad car therefore, Stores moved, Doyle seconded, that the bid be awarded to Anton Chevrolet for Proposal E, which is to purchase one police type squad vehicle and trade-in one of the existing vehicles. They will be trading the 1999 vehicle which as over 90,000 miles on it. Mr. Yant is also recommending that three options be added to the price of the vehicle, which includes a Trunk Mounted Auxiliary Equipment tray for \$250.00; a push bumper in the amount of \$329.79 and a prisoner transport rear set in the amount of \$448.56, which brings the total purchase price to \$16,058.75. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER OUT-OF-STATE TRAVEL FOR DIRECTOR OF PUBLIC SAFETY; B. CONSIDER REQUEST FOR TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR THE MARSHALL BASEBALL ASSOCIATION;

REGULAR MEETING – APRIL 7, 2003

C. CONSIDER REQUEST FOR A PLUMBERS LICENSE RENEWAL FOR MIKE LUND DBA MIKE'S PLUMBING & HEATING, INC.; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

Out-of-state travel for Rob Yant, Director of Public Safety, to attend the FEMA course, Chemistry for Emergency Response, in Emmetsburg, Maryland from May 12, 2003 through May 23, 2003. FEMA will pay for his travel, lodging and provide the training at no cost, therefore the only cost to the city will be for meals and wages.

A temporary on-sale non-intoxicating beer license for the Marshall Baseball Association at a fee of \$100.00. This license is for the period April 15, 2003 through August 15, 2003.

The renewal of a plumber's license for Mike Lund dba Mike's Plumbing & Heating, Inc., at a fee of \$50.00. This license will expire on March 31, 2004.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 37819 through 38034.

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.	Tutt Construction	1419 East College Drive	Install Windows & Install Doors	\$6,000
2.	Hisken Construction, Inc.	1225 East College Drive	Repair Ceiling	\$5,000
3.	Mike and Bev McCarvel	237 West Main Street	Interior Remodeling	\$1,000
4.	Sussner Construction, Inc.	303 O'Connell Street	Interior Remodeling	\$3,500
5.	The Country Stop	1206 East College Drive	Temporary Structure	\$0
6.	Paxton Signs, Inc.	1106 East College Drive	Install Sign	\$6,500
7.	Schwan Food Co.	1632 West College Drive	Museum Addition	\$955,500
8.	Prairie Community Services	1115 David Drive	Dwelling	\$150,300
9.	Bladholm Construction, Inc.	1230 Floyd Wild Drive	Repair Garage	\$262,800
10.	Lesage Family Investment	202 North 11th Street	Storage Building	\$18,000
11.	Sussner Construction, Inc.	115 West College Drive (Schwan's Home Service Operations)	Interior Remodel	\$102,500
12.	Jason Kopitski	1217 Patricia Court	Dwelling	\$190,000
13.	Independent Lumber of Marshall, Inc.	1219 Patricia Court	Dwelling	\$156,000
14.	Geske Home Improvement Co.	800 South 2nd Street	Install Egress Windows/Reside Garage	\$3,000
15.	Slagel Construction	105 North "A" Street	Interior Remodel	\$13,000
16.	Slagel Construction	208 West Redwood Street	Reside Garage	\$1,600
17.	Babcock Construction	605 Jefferson Circle	Reside Dwelling	\$7,000

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18.	Hiller Development Co.	1201 Country Club Drive	Dwelling	\$135,000
19.	Bakke's Home Repair & Construction	218 London Road	Install Doors	\$400
20.	Mandy Stelter	230 West Lyon Street	Install Sign	\$100
21.	Kevin Jerzak	1210 Westwood Drive	Exterior Remodeling & Install Utility Shed	\$10,500
22.	True Value Home Center	1121 David Drive	Dwelling	\$150,000
23.	Todd M. Schroeder	210 Walnut Street	Addition and Demolish Unattached Garage	\$80,000
24.	Bakke's Home Repair & Construction	402 Kossuth Avenue	Install Doors	\$500
25.	Slagel Construction	410 North 7th Street	Install Bathroom	\$3,000
26.	Kevin Teague	106 George Street	Install Window	\$1,200
27.	George J. Jacob Construction	802 Columbine Drive	Replace Doors	\$800
28.	George J. Jacob Construction	700 South 1st Street	Replace Window	\$1,000
29.	Robert Reimler	234 North Hill Street	Reroof Dwelling	\$4,500
30.	REM, Inc.	104 Parkview Drive	Interior Remodeling	\$1,500
31.	G&P Construction, Inc.	216 Athens Avenue	Dwelling	\$105,000
32.	G&P Construction, Inc.	218 Athens Avenue	Dwelling	\$121,000
33.	True Value Home Center	1106 David Drive	Dwelling	\$120,000

PRESENTATION OF AWARDS FOR MARTIN LUTHER KING JR. ESSAY CONTEST – HUMAN RIGHTS COMMISSION:

This year there were five 7th grade entries for the Essay contest. The Human Rights Commission judged the essays and the winning entry was written by Samantha Tauer from Holy Redeemer School. This essay was forwarded on to the state contest. At this time Donita Debruyckere, Marshall Human Rights Commission, presented awards to all of the entries: Anna Full, Emily Tate, Gabriella Reyes, Kate Geraets and Samantha Tauer.

REQUEST FOR MARSHALL MINI-STORAGE FOR A CONDITIONAL USE PERMIT FOR A SELF STORAGE WAREHOUSE IN A B-3 GENERAL BUSINESS DISTRICT AT 1410 SOUTH SARATOGA STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for a conditional use permit for a Self Storage Warehouse in a B-3 General Business District at 1410 South Saratoga Street. Per the recommendation of the Planning Commission, Sturrock moved, Stores seconded, to approve the request of Marshall Mini-Storage for a Conditional Use Permit for a Self Storage Warehouse in a B-3 General Business District at 1410 South Saratoga Street with the following conditions:

1. Recognizing that access to South Saratoga Street may be restricted due to street right of way uses for arterial street improvements, an access location shall be provided to the proposed street on the south side of the property.
2. No storage permitted outside of buildings.

All voted in favor of the motion.

VACATION OF UTILITY EASEMENT IN MARSHALL INDUSTRIAL PARK, BLOCK 2 – THE SCHWAN FOOD COMPANY:

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition for vacation of a utility easement from the sole abutting property owners of a utility easement located in Marshall Industrial Park, Block 2, between Huron Road and Ontario Road. Doyle moved, Reynolds seconded,

REGULAR MEETING – APRIL 7, 2003

the introduction of an ordinance for vacation of a utility easement and call for a public hearing to be held on April 21, 2003 at 7:30 P.M. All voted in favor of the motion.

RESOLUTION APPROVING AGENCY AGREEMENT WITH MNDOT:

Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2539, SECOND SERIES and that the reading of the same be waived. Resolution Number 2539, Second Series is a resolution for Agency Agreement with MN/DOT concerning the authorization of acceptance of federal aid. This agreement spells out the process and requirements for locally let federal aid projects (DCP). This resolution and agreement are necessary for any future federal aid projects. All voted in favor of the motion.

RESOLUTION CHANGING REGULAR CITY COUNCIL MEETING TIME:

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2540, SECOND SERIES and that the reading of the same be waived. Resolution Number 2540, Second Series is a resolution Establishing Meeting Time for City Council Meetings. This resolution provides for the City Council meetings to start at 5:30 P.M. It was indicated that with the change the council would have to hold some special meetings and/or interviews for boards and commissions on different nights and not the same night as the regular city council meeting has they have done in the past. It was also indicated that the Hospital Board Commission meetings start at 4:00 p.m. and may be affected by this change. All voted in favor of the motion.

CONSIDER APPROVAL OF AUDIT ENGAGEMENT LETTER FOR THE 2002 AUDIT:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the Audit Engagement Letter from Larson, Allen Weishar & Co., LLP (LAWCO) for the 2002 audit. This agreement identifies the audit fee to be the lower of 80% of standard rates or \$29,800. It was indicated that the additional expense for the 2001 audit was due to extra projects that occurred. Council member Boedigheimer asked about the GASB34 being completed by the end of the year. Boedigheimer moved, Sturrock seconded, the proper city personnel be authorized to enter into an agreement with Larson, Allen, Weishar & Co., LLP for the 2002 audit at a fee of 80% of standard rates or \$29,800, whichever is lower. 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 as follows:

- Byrnes EDA will meet on Tuesday and will discuss the next phase of the housing project; Fire Relief Association will meet on Wednesday evening; Regional Development Commission will be discussing the proposed sale of the Prairie Expo Building.
- Stores Library Board will meet next Monday and the annual Cookie Sale was held today; Personnel Committee met last week.
- Sturrock There was a conference call on March 21st on the Cable Franchise.
- Boedigheimer Airport Commission will meet next Monday; Lyon County Enterprise Development met last Tuesday, but there was not a quorum.
- Doyle Housing Commission and Human Rights Commission minutes are included in the agenda packet; Marshall Area Transit discussed ways to reduce cost and increase riders.

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- Hilton Hospital Board held a ribbon cutting ceremony at the new Home Health Services and the Marshall Area Chamber held their Chamber After Hours Event at the new Home Health Services.
- Reynolds Cable Commission will be meeting the week of April 21st; Community Services Advisory Board met last week and discussed budget cuts and increasing fees; Downtown Redevelopment will have a special meeting on Tuesday.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

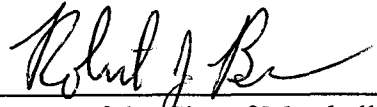
Other items brought forth by the Mayor and Council Members included: scheduling a joint meeting with Lyon County and that the City of Tracy would also like to schedule a joint meeting with the council; interviews for the Airport Commission and Human Rights Commission will be held Monday, April 21st at 5:30 p.m.; and the Downtown Design Committee needs to meet and discuss the property in the downtown area.

REVIEW OF PENDING AGENDA ITEMS:

There will be a Comprehensive Infrastructure Planning Study report at the Senior Center on April 23rd at 7:00 P.M.; there needs to be a meeting to discuss the use of the Jr High School and East Side School; and the Legislative and Ordinance Committee needs to schedule a meeting.

The council was informed that the City has received the 2002 MCOA "Project of the Year" for the 2001-2002 Terminal Area Improvement at SW MN Regional Airport – Marshall/Ryan Field.

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



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 21, 2003

Council Members Present: Byrnes, Hilton, Sturrock, Stores, Reynolds, Doyle

Council Members Absent: Boedigheimer

Staff Present: C Snyder, D Huber

Others Present: Dean Champine, Lyon County Assessor's Office
Tom Meulebroeck, Clerk/Finance Office

The 2003 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 Appraiser Carole Snyder.

Appraiser Snyder gave a brief presentation of the residential market over the past year. Additional information had been prepared for the Council prior to the meeting. Questions were taken from the Council regarding the 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, 2003.

Appraiser Snyder informed the Council there were statements of concern from Ronald and Julie Enga, MSP (Cityside Townhouses), HyVee, County Fair, McDonalds, and Joe Bot for those properties including Bot Appliance, Marshall Hotel and the Gambler prior to the meeting time.

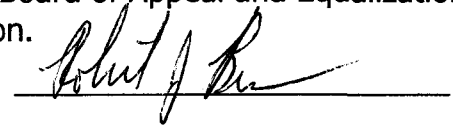
The members of the audience were asked to present their name, address, and address of the property in question.

Gladis DeSaer –108 Walker Lane was present at the meeting. She requested a private meeting time with Appraiser Snyder.

The Council recessed at 6:15 p.m. Council reconvened at 6:30 p.m.

Appraiser Snyder 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 5, 2003 regarding the status of each property and their value.

Motion by Stores, seconded by Doyle, to continue the Local Board of Appeal and Equalization to 5:15 p.m. on May 5, 2003. All voted in favor of the motion.



Mayor

Attest:



Assessment Technician

REGULAR MEETING – APRIL 21, 2003

The regular meeting of the Common Council of the City of Marshall was held on April 21, 2003 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: 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. City Administrator Mike Johnson was absent due to illness.

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, Stores seconded, that the minutes of the regular meeting held on April 7, 2003 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

At this time the new General Manager for the Marshall Municipal Utilities Brad Roos introduced himself to the City Council and staff.

PUBLIC HEARING – VACATION OF UTILITY EASEMENT IN MARSHALL INDUSTRIAL PARK, BLOCK 2 – THE SCHWAN FOOD CO:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to vacate a utility easement located in Marshall Industrial Park, Block 2, between Huron Road and Ontario Road. The Schwan Food Co., is the sole abutting property owner. Mr. Olson indicated that all of the various utility companies have been contacted and verified there are no existing utilities within this easement. Doyle moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Stores moved, Hilton seconded, the adoption of ORDINANCE NUMBER 492, SECOND SERIES and that the reading of the same be waived. Ordinance Number 492, Second Series is an ordinance Vacating a Utility Easement in the City of Marshall. This easement is located in Marshall Industrial Park, Block 2, between Huron Road and Ontario Road. All voted in favor of the motion.

PUBLIC HEARING – PRELIMINARY PLAT – DOTY ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat for Doty Addition. Mr. Olson indicated that the City has received the first draft of the Comprehensive Infrastructure Planning Study, which includes the Doty Addition. Included in this draft is a Proposed Collector and Arterial Streets map indicating the proposed Windstar Avenue to serve as a minor arterial parallel and south of T.H. 23. Because of this an additional 10 feet of public right-of-way was needed. Part of the plat is included in the 100-year flood plain and is therefore required to develop a pond. It was also indicated that the lots along Saratoga Street would not have access to Saratoga Street. Reynolds moved, Sturrock seconded, the public hearing be closed. All voted in favor of the motion.

Doyle moved, Hilton seconded, the approval of the Preliminary Plat for Doty Addition. All voted in favor of the motion.

REGULAR MEETING – APRIL 21, 2003

CONSENT AGENDA A. CONSIDER REQUEST FOR A TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MARSHALL SOFTBALL ASSOCIATION FROM MAY 5, 2003 TO SEPTEMBER 5, 2003; B. CONSIDER REQUESTS FOR TRANSIENT MERCHANTS LICENSE FOR THE COUNTRY STOP, INC. FOR USE IN THE DAIRY QUEEN PARKING LOT TO SELL PRODUCE, AND FOR TAP ENTERPRISES, INC. FOR A TOOL SALE ON MAY 13, 2003 AT THE FAIRGROUNDS; C. CONSIDER MINNESOTA LAWFUL GAMBLING PREMISES PERMIT RENEWAL APPLICATION FOR THE AMERICAN LEGION POST 113; D. PROJECT 2001-006: HANGAR NO. 2 CONSTRUCTION -- ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION TO TERWISSCHA CONSTRUCTION; E. CONSIDER OUT-OF-STATE TRAVEL FOR SERGEANT CURRY; F. BILLS AND PROJECT PAYMENTS; G. BUILDING PERMITS:

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

A temporary on-sale non-intoxicating beer license for the Marshall Softball Association at a fee of \$100.00. This license is for the period May 5, 2003 through September 5, 2003.

The renewal of a transient merchants license for The Country Stop, Inc., for use in the Dairy Queen parking lot to sell produce and for TAP Enterprises Inc., for a tool sale on May 13, 2003 at the Fairgrounds. The fee for these licenses is \$250.00 and the will expire on December 31, 2003.

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 Renewal Application, LG214PPR, for the American Legion Post 113, 412 West Main Street, Marshall, Minnesota.

That the final payment application in the amount of \$3,025.62 to TerWisscha Construction for Hangar No. 2 Construction – Project 2001-006 be acknowledged.

That out-of-state travel be granted to Paula Curry to attend the Weapons of Mass Destruction Incident Command (I.C.) on May 6 – 10, 2003 at the Center for Domestic Preparedness in Anniston, Alabama.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38035 through 38191.

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. Church of the Holy Redeemer	501 South Whitney Street	Partial Reroof School	\$41,700
2. Church of the Holy Redeemer	501 West Lyon Street	Reroof Church	\$93,500
3. Arnold Zimmerman	1307 Westwood Drive	Replace Windows	\$6,600
4. Mary Welvaert	504 Kathryn Avenue	Reside and New Windows	\$6,000
5. Ron Schilling	608 West Marshall Street	Garage	\$7,500
6. Andrew Timmerman	1107 Bruce Circle	Reside Dwelling	\$5,000

REGULAR MEETING – APRIL 21, 2003

7.	Doug & Dayna McDaniel	1503 Pinehurst Road	Dwelling	\$200,000
8.	Kevin Schultz	1215 Prospect Road	Finish Bathroom	\$700
9.	REM, Inc.	104 Parkview Drive	Escape Window/Replace Window	\$1,000
10.	Paula Curry	113 "F" Street	Install Door & Windows	\$1,200
11.	Denny Miller Construction, Inc.	304 Elm Street	Reroof Dwelling	\$5,000
12.	Babcock Construction	605 Jefferson Circle	Replace Doors	\$900
13.	Lonny Sowden	206 West Southview Drive	Replace Windows	\$600
14.	Dallas Dammen	1103 Jefferson Avenue	Install Windows, Reside Dwelling, Deck	\$16,500
15.	The Schwan Food Co.	901 North Highway 59	Remodel Toilet Room	\$4,500
16.	G.M. Northrup Construction	1000 East Southview Drive	Interior Remodel	\$3,000
17.	Ann Nielsen	1005 Willow Street	Family Room Addition	\$25,000
18.	Dan Fosvick	1304 Pinehurst Road	Interior Remodeling & Install Fireplace	\$5,000
19.	G&P Construction, Inc.	215 Athens Avenue	Dwelling	\$120,000
20.	G&P Construction, Inc.	208 Athens Avenue	Dwelling	\$99,600
21.	G&P Construction, Inc.	200 Athens Avenue	Dwelling	\$115,400
22.	Orval Ulrich	404 West Thomas Avenue	Install Door	\$400
23.	Michael & Susan Gruhot	110 "G" Street	Install Windows	\$4,000

WEINER MEMORIAL MEDICAL CENTER – PURCHASE MINIMALLY INVASIVE SURGICAL SYSTEM (MISS) AND HVAC UPGRADE:

Dick Sleiter, CEO Weiner Memorial Medical Center, was in attendance at the meeting and requested that the purchase of the Minimally Invasive Surgical System (MISS) be pulled from the agenda. Per the recommendation of Mr. Sleiter, Stores moved, Hilton seconded, that the bid be awarded to Bisbee Mechanical in the amount of \$92,691.00 for the purchase of the HVAC upgrade. All voted in favor of the motion.

LEGISLATIVE UPDATE – CONGRESSMAN COLLIN PETERSON:

At this time Congressman Collin Peterson gave the council a brief Legislative Update. Mr. Peterson also indicated that he would be opening an office in Marshall. This office will be located on the 2nd floor of the courthouse and that Meg Louwagie will be working out of this office.

AIRPORT COMMISSION PRESENTATION – GARY SCHMIDT:

Gary Schmidt, Chairman of the Marshall Airport Commission, took this opportunity to present a PowerPoint update on the activities at the airport. Mr. Schmidt indicated that the City of Marshall was awarded the FAA'S Governor's Award and a 2002 Project of the Year Award from the Minnesota Council of Airports at the Airport Symposium in Alexandria.

PRELIMINARY PLAT – NORTHLAND THIRD ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Northland Third Addition. Glenn indicated that the issue of the designated drainage on the northeast side of the subdivision is being reviewed and will be addressed prior to the approval of the preliminary plat; that the erosion control plan will be submitted prior to the adoption of the

REGULAR MEETING – APRIL 21, 2003

Final Plat; a Developers Agreement for public infrastructure will need to be prepared prior to approval of the Final Plat and that the names of the streets are being reviewed for compliance with City Codes and will be adjusted accordingly prior to the preliminary plat hearing. Doyle moved, Reynolds seconded, the introduction of the Preliminary Plat and called for a public hearing to be held on May 5, 2003 at 5:30 P.M. All voted in favor of the motion.

PROJECT 2001-014/S.A.P. 139-121-02 KOSSUTH AVENUE BRIDGE REPLACEMENT PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Sturrock moved, Reynolds seconded, the approval of Change Order No. 2 (Final) and the acknowledgement of the final payment application for Midwest Contracting, LLC. The change order provides for an increase in the contract in the amount of \$6,109.21 for the box culvert replacement and for improvements on the right of way at the Downtown Park Location. The final payment for this project is in the amount of \$37,444.82. All voted in favor of the motion.

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

Per the request of Glenn Olson, Director of Public Works/City Engineer, Stores moved, Reynolds seconded, the extension of the effective period of preliminary plat approval for Carr Subdivision I to May 19, 2003. The execution of a Developer Agreement for infrastructure improvements needs to be completed before the final plat can be approved. All voted in favor of the motion.

CONSIDER RESOLUTION AMENDING RESOLUTIONS 2223 AND 2246 AS TO OUTLOT A CHAD'S ADDITION:

Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2541, SECOND SERIES and that the reading of the same be waived. Resolution Number 2541, Second Series is a resolution Amending Resolutions 2223 and 2246 as to Outlot A Chad's Addition, Parcel No. 27-148026-0. This resolution provides for the balance of the special assessments of \$12,444.71 to be reduced to \$7,444.71 for Chad's Outlot A, Parcel No. 27-148026-0 and that this amount shall be paid within 30 days. All voted in favor of the motion.

REQUEST BY SOUTHWEST MN HOUSING PARTNERSHIP ON WAIVERS FOR DOWNTOWN COMMERCIAL PROPERTIES:

Per the request of Southwest MN Housing Partnership, Reynolds moved, Hilton seconded, that the City of Marshall waive the commercial policies in order to complete 2 rental projects. This waiver is necessary to use commercial rehabilitation money to complete 2 rental rehabilitation projects. This request has been discussed with the Marshall Design Committee. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

Matt Sederstrom be appointed to the Airport Commission for a term to expire on May 31, 2005
Eileen VanWie be appointed to the Human Rights Commission for a term to expire on May 31, 2004.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented as follows:

- Byrnes EDA will be having a special meeting tomorrow to discuss the request of the City of Ghent for a loan in the amount of \$25,000; Regional Development Commission discussed the sale of the Prairie Expo Facility.
- Stores Library Board met last Monday and discussed their budget and the Cookie Contest was held last Monday; Convention and Visitors Bureau met on Wednesday but did not have a quorum.
- Sturrock Public Improvement/Transportation Committee will be meeting at 4:00 P.M. on Tuesday; Marshall Municipal Utilities Commission met last week – the new General Manager, Brad Roos, attended his first meeting, Marshall finished 5th in the Lineman Rodeo held at Jacksonville, Florida, discussion was held about annexation of the property for the new high school and energy saving programs for the school.
- Doyle Housing Commission discussed purchasing land adjacent to the Hi-Rise.
- Hilton Hospital Board discussed security and the purchase of new equipment.
- Reynolds Cable Commission met last week; Downtown Design Committee will be meeting on Wednesday.

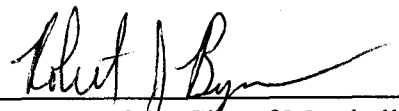
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: City Administrator Mike Johnson, and Council Member Sturrock attended the Cities Day at the Capital.

REVIEW OF PENDING AGENDA ITEMS:

Legislative and Ordinance Committee needs to consider a language change for the franchise fee for Marshall Municipal Utilities; and there will be a Final Draft Presentation of the City/MMU Comprehensive Utility Study on Wednesday, April 23, 2003 at 7:00 P.M. at the Marshall Area Senior Center.

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:



Financial Director/City Clerk

LOCAL BOARD OF APPEAL AND EQUALIZATION – MAY 5, 2003

The continuation of the Local Board of Appeal and Equalization was called to order at 5:15 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Hilton, Sturrock, Reynolds, Boedigheimer and Stores. Council member Doyle arrived late.

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 21, 2003. 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 the property. Mr. Barnett's recommendations were as follows:

The recommendations for the 2003 Local Board of Appeal and Equalization follow:

Parcel 27-599-064-0 – Gladys DeSaer – 108 Walker Lane

Concern: Questioned the increase in value for the 2003 assessment.

Findings: Carole Snyder met with Ms. DeSaer to discuss her concerns. It appears that the information provided by Ms. Snyder addresses the reasons for the 2003 value increase. DeSaer indicates she no longer has a concern.

Recommendation: No change.

Parcel 27-192-005-0 – Ronald and Julie Enga – 610 Kendall Street

Concern: Questioned the classification of the subject house.

Findings: The Enga's appeared by attorney letter at the Local Board of Appeal and Equalization. The Enga's questioned why the improvements picked up at the property as new construction for 2003 did not exceed \$5,000 in estimated market value to qualify them for "This Old House" new construction exemption. The "This Old House" exemption applies to new construction in excess of \$5,000 for properties of at least 45 years or older. Properties 70 years or older constitutes a second category of "This Old House". The first category of exemption is 50% of the new construction and the second category of 70 years or older is 100% exemption for a period of two years. The Enga's believed they would qualify for the 100% exemption category. The Enga's undertook window replacement, and replaced two entry doors to the home as new construction. The labor, material, and other related items had a replacement cost of \$6,549.67. The Enga's, according to the information supplied to the Board, did the general construction themselves. The costs, as reviewed by this office, appear to be fair estimates of material and labor costs. In addition to the value increase related to new construction, the subject property was increased in value attributable to the general increase in residential property value. The Enga's purchased the subject property in September of 2001 for \$52,000. The subject property is currently assessed at \$55,600. The increase from the 2002 assessment to the 2003 assessment is \$10,700.

LOCAL BOARD OF APPEAL AND EQUALIZATION – MAY 5, 2003

Recommendation: Following the review of new construction numbers as submitted with the attorney's letter, it is the Assessor's recommendation the subject property remain valued at \$55,600 and the allocation to new construction be \$5,000. This is an internal notification by the Marshall Assessor's office to Lyon County.

Parcel 27-566-017-0 and 27-566-018-0 – John Clark – 405 Country Club Drive

Concern: Questioned the 2003 estimated market value of the County Fair grocery store property since the property was recently purchased January 7, 2003 for less than the assessor's estimated market value.

Findings: Parcel number 27-566-017-0 is valued at \$1,145,700, and parcel number 27-566-018-0 is valued at \$73,200 for the 2003 assessment. Purchase price for both properties on January 7, 2003, was allocated at \$850,000. The subject property is within Tax Increment Finance District 1-7, having an assessment agreement, which precludes the property owner from contesting a value of less than \$950,000.

The sale was not considered in the current sales ratio study for the 2003 assessment, since the sale was not of record. The sales ratio study period for the 2003 assessment year began October 1, 2001 and ended September 30, 2002. The Assessor's office has not had the opportunity to meet directly with Mr. Clark, but has briefly discussed the concern earlier with him by phone. Mr. Clark believes the sale price is evidence of the property's market value. The Assessor's office has taken a position that one sale is some evidence, but does not necessarily mean the sale was at fair market value. Market value is generally defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in the definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: 1.) The buyer and seller are typically motivated; 2.) both parties are well informed or well advised, and acting in what they consider their best interests; 3.) a reasonable time is allowed for exposure in the open market; 4.) payment is made in terms of cash or in United States dollars or in terms of financial arrangements comparable thereto; and 5.) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. From what the Assessor's office understands about the transaction, the subject sale takes on the characteristics of a distressed sale, wherein the seller is acting under duress.

A review of the most recent sales indicates the subject property is substantially newer than most properties selling, has a better functional site layout, different locations, different building conditions, and other related adjustable items. This technique forms the assessor's recommendation to the Local Board of Appeal and Equalization.

Recommendation: Reduce Parcel ID # 27-566-017-0 from \$1,145,700 to \$1,095,700
Parcel 27-566-018-0 – No change

LOCAL BOARD OF APPEAL AND EQUALIZATION – MAY 5, 2003

Parcel 27-598-048-0 – McDonalds – 1200 East College Drive

Concern: McDonald's franchise owner Jim Olson requested his name be placed on the list showing concern over the 2003 value placed on the above identified property.

Findings: The Assessor's office has had discussions by telephone related to the assessment of the above captioned property prior to the Local Board of Appeal and Equalization. The assessor has not had the opportunity to meet directly with Mr. Olsen, but will do so within the very near future. A review of the property indicates the value is \$405,700 for the 2003 assessment. The estimated market value per square foot of building is \$110.82. It is the assessor's understanding that similar types of property are selling, land and building on a depreciated basis, for approximately \$110 per square foot. It is the intent of the assessor to meet with Mr. Olson, and should an adjustment be necessary, the Marshall City Council will be advised of the recommendation to be forwarded the Lyon County Board of Equalization at its June 17, 2003, meeting.

Recommendation: No change

Mr. Joe Bot

Parcel 27-677-090-0 for 326-28 West Main Street

Parcel. 27-677-028-0 for 303 West Main Street

Parcel 27-677-044-0 – 27-677-045-0 and 27-677-046-0 for 401-405 West Main Street

Concern: Mr. Bot requested assessor's office to have the above captioned properties placed before the Local Board of Appeal and Equalization for the 2003 year.

Findings: The increase in value by parcel follows:

Parcel Number	2002 Assessment	2003 Assessment
27-677-090-0	99,200	103,600
27-677-028-0	121,600	126,000
27-677-044-0	76,100	80,500
27-677-045-0	26,300	28,500
27-677-046-0	27,100	29,300

The foregoing adjustments to the Bot estimated market values are increases to land value similar to adjacent properties within the central business district. The increases are attributable to the need to restore the commercial classification assessment level. Parcel 27-677-090-0 was certified to the county at \$103,600, but the notice sent by the county to Mr. Bot indicated a substantially higher value. A correction letter has been forwarded to Mr. Bot in regard to the error.

Recommendation: No change

LOCAL BOARD OF APPEAL AND EQUALIZATION – MAY 5, 2003

The following constitutes clerical cleanup of the 2003 assessment.

Parcel 27-599-091-0 – Daniel O’Neil – 432 North 7th Street

Should be 204-0 for 2003 assessment

Parcel 27-113-003-0 – Miriam Guillen – 304 West Marshall Street

Should be 204-0 for 2003 assessment

Parcel 27-982-006-1 – Gregory S. Taylor – 1104 Holabird Circle

Classification	Land	Building	Total
205-0	47,700	45,000	92,700

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

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 5, 2003

The regular meeting of the Common Council of the City of Marshall was held on May 5, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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/City Engineer; Bob VanMoer, Wastewater Superintendent; Dale Howe, Building Official; 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 removal of item no. 5, which is the request from Weiner Memorial Medical Center to purchase a Minimally Invasive Surgical System (MISS).

APPROVAL OF THE MINUTES:

Reynolds moved, Doyle seconded, that the minutes of the Local Board of Appeal and Equalization and the minutes of the regular meeting held on April 21, 2003 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – PRELIMINARY PLAT OF NORTHLAND THIRD ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Northland Third Addition with the City Council and others in attendance at the meeting. This area was removed from the flood plain after the dike was built as part of the flood control retention project. City Attorney Brian Murphy suggested that the city restrict vehicle access on the north side of the lots near the dike. Glenn suggested that the city install two exits and entrances and one right-of-way on North 4th Street for this addition. Mr. Olson also discussed, drainage on the northeast side and street names. A Developers Agreement for public infrastructure and the erosion control plan will need to be submitted prior to approval of the Final Plat. Willard Engel indicated that the new area of 4th Street would need to be upgraded to meet the old part of 4th Street. Reynolds moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion. Sturrock moved, Stores seconded, that the Preliminary Plat of Northland Third Addition be approved with the following nine (9) conditions:

1. Address easements
2. Adjust street names
3. Provide lot dimensions if necessary
4. Park land fee
5. Provide setbacks if other than Code
6. Show drainage profile from subdivision to receiving drain structure on N. Bruce Street
7. Address flood zone questions at connections with 6th street
8. Provide drainage data and erosion control plan
9. Define restrictions on North side of utility easement adjacent to the dike.

All voted in favor of the motion.

REGULAR MEETING – MAY 5, 2003

CONSENT AGENDA: CONSIDER REQUEST FOR PLUMBERS LICENSE RENEWAL FOR GARY HANSEN DBA G.H. PLUMBING AND HEATING; CONSIDER REQUEST FOR NEW PLUMBERS LICENSE FOR SCOTT CHRISTIANSON DBA CHRISTIANSON PLUMBING, HEATING AND AIR CONDITIONING, INC.; CONSIDER REQUEST FOR SPECIAL VEHICLE RENEWAL FOR ROBERT EGLY; AUTHORITY TO DISPOSE OF SURPLUS CITY PROPERTY AT AN AUCTION TO BE HELD ON MAY 15, 2003; CONSIDER NORTH 3RD STREET PARKING LAYOUT; CONSIDER REQUEST TO FUND HELP PROGRAM BY THE ECONOMIC DEVELOPMENT AUTHORITY; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

The renewal of a plumber's license for Gary Hansen dba G. H. Plumbing & Heating at a fee of \$50.00. This license will expire on March 31, 2004.

The approval of a plumber's license for Scott Christianson dba Christianson Plumbing, Heating and Air Conditioning, Inc., at a fee of \$50.00. This license will expire on March 31, 2004.

The renewal of a Special Vehicle License for Robert Egly at a fee of \$25.00. This license will expire on December 31, 2003.

Authorization to dispose of surplus City property at an auction to be held on May 15, 2003 at 6:30 P.m. at the Street Maintenance Building area at 901 Oak Street.

The approval of restriping of North 3rd Street from Main Street North to Lyon Street to accommodate five additional parking spaces on the West side of North 3rd Street and to eliminate the left turn lane onto Lyon Street.

The approval of EDA's intent to fund the HELP program from the private side requirement in the amount of \$10,000.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38192 through 38358.

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. Chad Olesch	209 Rainbow Drive	Deck	\$2,500
2. Bruce & Cindy Robinson	600 Jewett Street	Deck	\$800
3. Tutt Construction	1108 Bruce Circle	Basement Remodel	\$5,000

REGULAR MEETING -- MAY 5, 2003

4.	Donald Jants	504 West Marshall Street	Reside Dwelling	\$4,000
5.	Evang. Lutheran Church of the Good Shepherd	1600 East College Drive	Garage	\$5,000
6.	David Lukkarinen	611 Adobe Circle	Porch Addition	\$10,000
7.	Four Seasons Roofing	1104 West Main Street	Reroof	\$22,800
8.	Darin Jensen	218 Oslo Avenue	Deck	\$1,600
9.	D.C. McFarland, Jr.	1430 East College Drive	Office Building	\$450,000
10.	David & Rebecca Gifford	205 Elaine Avenue	Install Fireplace & Patio Roof	\$9,500
11.	Geske Home Improvement Co.	710 South 4th Street	Reside Garage	\$2,600
12.	Nathan & Lisa Towne	815 Boxelder Avenue	Deck	\$800
13.	K-Designers	708 Oak Street	Reside Dwelling	\$13,000
14.	Ace Signs & Service, Inc.	1000 East Southview Drive	Install Sign	\$11,500
15.	Neil Daniels	700 South Saratoga Street	Modular Dwelling	\$40,000
16.	Curtis & Molly Herrick	203 South 4th Street	Install Fireplace	\$2,700
17.	Greig & Gregerson	309 Rainbow Drive	Reroof, Reside & Replace Window	\$7,500
18.	Geske Home Improvement Co.	507 East College Drive	Reside Dwelling	\$6,000
19.	Geske Home Improvement Co.	317 Lawrence Street	Reside Dwelling & Install Windows	\$8,500
20.	Great Plains Natural Gas Co.	237 West Main Street	Install Signs	\$1,000
21.	Jerry Matzner	811 DeSchepper Street	Finish Basement	\$10,000
22.	Joe Andries	212 Legion Field Road	Dwelling	\$78,000
23.	Jennifer Fox	303 Gray Place	Install Windows	\$500
24.	Sussner Construction, Inc.	202 North 1st Street	Replace Windows	\$22,000
25.	Pride Neon, Inc.	200 South "A" Street	Install Signs	\$6,700
26.	Pride Neon, Inc.	1511 Carlson Street	Install Sign	\$2,700
27.	Brent & Margo Wherry	611 Southview Drive	Basement Remodel	\$4,500
28.	Gary Rudolf	602 South Saratoga Street	Dwelling	\$120,000
29.	True Value Home Center	205 London Road	Dwelling	\$94,000
30.	True Value Home Center	221 London Road	Dwelling	\$92,000
31.	True Value Home Center	204 Athens Avenue	Dwelling	\$91,000
32.	True Value Home Center	225 Athens Avenue	Dwelling	\$89,000

RESOLUTION ACCEPTING THE GRANT OF PERSONAL PROPERTY FROM MILDRED MADDEN IRREVOCABLE TRUST BY THE CITY OF MARSHALL, MINNESOTA:

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2542, SECOND SERIES and that the reading of the same be waived. Resolution Number 2542, Second Series is a resolution Accepting the Grant of Personal Property from Mildred Madden Irrevocable Trust by the City of Marshall, Minnesota. This resolution provides for the city to accept \$12,054.75 for park improvements. All voted in favor of the motion.

REGULAR MEETING – MAY 5, 2003

AUTHORIZATION TO APPLY FOR HOMELAND SECURITY OVERTIME PROGRAM (HSOP) FUNDING GRANT UP TO \$25,000:

Mike Johnson, City Administrator, reviewed the request from Rob Yant to apply for the Homeland Security Overtime Program (HSOP) Grant for funding up to \$25,000. There is a 25% match requirement for this grant. Rob would like to use to fund things such as working on updating the emergency plan and to pay for officers to go to training that is limited now because of the limited over-time and tight staffing levels. Reynolds moved, Hilton seconded, that Rob Yant, Director of Public Safety, be authorized to apply for the Homeland Security Overtime Program (HSOP) Grant up to the amount of \$25,000. All voted in favor of the motion.

VACATION OF STREET RIGHT-OF-WAY REQUEST OF THE SCHWAN FOOD COMPANY TO VACATE A PORTION OF SOUTH 1ST STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed with the Council the request from Schwan's Food Company to vacate a portion of South 1st Street. Mr. Olson indicated that Schwan's want to reconstruct two main entrances to their corporate office from South 1st Street extending out into the South 1st Street right-of-way. Schwan's also wants to provide mid-block pedestrian crossings towards the new YMCA and install new lighting and landscaping. It is not their intent at this time to close the street to through traffic. This request is in accordance with their Corporate Campus Plan that also includes upgrades to the parking and landscape areas between Corporate Office I and the new YMCA. Glenn indicated that the city does not allow private development on a public right-of-way and that if this right-of-way was vacated Schwan's would be responsible for the street. He was also concerned with allowing through traffic on a street that the city has vacated. Council member Boedigheimer has reservations about vacating a street and leaving it open to traffic. Council member Sturrock wanted to know how vacating the right-of-way would affect traffic patterns in this area. Mr. Olson indicated that a traffic study could be conducted. Sturrock moved, Hilton seconded, the receipt of the Petition for Vacation of a Street Right-of-Way for South 1st Street from Marvin Schwan Memorial Drive southwestward to Saratoga Street and to call for a public hearing to be held at 5:30 P.M. on Monday, June 2, 2003. All voted in favor of the motion.

PETITION FOR VACATION OF A ROADWAY AND UTILITY EASEMENT IN VIKING ADDITION – PLAT 12:

Glenn Olson, Director of Public Works/City Engineer, reviewed with the Council the request from D. C. McFarland, Jr., for the vacation of a roadway and utility easement in Viking Addition – Plat 12 adjacent to T. H. 23. Mr. McFarland is requesting that this easement be reduced to 25 feet. Reynolds moved, Stores seconded, the receipt of a Petition for Vacation of a Roadway and Utility Easement in Viking Addition – Plat 12 and that public hearing to be held at 5:30 P.M. on Monday, May 19, 2003. All voted in favor of the motion.

ORDINANCE AMENDING CHAPTER 18, ARTICLE II, OF THE CITY CODE OF ORDINANCES – BUILDING CODE:

Dale Howe, Building Official, indicated that the 2003 Minnesota State Building Code was adopted March 31, 2003 by the State Building Official. Sturrock moved, Stores seconded,

REGULAR MEETING – MAY 5, 2003

the introduction of an ordinance Amending Chapter 18, Article II, of the Marshall City Code of Ordinances Adopting the Minnesota State Building Code. This ordinance would provide that the City of Marshall always has the most current edition of the State Building Code. As the State Code is updated, the City Code does not need to be changed unless the City would adopt optional chapters or require local revisions. All voted in favor of the motion.

CONSIDER RESOLUTION REVOKING MUNICIPAL STATE AID HIGHWAYS AND ESTABLISHING MUNICIPAL STATE AID HIGHWAYS:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed changes for Municipal State Aid Streets. Typically, the goal is to have streets, which are of significant community importance to be designated as a Municipal State Aid street. The street must terminate on another Municipal State Aid street, County State Aid street, County road or a State highway. If a designated street is removed from the list within 20 years of it being constructed with Municipal State Aid money, a prorated portion must be removed from the aid on a future project. Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2543, SECOND SERIES and that the reading of the same be waived. Resolution Number 2543, Second Series is a resolution Revoking Municipal State Aid Highways. This resolution revokes the following streets as Municipal State Highways:

1. Channel Parkway from T.H. 59 to North Bruce Street
2. Travis Road from T.H. 23 to Indiana Jones Avenue
3. Travis Road from Indiana Jones Avenue to Country Club Drive

All voted in favor of the motion.

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2544, SECOND SERIES and that the reading of the same be waived. Resolution Number 2544, Second Series is a resolution Establishing Municipal State Aid Highways. This resolution establishes the following streets as Municipal State Highways

1. Kossuth Avenue from North 7th Street to North 4th Street
2. Windstar Avenue from South Saratoga Street to T.H. 59

All voted in favor of the motion.

PROJECT 2002-015: WWTF STANDBY AND DEMAND GENERATION PROJECT – RESOLUTION AWARDED BID:

Bids were received, opened and read on April 21, 2003 for the Wastewater Treatment Plant Standby and Demand Generation Project. Bids received, opened and read were from:

Meier Electric
Marshall, Minnesota
\$422,670.00
\$6,345.00 Alt Bid – Deduct

Glenn Olson, Director of Public Works/City Engineer, reviewed this project and indicated that upon completion of the installation, annual power cost savings is estimated at \$40,000/year, but just as important is the increased reliability for the power supply for the Wastewater Treatment Plant eliminating process shutdown times. Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2545, SECOND SERIES and that the reading of the same be waived.

REGULAR MEETING – MAY 5, 2003

Resolution Number 2545, Second Series is a resolution Awarding the Bid to Meier Electric, Marshall, Minnesota in the amount of \$422,670.00 for the Wastewater Treatment Facility Standby and Demand Generation Project 2002-015. The money transferred from the Wastewater Construction Fund 608 is the source of revenue for this project. All voted in favor of the motion.

DISCUSS STORM SEWER FINANCING ALTERNATIVES FOR CARR SUBDIVISION:

A discussion was held at this time on how to finance the storm water sewer improvements in the Carr Subdivision located west of South 4th Street and North of Trunk Highway 23. During the design phase of the public improvement for this subdivision, it has become apparent that the storm sewer system within the development needs to be oversized (piping and pond improvements) to accommodate the storm water drainage from the 41 acres to the north of the subdivision. In addition, because the Deutz property to the west (currently outside the City limits) drains in an easterly direction, a decision needs to be made not to either include or not include the 34-acre drainage area within the storm sewer improvements. Due to the fact that the property is located outside the City limits, the City cannot place an assessment against the property at the current time. Various financing alternatives included: 1) the developer pays for the improvements; 2) special assessments; 3) tax abatement; 4) city wide storm water utility, which is ready to be implemented shortly; or 5) a combination of these. City staff is recommending the use of tax abatement as their first choice and the citywide storm water utility as the second choice. The tax abatement would allow the city to abate new taxes on the improvements in the development for a period of up to 10 years, or 15 if two or fewer taxing districts such as the city or county participate. The city would abate new taxes on the property to reimburse the developer for the costs of installing storm sewer lines. Sturrock moved, Stores seconded, that the city staff be authorized to proceed with tax abatement and to use the city's soon to be implemented storm water utility fee as a backup to help pay for these improvement costs. 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 as follows:

Byrnes EDA is proceeding with the Parkway Housing Addition and no action was taken on the request from the Ghent EDA.

Stores No report.

Sturrock Cable TV franchise was discussed on April 23rd.

Boedigheimer No report.

Doyle No report.

Hilton No report.

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Reynolds Cable Commission is continuing to work on the Cable TV Franchise.

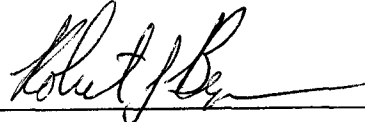
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the Public Employee Recognition Week and Sturrock attended the Local Government Summit on April 30th.

There was a brief discussion on the possibility of providing handicapped accessibility to the Marshall band shell for a Marshall band member.

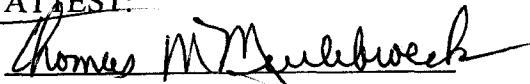
At this time Harry Weilage, Director of Community Services, gave an update on the Minnesota Amateur Sports Commission (MASC) funding and SSU Mattke Field soccer fields.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – MAY 19, 2003

The regular meeting of the Common Council of the City of Marshall was held on May 19, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Council member Hilton arrived late. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Dale Howe, Building Official; and Jane DeVries, Deputy City Clerk. City Attorney Brian Murphy 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:

Reynolds moved, Stores seconded, that the minutes of the Local Board of Appeal and Equalization and the minutes of the regular meeting held on May 5, 2003 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 – VACATION OF A ROADWAY AND UTILITY EASEMENT IN VIKING ADDITION PLAT 12:

This was the date and time set for a public hearing on the petition for the vacation of a roadway and utility easement in Viking Addition – Plat 12. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council. Mr. Olson indicated that all the adjacent owners and the utility companies had been notified of this request. Doyle moved, Reynolds seconded, the public hearing be closed. All voted in favor of the motion.

Stores moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2546, SECOND SERIES and that the reading of the same be waived. Resolution Number 2546, Second Series is a resolution Granting a Petition for Vacation of Roadway and Utility Easement in the City of Marshall. This resolution provides for the vacation of a roadway and utility easement in Block 1, Lots 8-10 and 12-16, Viking Addition Plat 12. All voted in favor of the motion.

Council member Boedigheimer questioned the area from where this easement ends to South 4th Street also being vacated. Glenn Olson indicated that this item would be discussed at a future council meeting.

APPROVAL OF CONSENT AGENDA - CONSIDER APPLICATION FOR TRANSIENT MERCHANT LICENSE FOR CLARK FIREWORKS; CONSIDER APPLICATION FOR RENEWAL OF SPECIAL VEHICLE LICENSES HALS PALS TRAILERS; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Per the request of Council member Boedigheimer the request for a transient merchants license for Clark Fireworks was removed from the consent agenda.

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

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, 2003 and the fee for these permits was waived.

REGULAR MEETING – MAY 19, 2003

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38359 through 38519.

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. Ronald & Kristin Seanor	610 South Saratoga Street	Finish Basement	\$9,000
2. Donna Matthys	1107 West Main Street	Bathroom Remodel	\$15,000
3. Gary Thooft	550 South 4th Street	Remodel	\$9,000
4. Tutt Construction	1201 Morningside Circle	Basement Remodel	\$24,000
5. Greig & Gregerson	109 North 3rd Street	Interior Remodel	\$70,000
6. Koch Pavement Solutions	901 North 7th Street	Reroof Office	\$3,500
7. REM, Inc.	1201 Alan Street	Replace Steps	\$1,000
8. Kerry J. Kerr	613 Winifred Drive	Interior & Exterior Remodeling	\$15,000
9. Tutt Construction	116 South High Street	Garage Remodel	\$7,400
10. Catherine Hare & Janice Knieff	1120 Clifton Circle	Dwelling	\$280,000
11. Minnesota Cabinets, Inc.	506 East Lyon Street	Replace Windows & Door	\$3,500
12. Bernie Heck Construction	612 Donita Avenue	Install Window & Door	\$3,000
13. Snell Services	110 McFarland Circle	Deck	\$5,900
14. Daniel & Kimberly Fixen	411 North 4th Street	Garage	\$15,000
15. Schaefer Woodworks	502 South Bruce Street	Install Windows	\$2,400
16. James A. Zarzana	227 North Hill Street	Replace Windows	\$3,500
17. Hisken Construction, Inc.	1300 Ridgeway Road	Reroof Dwelling	\$5,500
18. Donald Moat	303 Rainbow Drive	Reroof & Reside Dwelling	\$3,200
19. Scott's Electronics	1101 East College Drive	Install Signs	\$500
20. Lozinski Construction	1006 Birch Street	Reroof	\$3,000
21. John Hansen	1112 Skyline Drive	Install Door	\$1,500
22. Ted & Mary Collins	133 Spruce Drive	Manufactured Home Installation	

Council member Boedigheimer wanted to make sure that the Legislative and Ordinance Committee discusses the sale of fireworks in the City of Marshall. Boedigheimer moved, Stores seconded, the approval of a Transient Merchants License for Brenan Clark dba Clark Fireworks to sell fireworks in the Wal Mart parking lot. The fee for this license is \$250.00 and it will expire on December 31, 2003. All voted in favor of the motion.

ORDINANCE AMENDING CHAPTER 18, ARTICLE II, OF THE CITY CODE OF ORDINANCES – BUILDING CODE:

Doyle moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 493, SECOND SERIES and that the reading of the same be waived. Ordinance Number 493, Second

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Series is an ordinance Amending Chapter 18, Article II, of the Marshall City Code of Ordinances Adopting the Minnesota State Building Code. All voted in favor of the motion.

REQUEST OF JOE & SARAH EKTANIPHONG FOR A VARIANCE ADJUSTMENT PERMIT FOR LESS OFF-STREET PARKING SPACES THAN REQUIRED BY CODE IN A B-2 CENTRAL BUSINESS DISTRICT AT 224 WEST MAIN STREET.

Glenn Olson, Director of Public Works/City Engineer, indicated that this request is for a Variance Adjustment Permit to convert an existing building used as a retail store to a restaurant use without off-street parking. Per the recommendation of the Planning Commission, Sturrock moved, Stores seconded, that a Variance Adjustment Permit for Joe & Sarah Ektaniphong for less off-street parking spaces than required by Code in a B-2 Central Business District at 224 West Main Street be approved. All voted in favor of the motion.

REQUEST OF GREGORY C. BLADHOLM TO REZONE 704 WEST COLLEGE DRIVE FROM A B-1 (LIMITED BUSINESS DISTRICT) / I-1 (LIMITED INDUSTRIAL DISTRICT) / I-2 (GENERAL INDUSTRIAL DISTRICT) / R-3 (LOW TO MEDIUM DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT) TO AN I-1 (LIMITED INDUSTRIAL DISTRICT):

Sturrock moved, Reynolds seconded, the introduction of an ordinance to rezone 704 West College Drive from a B-1 Limited Business District / I-1 Limited Industrial District / I-2 General Industrial District / R-3 Low to Medium Density Multiple Family Residence District to an I-1 Limited Industrial District. All voted in favor of the motion.

RESOLUTION RESTRICTING PARKING ON SOUTH "A" STREET FROM MARVIN SCHWAN MEMORIAL DRIVE TO EAST SARATOGA STREET:

A discussion was held at this time on parking being restricted on South "A" Street from Marvin Schwan Memorial Drive to East Saratoga Street. This street section is not wide enough to accommodate traffic, parking on both sides, and emergency access to the Fire Station and Ambulance facility during high traffic and the parking needs at the YMCA. Greg Taylor was also concerned with the parking in the area of the new downtown park. Bob Archbold indicated that the parking in this whole area is always full during the day. Glenn Olson, Director of Public Works/City Engineer indicated that he has requested Schwan's to provide him with their use plan of the area and that all of these items need to be addressed by the Public Improvement Transportation Committee. Doyle moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2547, SECOND SERIES and that the reading of the same be waived. Resolution Number 2547, Second Series is a resolution Providing for Signage in the City of Marshall. This resolution provides for the installation of No Parking Signs, Sign R8-3a of the 2001 Minnesota MUTCD Manual, be installed on both sides of South "A" Street from Marvin Schwan Memorial Drive to East Saratoga Street. All voted in favor of the motion.

PROJECT 2003-005 – SARATOGA STREET WATER & SANITARY SEWER IMPROVEMENT PROJECT – RESOLUTION RECEIVING FEASIBILITY REPORT:

Stores moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2548, SECOND SERIES and that the reading of the same be waived. Resolution Number 2548, Second Series is a resolution Receiving the Feasibility Report for the South Saratoga Street Watermain and Sanitary Sewer Main Improvement Project 2003-005. All voted in favor of the motion.

RESOLUTION AUTHORIZING ACCEPTANCE OF SAFETY GRANT FOR THE WASTEWATER DEPARTMENT WITH THE DEPARTMENT OF LABOR AND INDUSTRY, OCCUPATIONAL SAFETY HEALTH CONSULTATION UNIT:

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2549, SECOND SERIES and that the reading of the same be waived. Resolution Number 2549, Second Series is a resolution Authorizing Acceptance of a Safety Grant. The City of Marshall Wastewater Department has received a Grant Contract between the State of Minnesota acting through its Department of Labor and Industry, Occupational Safety and Health Consultation Unit for the purchase of certain safety equipment. The total cost of the equipment is estimated at \$9,963.65, with the maximum total reimbursement for the equipment of \$4,981.00 and the Wastewater Fund will pay for the local share. The equipment included in this grant is as follows:

• 1 Davit Arm & Portable Base	\$3,296.00
• 1 Sala Lift II Winch	1,071.20
• 1 Sealed Self-Retracing Life Line	1,081.71
• 5 Galvanized Steel Base (Concrete)	1,526.45
• 6 Galvanized Steel Base (Steel)	1,433.16
• 1 Trailer Mount Base	463.50
• 1 Spreader Bar	63.00
• 8 Vest Style Full Body Harness	725.52
• 1 PhD Lite Gas Monitor	<u>1,195.00</u>
Total	10,855.54
Discount	<u>-1,500.00</u>
	9,355.54
Tax	<u>608.11</u>
TOTAL	\$9,963.65

All voted in favor of the motion.

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

Per the request of Glenn Olson, Director of Public Works/City Engineer, Reynolds moved, Stores seconded, the extension of the effective period of preliminary plat approval for Carr Subdivision I to June 16, 2003. A listing of the items necessary for the submission of the final plat has been submitted to the developer. All voted in favor of the motion, except Boedigheimer who voted no.

CHANGING DATE OF PUBLIC HEARING FOR SOUTH 1ST STREET RIGHT-OF-WAY VACATION REQUEST:

Doyle moved, Sturrock seconded, that the date for the public hearing for South 1st Street right-of-way vacation request for the Schwan Food Company be rescheduled to July 7, 2003 at 5:30 P.M. This will allow the Public Improvement Transportation Committee time to review this request prior to the public hearing. All voted in favor of the motion.

PARADE REQUESTS: SUMMER FESTIVAL ON SATURDAY, AUGUST 23, 2003 AND SSU HOMECOMING ON SATURDAY, SEPTEMBER 27, 2003:

Reynolds moved, Hilton seconded, that the request from the Marshall Summer Festival Parade Committee to close East Main Street from Lyon Street to South 5th Street for the Marshall Summer Festival Parade be approved for Saturday, August 23, 2003. This parade will start at 12:00 noon and last for approximately 2 hours. That the request from Southwest State University to close East Main Street from Lyon Street to 5th Street for SSU's Homecoming

REGULAR MEETING – MAY 19, 2003

Parade be approved for Saturday, September 27, 2003. The parade will start at 10:00 A.M. and will last approximately one hour. All voted in favor of the motion.

There was also discussion on the costs associated with parades for traffic control set-up and removal, additional street sweeping, law enforcement and administration. These costs will be reviewed at budget time to determine if any parade charges should be established.

CONSIDER PERSONNEL CHANGE FROM FULL TIME TO REGULAR PART TIME STATUS:

Mike Johnson, City Administrator, indicated to the council that the funding for the Gang Strike force Administrative Support has been cut from 100% to 3/4th time funding. Hilton moved, Reynolds seconded, that the due to the state funding the administrative support position be adjusted from full time status to regular part time status. This change also includes an adjustment in insurance benefits and related leave benefits. All voted in favor of the motion.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

- Airport Commission – Robert Meyer for a 3-year term to expire on May 31, 2006
- Airport Commission – Mark Pfeifer for a 3-year term to expire on May 31, 2006
- Airport Commission – David Danahar for a 3-year term to expire on May 31, 2006
- Cable Commission – Larry Murphy for a 3-year term to expire on May 31, 2006
- Cable Commission – Doug Binsfeld for a 3-year term to expire on May 31, 2006
- EDA Commission – Bruce Haug for a 6-year term to expire on May 31, 2009
- Human Rights Commission – Ajeet Yadav for a 3-year term to expire on May 31, 2006
- Human Rights Commission – Linda Baun for a 3-year term to expire on May 31, 2006
- Hospital Board – Joe Cool for a 5-year term to expire on May 31, 2008
- Hospital Board – Bill Cole for a 5-year term to expire on May 31, 2008
- Planning Commission – Andy Hedlin for a 3-year term to expire on May 31, 2006
- Planning Commission – Robert Archbold for a 3-year term to expire on May 31, 2006
- Planning Commission – Jill Houseman for a 3-year term to expire on May 31, 2006
- Police Civil Service Commission – Tammy VanOverbeke for a 3-year term to expire on May 31, 2006
- Utilities Commission – Don Edblom for a 3-year term to expire on May 31, 2008

It was also approved that openings on the Senior Citizen Center Commission and on the Cable Commission be re-advertised.

MAYOR AND COUNCIL MEMBER REPORTS:

Reports by the Mayor and Council Members of the various boards and commissions were presented as follows:

- Byrnes EDA is continuing to work on the Parkway addition and discussion of the next phase.
- Stores Library Board met earlier today and discussed the new Conceal and Carry Law and how it will affect the library; Convention and Visitors Bureau will meet on Wednesday.
- Sturrock: Planning Commission met last Wednesday and all of their items were address by the council.

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- Boedigheimer Airport Commission met last Monday; Senior Citizen Center Commission has not met but there is a request to reduce the number of members for this board; Jt. Law Enforcement and M.E.R.I.T. Center Committees need to meet.
- Doyle Housing Commission met last Monday – annual meeting with tenants; Human Rights Commission and Marshall Area Transit have not met.
- Hilton Hospital Board met at 4:00 p.m. today and discussed capital equipment purchases and the financing for the long-term care facility.
- Reynolds Cable Commission met last Tuesday; Community Services Advisory Board met and discussed budget cuts.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: how the conceal and carry law will affect the personnel policy and having guns in public places; setting a policy by using tax abatement and storm water utility fee to finance storm sewer improvements and not using special assessments; the status of the union contracts; grass not being cleaned off sidewalks after mowing; the audit presentation and the Joint Utility Study being reviewed by the council on June 23rd at 5:30 P.M.

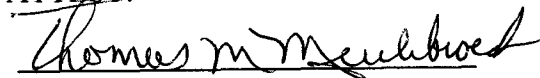
Mike Johnson indicated that 429 Special Assessments was considered as an option to finance the storm sewer improvements. Mike also indicated that he has tentative agreements with the Police Officers and Police Sergeants unions and work is continuing on the ASCME union agreement.

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

REGULAR MEETING – JUNE 2, 2003

The regular meeting of the Common Council of the City of Marshall was held on June 2, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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; Thomas M. Meulebroeck, Financial Director/City Clerk; Marc Klaith, Fire Chief; Dale Howe, Building Official; 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 May 19, 2003 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 OF GREGORY C. BLADHOLM TO REZONE 704 WEST COLLEGE DRIVE FROM B-1 (LIMITED BUSINESS DISTRICT) / I-1 (LIMITED INDUSTRIAL DISTRICT) / I-2 (GENERAL INDUSTRIAL DISTRICT) / R-3 (LOW TO MEDIUM DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT) TO AN I-1 (LIMITED INDUSTRIAL DISTRICT):

This was the date and time set for a public hearing on the request of Gregory C. Bladholm to rezone 704 West College Drive from a B-1 (Limited Business District) / I-1 (Limited Industrial District) / I-2 (General Industrial District) / R-3 (Low to Medium Density, Multiple Family Residence District) to an I-1 (Limited Industrial District). Dale Howe, Building Official, reviewed this request with the council and that the owner had applied for the same request in 1996 and it was denied.

Greg Bladholm indicated that he wanted to construct a warehouse and two garage sized buildings on the property.

Sharon Buysse, 422 Legion Field Road, was concerned with the location of the buildings and did not want to lose the R-3 buffer between the properties. David Barnes, 424 Legion Field Road, was concerned with the type of buildings that could be built in an I-1 District and Sophie Sumerfelt, 406 Legion Field Road, was concerned with the drainage in the back yard. There was a suggestion to make the R-3 District into parkland.

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

Hilton moved, Sturrock seconded, that the request to rezone 704 West College Drive from a B-1 (Limited Business District) / I-1 (Limited Industrial District) / I-2 (General Industrial District) / R-3 (Low to Medium Density, Multiple Family Residence District) to an I-1 (Limited Industrial District) be denied. All voted in favor of the motion, except Boedigheimer and Doyle who voted no.

REGULAR MEETING – JUNE 2, 2003

APPROVAL OF CONSENT AGENDA: A. CONSIDER REQUEST OF MARSHALL AREA CHAMBER OF COMMERCE FOR STREET CLOSURE FOR CRAZY DAYS (JULY 24, 2003); B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

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

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 24, 2003 from 6:00 A.M. to 6:00 P.M. for Crazy Days.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38520 through 38631.

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.	Terry & Cindy Verschaetse	1123 David Drive	Dwelling	\$148,200
2.	Charles & Judith Michelson	1000 Dano Circle	Three-Unit Apartment and Garage	\$160,000
3.	Paul & Carmen Graupmann	901 North 4th Street	Garage	\$18,000
4.	Dulas Construction, Inc.	604 South Saratoga Street	Dwelling	\$92,000
5.	Sherryl Krogstad	318 Simmons Street	Garage & Reside Dwelling & Deck	\$13,200
6.	True Value Home Center	1119 David Drive	Dwelling	\$155,000
7.	True Value Home Center	215 London Road	Dwelling	\$90,000
8.	True Value Home Center	214 Athens Avenue	Dwelling	\$91,000
9.	Bakke's Home Repair & Construction	502 Donita Avenue	Replace Door	\$700
10.	Gregory Radtke	224 Oslo Avenue	Deck	\$1,200
11.	Independent Lumber of Marshall, Inc.	108 McFarland Circle	Dwelling	\$220,000
12.	Robin Dorenkamper	406 Mason Street	Garage	\$4,800
13.	Donald Fuhrmann	117 "E" Street	Install Window	\$700
14.	Geske Home Improvement Co.	1302 Ridgeway Road	Reroof, Residing & Install Door	\$21,200
15.	Carol & Dale Howe	901 South 4th Street	Reroof Dwelling	\$4,300
16.	George J. Jacob Construction	300 "G" Street	Reroof	\$3,000
17.	John E. Graham	1108 Washington Avenue	Reroof	\$2,000
18.	The Schwan Food Co.	1200 Dublin Street	Dwelling	\$120,500
19.	Everstrong Construction	206 Athens Avenue	Dwelling	\$75,000
20.	Everstrong Construction	207 London Road	Dwelling	\$72,000
21.	Everstrong Construction	209 London Road	Dwelling	\$75,100

CONSIDER PURCHASE OF MINIMALLY INVASIVE SURGICAL SYSTEM (MISS) BY WEINER MEMORIAL MEDICAL CENTER:

Dick Slieter, Administrator for Weiner Memorial Medical Center, was in attendance at the meeting to review the request to purchase a Minimally Invasive Surgical System from Stryker Endoscopy in the amount of \$91,417.00. Council member Boedigheimer was concerned with the high bidder lowering their bid after the bids were opened. Mr. Slieter indicated that in the bid documents from Stryker Endoscopy the following statement was included: Stryker Endoscopy will match any competitive proposals, when being considered, for like equipment equal in quality provided proof of offer is confirmed by Stryker Management and the offered product is equal in value, performance and capacity to the Stryker equipment or product proposed. During a telephone conversation with Stryker representative there was discussion on the specific equipment they asserted is superior and that which is not significantly different in performance from the equipment included in the Smith & Nephew bid. As a result of this discussion their bid was revised by approximately 17%. Mr. Slieter also indicated that staff was recommending the equipment that was bid by Stryker Endoscopy. Per the recommendation of Mr. Slieter, Boedigheimer moved, Doyle seconded, that the bid be awarded to Stryker Endoscopy in the amount of \$91,417.00. All voted in favor of the motion.

REQUEST FROM NAOMI'S FOR TWO STREET DANCES (JULY 3, 2003 AND AUGUST 29, 2003):

Tom Meulebroeck, Financial Director/City Clerk, reviewed the request from Tom Nordin of Naomi's for two street dances on July 3, 2003 and August 29, 2003. Tom indicated that the liquor license for Naomi's includes the area where the dance would be held. Tom also indicated that Rob Yant, Director of Public Safety, has reviewed this request and his comments were forwarded to Mr. Nordin. Mr. Nordin indicated that he did talk to Mr. Yant. Mr. Nordin also indicated that Mr. Krueger of Traveler's Lodge does not have a problem with the street dance and that the Bowling Alley closes at 9:00 P.M. City Attorney Brian Murphy, was concerned with safety issues and security. Brian also indicated that the only entrance into the dance area should be through Naomi's. Mr. Nordin indicated that the Marshall "A's" will provide staff for the security and that the area will be fenced off. Council member Boedigheimer felt that the street behind Naomi's should be closed off during the event. Boedigheimer moved, Hilton seconded, the approval of two street dances on July 3, 2003 and August 29, 2003 for Naomi's contingent upon Tom Nordin, City Attorney Brian Murphy, and Director of Public Safety Rob Yant, meet to work out details on parking, barricading the street and other safety issues. Marc Klaith, Fire Chief, indicated that by closing the street it would be easier for emergency vehicles to get through if needed. All voted in favor of the motion.

CONSIDER APPROVAL OF MUTUAL AID FIRE DEPARTMENT AGREEMENT BETWEEN CITY OF MARSHALL AND SURROUNDING FIRE DEPARTMENTS:

Marc Klaith, Fire Chief, was in attendance at the meeting to review the Mutual Air Fire Department Agreements with the surrounding fire departments in Lyon County. Marc indicated that they are being updated for the purpose of better covering the City in case of a major emergency situation where we need to have assistance from other cities for more than 8 hours. These agreements would allow us to charge the private party or seek reimbursement from the State or Federal Government. The Marshall Fire Department's first priority is the community of Marshall and they will only respond to emergency situations within a 35-mile radius of Marshall, unless directed otherwise by the Mayor or City Administrator. Sturrock asked why the City of Florence was not part of this agreement. Marc indicated that they do not have their own department and they contract with another city for fire protection. Stores moved, Reynolds seconded, that the proper city personnel be authorized to enter into Mutual Air Fire Department

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Agreements with the surrounding Fire Departments in Lyon County. All voted in favor of the motion.

CABLE TELEVISION FRANCHISE ORDINANCE WITH PRAIRIE WAVE COMMUNICATIONS, INC.:

Stores moved, Sturrock seconded, the introduction of an ordinance Granting a Franchise to PrairieWave Communications, Inc., to Construct, Operate and Maintain a Cable Communications System in the City of Marshall, Minnesota Setting Forth Conditions Accompanying the Grant of the Franchise; Providing for Regulation and Use of the System and the Public Right-of-Way; and Prescribing Penalties for the Violation of the Provisions Herein and that a public hearing be held on June 16, 2003 to consider the ordinance. It was indicated that if this was not complete by June 30, 2003 the council could approve an extension. It was also indicated that there is a concern of a level playing between the two cable companies. All voted in favor of the motion.

CONSIDER ARCHITECT/ENGINEER AGREEMENT BETWEEN CITY OF MARSHALL AND TKDA FOR 2003 CIP-RUNWAY 02/20 EXTENSION:

Mike Johnson, City Administrator, indicated that the Marshall Airport Commission has requested funding for 2003 Airport Capital Improvement Program (CIP), which includes design phase engineering for Runway 02/20 extension, and associated taxiway improvements. This CIP was estimated at a cost of \$166,667, of which \$150,000 was from the City's annual federal participation, and \$16,667 was the City share included in the 2003 budget. Doyle moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into an Architect/Engineer Agreement with TKDA for 2003 CIP for Runway 02/20 extension for a fee not to exceed \$160,000 and with the following three conditions:

1. Completion of the wildlife assessment analysis.
2. Issuance of an environmental categorical exclusion for the project (runway extension).
3. Receipt of a FAA design grant in the amount of \$150,000.

All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE 2003 STATE AID OVERLAY PROJECT 2003-001:

Doyle moved, Stores seconded, the proper city personnel be authorized to advertise for bids for Project 2003-001 State Aid Overlay on East Lyon Street from East Main Street to South Bruce Street, S.A.P. 139-123-07; and on Southview Drive from South 4th Street to Saratoga Street, S.A.P. 139-119-06. Bids are to be received on July 1, 2003. Estimated construction costs are approximately \$108,000, which includes a 10% allowance for contingencies. All voted in favor of the motion.

REQUEST FOR ARCHER DANIELS MIDLAND COMPANY (ADM) FOR GRANT OF UTILITY EASEMENT ON NORTH 7TH STREET:

Sturrock moved, Hilton seconded, the approval of a Utility Easement for ADM. This easement provides for the installation of an 8-inch watermain for water supply and fire protection. 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 as follows:

REGULAR MEETING – JUNE 2, 2003

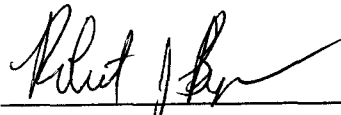
- Byrnes EDA has had several meetings to discuss the next step in affordable housing and hopefully will have some recommendations soon.
- Stores Library Board will meet next Monday; Convention and Visitors Bureau discussed the director's wage.
- Sturrock No report
- Boedigheimer Lyon County Enterprise Development met last Tuesday.
- Doyle Housing Commission will meet next Monday; Human Rights Commission and Marshall Area Transit minutes are included in the agenda packet.
- Hilton Hospital Board met at 4:30 P.M. today and discussed the long-term care facility.
- Reynolds Community Services minutes are included in the agenda packet and they will receive a tour of the YMCA at their next meeting; Downtown Redevelopment Committee met last week and there is a concern about the sign on the Varsity Pub building.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: pot holes on 3rd Street; issues with the band shell being made handicapped accessible, there is no intention of moving the band shell or tearing it down, the lack of flowers in the parks (the only park that has flowers is the downtown park), a memo was received from the Senior Citizen Director in regard to the number of commission members; construction is continuing on the skate board park.

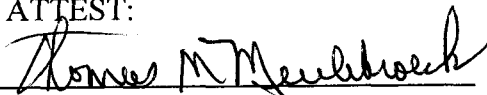
Mike Johnson, City Administrator, indicated that there has been discussion on a ramp and a temporary lift for the band shell.

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 – JUNE 16, 2003

The regular meeting of the Common Council of the City of Marshall was held on June 16, 2003, in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Doyle, 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. Calvin Barnett, Director of General Services/City Assessor 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:

Doyle moved, Hilton seconded, that the minutes of the regular meeting held on June 2, 2003 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

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:

- Gary Schmidt, Airport Commission, 1997-2003
- Tom Leary, Cable Television Commission, 2001-2003
- Michael Rich, Community Services Board; 2002-2003
- Colleen Thompson, Hospital Board, 2000-2002
- Shelly Hilton, Hospital Board, 1999-2002
- Donata DeBruycker, Human Rights Commission, 2001-2003
- Molly Linstrom, Planning Commission, 1997-2003
- H. Clyde Pederson, Senior Citizen Center, 1997-2003
- Dwayne Purrington, Utilities Commission, 1993-2003

The following members were not present at the meeting to receive their recognition:

- Lee VanDenBroeke, Airport Commission, 1998-2003
- Dr. Carl Simons, Airport Commission, 2000-2003
- Margaret (Peg) Cline, Cable Television Commission, 1998-2003
- Jeff Ronning, Community Services Advisory Board, 2000-2003
- Dixie Enerson, Human Rights Commission, 2000-2002
- LaVonne Lutz, Library Board, 1997-2002
- Tom Ogdahl, Planning Commission, 2000-2003
- Don Edblom, Planning Commission, 2001-2003
- Laura Murphy, Senior Citizen Center, 2000-2003

PUBLIC HEARING – CONSIDER CABLE TELEVISION FRANCHISE ORDINANCE WITH PRAIRIE WAVE COMMUNICATIONS, INC.:

Brian Grogan, the City's Cable Television Franchise Attorney from Moss and Barnett, reviewed the franchise ordinance with Prairie Wave Communications, Inc., and indicated that this agreement was for a 10-year period. He indicated that the trend is for 15-year contracts. Mr. Grogan indicated that with two cable providers the competition prompted them to keep the rates

REGULAR MEETING – JUNE 16, 2003

affordable, expand services and make improvements. The new contract also includes the ability for the city to add a \$1 subscriber fee for each customer to help fund local cable access programming. Council member Boedigheimer indicated that he has completed a comparison of the franchise with Prairie Wave and Charter and wanted to know why there were some items that were not the same. Brian indicated that each company may have different items but that the value is the same and the companies have agreed to this. Pat Mastel, representative from Prairie Wave, indicated that they agree with the agreement. Sturrock moved, Stores seconded, the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Doyle seconded, the adoption of ORDINANCE NUMBER 494, SECOND SERIES and that the reading of the same be waived. Ordinance Number 494, Second Series is an ordinance Granting a Franchise to Prairie Wave Communications, Inc., to construct, operate, and maintain a cable communications system in the City of Marshall, Minnesota setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system and the public rights-of-way in conjunction with the City's right-of-way ordinance and prescribing penalties for the violation of the provisions herein. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - A. CONSIDER APPLICATION FOR COMMUNITY SERVICES TO BUY FIREWORKS FOR DISPLAY PURPOSES; B. CONSIDER APPLICATION FOR TEMPORARY ON-SALE LIQUOR LICENSE FOR THE MARSHALL AREA CHAMBER OF COMMERCE AT THE LYON COUNTY FAIRGROUNDS ON AUGUST 13, 2003; C. CONSIDER MINNESOTA GAMBLING BOARD APPLICATION FOR EXEMPT PERMIT LG220 FOR SSU MARCHING BAND FOR OCTOBER 26, 2003; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

Stores moved, Hilton seconded, that the following consnet agenda items be approved:

The approval of an application for Community Services to buy fireworks for display purposes on July 4, 2003 at Independence Park. Community Services will be making arrangements with the Marshall Volunteer Fire Department for the fireworks display.

A temporary on-sale liquor license for Marshall Area Chamber of Commerce for an event to be held at the Lyon County Fairgrounds, Marshall, Minnesota on August 13, 2003 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 Southwest Minnesota State University Foundation to be used at the Southwest State Minnesota University Recreation Athletic Facility, Marshall, Minnesota on October 26, 2003 and that the 30 day waiting period be waived.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38632 through 38857.

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. Allen Deutz	408 North 4th Street	Deck	\$2,200

REGULAR MEETING – JUNE 16, 2003

2.	Dan & Diane Flygare	1107 East Lyon Street	Deck	\$2,500
3.	Archer Daniels Midland Company	c/o Dave Planting; 400 West Erie Road	Corn Grading Building	\$110,000
4.	Minnesota Cabinets, Inc.	705 Parkside Drive	Sunroom Addition, Replace Windows, Reroof & Reside	\$20,000
5.	Larry & Margaret Lamote	902 Cheryl Avenue	Install Windows	\$1,000
6.	Harold J. Hanson	204 West James Avenue	Reroof	\$3,000
7.	State of Minnesota	1800 East College Drive	Brine Building	\$8,000
8.	Seventh Street Partnership	419 North 7th Street	Reroof Apartment	\$2,500
9.	Brittavia Properties	200 North Bruce Street	Reroof Apartment	\$1,800
10.	First Lutheran Church	100 Church Street	Garage	\$15,000
11.	Leslie VanMoer	213 Athens Avenue	Dwelling	\$110,000
12.	G&P Construction, Inc.	220 Athens Avenue	Dwelling	\$117,400
13.	Lester & Shirley Anderson	112 Circle Drive	Reroof	\$2,600
14.	Donna Swalboski	412 Williams Street	Reside Dwelling	\$2,500
15.	Scott VanOverbeke Construction	1411 East College Drive	Interior Remodel	\$25,000
16.	Mark & Valerie Brandt	411 South Whitney Street	Replace Windows, Partial Reroof & Partial Residing	\$1,500
17.	DeBoer Construction	708 South 1st Street	Reside Dwelling & Install Doors	\$10,500
18.	Kanoa & Shannon Baynard	1225 Patricia Court	Deck	\$1,200
19.	Paul Puetz	409 Elaine Avenue	Install Window & Partial Reside	\$1,800
20.	Everstrong Construction	227 London Road	Dwelling	\$89,500
21.	Art-N-Sign	305 West Lyon Street	Install Signs	\$2,500

CABLE TELEVISION FRANCHISE ORDINANCE WITH CC VIII OPERATING, LLC, DBA CHARTER COMMUNICATIONS:

Brian Grogan, the City's Cable Television Franchise Attorney from Moss and Barnett, reviewed the franchise with Charter Communications and indicated that it was the same as the franchise that was previously approved with Prairie Wave Communications, Inc. Sturrock moved, Doyle seconded, the introduction of an ordinance Granting a Franchise to CC VIII Operating, LLC, dba Charter Communications, to Construct, Operate and Maintain a Cable Communications System in the City of Marshall, Minnesota Setting Forth Conditions Accompanying the Grant of the Franchise; Providing for Regulation and Use of the System and the Public Right-of-Way; and Prescribing Penalties for the Violation of the Provisions Herein and that a public hearing be held on July 7, 2003 to consider the ordinance. All voted in favor of the motion.

REQUEST OF JEANNE A. CURIELLI FOR A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO OPERATE A MASSAGE THERAPY BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 613 SOUTH 4TH STREET:

Per the recommendation of the Planning Commission, Boedigheimer moved, Hilton seconded that a Conditional Use Permit be granted to Jeanne Curielle for a Home Occupation for

REGULAR MEETING – JUNE 16, 2003

a massage therapy business at 613 South 4th Street be with two conditions. The two conditions are:

1. The permit be issued for an initial one-year period.
2. That the hours of business be between 6:00 A.M. and 10:00 P.M.

All voted in favor of the motion.

REQUEST OF INDEPENDENT SCHOOL DISTRICT NO. 413 FOR A CONDITIONAL USE PERMIT TO OPERATE A DAY CARE FACILITY SERVING 36 INDIVIDUALS IN A B-4 SHOPPING CENTER DISTRICT AT 1420 EAST COLLEGE DRIVE:

Glenn Olson, Director of Public Safety/City Engineer, reviewed this request and the conditions that were being recommended with the city council. Council member Boedigheimer was concerned with the condition that prohibits the sale of alcoholic beverages, tobacco products, tattoos, adult videos, adult books or adult products at the mall or on the property. It was indicated that the Market Street Mall is in full support of this condition. It was recommended that this be requested in writing. Per the recommendation of the Planning Commission, Boedigheimer moved, Stores seconded, that a Conditional Use Permit be granted to Independent School District No. 413 to operate a day care facility serving 36 individuals in a B-4 Shopping Center District at 1420 East College Drive with 6 conditions. The six conditions are:

1. The use be limited to serving 36 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 be limited to the Marshall East Campus participants or facility only and if the Marshall East Campus terminates its lease, the day care permit will expire.
6. Conditional Use Permit No. 836 (adopted by City Council on August 19, 2002) shall expire on the adoption date of this permit.

All voted in favor of the motion.

REQUEST OF SCHIERHOLZ & ASSOCIATES, INC., TO REZONE 703 AND 705 GENESIS AVENUE FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT TO AN R-3 LOW TO MEDIUM DENSITY-MULTIPLE FAMILY RESIDENCE DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed this request with the council. In 2001 these two lots were approved as a subdivision and rezoned from R-5 Manufactured Home Park District to R-1 One Family Residence District. This subdivision has not been recorded, but will need to be before any buildings are constructed. Mr. Olson indicated that this area is large enough to construct an eight-unit apartment building or three (3) four-unit apartment buildings. Mr. Olson also, indicated that the lots along Genesis Avenue are zoned R-3 Low to Medium Density-Multiple Family Residence Districts. There is one two-family dwelling and the others are all single-family homes. Council member Boedigheimer asked what the process was to rezone Genesis Avenue to R-1. Mr. Olson indicated that the process could be initiated by the residents or by the City. Mr. Boedigheimer felt that the city should start the process to rezone Genesis Avenue to R-1. Mr. Olson indicated that he had no problem with either zoning in this area. Sturrock moved, Hilton seconded, the introduction of an ordinance to rezone 703 and 705 Genesis Avenue from an R-1 One Family Residence District to an R-3 Low to Medium Density-Multiple Family Residence District and that a public hearing be held at 5:30 P.M. on July 7, 2003. All voted in favor of the motion.

RESOLUTION OF SUPPORT AND COMMITMENT TO A HOUSING DEVELOPMENT PROJECT:

Cal Barnett, Director of General Services/City Assessor, reviewed with the council the recommendation that is being made by the Economic Development Authority for support and commitment for a housing development project. Mr. Barnett indicated that there are no more lots for single family housing in Parkway Addition. They are proposed to expand into the city's technology park along with land located on Legion Field Road near existing houses. Council member Boedigheimer was concerned with using TIF funds for housing. Doyle moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2550, SECOND SERIES and that the reading of the same be waived. Resolution Number 2550, Second Series is a resolution of the Marshall City Council indicating their Support and Commitment to a Housing Development Project. This resolution also provides that the City of Marshall will provide with the Marshall Economic Development Authority local matching funds totaling at least \$514,400 for Phase I and \$605,700 for Phase II for a total of \$1,120,100 in the form of:

1. Establish a TIF Housing District
2. Modify TIF District 1-5, which is currently in place
3. Modify the Marshall TIF Plan to utilize present and future pooled surplus
4. Donation of land and infrastructure
5. Tax Abatement
6. Bond with TIF supported revenue
7. Combination of the above resources.

All voted in favor of the motion.

AIR SERVICES PROGRAM – RESOLUTION AUTHORIZING EXECUTION OF GRANT AGREEMENT NO. 85258 WITH MINNESOTA DEPARTMENT OF TRANSPORTATION; AND APPROVAL OF AGREEMENT FOR AIR TRANSPORTATION CONSULTING SERVICES WITH MEAD & HUNT, INC.:

Mike Johnson, City Administrator, reviewed with the Council the Grant Agreement with the Minnesota Department of Transportation and the Agreement for Air Transportation Consulting Services with Mead & Hunt, Inc. Mike indicated that the Airport Commission is recommending that the firm of Mead & Hunt, Inc., from Eden Prairie, Minnesota be retained to perform the air service study. This study is expected to take approximately 90 to 120 days and the cost for Phases 1 and 2 of the study is \$41,447. To accomplish this planning study project (estimated at \$50,000) an "Air Service Grant" in the amount of \$30,000 has been secured from the Minnesota Department of Transportation. The remaining \$20,000 or local share of the project, is to be financed with contributions from the Marshall Industrial Development Committee (\$10,000) and the Schwan Food Company (\$10,000).

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2551, SECOND SERIES and that the reading of the same will be waived. Resolution Number 2551, Second Series provides Authorization to Execute Minnesota Department of Transportation Grant Agreement for Air Service Programs. All voted in favor of the motion.

Doyle moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into an agreement with Mead & Hunt, Inc., for Air Transportation Consulting Services in the amount of \$41,447 for Phase 1 and 2. All voted in favor of the motion.

DTED SMALL CITIES DEVELOPMENT GRANT – PRESENTATION OF 2001 GRANT CLOSEOUT REPORT AND SET DATE FOR PUBLIC HEARING ON PROPOSED GRANT APPLICATION:

The presentation of the 2001 Grant Closeout Report was not held at this time. Stores moved, Hilton seconded, that a public information meeting be held on June 24, 2003 at 5:30 P.M. at the Marshall Senior Center to discuss the proposed goals of the grant with the anticipated target area for this grant. All voted in favor of the motion.

RESOLUTION APPROVING THE FINAL PLAT OF CARR SUBDIVISION I:

Glenn Olson, Director of Public Works/City Engineer, reviewed with the council the items that have been revised since the submission of the preliminary plat. These items are:

1. The outlots south of and adjacent to Eatros Place Fifth Addition have been designated on this plat as a permanent 20-ft. utility easement for the purposes of utility installation, as well as access for the utilities. The City Attorney has reviewed this easement and found it to be in compliance with the intent of the judge's order for these properties as long as a covenant or stipulation is included on the plat that prohibits construction of fences, shrubbery, or any other items that would impede the City or utility agencies from access within the north 10 feet of the 20'ft utility easement in Block 4 and Block 7.
2. All outlots have been revised to comply with State law requiring lettering of outlots.
3. A Developer's Agreement has been completed and included with the submission of the final plat.
4. The street names have been revised to comply with City Code of Ordinances.
5. Revised utility and grading plans have been submitted and approved.

Mr. Olson indicated that the fees referred to in the Developer's Agreement have to be paid prior the final plat being signed. There was also some discussion on the storm sewer area and how this will be financed. Carr will need to install drainage lines larger than what he would need to drain his property and to also prevent water back up into existing residential properties next to his property. The city will use tax abatement to pay for the oversized lines required to drain the existing residential property. Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2552, SECOND SERIES and that the reading of the same be waived. Resolution Number 2552, Second Series is a resolution Approving the Final Plat of Carr Subdivision I. This resolution was approved contingent upon the City Attorney review and approval of the abstract of title and title opinion; the payment of all fees according to the First Development Contract for Carr Subdivision I and according to the current Resolution Approving Specific Fees to be Charged by the City of Marshall (Resolution Number 2529, Second Series); and the changes to the Developer's Agreement. All voted in favor of the motion, except Boedigheimer who voted no. Boedigheimer thought that the area residents outside of Carr Subdivision I would benefit from this storm sewer and should be assessed for part of this storm sewer.

Mayor Byrnes called for a 5-minute recess, after which Council Member Boedigheimer will conduct the meeting.

1999 INDUSTRIAL PARK IMPROVEMENT PROJECT 1998-002 – CONSIDER CHANGE ORDER NO. 4 (FINAL) AND FINAL PAYMENT APPLICATION:

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Doyle moved, Stores seconded, the approval of Change Order No. 4, which is a decrease in the amount of \$12,706.75, with R & G Construction Co., for the 1999 Industrial Park Improvement Project 1998-002 and the acknowledgement of the final payment in the amount of \$70,477.65. All voted in favor of the motion.

REGULAR MEETING – JUNE 16, 2003

APPROVAL OF EASEMENT WITH PRAIRIE WAVE COMMUNICATIONS, INC.:

Stores moved, Hilton seconded, the approval of a Utility Easement with Prairie Wave Communications, Inc, for utility installation in the Technology Park Addition. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING SECTION 2-342 REGULATING THE COMPOSITION, TERMS, AND QUALIFICATIONS OF THE MARSHALL SENIOR CITIZENS CENTER COMMISSION:

Doyle moved, Sturrock seconded, the introduction of an ordinance amending section 2-342 regulating the composition, terms and qualifications of the Marshall Senior Citizens Center Commission. This ordinance would provide for the number of members of the commission to be reduced from nine to seven and that the number of members appointed from citizens within the community be reduced from six to four. 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 met last Monday and they are continuing to work on their budget. The new automation system should be up and running soon.

Sturrock Planning Commission met last Wednesday and the council discussed all of their items.

Boedigheimer Airport Commission met last week.

Doyle Housing Commission met last week and elected new officers.

Hilton Hospital Board met earlier today and they are continuing to work on the recruitment and retention of staff.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the annual tour of the Community Services facilities, the new skate park and the YMCA was held on June 12th; on June 12th the capital project bill for the SMSC was signed; a Jt. LEC meeting needs to be scheduled and there was a concern about the mowing and clean up around the M.E.R.I.T. Center; Council Member Stores was concerned with not having the Kite Festival and the other activities associated with the 4th of July Celebration; several Council Members will be attending the League Conference this week.

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 – JUNE 23, 2003

A special meeting of the Common Council of the City of Marshall was held on June 23, 2003 in the Board Room of the Marshall Municipal Utilities. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Boedigheimer and Stores. Absent: Reynolds. Staff present included: Mike Johnson, City Administrator; Brian Murphy, City Attorney; Rob Yant, Director of Public Safety; Robert VanMoer, Superintendent Wastewater Treatment Facility; Thomas M. Meulebroeck, Finance Director/City Clerk; and Kim Jergenson, Senior Engineer Technician.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed with the city council financial information that had been prepared by Terri Heaton, Springsted's, and a resolution prepared by Arlin Waelti, Kennedy Graven, which Authorizes the Optional Redemption and Prepayment of Various General Obligation Tax Increment Bonds and Authorizing the Execution and Distribution of Various Documents in Connection therewith. There are adequate funds available in the Tax Increment Financing funds for the prepayment of the \$385,000 General Obligation Tax Increment Bonds District 1-2, Series 1983; the \$210,000 General Obligation Tax Increment Bonds District 1-7, Series 1986A; and the \$325,000 General Obligation Tax Increment Bonds District 2-1, Series 1986B; therefore a resolution prepared by Arlin was recommended to be adopted at this time to allow for the 30 day notification to the trust companies so that the city could pay these bonds off as of August 1, 2003. Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2553, SECOND SERIES and that the reading of the same be waived. Resolution Number 2553, Second Series is a resolution Authorizing the Optional Redemption and Prepayment of Various General Obligation Tax Increment Bonds and Authorizing the Execution and Distribution of Various Documents in Connection therewith for the three bond issues consisting of the \$385,000 General Obligation Tax Increment Bonds District 1-2, Series 1983; the \$210,000 General Obligation Tax Increment Bonds District 1-7, Series 1986A; and the \$325,000 General Obligation Tax Increment Bonds District 2-1, Series 1986B. All voted in favor of the motion.

Rob Yant, Director of Public Safety, addressed with the city council a resolution Authorizing an Amendment No. 1 to the Grant Contract No. A25822 for the Gang Strike Force. This amendment to the Gang Strike Force allows for the current contract to be extended through June 30, 2004 and to carry over the unused amount of the contract to cover operating costs of approximately \$33,000 from the contract that ended June 30, 2003. Sturrock moved, Hilton seconded, the adoption of Resolution Number 2554, Second Series and that the reading of the same be waived. Resolution Number 2554, Second Series is a resolution Authorizing Execution of an Agreement between the City of Marshall and Minnesota Department of Public Safety for the Gang Strike Force Grant, which is an amendment to the original contract which expires June 30, 2003 and this will allow for the extension of this grant through June 30, 2004. All voted in favor of the motion.

Rob Yant, Director of Public Safety, reviewed a resolution and an agreement between the City of Marshall and Minnesota Department of Public Safety for the Chemical Assessment Team (C.A.T.). This agreement is for a two-year period from July 1, 2003 through June 30, 2005. This agreement provides for the reimbursement of \$45,000 per year for hazards material

SPECIAL MEETING – JUNE 23, 2003

activities as are performed by this contract. This contract is in response to a need from the state for professional and technical services from regionally located hazards materials emergency chemical teams to assist local authorities in protection of the public safety for the effects of a hazards materials release. Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2555, SECOND SERIES and that the reading of the same be waived. Resolution Number 2555, Second Series is a resolution Authorizing Execution of Agreement between the City of Marshall and Minnesota Department of Public Safety for Chemical Assessment Team (C.A.T.). This contract is for the period July 1, 2003 through June 30, 2005 and allocates \$45,000 per year or not to exceed \$90,000 for the two-year period of the contract. All voted in favor of the motion.

Tom Koop from Larson Allen Weishair & Company, auditors for the City of Marshall, was in attendance at the meeting to review with the city council the audit report for fiscal year December 31, 2002. Mr. Koop did indicate that the report was qualified since it did not maintain fixed assets records for the general fixed assets of the general fund. Mr. Koop addressed a couple unrecorded audit adjustments that address the deficit of \$42,800 in the city's dental self-insurance program and the overstatement of the Liquors store inventory by \$4,600. Mr. Koop also addressed audit adjustments that they made in reference to the Parkway Town Homes and also the accrued wages for the last pay period of December, 2002 for the General Fund. Mr. Koop did indicate that there were some findings in their review of the items being done by Lloyd Management, managers of the Parkway Town Home properties. Mr. Koop did indicate that there were professional fees for the year 2000 and 2001 at the Wastewater Treatment Facility Plant that were recorded as expenditures that should have been capitalized as part of the construction project taking place at the Wastewater Treatment Facility. Boedigheimer moved, Hilton seconded, that per the recommendation of the auditors Larson Allen Weishair & Company that there be an adjustment made to the General Fund expenditures reflecting the accrued wages as of December 31, 2002 and that there be a restatement within the Wastewater Treatment Fund report to record the professional fees in relationship to the construction project as fixed assets. All voted in favor of the motion.

Mr. Koop briefly addressed the shortage in collateral at two banks to cover the monies at those institutions and also that the Parkway Town Homes he addressed the declaration on the back of disbursement checks not being in place and some of the expenditures that are being made and charges to the Parkway Town Homes. Mr. Koop did suggest that the city council review the expenditures for this operation.

A brief discussion was held in regard to the amount of money that should be designated as of 12-31-02 for working capital within the General Fund. It was the recommendation of Mr. Koop that 50% of the General Fund annual expenditures be set aside as working capital as of any fiscal year ending 12-31, therefore Sturrock moved, Doyle seconded, that the City of Marshall adopt a policy that at the end of each fiscal year 12-31 that the General Fund - fund balance be equal to 50% of the General Fund annual expenditures. All voted in favor of the motion.

SPECIAL MEETING – JUNE 23, 2003

Stores moved, Sturrock seconded, that the financial report for the fiscal year ending December 31, 2002 be accepted as presented by Tom Koop, Larson Allen Weishair & Company, auditors for the City of Marshall. All voted in favor of the motion.

Mayor Byrnes called for a recess at 6:35 p.m.

Mayor Byrnes reconvened the meeting at 6:45 p.m. In addition to city council and city staff in attendance at the meeting the following members of the Marshall Municipal Utilities Commission joined the meeting at this time: Tapper, DeCramer, Baun, and Edblom. Absent: Glasgow. Staff present from the Marshall Municipal Utilities included: Brad Roos, Steve Johnson, Leslie VanMoer and Roxy Moon.

Mayor Byrnes introduced Dan Sarff from Bolten & Menk to make a presentation on the Comprehensive Infrastructure Planning Study for the City of Marshall. The infrastructure elements included in the study are:

1. The collector and arterial streets
2. Water distribution, storage and treatment capacity
3. Wastewater collection, pumping and treatment capacity
4. Storm sewers and storm water management
5. Electric transmission/distribution (by CEG)

Pete Malamen, Senior Project Engineer from Consulting Engineers Group, presented the electrical transmission/distribution portion of the presentation. At the conclusion of the presentation Mr. Sarff address general financing alternatives including:

1. Special assessments
2. General fund/dedicated fund disbursements funded through the City's tax levy
3. Enterprise Funds
4. Private financing

He also addressed additional financing alternatives consisting of:


1. Transportation:
 - a. Municipal State Aid Funds
 - b. Federal Transportation Funds
2. Water System:
 - a. Water Area Charge (WAC)
 - b. Drinking Water Revolving Loan Fund
3. Wastewater System:
 - a. Sewer Area Charge (SAC)
4. Storm Water Drainage System:
 - a. Storm Water Utility
 - b. Storm Water Development Area Charge

Following the presentation and a few brief questions the direction that was determined at time is that the report would be submitted to the City of Marshall Planning Commission to

SPECIAL MEETING – JUNE 23, 2003


review and incorporate into the Comprehensive Plan that is being developed for the City of Marshall.

Upon motion made by Doyle, seconded by Sturrock, the meeting was adjourned at 8:10 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

A special joint meeting of the Common Council of the City of Marshall and the City Council of the City of Tracy was held on June 30, 2003 in the Board of the Marshall Municipal Utilities. The meeting was called to order by Mayor Byrnes at 6:30 P.M. In addition to Byrnes the following members were present: Boedigheimer, Hilton, Stores, Reynolds, and Doyle. Absent: Sturrock. Staff present included: Michael Johnson, City Administrator; Calvin Barnett, Director of General Services/City Assessor; Brian Murphy, City Attorney and Jane DeVries, Deputy City Clerk. Harry Weilage, Director of Community Services arrived late. Council members from the City of Tracy were: Tim Byrne, Greg Torkelson, Mike Fraser, Russ Stobb, Jan Arvizu and Mayor Steve Ferrazzano. Staff from the City of Tracy included: Audrey Koopman, City Administrator and Jamie Leonard, Administrative Assistant.

The purpose of this meeting was for the City of Marshall and the City of Tracy to discuss common issues.

REGIONAL JAIL FACILITY:

Mayor Steve Ferrazzano talked about the 400-bed regional jail facility that the City of Tracy is hoping will be build in Tracy. This facility would be operated by a private company. There will be a meeting on July 8th in Tracy and asked that representatives from the City of Marshall attend this meeting. The City of Tracy is looking for support from counties and cities in the region. The City of Marshall will provide a resolution of support if needed.

HOUSING NEEDS:

Calvin Barnett, Director of General Government Services/City Assessor for the City of Marshall, reviewed the Housing Study that was completed by Maxfield Research. This study tended to indicate that a significant amount of housing was needed in the City of Marshall. Parkway Addition has helped to accommodate the growing demand for lower to moderate-income housing. Marshall is currently working on Phase III of affordable housing. The City of Tracy is the second largest community in Lyon County, but it has some of the lowest real estate values. Mr. Barnett indicated that eventually their housing market would increase, especially if they have a large project such as a regional jail.

TRANSPORTATION:

There was discussion on the Marshall transit service expanding service to the City of Tracy for commuters that work in Marshall. Council Member Doyle, who is a member of the transit committee, said MAT has some restrictions on its service. Mike Johnson indicated that the city subsidizes the service that is operated by Western Community Action. There was also discussion on the overall transportation needs in the region including a four-lane highway and commercial air service.

ECONOMIC DEVELOPMENT:

There was discussion on linking economic development within the county. Council member Boedigheimer suggested a more county wide cooperative use of the Lyon County Enterprise Facilitator Jackie Turner-Lovsness.

Mike Reynolds talked briefly on the importance of what is needed to recruit and retain employees. There is a concern with the hospital loosing specialists and they are working very aggressive to recruit new specialists.

There was a brief discussion on health care costs for employee insurance and how the city handles these costs. Mike Johnson talked briefly on the self-funding that the city has to help keep premiums down. Mike Johnson also talked about the savings for the city as a result of the ambulance service being taken over by the private sector.

REGIONAL AIRPORT:

The City of Marshall is currently studying the possibility of a commercial air service and they are also considering the possibility of extending the runways. The main runway needs to be expanded from 5,010 feet to 6,700 feet to accommodate larger jets for the Schwan Food Company and commercial airline.

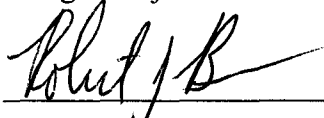
TECHNOLOGY:

Harry Weilage, Director of Community Services, explained Marshall's infrastructure and how the City of Marshall, Lyon County government offices, Marshall school district and Marshall Municipal Utilities are cooperating on a network system where they are all linked through central servers. Having one system promote efficiency and allows them to stay on the cutting-edge of technology. This also allows them to have money available for other projects.

Brian Murphy, City Attorney, asked the City of Tracy how the contract for municipal waste was working for them. Audrey Koopman, City Administrator, indicated that there have been some concerns, but that they are working on them.

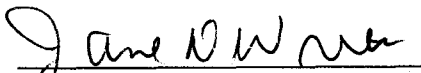
Mayor Byrnes indicated that there are a lot of common interests between the two cities and hopefully they could meet annually.

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



Mayor of the City of Marshall

ATTEST:


Deputy City Clerk

REGULAR MEETING – JULY 7, 2003

The regular meeting of the Common Council of the City of Marshall was held on July 7, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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; 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 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 June 16, 2003 be approved as corrected, and that the minutes of the special meetings held on June 23, 2003 and on June 30, 2003 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 – CABLE TELEVISION FRANCHISE ORDINANCE WITH CC VIII OPERATING, LLC DBA CHARTER COMMUNICATIONS:

This was the date and time set for a public hearing on the Cable Television Franchise Ordinance with CC VIII Operating, LLC dba Charter Communications. Mike Johnson, City Administrator, reviewed this franchise with the council and indicated it is for a 10-year period of time. Mike introduced Arnie Tucker Carlson from Charter Communications. Mike also indicated that Charter has 30 days to comply with the old franchise to repair or replace equipment and to set up the studio. 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 495, SECOND SERIES and that the reading of the same be waived. Ordinance Number 495, Second Series is an ordinance Granting a Franchise to CC VIII Operating LLC dba Charter Communications, to construct, operate, and maintain a cable communications system in the City of Marshall, Minnesota setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system and the public rights-of-way in conjunction with the City's right-of-way ordinance and prescribing penalties for the violation of the provisions herein. This ordinance was approved contingent upon Charter complying with the old franchise to repair or replace equipment and set up the studio within 30 days. All voted in favor of the motion.

REGULAR MEETING – JULY 7, 2003

PUBLIC HEARING – REQUEST TO REZONE 703 AND 705 GENESIS AVENUE FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT TO AN R-3 LOW TO MEDIUM DENSITY-MULTIPLE FAMILY RESIDENCE DISTRICT:

This was the date and time set for a public hearing on the request from Paul Schierholz, Schierholz & Associates, Inc., to rezone 703 and 705 Genesis Avenue from an R-1 One Family Residence District to an R-3 Low to Medium Density Multiple Family Residence District. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council and others in attendance at the meeting. Mr. Olson identified what is developed in this area and what could be developed in this area. Mr. Olson stated that there could be another access to this area if Windstar is developed as part of the Carr Subdivision. City Administrator Mike Johnson stated that this property could access Genesis Avenue even if it is not rezoned.

Duane Aden, representative of Paul Schierholz, reviewed the proposed plan for an eight-unit condo on this property. Mr. Aden stated that Genesis Avenue was originally going to be the primary road between Saratoga Street and Highway 59, but with the new development Windstar Avenue is the planned primary road.

Pam Severson, 604 and 606 Genesis, indicated that when G & P Construction purchased the property on Genesis Avenue they had it replatted and built only single-family homes in the area. Pam indicated that according to Dale Howe, Marshall Building Official, this area would be large enough for two eight plexes. Peggy Connot, 503 Genesis, asked the council to make a decision based on the development of the area and not what may be allowed under the city's comprehensive plan. Peggy stated that how its laid out on paper may look like it would work but the area is being utilized as if it was zoned R-1. Peggy also stated that there is a big concern for the safety of the children. Jill Houseman, 413 Genesis, indicated that even if Winstar Avenue was installed Genesis Avenue is closer and would still have additional traffic. Todd Anderson, 413 Genesis, stated that there were 36 children living on Genesis Avenue and that the original intent of this area is not what it is today.

Brian Murphy, City Attorney, reviewed the state law on how to respond to zoning issues. Brian stated that they must approve or deny within 60 days. If not denied within 60 days the request is considered to be approved. If the request is denied they have to state in writing to the owner the reasons for the denial. The owner can make any changes to correct the reason for denial.

Reynolds moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion. Sturrock moved, Stores seconded, that the request from Paul Schierholz, Schierholz & Associates, Inc., to rezone 703 and 705 Genesis Avenue from an R-1 One Family Residence District to an R-3 Low to Medium Density Multiple Family Residence District be denied due the fact that the proposed land use is not consistent with the existing land use in the area. Mayor Byrnes indicated that this area has developed very rapidly by young families. All voted in favor of the motion.

REGULAR MEETING – JULY 7, 2003

AWARD OF BIDS – PROJECT 2003-002 STATE AID OVERLAY PROJECT:

Bids were received, opened and read on July 1, 2003 for Project 2003-002 State Aid Overlay Projects S.A.P. 139-123-07 East Lyon Street from East Main to Bruce Street and for S.A.P. 139-119-06 Southview Drive from South 4th Street to Saratoga Street as follows:

Central Specialties, Inc.
Alexandria, Minnesota
\$141,176.56

Duininck Bros, Inc.
Prinsburg, Minnesota
\$114,939.52

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$117,649.25

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2556, SECOND SERIES and that the reading of the same be waived. Resolution Number 2556, Second Series is a resolution Awarding the Bid for Project 2003-002 State Aid Overlay Project S.A.P. 139-123-07 East Lyon Street from East Main Street to Bruce Street and for S.A.P. 139-119-06 Southview Drive from South 4th Street to Saratoga Street to Duininck Bros, Inc., Prinsburg, Minnesota in the amount of \$114,939.52. All voted in favor of the motion.

FOG SEALING AND CRACK SEALING AT AIRPORT:

Proposals were received, opened and read on June 25, 2003 for Fog Sealing and Crack Sealing at the Southwest Minnesota Regional Airport – Marshall/Ryan Field as follows:

	Crack Sealing	Fog Sealing
Bargen Incorporated Mountain Lake, Minnesota	\$21,708.64	\$26,886.20
Bergman Companies Inc. Eau Claire, Wisconsin	\$24,753.45	
RH Sealcoating & Asphalt Maint. Russell, Minnesota	\$24,500.00	
McBroom Construction Inc. New London, Minnesota	\$65,103.00	
McLaughlin & Schulz, Inc. Marshall, Minnesota		\$32,562.00

Glenn Olson, Director of Public Works/City Engineer, indicated that fog sealing is a light coat over the runway and therefore requires repainting, which is not included in this project. Glenn also indicated that part of the funding for this project will be 60% State and 40% Local.

REGULAR MEETING – JULY 7, 2003

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2557, SECOND SERIES and that the reading of the same be waived. Resolution Number 2557, Second Series is a resolution Authorizing the Execution of a Minnesota Department of Transportation Grant Agreement for the Southwest Minnesota Regional Airport – Marshall/Ryan Field Airport Improvement and the awarding of the bid to Bargen Incorporated, Mountain Lake, Minnesota in the amount of \$21,708.64 for Crack Sealing and \$26,886.20 for Fog Sealing. This grant agreement provides for 60% state funding and 40% local funding. All voted in favor of the motion.

ELECTRONICS EQUIPMENT AND NETWORK WIRING INSTALLATION IN MUNICIPAL BUILDING:

Proposals were received, opened and read on June 6, 2003 for Cisco Electronics Equipment and Network Wiring and Installation in the Municipal Building as follows:

	Cisco Electronics Equipment	Network Wiring & Installation
Everest Information Services, Inc. Bloomington, Minnesota	\$26,282.16	\$14,369.58
Fran's Communications Marshall, Minnesota	\$30,892.00	\$14,763.25
Inter-Tel DataNet Sioux Falls, South Dakota	\$28,467.00	
Meier Electric Marshall, Minnesota		\$26,700.00

Harry Weilage, Director of Community Services, reviewed this project with the council and indicated that it would be in the best interest to have the same contractor do the wiring, installation and providing the equipment necessary for this project. Council member Stores was concerned about Everest Information Services, Inc., response time if there was a problem later. City Attorney Brian Murphy indicated that the city has no choice but to award the bid to the lowest bidder. Sturrock moved, Hilton seconded, that the proposal for the Cisco Electronics Equipment be awarded to Everest Information Services, Inc., Bloomington, Minnesota in the amount of \$26,282.16. All voted in favor of the motion.

Sturrock moved, Hilton seconded, that the proposal for the Network Wiring and Installation be awarded to Everest Information Services, Inc., Bloomington, Minnesota in the amount of \$14,369.58. Glenn Olson, Director of Public Works/City Engineer, indicated that the original proposal from Fran's Communications was the low bidder, but his bid was incomplete. After discussion between Fran and Glenn a complete proposal was submitted by Fran's Communications. Fran also indicated that he has experience installing wiring in the Municipal

REGULAR MEETING – JULY 7, 2003

Building and that it is a very hard building to install wiring in. Voting in favor of the motion were Hilton, Sturrock and Reynolds. Voting no were Byrnes, Doyle and Stores.

Stores moved, Doyle seconded, that the awarding of the proposal for Network Wiring and Installation be postponed until the next regular City Council meeting to be held on July 21, 2003. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - A. CONSIDER REQUEST FOR LIQUOR LICENSE TRANSFER FROM EL TEQUILA TO MARIACHI FIESTA AND CALL FOR PUBLIC HEARING; B. CONSIDER CHANGING DATE OF PUBLIC HEARING FOR PROPOSED STREET VACATION FOR SOUTH 1ST STREET RIGHT-OF-WAY; C. CONSIDER CALLING FOR A PUBLIC HEARING ON CHAMBER OF COMMERCE REQUEST TO BLOCKADE STREET/ALLEY PARKING LOTS FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 22-24, 2003; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

The request for a liquor license transfer from Los Tequilas Inc., dba El Tequila to Raul Oaxaca Prieto dba Mariachi Fiesta at 329 West Main Street and call for a public hearing to be held at 5:30 P.M. on July 21, 2003.

The public hearing for the proposed street vacation on South 1st Street right-of-way be changed to July 21, 2003 at 5:30 P.M.

A public hearing be held at 5:30 P.M. on July 21, 2003 to consider a request from the Chamber of Commerce to blockade street/alley parking lots for Sounds of Summer Festival on August 22-24, 2003.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 38858 through 39059.

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. Ebert, Inc.	1500 North Highway 59	Warehouse	\$1,200,000
2. Timothy & Sheila Green	219 Oslo Avenue	Deck	\$1,900
3. French Construction	212 Rainbow Drive	Install Garage Window	\$400
4. Lesage Family Investment	202 North 11th Street	Storage Building	\$15,000
5. Beek Construction	105 "C" Street	Reside Dwelling	\$4,000
6. Gary Lang	109 West Southview Drive	Addition	\$5,000
7. G&P Construction, Inc.	223 London Road	Dwelling	\$113,000

REGULAR MEETING – JULY 7, 2003

8.	G&P Construction, Inc.	1110 David Drive	Dwelling	\$163,000
9.	Lesage Family Investment	202 North 11th Street	Storage Building	\$15,000
10.	Meier Electric, Inc.	600 West Erie Road	Remodel Generator Building	\$40,600
11.	Sussner Construction, Inc.	1410 South Saratoga Street	Warehouse	\$51,300
12.	Edgar & Caroline Wacha	105 West James Avenue	Deck	\$1,200
13.	Doom & Cuypers, Inc.	1420 East College Drive	Interior Remodel - Space 100	\$47,300
14.	Jeanne A. Curielli	613 South 4th Street	Replace Door & Window	\$2,200
15.	Jennifer Schliep	506 Hudson Avenue	Porch	\$1,800
16.	Geihl Construction, Inc.	1117 David Drive	Dwelling	\$201,000
17.	Mark & Jennie Jensen	509 Lawrence Street	Utility Shed	\$2,000
18.	Bakke's Home Repair & Construction	619 Kathryn Avenue	Remodel Windows	\$1,500
19.	Roger Hanson	603 Donita Avenue	Reroof	\$4,000
20.	Karl Campbell Construction	217 London Road	Dwelling	\$86,600
21.	Steve Otto	300 East Saratoga Street	Exterior Remodeling	\$7,000
22.	Kesteloot Construction, Inc.	101 Church Street	Reroof and Reside Dwelling	\$10,800
23.	True Value Home Center	1116 Clifton Circle	Dwelling	\$190,000
24.	Tutt Construction	710 West College Drive	Warehouse Addition	\$37,000
25.	John Haas	606 West Thomas Avenue	Reroof	\$4,000
26.	Iglesia Cristiana Rayo de Luz	616 West Main Street	Reside	\$3,800
27.	Alan M. & Margaret A. Greig	506 North 4th Street	Addition	\$69,400
28.	Geske Home Improvement Co.	1309 Westwood Drive	Reside Dwelling	\$10,000
29.	Richard & Kristin Serreyn	706 North 4th Street	Deck	\$3,000
30.	Three-Legged Dog, Inc.	128 West Main Street	Sign	\$1,500
31.	The Schwan Food Co.	1203 Dublin Street	Dwelling	\$114,500
32.	The Schwan Food Co.	1201 Dublin Street	Dwelling	\$114,000

ORDINANCE AMENDING SECTION 2-342 REGULATING THE COMPOSITION, TERMS, AND QUALIFICATIONS OF THE MARSHALL SENIOR CITIZENS CENTER COMMISSION:

Doyle moved, Stores seconded, the adoption of ORDINANCE NUMBER 496, SECOND SERIES and that the reading of the same be waived. Ordinance Number 496, Second Series is an ordinance Amending Section 2-342 Regulating the Composition, Terms, and Qualifications of the Marshall Senior Citizens Center Commission. This ordinance would reduce the number of members on the Marshall Senior Citizens Center Commission from nine to seven and that the number of members appointed from citizens within the community be dropped from six to four. All voted in favor of the motion.

REGULAR MEETING – JULY 7, 2003

A 5-minute recess was called at this time.

COALITION OF GREATER MINNESOTA CITIES (CGMC) 2003 LEGISLATIVE REPORT – TIM FLAHERTY OF FLAHERTY AND HOOD:

Tim Flaherty of Flaherty and Hood was in attendance at the meeting to provide an update on the 2003 Regular and Special Session of the Legislature. Mr. Flaherty indicated that as part of reducing the state budget deficit, the Legislature cut local government aid to cities. LGA was created to reduce the imbalance between the Twin Cities suburbs and out state communities. The City of Marshall lost \$507,210 in LGA in 2003 and will lose that amount permanently starting in 2004. Mr. Flaherty indicated that the local legislators were more supportive of plans that benefited the suburbs more than the rural cities. Mr. Flaherty also indicated that they would be working on how to get rural legislators that did not vote for their communities back to supporting their communities.

RESOLUTION APPROVING THE FINAL PLAT OF CARR ESTATES:

Glenn Olson, Director of Public Works/City Engineer, reviewed the final plat of Carr Estates. Mr. Olson indicated that the following items have been revised since the submission of the preliminary plat:

1. A Developers Agreement has been completed and included with the submission of the final plat.
2. The street names have been revised to comply with City Code of Ordinances.
3. Revised utility and grading plans have been submitted. Design locations for utilities have been approved with actual sizes of watermain to be determined by MMU and approved by the City.
4. A utility easement outside of and along the east and south sides of Carr Estates has been provided.

There was a concern with Windstar not being a State Aid Street. Mr. Olson indicated that they should know by fall if Windstar would be designated as a State Aid Street. Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2558, SECOND SERIES and that the reading of the same be waived. Resolution Number 2558, Second Series is a resolution Approving the Final Plat of Carr Estates contingent upon the City Attorney review and approval of the Developers Agreement, abstract and title opinion, recording of the utility easement outside of and along the east and south sides of the subdivision and payment of all fees according to the First Development Contract for Carr Estates and according to the current Resolution Approving Specific Fees to be charged by the City of Marshall (Resolution Number 2529, Second Series). All voted in favor of the motion.

UTILITY EASEMENT ALONG THE SOUTH AND EAST SIDES OF CARR ESTATES:

Sturrock moved, Reynolds seconded, the approval of a Utility Easement along the South and East Sides of Carr Estates Subdivision. This utility easement is for an easement outside of and immediately adjacent to Carr Estates for the purpose of installing utilities for Carr Estates and surrounding property. All voted in favor of the motion.

REGULAR MEETING – JULY 7, 2003

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

Discussion was held on the ordinance amending the salaries and compensation of the Mayor and Council members. Council member Reynolds and Mayor Byrnes indicated that they could not support a proposed 3% increase and would support a wage freeze for 2004. Council member Sturrock was in support of the 3% increase. This increase was similar to what other city employees received this year and felt that the 3% was reasonable. Sturrock moved, Hilton seconded, the introduction of an ordinance amending the salaries and compensation of the Mayor and Council Members. All voted in favor of the motion.

CHANGE ORDER NO. 1 WITH DUININCK BROS., INC., FOR PROJECT 2002-001 S.P. 139-129-01 NORTH 7TH STREET BRIDGE:

Stores moved, Hilton seconded, the approval of change order no. 1 with Duininck Bros., Inc., for Project 2002-001 S.P. 139-129-01 North 7th Street Bridge for an increase in the contract amount of \$4,150.30. This change order is for the installation of storm sewer and concrete driveway for the property on the northeast side of the bridge area as recommended by Banner Associates, Inc. All voted in favor of the motion.

CHANGE ORDER NO. 1 WITH KHC CONSTRUCTION INC., FOR PROJECT 2002-014 T.H. 23 SANITARY SEWER LIFT STATION IMPROVEMENT:

Sturrock moved, Doyle seconded, the approval of change order no. 1 with KHC Construction Inc., for Project 2002-014 T.H. Sanitary Sewer Lift Station Improvement. This change order is for a time extension due to delays in the approval of the electrical shop drawings and manufacturing of the equipment. Provided the equipment is delivered on or before July 24, 2003 KHC Construction Inc., is requesting a time extension that extends the final completion date to August 27, 2003. All voted in favor of the motion.

REQUEST TO MOVE A DWELLING INTO RESIDENTIAL DISTRICT AT 307 SOUTH BRUCE STREET AND CALL FOR A PUBLIC HEARING:

Stores moved, Hilton seconded, that a public hearing be held at 5:30 P.M. on July 21, 2003 to consider the request of Jay Salonen to move a dwelling from Astoria, South Dakota to 307 South Bruce Street. All voted in favor of the motion.

CONSIDER RESOLUTION RESTRICTING PARKING ON EAST SARATOGA STREET:

Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2559, SECOND SERIES and that the reading of the same be waived. Resolution Number 2559, Second Series is a resolution Providing for Signage in the City of Marshall. This resolution provides for the installation of No Parking signs on the North side of East Saratoga Street from the Fire Station to West College Drive and on the South side of East Saratoga Street from West College Drive to South 1st Street. All voted in favor of the motion.

REGULAR MEETING – JULY 7, 2003

CONSIDER RESOLUTION PROVIDING FOR SIGNAGE AT THE SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL / RYAN FIELD:

Sturrock moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2560, SECOND SERIES and that the reading of the same be waived. Resolution Number 2560, Second Series is a resolution Providing for Signage in the City of Marshall. This resolution provides for signs to be installed at the Southwest Minnesota Regional Airport – Ryan Field at the following locations:

Parking Lot A – “Parking by Permit Only” on four parking stalls

Parking Lot B – “No Parking – 10:00 P.M. to 5:00 A.M. – Enforced November 1 – May 1”

Ramp area adjacent to the A/D Building – “Aircraft Parking Only”

All voted in favor of the motion.

RESOLUTION ON EXTENSION OF LEASE AGREEMENT FOR MOTORCYCLE DRIVER’S LICENSE SKILLS TESTING WITH MINNESOTA DEPARTMENT OF PUBLIC SAFETY:

Doyle moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2561, SECOND SERIES and that the reading of the same be waived. Resolution Number 2561, Second Series is a resolution Authorizing Execution of Agreement. This resolution provides for the City of Marshall to enter into a lease agreement with the Minnesota Department of Public Safety for the motorcycle driver’s license skills testing. The testing is done every Tuesday between the hours of 8:00 a.m. and 4:00 p.m. at the junction of Michigan Road and Halbur Road. This agreement will expire on July 1, 2005. All voted in favor of the motion.

FOLLOW UP DISCUSSION ON JOINT CITY/MMU COMPREHENSIVE UTILITY STUDY:

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Stores moved, Sturrock seconded, that the Comprehensive Infrastructure Planning Study be referred to the Planning Commission for the review and effect this would have on the 1996 Comprehensive Plan. 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 has not met; Fire Relief Association meets this week; Regional Development Commission will have their annual meeting on Thursday.

Stores Library Board meets on July 14th.

Sturrock Utilities Commission met on June 23rd, Public Improvement/Transportation Committee met on June 25th; there was a ground breaking for Schwan’s Depot on June 26th.

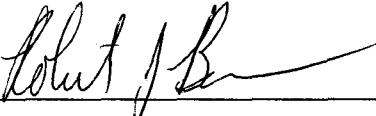
REGULAR MEETING – JULY 7, 2003

- Doyle Housing Commission meets on Monday; Marshall Area Transit met on June 24th but was unable to attend.
- Hilton Hospital Board held a special meeting – they are working on recruitment of Doctors.
- Reynolds Cable Commission met but was unable to attend; Community Services Advisory Board and Downtown Redevelopment will not be meeting in July.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the Garden Tour will be held this week to raise money for the Hospice Program; there are several curbs in the city that were damaged during snow removal that have not been repaired; there are places in town where tree branches hang too low over the sidewalks; the vacant lot on the corner of Bruce and College Drive should be better maintained; there is a Fly In Breakfast at the airport on Sunday; there will be a ribbon cutting ceremony at the YMCA on Tuesday, July 15, 2003; there has been discussion on recruitment of doctors with Affiliated Medical Center, Sioux Valley and AVERA McKennan; the trees at the Downtown Park and the Airport that have died will be replaced; there was a concern about motion bikes on streets and city sidewalks; the Mayor requested a summary of the anticipated operating costs and usage of the Skate Park prior to its opening.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JULY 21, 2003

The regular meeting of the Common Council of the City of Marshall was held on July 21, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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/City Engineer; Thomas M. Meulebroeck, Finance Director/City Clerk; Harry Weilage, Director of Community Services; Dale Howe, Building Official; 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, Stores seconded, that the minutes of the regular meeting held on July 7, 2003 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARINGS – REQUEST FOR LIQUOR LICENSE TRANSFER FOR LOS TEQUILAS, INC., DBA EL TEQUILA TO RAUL OAXACA PRIETO DBA MARIACHI FIESTA AT 329 WEST MAIN STREET:

This was the date and time set for a public hearing on the transfer of a liquor license from Los Tequilas, Inc., dba El Tequila to Raul Oaxaca Prieto dba Mariachi Fiesta. Thomas M. Meulebroeck, Finance Director/City Clerk reviewed the application with the council. He indicated that the transfer would be effective August 1, 2003 and that the El Tequila is current on the real estate taxes. Doyle moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Hilton seconded, the approval of the transfer of an on-sale intoxicating liquor license from Los Tequilas, Inc., dba El Tequila to Raul Oaxaca Prieto dba Mariachi Fiesta. This license will expire on December 31, 2003. All voted in favor of the motion.

PUBLIC HEARING – REQUEST FOR DOWNTOWN STREET/PARKING LOT BLOCKADE FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 21-24, 2003.

This was the date and time set for a public hearing to temporarily close the city parking lots located southwest of West Main Street (adjacent to the Senior Citizen Center parking lot) between South Fourth Street and West College Drive; and the closing of Marvin Schwan Memorial Drive between West College Drive and South 1st Street; and South 1st Street between Main Street and Saratoga Street. Tracy Veglahn, Marshall Area Chamber of Commerce, was in attendance at the meeting and indicated that they are working with the area business places with the parking concerns. Doyle moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Stores seconded, that the request to close the city parking lots located southwest of West Main Street (adjacent to the Senior Citizen Center parking lot) between South Fourth Street and West College Drive; and the closing of Marvin Schwan Memorial Drive between West College Drive and South 1st Street; and South 1st Street between Main Street and Saratoga Street be approved for August 21, 2003 through August 24, 2003 with the following conditions:

1. Emergency access shall be maintained behind the rear of the buildings located on Main Street for police, fire and ambulance at all times.
2. Garbage and/or refuse pick-up be provided by the Chamber of Commerce.
3. Any special utility needs shall be arranged for and paid by the Chamber of Commerce.

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4. The Chamber of Commerce shall provide sufficient portable toilet facilities for the various scheduled events.
5. Security arrangements be provided by the Chamber of Commerce for this event.
6. That clean-up and pick-up of the parking lot and streets be provided at the conclusion of the event.
7. Notification of event activities/hours be provided to Main Street building owners and tenants by the Chamber of Commerce.
8. Access to Quarnstrom, Doering, Pederson, Leary & Murphy Law Firm be maintained during business hours.
9. Insurance to be provided that names the City as an additional insured in an amount to be determined by the City Attorney and the City's Insurance Advisor.

All voted in favor of the motion.

PUBLIC HEARING – REQUEST OF THE SCHWAN FOOD COMPANY TO VACATE A PORTION OF SOUTH 1ST STREET:

This was the date and time set for a public hearing on the request of the Schwan Food Company to vacate a portion of South 1st Street from Marvin Schwan Memorial Drive southwestward to Saratoga Street. Glenn Olson, Director of Public Works/City Engineer, indicated that the purpose of this request is for Schwan's to reconstruct two main entrances to their corporate office from South 1st Street extending out into the South 1st Street right-of-way. Schwan's also wants to provide mid-block pedestrian crossings towards the new YMCA and install new lighting and landscaping. Council member Doyle was concerned if there was enough room for the transit bus and Council member Boedigheimer was concerned about emergency vehicles being able to turn around in this area and with the city setting a precedence of giving up a city street. Mr. Boedigheimer felt that only 20 feet should be vacated. Bob Archbold, Archbold Water Conditioning Service, was in favor of the request by Schwan's to vacate this area. Howard Miller, representative from Schwan's Food Company, indicated that work on this project would start as soon as possible. Sturrock moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Per the recommendation of the Planning Commission Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2562, SECOND SERIES and that the reading of the same be waived. Resolution Number 2562, Second Series is a resolution Granting a Petition for Vacation of a Right-of-Way in the city of Marshall. This resolution provides for the vacation of a portion of South 1st Street from Marvin Schwan Memorial Drive southwestward to Saratoga Street with the condition that easements for existing utilities be retained as well as provision for emergency access. All voted in favor of the motion, except Boedigheimer who voted no.

PUBLIC HEARING – REQUEST TO MOVE A DWELLING INTO RESIDENTIAL DISTRICT AT 307 SOUTH BRUCE STREET:

This was the date and time set for a public hearing on the request from Jay Salonen to move a dwelling from outside the city to 307 South Bruce Street. Glenn Olson, Director of Public Works/City Engineer, indicated that the drainage issue has been discussed with the area residents. It was also indicated that the dwelling has been reviewed by an approved third party inspector who has filed a report indicating that the dwelling is in reasonable condition to move-in and in reasonable compliance with the MN State Building Code. Donald Kor had several questions – square feet of the house, wanted to see pictures of the house, and if there was still enough room on the second lot for another house. The house is 1,560 square feet and only 5 feet was being taken from the second lot, which leaves this lot at a width of 95 feet. Jay Salonen, owner of the house did have pictures for Mr. Kor to look at. Stores moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

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Hilton moved, Sturrock seconded, the approval to move a dwelling into a residential district at 307 South Bruce Street with the following conditions:

1. The owner shall obtain all necessary permits including a Moving Permit from the Director of Public Works, a Building Permit, and Electrical Permit from the Minnesota board of Electricity.
2. Complete all on site construction to the dwelling in conformance with City Code and obtain a Certificate of Occupancy within 180 days.

All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - A. CONSIDER SUNDAY LIQUOR LICENSE FOR RAUL OAXACA PRIETO DBA MARIACHI FIESTA AT 329 WEST MAIN ST.; B. CONSIDER TRANSIENT MERCHANT LICENSE FOR CURTIS AND JOANNA VOGT DBA CAREFREE STYLES – WIND THING ; C. CONSIDER TEMPORARY ON-SALE BEER LICENSE FOR THE VFW FOR THE MONTH OF AUGUST 2003 AT THE LYON COUNTY FAIRGROUNDS; D. CONSIDER PARADE REQUEST FOR PURSUIT OF EXCELLENCE – SEPTEMBER 20, 2003; E. CONSIDER APPROVAL OF MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE BUILDING LEASE FOR 2003-2004; F. CALL FOR PUBLIC HEARING ON THE ISSUANCE OF GROSS REVENUE BONDS UNDER MINNESOTA STATUTES, SECTIONS 447.45 THROUGH 447.50 AS AMENDED, TO FINANCE IMPROVEMENTS TO WEINER MEMORIAL MEDICAL CENTER; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

It was requested that the following items be removed from the consent agenda: Transient Merchant License for Curtis and Joanna Vogt dba Carefree Styles – Wind Thing and Minnesota West Community and Technical College Building Lease for 2003-2004.

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

The approval of a Sunday Liquor License for Raul Oaxaca Prieto dba Mariachi Fiesta at 329 West Main Street effective August 1, 2003.

The approval of a Temporary On-Sale Non-Intoxicating Beer License for the VFW for the month of August, 2003 for use at the Lyon County Fairgrounds.

A Parade Permit for September 20, 2003 for the "Pursuit of Excellence". The parade route begins at 5th Street and Main Street (blocking to start at 6th Street and Main Street) down Main Street to 1st Street and Main Street, turning right and proceeding one block to the parade route end at 1st Street and Marvin Schwan Memorial Drive. The parade will start at 10:30 A.M. and end at approximately 12:00 noon.

Call for a public hearing to be held on August 18, 2003 at 5:30 P.M. for the Issuance of Gross Revenue Bonds Under Minnesota Statutes, Sections 447.45 through 447.50 as Amended, to Finance Improvements to Weiner Memorial Medical Center.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39060 through 39235.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Caroline VanKeulen	805 South 1st Street	Deck	\$3,000
2.	Alan Thielges	502 East Southview Drive	Reside & Replace Windows	\$4,500
3.	Randall Hess Development	601 North Highway 59	Install Windows	\$1,800
4.	Charles J. & Julie A. Mortier	114 McFarland Circle	Dwelling	\$260,000
5.	Kristi Hansen	414 South 2nd Street	Install Door	\$600
6.	Dana & Heather Moore	121 East Redwood Street	Garage	\$9,000
7.	Benhard L. Benson	503 Kathryn Avenue	Reside Dwelling	\$2,300
8.	True Value Home Center	202 Athens Avenue	Dwelling	\$93,900
9.	Christopher Arndorfer	502 Kathryn Avenue	Replace Window	\$500
10.	John McDonald	317 East Main Street	Residing	\$3,000
11.	Brian Weedman Carpentry	501 Lawrence Street	Reroof	\$2,500
12.	Dudley & Marie Hovland	703 Kennedy Street	Install Door	\$700
13.	True Value Home Center	214 Legion Field Road	Dwelling	\$125,000
14.	Ralph Orren	426½ North 7th Street	Deck	\$1,100
15.	Karl Campbell Construction	201 London Road	Dwelling	\$86,600
16.	Everstrong Construction	219 London Road	Dwelling	\$78,500
17.	Everstrong Construction	227 Athens Avenue	Dwelling	\$85,700
18.	David & Marilyn Gannott	506 East Main Street	Garage	\$17,000
19.	Hagedon Construction, Inc.	616 Soucy Drive	Replace Step	\$400
20.	Jason Bednarek	223 Athens Avenue	Deck	\$1,500
21.	Doug Robbins	602 Elm Street	Garage	\$10,000

Boedigheimer moved, Hilton seconded, the approval of a Transient Merchants License for Curtis and Joanna Vogt dba Carefree Styles – Wind Thing at a fee of \$250.00. This license will expire on December 31, 2003. Boedigheimer indicated that there are other transient merchants licenses that are only used for part of the year and their fee has not been pro-rated, therefore he felt that they should not pro-rate the fee for Curtis and Joanna Vogt. All voted in favor of the motion.

Discussion was held at this time on the renewal of the 2003-2004 Building Lease Agreement with Minnesota West Community and Technical College. Boedigheimer indicated that Minnesota West is paying \$5.44/square foot, which includes utilities and janitorial service. Mr. Boedigheimer asked how this compares to the current market. Norm Gregerson from Gregg and Gregerson indicated that this was on the low side considering what was all included. Boedigheimer moved, Sturrock seconded, that the proper city personnel be authorized to enter into the July 1, 2003 to June 30, 2004 Building Lease Agreement with Minnesota West Community and Technical College and that the fee be reviewed at budget time. All voted in favor of the motion.

MAYOR/CITY COUNCIL MEMBER SALARY COMPENSATION REVIEW:

In accordance with the City of Marshall City Charter, Section 2.07, the mayor and council members discussed their salaries for the year 2004. Due to budget cuts Reynolds moved,

REGULAR MEETING – JULY 21, 2003

Boedigheimer seconded, that the Mayor and Council Members salaries remain the same for the year 2004. All voted in favor of the motion.

CONSIDER AWARD OF PROPOSALS FOR NETWORK WIRING FOR THE MUNICIPAL BUILDING:

This item was tabled at the regular meeting held on July 7, 2003, therefore Doyle moved, Reynolds seconded, that this item be removed from the table and considered at this time. All voted in favor of the motion. Sturrock moved, Boedigheimer seconded, that this proposal be awarded to Everest Information Services, Inc., in the amount of \$14,369.58. Boedigheimer asked about local access for repairs and change orders. Fran DeBaere, Fran's Communications, indicated that there would probably be more add ons than service calls and add ons could be more costly. Frank Cesario, Everest Information Services, Inc., indicated that the proposal does not have anything to do with add ons and that maintenance is not part of this bid. Mr. Cesario also indicated that they have technicians in Mankato and Lakefield that would be handling the installation. Voting in favor of the motion were: Sturrock and Boedigheimer. Voting no were: Hilton, Doyle, Byrnes, Reynolds and Doyle.

Doyle moved, Reynolds seconded, that the proposal be awarded to Fran's Communications because he is more familiar with the Municipal Building in the amount of \$14,763.25. All voted in favor of the motion, except Sturrock and Boedigheimer who voted no.

VARIANCE ADJUSTMENT PERMIT TO CONVERT AN EXISTING BUILDING INTO A RESTAURANT WITH LESS OFF-STREET PARKING SPACES THAN REQUIRED BY CODE IN A B-2 CENTRAL BUSINESS DISTRICT AT 126 NORTH 3RD STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council. This is a request for a Variance Permit to convert an existing building used as a retail store to a restaurant use without off-street parking. A restaurant of this size requires 19 off-street parking spaces. Businesses in the Downtown District rely on municipal parking lots. Per the recommendation of the Planning Commission, Boedigheimer moved, Stores seconded, that a Variance Adjustment Permit be granted to Justin Jenkins to convert an existing building into a restaurant with no off-street parking spaces as required by Code in a B-2 Central Business District at 126 north 3rd Street. All voted in favor of the motion.

JOINT RESOLUTION FOR ORDERLY ANNEXATION WITH LAKE MARSHALL TOWNSHIP:

Glenn Olson, Director of Public Works/City Engineer, reviewed with the council the proposed annexation area. There are three tracts consisting of:

Tract No. 1: 113.10 acres – The Schwan Food Company (property located in the northeast corner of Minnesota T.H. 23/T.H. 19)

Tract No. 2: 58.95 acres – Clarice Boyer (property located east and south of Wal-Mart/Shopko and north and east of Quist Moving & Storage/Runnings)

Tract No. 3: 58.61 acres – Wayside Park and MN/DOT T.H. 23 Right-of-Way, MMU Well Site, Southwest Coaches, and portions of Gary Deutz/Franklin V. Johnson Trust property lying between MN/DOT right-of-way and Southwest Coaches.

Boedigheimer moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2563, SECOND SERIES and that the reading of the same be waived. Resolution Number 2563, Second Series is a Joint Resolution for Orderly Annexation with Lake Marshall Township. This resolution has been reviewed by the Minnesota Department of Administration-Boundary Adjustments Office, and Chris Hood, our consultant and attorney with Flaherty & Hood of St.

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Paul, Minnesota. This resolution was prepared to accomplish the annexation of certain areas within the 1982 Orderly Annexation Agreement, plus an amendment of areas outside of the 1982 Orderly Annexation Agreement. Joe Verkinderen, Chairman of Lake Marshall Township, was in attendance at the meeting and indicated that they have approved this resolution. All voted in favor of the motion.

SOUTHWEST MINNESOTA REGIONAL AIRPORT – ADOPTION OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND APPROVAL OF MEMORANDUM OF AGREEMENT FOR THE MINNESOTA UNIFIED CERTIFICATION PROGRAM FOR DISADVANTAGED BUSINESS ENTERPRISES:

Mike Johnson, City Administrator, indicated that there is a possibility that the City of Marshall may receive FAA grants totaling \$250,000 or more for planning or development for fiscal year 2004 (October 2003 thorough September 2004). In order to be eligible to receive a FAA grant that exceeds \$250,000, the City needs to implement a Disadvantaged Business Enterprise (DBE) Program. TKDA, City of Marshall's Airport Engineer, is also recommending approval of the Memorandum of Agreement for the Minnesota Unified Certification Program for Disadvantaged Business Enterprises. Stores moved, Hilton seconded, that the City of Marshall adopt the Disadvantaged Business Enterprise (DBE) Program and the approval of the Memorandum of Agreement for the Minnesota Unified Certification Program for Disadvantaged Business Enterprises. All voted in favor of the motion.

RECOMMENDATIONS FROM THE PERSONNEL COMMITTEE: A. 2003 LABOR AGREEMENTS WITH LAW ENFORCEMENT LABOR SERVICES (LELS) UNION FOR POLICE OFFICERS (LOCAL #190) AND POLICE SUPERVISORS (LOCAL #245); B. 2003-2004 LABOR AGREEMENT WITH AFSCME (PUBLIC WORKS) UNION – COUNCIL #65; C. PERSONNEL DECISION RELATED TO LOSS OF GANG STRIKE FORCE FUNDING:

Reynolds moved, Boedigheimer seconded, the approval of the 2003 Labor Agreements with Law Enforcement Labor Services (LELS) Union for Police Officers (Local #190) and Police Supervisors (Local #245) and the 2003-2004 Labor Agreement with AFSCME (Public Works) Union – Council #65. All three unions were approved with a 3% wage increase for 2003 and the AFSCME Union – Council #65 will negotiate wages for 2004. All voted in favor of the motion.

Rob Yant, Director of Public Safety, reviewed the final decision by the State of Minnesota about the continued funding for the Gang Strike Force. Rob indicated that the City of Marshall will receive a minimum of \$20,000 and the Strike Force can keep for the next year funds that have not been spent from this year. Mr. Yant indicated that there would not be funding to maintain the clerical/administrative position for the Gang Strike Force and is recommending that the person in this position be laid off. Council member Boedigheimer was concerned with the costs involved with unemployment. Reynolds moved, Hilton seconded, that Kari Schuld be laid-off and that she be given a 2-week notice. All voted in favor of the motion.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

- Community Services Advisory Board – Mike Leary for a 3-year term to expire on 2/28/06
- Community Services Advisory Board – Molly Linstrom for a 2-year term to expire on 2/28/05
- Community Services Advisory Board – David Stenstrom for a 2 year term to expire on 2/28/05

CONSIDER RECOMMENDATIONS TO AMEND 2003 GENERAL FUND BUDGET DUE TO LOCAL GOVERNMENT AID (LGA) CUTS:

Mike Johnson, City Administrator, reviewed the General Fund Budget revisions due to the Local Government Aid cuts. It was the general consensus of the council that a special City Council meeting be set for 5:00 P.M. on August 5, 2003 to review these revisions in more detail and make recommendations.

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 – not able to attend; Fire Relief Association briefly reviewed a “Pilot Project” for the Marshall Fire Department Relief Association.
- Stores Library Board continues to discuss their budget; Convention & Visitors Bureau – not able to attend.
- Sturrock Planning Commission minutes are included in the agenda packet; Utilities Commission minutes are also included in the agenda packet.
- Boedigheimer Airport Commission did not have a formal meeting; Senior Citizen Center Commission meeting was cancelled; Jt. Law Enforcement Committee met; and the M.E.R.I.T. Center needs to schedule a meeting.
- Doyle Housing Commission and Human Rights Commission minutes are included in the agenda packet; Marshall Area Transit meets next Tuesday.
- Hilton Hospital Board met earlier today and are continuing to discuss recruitment of new doctors and their minutes from the last meeting are included in the agenda packet.
- Reynolds Cable Commission minutes are included in the agenda packet; Community Services Advisory Board did not meet in July; Downtown Redevelopment will meet on Wednesday.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Marshall being selected as a Regional Extension Site; ribbon cutting at the YMCA; grant opening of County Fair grocery store; there is a CGMC Conference in Fergus Falls on Thursday and Friday; the Garden Tour was held last week and Council Member Stores indicated that MN/DOT took that time to inform them that their planters could not be in the boulevard; there is a minimum height for building above grade and there was a concern that there should be a maximum height for building above grade; there are areas of land that are completely surrounded by the City of Marshall that should be considered for annexation. Council Member Doyle wanted to clarify his motion for the awarding of the bid to Fran’s Communications because of his extensive working knowledge of the building structure and prior experience in installing, repairing and maintaining existing wiring. It was the consensus of the council that this be approved.

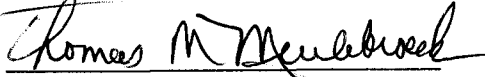
REGULAR MEETING – JULY 21, 2003

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

Mayor of the City of Marshall

A handwritten signature in dark ink, appearing to read "Robert J. Brown", is written over a horizontal line.

ATTEST:

A handwritten signature in dark ink, appearing to read "Thomas M. McLaughlin", is written over a horizontal line.

Financial Director/City Clerk

REGULAR MEETING – AUGUST 4, 2003

The regular meeting of the Common Council of the City of Marshall was held on August 4, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Reynolds and Boedigheimer. Absent: Stores. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Thomas M. Meulebroeck, Financial Director/City Clerk; Marc Klaith, Fire Chief; 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 July 21, 2003 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 REQUEST FOR AMERICAN CANCER SOCIETY FOR FIREWORKS PERMIT; CONSIDERATION OF AN AMENDED LIQUOR LICENSE APPLICATION FOR MARSHALL BOWL; RESOLUTION APPOINTING AND DESIGNATING THE COMMISSIONER OF TRANSPORTATION AS AGENT FOR THE CITY OF MARSHALL; PROJECT 2002-002: STATE AID OVERLAY PROJECT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION; PROJECT 2002-004: SOUTH “A” STREET & SARATOGA STREET WATERMAIN REPLACEMENT PROJECT -- CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

The approval of an application for the American Cancer Society to display fireworks on August 15, 2003 at the Lyon County Fairgrounds contingent upon approval from Lyon County for use of their land. The Marshall Volunteer Fire Department will be setting off the fireworks and the necessary insurance certificate has been received.

The approval of an amended Liquor License for the Marshall Bowl. This amended liquor license is amended to include the legal description of their property. This would then allow them to sell liquor outside in the volleyball court and deck.

The adoption of RESOLUTION NUMBER 2564, SECOND SERIES and that the reading of the same be waived. Resolution Number 2564, Second Series is a resolution Appointing and Designating the Commissioner of transportation as Agent for the City of Marshall. This resolution provides for the City of Marshall to prepare and submit the application for Federal Assistance to the Federal Aviation Administration (FAA) and to receive funds from the FAA.

The approval of Change Order No. 1 (Final) and the acknowledgement of the final payment application for McLaughlin & Schulz, Inc. The change order provides for an increase in the contract in the amount of \$14,518.55 and the final payment for this project is in the amount of \$18,115.53.

REGULAR MEETING – AUGUST 4, 2003

The approval of Change Order No. 2 (Final) and the acknowledgement of the final payment application for Bartz Excavating, Inc. The change order provides for an increase in the contract in the amount of \$17,924.12 and the final payment for this project is in the amount of \$20,973.42.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39236 through 39368.

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. Hadley & Kim Hartje	405 Donita Avenue	Deck	\$200
2. Denny Miller Construction, Inc.	622 South 4th Street	Demolish Garage	\$0
3. Jason A. Rokeh	111 "G" Street	Garage	\$7,500
4. French Construction	506 Charles Avenue	Reside Dwelling	\$8,700
5. Donald & MarLien Bartz	807 West Southview Court	Two-Family Dwelling	\$200,000
6. G&P Construction, Inc.	226 Athens Avenue	Dwelling	\$110,000
7. George J. Jacob Construction	119 Circle Drive	Replace Windows	\$3,000
8. Denny Miller Construction, Inc.	622 South 4th Street	Garage	\$7,000
9. Richard Binnebose Construction	409 North 4th Street	Reroof	\$1,600
10. Babcock Construction	405 South 4th Street	Bathroom Remodel	\$2,500
11. Mike Buysse Construction	622 Donita Avenue	Reside Dwelling	\$7,500
12. Kesteloot Construction, Inc.	510 Lincoln Avenue	Remodel Porch	\$20,900
13. Customworks Construction Services	507 West Redwood Street	Garage	\$14,500
14. Betty L. Johnson	409 North High Street	Reroof Garage	\$600
15. Kevin & Stacy Schwartz	300 Hudson Avenue	Install Bathrooms	\$4,000
16. True Value Home-Center	600 South Saratoga Street	Dwelling	\$110,000

“MARSHALL SOUNDS OF SUMMER”:

Doyle moved, Sturrock seconded, the approval of the Proclamation of the “Marshall Sounds of Summer” for the period August 22 – 24, 2003 and that this event be declared a Community Festival. All voted in favor of the motion.

Doyle moved, Hilton 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 August 22 – 23, 2003. All voted in favor of the motion.

RESOLUTION APPOINTING A SUCCESSOR TRUSTEE UNDER THE WEINER MEMORIAL CENTER TRUST INDENTURE:

Hilton moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2565, SECOND SERIES and that the reading of the same be waived. Resolution Number 2565,

REGULAR MEETING – AUGUST 4, 2003

Second Series is a resolution Appointing a Successor Trustee under the Weiner Memorial Medical Center Trust Indenture. This resolution appoints Wells Fargo as Trustee with respect to the Medical Center Gross Revenue Bonds (Weiner Memorial Medical Center Project), Series 1999 (the "Series 1999 Bonds"), issued in the original principal amount of \$8,000,000, which will remain outstanding, and with respect to the Series 2003 Bonds. All voted in favor of the motion.

CONSIDER APPROPRIATION REQUEST TO PURCHASE FIRE DEPARTMENT TURNOUT GEAR:

Marc Klaith, Fire Chief, was in attendance at the meeting to review the request for Turnout Gear. Mr. Klaith indicated that the Marshall Fire Department has completed the training of 9 firefighters ahead of schedule. Because of this, they have the need to purchase turnout gear before the 2004 budget at an estimated cost of \$16,000. They have purchased one set at this time. Following review of the various options, Boedigheimer moved, Hilton seconded, that authorization be granted to purchase 8 sets of turnout gear and that it be paid for as follows: from the sale of 5 old SCBA units at a total of \$5,000.00, and to use the \$11,700 from the 2003 Fire Department Capital Outlay for 3 SCBA units (currently recommended not to be purchased as part of the proposed 2003 Budget reductions). All voted in favor of the motion.

CONSIDER APPROVAL OF TELEPHONE SERVICES AGREEMENT WITH PRAIRIEWAVE TELECOMMUNICATIONS, INC.:

Mike Johnson, City Administrator, reviewed the proposed 60-month telephone services agreement with PrairieWave Telecommunications, Inc. This agreement provides local and long distance telephone service at the rate of \$14.00/month (not including applicable taxes, etc.) for a local one-party line and long distance service at a rate of \$0.05/minute. Hilton moved, Sturrock seconded, the proper city personnel be authorized to enter into an agreement with PrairieWave Telecommunications, Inc., for telephone services. This agreement is for a 60-month period and has been reviewed by City Attorney Murphy as to form and content. All voted in favor of the motion.

DISCUS STATUS OF ARRIVAL/DEPARTURE BUILDING LEASES:

An update was give at this time on the Arrival/Departure Building Leases with Schwan's Food Company. Mike Johnson, City Administrator, indicated that Schwan's is in the process of a final review of the lease. Council Member Boedigheimer was concerned that the Airport Commission has not been involved nor seen a copy of this lease. Mr. Johnson indicated that Schwan's is only reviewing and approving as to form at this time and that it will be forwarded to the Airport Commission before the City Council approves the lease. City Attorney Brian Murphy, indicated that all the leases with Schwan's involving the airport should be incorporated into one contract. Preliminary drafts are being worked on with Midwest Aviation.

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 No report.

Boedigheimer No report.

REGULAR MEETING – AUGUST 4, 2003

Doyle Housing Commission minutes are included in the agenda packet.

Hilton Hospital Board met earlier today – the discussed the bond issue and the recruitment of physicians.


Reynolds No report.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Sturrock and Mike Johnson attended the Coalition of Greater Minnesota Cities in Fergus Falls; there has been discussion with Marshall Municipal Utilities about a new formula for payment in lieu of taxes.

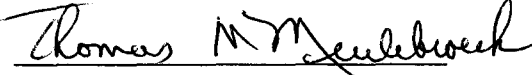
The Lyon County Fair starts on Wednesday, August 6, 2003 with a special Centennial Day.

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

SPECIAL MEETING – AUGUST 5, 2003

A special meeting of the Common Council of the City of Marshall was held on August 5, 2003 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:00 P.M. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Boedigheimer and Reynolds. Absent: Stores. Staff present included: Mike Johnson, City Administrator; Brian Murphy, City Attorney; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Richard MacDonald, Marshall Lyon County Library; Cal Barnett, Director of General Services/City Assessor; Glenn Olson, Director of Public Works/City Engineer and Jane DeVries, Deputy City Clerk.

Mike Johnson, City Administrator, indicated that due to LGA cuts in the amount of approximately \$503,000 the city needs to revise their 2003 budget. Mike provided proposed 2003 budget reductions and proposed changes in revenues that have been prepared by staff.

George Laleman, Crossing Guard, was in attendance at the meeting and was concerned about the possibility of eliminating crossing guards. Mr. Laleman was informed that this item would be discussed and that no decision has been made at this time. Rob Yant, Director of Public Safety, indicated that Marshall Public Schools have indicated that they would be able to fund their ½ of the crossing guards.

Karen Uecker, Community Services Officer, spoke briefly on her position and on the animal impound center.

A short recess was called at 5:45 P.M. for supper and the meeting reconvened at 6:00 P.M.

Council Member Boedigheimer indicated that the Highway Patrol and Lyon County do not have 24-hour patrol coverage. It was the general consensus of the council that they are not in favor of not having 24-hour patrol coverage. There was also discussion on overtime for the Police department.

Council Member Boedigheimer recommended and it was the consensus of the council that all of the City Licenses be increased by 20%. It was also the consensus of the council that any new fees considered does not have to go to the Ways and Means Committee and/or the Legislative and Ordinance Committee.

A 5-minute recess was taken at this time.

The council took this time to review the proposed 2003 budget reductions that were presented by each department and made recommendations as to what should be cut and what should not be cut. The Division Heads briefly review their recommendations and how they would affect their areas. The council was not in favor of cutting personnel from the Police Department or the Assessors Office. There was also discussion on using special assessments to help pay for street overlay projects.

SPECIAL MEETING – AUGUST 5, 2003

A 5-minute recess was taken at this time.

With the recommendations that were discussed the General Fund Budget would be cut as follows:

General Government	\$138,473
Public Safety	48,355
Public Works	154,259
Community Services	123,627
Capital Equipment	<u>25,941</u>
	\$490,655

These proposed cuts along with the proposed increase in revenues would equal the LGA reduction of approximately \$504,000.

Glenn Olson, Director of Public Works/City Engineer, felt that the special project person should be added back for the 2004 budget.

City staff was instructed to review the revenue changes and provide a more accurate report and also to consider other revenue sources for 2004. It was discussed that there be a contingency reserve to cover a potential loss in the December LGA payment. City Attorney Murphy suggested that the city consider a franchise fee for garbage haulers. It was also the general consensus of the council that the city consider to levy back the 60% for the preliminary property tax levy for 2004 for General Fund.

Harry Weilage, Director of Community Services, indicated that the mechanical room and the main pool floor at the Marshall Aquatic Center is in need of being replaced. Mr. Weilage suggested that bonding be considered for these improvements. Council Member Boedigheimer was concerned with spending large amounts of money without knowing how the YMCA may affect usage of the Aquatic Center. Reynolds did not feel that the YMCA would have a great affect during the summer months.

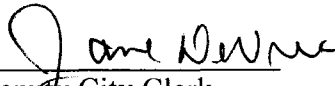
All of the recommendations will be considered at the regular city council meeting to be held on August 18, 2003.

Sturrock moved, Reynolds seconded, that the meeting be adjourned at 9:15 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

SPECIAL MEETING – AUGUST 11, 2003

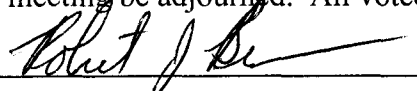
A special meeting of the Common Council of the City of Marshall was held on August 11, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were present: Hilton, Doyle, and Sturrock. Absent: Boedigheimer, Stores and Reynolds. Staff present included: Mike Johnson, City Administrator; Brian Murphy, City Attorney; and Jane DeVries, Deputy City Clerk.

This was the date and time set for a public hearing on the Issuance and Sale of Medical Center Gross Revenue Bonds for the Weiner Memorial Medical Center. Mike Johnson, City Administrator, introduced Terri Heaton, Springsteds, who along with Dan Eitrheim, Dougherty & Company LLC, conducted the public hearing. Terri reviewed the proposed project and indicated that by refinancing the existing Series 1996 Bonds there will be an estimated net savings of approximately \$220,000. The city will be selling approximately \$12.6 million in negotiated bonds. Dan Eitrheim of Dougherty & Company LLC, bond underwriter, indicated that about 75% of bonds are sold this way. Doyle moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

Hilton moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2566, SECOND SERIES and that the reading of the same be waived. Resolution Number 2566, Second Series is a resolution Providing for the Issuance and Sale of Medical Center Gross Revenue Bonds of the Municipality to Provide Funds for Improvements to Weiner Memorial Medical Center and to Refund the Outstanding Amount of Prior Medical Center Gross Revenue Bonds of the Municipality. All voted in favor of the motion.

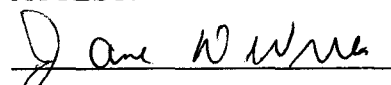
Doyle moved, Hilton seconded, that the Hospital Administrator, City Administrator and/or their delegates be appointed as members of the pricing team along with representatives from Springsteds Incorporated. This pricing team would be authorized to negotiate the terms of the sale on the date the bonds are marketed by the underwriter, Dougherty & Company LLC. This date may vary due to market conditions, but is flexible in order to allow the team to achieve the lowest rates possible in the current market within a reasonable timeframe. All voted in favor of the motion.

Hilton moved, Sturrock seconded, the meeting be adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

REGULAR MEETING – AUGUST 18, 2003

The regular meeting of the Common Council of the City of Marshall was held on August 18, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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/City Engineer; Thomas 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:

Doyle moved, Sturrock seconded, that the minutes of the regular meeting held on August 4, 2003 be approved as corrected; the minutes of the special meeting held on August 5, 2003 be approved as corrected; and the minutes of the special meeting held on August 11, 2003 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS – WEINER MEMORIAL MEDICAL CENTER: LONG-TERM CARE CONSTRUCTION PROJECT:

Ron Halgerson, Group II Architects, was in attendance at the meeting to review the Long-Term Care Construction Project at Weiner Memorial Medical Center. Ron indicated that several of the low bidders for this project are local contractors. Council Member Boedigheimer had a concern with U. S. Bank refusing to separate as trustee and about the water problem in this area. Glenn Olson, Director of Public Works/City Engineer, gave a brief update on the Storm Sewer Project in this area and that they are continuing to work to resolve the problem. Per the recommendation of the Weiner Memorial Medical Center Board of Directors, Hilton moved, Stores seconded, and it was unanimously approved that the bids for the Long-Term Care Construction Project be awarded as follows:

Bid Package #1 Site Work & Excavation: D & G Excavating, Inc.	\$ 356,681
Bid Package #2 General Construction: Bladholm Construction, Inc.	\$2,752,350
Bid Package #3 Windows: Heartland Glass Company	\$ 132,510
Deduct per Heartland Glass memo (8/11/03)	(\$ 24,910)
Bid Package #4 Roofing: M. J. Calsin Company	\$ 106,294
Bid Package #5 Mechanical Work: Bisbee Plumbing & Heating	\$1,358,116
Bid Package #6 Temperature Control Work: Johnson Controls, Inc	\$ 148,227
Bid Package #7 Electrical Work: Meier Electric, Inc.	\$ 609,810
Add Alternate E-1	\$ 12,000
Bid Package #8 Finishes: Multiple Concepts Interiors, Inc.	\$ 417,296
Alternate Deduct for Mohawk Carpet Substitution	(\$ 31,256)
Deduct for Error in Bid related to Ceramic Tile	(\$ 49,565)
Deduct per Negotiation with Bidder	(\$ 20,909)

REGULAR MEETING – AUGUST 18, 2003

Bid Package #9 Epoxy Flooring: Diversified Coatings, Inc.	\$ 17,100
Bid Package #10 Painting & Wall Coverings: Fransen Decorating, Inc.	\$ 108,853
Bid Package #11 Acoustical Panel Ceilings: FM Acoustical Tile, Inc.	\$ 68,600
Bid Package #12 Food Service Equipment: Servco Companies	\$ 361,442
TOTAL	\$6,322,639

CENTRAL MATERNAL/FETAL MONITORING SYSTEM:

Per the recommendation of Weiner Memorial Medical Center, Hilton moved, Reynolds seconded, that bids for the Central Monitoring System for the OB Department be awarded as follows: GE Medical Systems Information Technologies in the amount of \$110,578.42 for software. GE Medical Systems will allow WMMC to purchase their own hardware. The 5-year service agreement with GE Medical Systems is \$82,867.57 and the cost for the nursery is \$4,891.00 for software from GE Medical Systems. All voted in favor of the motion.

PROJECT 2003-002 BITUMINOUS RESURFACING ON VARIOUS STREETS:

Bids were received, opened and read on August 18, 2003 for Project 2003-002 for Bituminous Resurfacing on various city streets. The bids received, opened and read were from:

Duininck Bros. Inc	McLaughlin & Schulz
Prinsburg, Minnesota	Marshall, Minnesota
\$165,302.44	\$147,481.42

Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2567, SECOND SERIES and that the reading of the same be waived. Resolution Number 2567, Second Series is a resolution awarding the bid for the Bituminous Resurfacing on various city streets within the City of Marshall to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$147,481.42. This work is to be completed by October 1, 2003. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - MARSHALL BASEBALL ASSOCIATION – LEASE FOR GAMBLING ACTIVITY (LG215), AND PREMISES PERMIT APPLICATION (LG214) AT THE EAGLES CLUB; RESOLUTION APPROVING MN/DOT GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

The approval of a Minnesota Gambling Control Board Premises Permit LG214 for the Marshall Baseball Association for use at the Eagles Club, 423 West Main Street, Marshall, Minnesota.

The adoption of RESOLUTION NUMBER 2568, SECOND SERIES and that the reading of the same be waived. Resolution Number 2568, Second Series is a resolution providing Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Maintenance and Operation. This grant agreement is for the period July 1, 2003 through June 30,

REGULAR MEETING – AUGUST 18, 2003

2005. This agreement provides for the City to receive State Aid up to \$55,520 for each fiscal year for the direct actual maintenance costs plus up to \$500 for maintenance training functions.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39369 through 39531.

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. Jim Weubker, Marshall Spas & Pools	503 Hudson Avenue	Sunroom Addition	\$15,900
2. Vincent Gary	423 North 5th Street	Reroof	\$3,900
3. Morton Building, Inc.	1212 East College Drive	Office Building	\$461,300
4. Vernon C. Garbe	421 North 5th Street	Reroof	\$1,500
5. C.J. Dahm, Jr.	108 East Main Street	Garage	\$12,000
6. Sussner Construction, Inc.	208 East College Drive	Interior Remodeling	\$12,000
7. The Schwan Food Co.	605 Ontario Road	Security Building	\$45,000
8. Fischer Painting & Carpentry	800 DeSchepper Street	Addition	\$13,300
9. Starlyn & Mary Mulder	206 East Main Street	Deck	\$800
10. Curt & Marlys Carpenter	908 Pine Avenue	Reroof Dwelling	\$2,500
11. Mark DeAustin	214 North Whitney Street	Install Window	\$700
12. Paxton Signs, Inc.	1230 Floyd Wild Drive	Install Signs	\$9,000
13. Tutt Construction	600 West Redwood Street	Reroof	\$8,500
14. Brian & Shawna Ehlenbach	205 Rainbow Drive	Finish Basement	\$5,000
15. George J. Jacob Construction	204 South Hill Street	Remodel Garage	\$5,000
16. George J. Jacob	111-E South 10th Street	Warehouse	\$45,000
17. Alan Castor	706 Sara Circle	Replace Bay Window	\$1,400
18. Geske Home Improvement Co.	306 East Redwood Street	Reside Dwelling	\$13,000
19. Richard Binnebose Construction	107 West Greeley Street	Reroof Porch	\$700
20. R&M Construction	510 Jewett Street	Reside Dwelling, Reroof Dwelling, Garage Addition	\$8,000
21. C.J. Dahm, Jr.	108 East Main Street	Remodel Apartment	\$10,000

REQUEST OF DEBI PACK FOR A VARIANCE ADJUSTMENT PERMIT FOR A FRONT YARD OF LESS THAN REQUIRED BY CODE IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 301 ELM STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for a variance to construct a garage addition with a front yard of 11 ft. in lieu of 25 ft., and an entry deck (uncovered

REGULAR MEETING – AUGUST 18, 2003

porch) with a front yard of 5 ft. in lieu of 19 ft. as required by City Code in an R-1 One Family Residence District. The existing dwelling has a front yard of 11'-8" as determined by a recent survey. Per the recommendation of the Planning Commission, Boedigheimer moved, Hilton seconded, that a Variance Adjustment Permit be granted to Debi Pack to construct a garage addition with a front yard of 11 ft. in lieu of 25 ft., and an entry deck (uncovered porch) with a front yard of 5 ft. in lieu of 19 ft. as required by City Code in an R-1 One Family Residence District at 301 Elm Street because of the limited lot size, non-conforming structure, limitations of remodeling the home, belief that remodeling will not adversely affect the neighborhood, and that any improvement made by the Pack's will likely increase the value of their home. All voted in favor of the motion.

INTRODUCTION OF ORDINANCES AND CALL FOR PUBLIC HEARING:

REQUEST OF GREGORY S. TAYLOR TO REZONE WILKE-MILLER-BUESING SECOND ADDITION FROM AN A (AGRICULTURAL) DISTRICT TO A B-3 (GENERAL BUSINESS DISTRICT), AN R-3 (LOW TO MEDIUM DENSITY, MULTIPLE-FAMILY RESIDENCE DISTRICT), AN R-2 (ONE TO FOUR FAMILY RESIDENCE DISTRICT), AND AN R-1 (ONE FAMILY RESIDENCE DISTRICT):

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the request to rezone the proposed final plat of Wilke-Miller-Buesing Addition. This subdivision has not been final platted and will need to be final platted and recorded before buildings are constructed. Boedigheimer moved, Sturrock seconded, the introduction of an ordinance amending Chapter 86 of the City Code relating to zoning and called for a public hearing to be held at 5:30 P.M. on September 2, 2003. All voted in favor of the motion.

GENESIS AVENUE, SCOTT STREET AND CARR ESTATES:

(1) CONSIDER THE REQUEST OF THE CITY OF MARSHALL PLANNING COMMISSION TO REZONE CHAD'S ADDITION AND TED OLSEN'S FIRST ADDITION, LOTS 1, 10, 11, 12 FROM R-3 (LOW TO MEDIUM DENSITY, MULTIPLE-FAMILY RESIDENCE DISTRICT) TO R-2 (ONE-TO FOUR-FAMILY RESIDENCE DISTRICT) AND REZONE 700 SCOTT STREET FROM AN R-1 ONE-FAMILY RESIDENCE DISTRICT TO AN R-2 (ONE-TO FOUR-FAMILY RESIDENCE DISTRICT) AND TO REZONE 702 SCOTT STREET FROM AN A (AGRICULTURAL) DISTRICT TO AN R-2 (ONE-TO FOUR-FAMILY RESIDENCE DISTRICT).

(2) CONSIDER THE REQUEST OF SCHIERHOLZ & ASSOCIATES, INC. TO REZONE 703 & 705 GENESIS AVENUE FROM AN R-1 (ONE-FAMILY RESIDENCE DISTRICT) TO AN R-2 (ONE-TO FOUR-FAMILY RESIDENCE DISTRICT).

(3) CONSIDER THE REQUEST OF CHARLES & MONICA LINDEMANN TO REZONE 709-715 SCOTT STREET FROM AN A (AGRICULTURAL) DISTRICT TO AN R-2 (ONE-TO FOUR-FAMILY RESIDENCE DISTRICT).

REGULAR MEETING – AUGUST 18, 2003

(4) CONSIDER THE REQUEST OF ROBERT L. CARR TO REZONE CARR ESTATES FROM AN A (AGRICULTURAL) DISTRICT AND AN R-3 (LOW TO MEDIUM DENSITY-MULTIPLE FAMILY RESIDENCE DISTRICT) TO AN R-1 (ONE-FAMILY RESIDENCE DISTRICT) AND AN R-2 (ONE-TO FOUR-FAMILY RESIDENCE DISTRICT).

Glenn Olson, Director of Public Works/City Engineer, briefly review the four requests for Genesis Avenue, Scott Street and Carr Estates. All of these are requests for rezoning. Sturrock moved, Stores seconded, the introduction of ordinances to amend Chapter 86 of the City Code relating to zoning and called for public hearings on the four requests to be held at 5:30 P.M. on September 2, 2003. All voted in favor of the motion.

CONSIDER THE REQUEST OF CLARICE E. BOYER TO REZONE PART OF THE WEST HALF OF SECTION 10, TOWNSHIP 111 NORTH, RANGE 41 WEST FROM AN A (AGRICULTURAL) DISTRICT TO A B-3 (GENERAL BUSINESS DISTRICT).

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Clarice Boyer to rezone part of the West half of Section 10, Township 111 North, Range 41 West from A (Agricultural) District to a B-3 (General Business District). Glenn indicated that the Quist Moving & Storage and Runnings property is located outside the city limits. Stores moved, Hilton seconded, the introduction of an ordinance to amend Chapter 86 of the City Code relating to zoning and called for a public hearing to be held at 5:30 P.M. on September 2, 2003. All voted in favor of the motion.

CONSIDER THE REQUEST OF THE CITY OF MARSHALL PLANNING COMMISSION TO REZONE PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 111 NORTH, RANGE 41 WEST, AND PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 111 NORTH, RANGE 41 WEST FROM AN A (AGRICULTURAL) DISTRICT TO A B-3 (GENERAL BUSINESS DISTRICT).

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to rezone part of the SW quarter of Section 8, Township 111 North, Range 41 West, and part of the NW quarter of Section 17, Township 111 North, Range 41 West from A (Agricultural) to a B-3 (General Business District). This property is located south of T. H. 23 just west of the MMU Water Treatment Plant. Stores moved, Hilton seconded, the introduction of an ordinance amending Chapter 86 of the City Code relating to zoning and called for a public hearing to be held at 5:30 P.M. on September 2, 2003. All voted in favor of the motion.

CONSIDER APPROVAL FOR MINNESOTA URBAN AND RURAL HOMESTEADING PROGRAM (MURL) – JILL HOUSEMAN, WESCAP:

Jill Houseman, WESCAP, was in attendance at the meeting to review the Minnesota Urban and Rural Homesteading Program. This program provides homeownership opportunities to AAt-Risk, first-time homebuyers. With funding provided by the Minnesota Housing Finance Agency, Western Community Action, Inc. will purchase homes to be rehabilitated and sold to qualifying buyers. The homebuyer will purchase the home on a Contract for Deed for a term not to exceed 30 years with a 0% interest rate, and no down payment. Jill was asking for a letter of support from the City, that the City provide maintenance of lawn mowing and snow removal during the acquisition and rehabilitation phase, and that the City absorb the cost of the sewer billing during the

REGULAR MEETING – AUGUST 18, 2003

rehabilitation phase. Jill indicated that a typical rehabilitation phase would run approximately 4 months. Sturrock moved, Doyle seconded, that the City of Marshall provide a letter of support, provide for maintenance of lawn mowing and snow removal during the acquisition and rehabilitation phase of the MURL program, and absorb the cost of the sanitary sewer service, not to exceed \$150 per home, during the rehabilitation phase of the project.. All voted in favor of the motion.

SOUTHWEST MINNESOTA FOUNDATION UPDATE:

Jay Kieft of the Southwest Minnesota Foundation was in attendance at the meeting to provide a brief update on the foundation. The mission of the Southwest Minnesota Foundation is to be a catalyst, facilitating opportunities for economic, social, and cultural growth by promoting philanthropy, leadership, innovation, and collaboration for the eighteen counties of southwest Minnesota. The SWMF Priorities include: Promote Inclusive Communities, Connect Youth and Communities, Promote Productive Aging, Promote Business and Economic Development, and to Promote Philanthropy.

CONSIDER AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT FOR PROFESSIONAL SERVICES WITH BANNER ASSOCIATES, INC. FOR PROJECT 2002-001/S.A.P. 139-129-01: NORTH 7TH STREET BRIDGE REPLACEMENT PROJECT AND PROJECT 2001-014/S.A.P. 139-121-02: KOSSUTH AVENUE BRIDGE REPLACEMENT PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Banner Associates for Amendment No. 1 to Employment Agreement for Professional Services for Project 2002-001/S.A.P. 139-129-01 North 7th Street Bridge Replacement and Project 2001-014/ S.A.P. 139-121-02 Kossuth Avenue Bridge Replacement. The original intent was to design and construct both structures at the same time, but due to different State funding the projects were done separately with different contractors in different years. Banner Associates is requesting Amendment No. 1 which would change the limiting amount of compensation for Construction Engineering Services from \$54,000 to \$75,000 for an increase up to \$21,000. Glenn Olson is recommending that the agreement be amended as follows: change the limiting amount of compensation for Design Engineering Services from \$45,500 to \$47,500 and changing the limiting amount of compensation for Construction Engineering Services from \$54,000 to \$67,500 for an increase up to \$15,500. The difference from \$15,500 to \$21,000 is due to the location of the water line not being where it should be. Glenn indicated that a preliminary location of the watermain was given to Banner from MMU but was not field verified. Construction began, the contractor exposed the existing watermain too close to the bridge pier foundations necessitating the redesign and relocation of the bridge further to the east. Morey Chaplin, Marshall Municipal Utilities, indicated that the problem was a result of confusion between the MCP water line and MMU water line. Dennis Micko, President of Banner Associates, was in attendance at the meeting. Mr. Micko stated that the \$21,000 increase is a result of multi-year annual salary adjustments applied to work performed 2-3 years later than anticipated and as a result of the two structures not being constructed concurrently as originally anticipated. Boedigheimer moved, Reynolds seconded, the approval of Amendment No. 1 to Employment Agreement for Professional Services and Bridge Replacements for the City of Marshall, Minnesota. This amendment changes the limiting amount of compensation for Design Engineering Services

REGULAR MEETING – AUGUST 18, 2003

from \$45,500 to \$47,500 and changes the limiting amount of compensation for Construction Engineering Services from \$54,000 to \$67,500 for an increase up to \$15,500. All voted in favor of the motion.

RESOLUTION AMENDING 2003 GENERAL FUND BUDGET:

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2569, SECOND SERIES and that the reading of the same be waived. Resolution Number 2569, Second Series is a resolution Amending Budget Amounts for Fiscal Year Ending December 31, 2003. This resolution provides for a reduction in expenditures in various departments by \$490,655, a decrease in revenues of \$404,805 for an amended budget whereby revenues will exceed expenditures by \$85,850. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING SECTION 22-200 FRANCHISE FEE FOR NATURAL GAS:

Reynolds moved, Sturrock seconded, the introduction of an ordinance amending Section 22-200 regulating a franchise fee for a natural gas franchise in the City of Marshall. This ordinance would provide for a franchise fee in the amount of 5% of gross revenues. All voted in favor of the motion.

REQUEST FOR CERTAIN IMPROVEMENTS / T.H. 23, T.H. 19, AND U.S. T.H. 59:

Sturrock moved, Hilton seconded, that the City request development items be provided by MN/DOT on Trunk Highway 23, Trunk Highway 19 and Trunk Highway 59. The items being requested are as follows:

1. Installation of signalization of the intersection of T.H. 23 and T.H. 19
2. Installation of signalization of T.H. 23 and U. S. T.H. 59
3. Design and installation of turn lanes as necessary to provide for projected traffic increases at these intersections.
4. Design of four-lane and associated turn lanes on T.H. 19 from T.H. 23 east one mile for major access to new Marshall High School and surrounding commercial area.
5. Pedestrian access from new Marshall High School to SMSU.

All voted in favor of the motion.

OVERVIEW OF CGMC INFORMATION FROM ANNUAL MEETING:

Mike Johnson, City Administrator, gave a brief overview of the CGMC Annual Meeting held in Fergus Falls on July 23-25, 2003. Items discussed included:

1. 2003 Regular and Special Session Legislative Report: CGMC Results
2. CGMC 2004 Policy, Strategy, and Budget Information.
 - a. LGA and Property Taxes
 - b. Annexation
 - c. Economic Development
 - d. Transportation
 - e. Environment
3. Proposed CGMC Budgets and Assessment for 2004
4. New LGA Formula

REGULAR MEETING – AUGUST 18, 2003

5. Transit Revenue Information for Metropolitan Areas.

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

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

- Byrnes EDA – not able to attend meeting; Fire Relief Association and Regional Development Commission did not meet.
- Stores No report
- Sturrock Planning Commission met on August 13th; Utilities Commission held their annual picnic.
- Boedigheimer Airport Commission minutes are included in the agenda packet; Senior Citizen Center Commission met last week.
- Doyle Housing Commission minutes are included in the agenda packet; Human Rights Commission met on Monday and the Marshall Area Transit will be meeting later this month.
- Hilton Hospital Board met earlier today and is continuing to discuss the recruitment of doctors.
- Reynolds Community Services Advisory Board met earlier this month.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

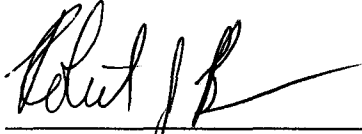
Other items brought forth by the Mayor and Council Members included: Dan Stores commented on his trip with the SMSU Senior College group, there was a concern with the storage of trailers at the M.E.R.I.T. Center, WESCAP is no longer interested in bidding for meals, a memo was received from the Chamber of Commerce in regard to a change in the schedule for the Sounds of Summer Festival.

REGULAR MEETING – AUGUST 18, 2003

REVIEW OF PENDING AGENDA ITEMS:


There was discussion on two special city council meetings that need to be scheduled, one on the budget and the other one a joint meeting with Lyon County Commissioners and Staff.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – SEPTEMBER 2, 2003

The regular meeting of the Common Council of the City of Marshall was held on September 2, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock and Stores. Absent: Reynolds and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas 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:

Doyle moved, Stores seconded, that the minutes of the regular meeting held on August 18, 2003 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARINGS AND ADOPTION OF ORDINANCES:

CONSIDER THE REQUEST OF GREGORY S. TAYLOR TO REZONE WILKE-MILLER-BUESING SECOND ADDITION FROM AN A (AGRICULTURAL) DISTRICT TO A B-3 (GENERAL BUSINESS DISTRICT), A R-3 (LOW TO MEDIUM DENSITY, MULTIPLE-FAMILY RESIDENCE DISTRICT), A R-2 (ONE- TO FOUR-FAMILY RESIDENCE DISTRICT), AND A R-1 (ONE-FAMILY RESIDENCE DISTRICT):

This was the date and time set for a public hearing on the request to rezone Wilke-Miller-Buesing Section Addition from an A (Agricultural) District to a B-3 (General Business District), and R-3 (Low to Medium Density, Multiple-Family Residence District), an R-2 (One to Four Family Residence District), and an R-1 (One Family Residence District). Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the City Council. Mr. Olson indicated that the area is located on Canoga Park Drive east of Wilke-Miller-Buesing First Addition. This area has not been final platted and will need to be and have to be recorded before buildings are constructed. Sturrock moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion. Stores moved, Doyle seconded, the adoption of ORDINANCE NUMBER 497, SECOND SERIES and that the reading of the same be waived. Ordinance Number 497, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance will rezone Wilke-Miller-Buesing Section Addition from an A (Agricultural) District to a B-3 (General Business District), a R-3 (Low to Medium Density, Multiple-Family Residence District), a R-2 (One to Four Family Residence District), and a R-1 (One Family Residence District). All voted in favor of the motion.

B. GENESIS AVENUE, SCOTT STREET AND CARR ESTATES:

(1) CONSIDER THE REQUEST OF THE CITY OF MARSHALL PLANNING COMMISSION TO REZONE CHAD'S ADDITION AND TED OLSEN'S FIRST ADDITION, LOTS 1, 10, 11, 12 FROM R-3 (LOW TO MEDIUM DENSITY, MULTIPLE-FAMILY RESIDENCE DISTRICT) TO R-2 (ONE- TO FOUR-FAMILY RESIDENCE DISTRICT) AND REZONE 700 SCOTT STREET FROM AN R-1 ONE-FAMILY RESIDENCE DISTRICT) TO AN R-2 (ONE- TO FOUR-FAMILY RESIDENCE

DISTRICT) AND TO REZONE 702 SCOTT STREET FROM AN A (AGRICULTURAL) DISTRICT TO AN R-2 (ONE- TO FOUR-FAMILY RESIDENCE DISTRICT):

(2) CONSIDER THE REQUEST OF SCHIERHOLZ & ASSOCIATES, INC. TO REZONE 703 & 705 GENESIS AVENUE FROM AN R-1 (ONE-FAMILY RESIDENCE DISTRICT) TO AN R-2 (ONE- TO FOUR-FAMILY RESIDENCE DISTRICT);

(3) CONSIDER THE REQUEST OF CHARLES & MONICA LINDEMANN TO REZONE 709-715 SCOTT STREET FROM AN A (AGRICULTURAL) DISTRICT TO AN R-2 (ONE- TO FOUR-FAMILY RESIDENCE DISTRICT):

(4) CONSIDER THE REQUEST OF ROBERT L. CARR TO REZONE CARR ESTATES FROM AN A (AGRICULTURAL) DISTRICT AND AN R-3 (LOW TO MEDIUM DENSITY-MULTIPLE FAMILY RESIDENCE DISTRICT) TO AN R-1 (ONE-FAMILY RESIDENCE DISTRICT) AND AN R-2 (ONE- TO FOUR-FAMILY RESIDENCE DISTRICT):

This was the date and time set for four (4) public hearings for rezoning on Genesis Avenue, Scott Street and Carr Estates. Glenn Olson, Director of Public Works/City Engineer, reviewed each of these requests. He provided maps showing the before and after for each request. Doyle moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Hilton seconded, the adoption of ORDINANCE NUMBER 498, SECOND SERIES and that the reading of the same be waived. Ordinance Number 498, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones Chad's Addition and Ted Olsen's First Addition, Lots 1, 10, 11, 12 from R-3 (Low to Medium Density, Multiple-Family Residence District) to R-2 (One- to Four-Family Residence District); rezones 700 Scott Street from an R-1 One-Family Residence District) to an R-2 (One- to Four-Family Residence District); and rezones 702 Scott Street from an A (Agricultural) District to an R-2 (One- to Four-Family Residence District). All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of ORDINANCE NUMBER 499, SECOND SERIES and that the reading of the same be waived. Ordinance Number 499, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones the Schierholz & Associates, Inc., property located at 703 & 705 Genesis Avenue from an R-1 (One-Family Residence District) to an R-2 (One- to Four-Family Residence District). All voted in favor of the motion.

Hilton moved, Doyle seconded, the adoption of ORDINANCE NUMBER 500, SECOND SERIES and that the reading of the same be waived. Ordinance Number 500, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones the Charles & Monica Lindemann property located at 709-715 Scott Street from an A (Agricultural) District to an R-2 (One- to Four-Family Residence District). All voted in favor of the motion.

Stores moved, Hilton seconded, the adoption of ORDINANCE NUMBER 501, SECOND SERIES and that the reading of the same be waived. Ordinance Number 501, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones

REGULAR MEETING – SEPTEMBER 2, 2003

the Carr Estates from an A (Agricultural) District and an R-3 (Low to Medium Density-Multiple Family Residence District) to an R-1 (One-Family Residence District) and an R-2 (One- to Four-Family Residence District). All voted in favor of the motion.

C. CONSIDER THE REQUEST OF CLARICE E. BOYER TO REZONE PART OF THE WEST HALF OF SECTION 10, TOWNSHIP 111 NORTH, RANGE 41 WEST FROM AN A (AGRICULTURAL) DISTRICT TO A B-3 (GENERAL BUSINESS DISTRICT):

This was the date and time set for a public hearing to consider the request of Clarice E. Boyer to rezone part of the West Half of Section 10, Township 111 North, Range 41 West from an A (Agricultural) District to a B-3 (General Business District). Glenn Olson, Director of Public Works/City Engineer, indicated that this area is located east of T.H. 59 and southeast of T.H. 23. Stores moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

Doyle moved, Stores seconded, the adoption of ORDINANCE NUMBER 502, SECOND SERIES and that the reading of the same be waived. Ordinance Number 502, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones the Clarice E. Boyer property which is the West Half of Section 10, Township 111 North, Range 41 West from an A (Agricultural) District to a B-3 (General Business District). All voted in favor of the motion.

D. CONSIDER THE REQUEST OF THE CITY OF MARSHALL PLANNING COMMISSION TO REZONE PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 111 NORTH, RANGE 41 WEST, AND PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 111 NORTH, RANGE 41 WEST FROM AN A (AGRICULTURAL) DISTRICT TO A B-3 (GENERAL BUSINESS DISTRICT):

This was the date and time set for a public hearing to consider rezoning part of the Southwest Quarter of Section 8, Township 111 North, Range 41 West, and part of the Northwest Quarter of Section 17, Township 111 North, Range 41 West from an A (Agricultural) District to a B-3 (General Business District). Glenn Olson, Director of Public Works/City Engineer, indicated that this area is located south of T.H. 23 and just west of the MMU Water Treatment Plant. Doyle moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 503, SECOND SERIES and that the reading of the same be waived. Ordinance Number 503, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones part of the Southwest Quarter of Section 8, Township 111 North, Range 41 West, and part of the Northwest Quarter of Section 17, Township 111 North, Range 41 West from an A (Agricultural) District to a B-3 (General Business District). All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - CONSIDER TEMPORARY ON-SALE BEER LICENSE FOR MARSHALL BASEBALL ASSOCIATION FOR SEPTEMBER 20, 2003 AT AMERICAN LEGION FIELD; CONSIDER TEMPORARY ON-SALE BEER LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY ALUMNI ASSOCIATION FOR SEPTEMBER 27, 2003 AT MATTKE FIELD & PE GYM; CONSIDER TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE AMERICAN LEGION POST 113 TO BE USED AT THE NATIONAL GUARD

ARMORY ON DECEMBER 20-21, 2003; CALL FOR A PUBLIC HEARING TO CLOSE OUT THE MARSHALL SMALL CITIES DEVELOPMENT PROGRAM COMPREHENSIVE PROJECT FUNDED BY THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

The approval of a Temporary On-Sale Non-Intoxicating Beer License for Marshall Baseball Association for September 15, 2003 through October 15, 2003 for the SSU Fall Classic Alumni Game on September 20, 2003 at American Legion Field at a fee of \$25.00.

The approval of a Temporary On-Sale Non-Intoxicating Beer License for the Southwest Minnesota State University Alumni Association for September 27, 2003 at Mattke Field and PE Gym at a fee of \$25.00.

The approval of a Temporary On-Sale Liquor License for the American Legion Post 113 to be used at the National Guard Armory on December 20-21, 2003 at a fee of \$50.00.

Call for a public hearing to be held on September 15, 2003 at 5:30 P.M. on the Marshall Comprehensive Project (Housing Rehabilitation, Rental Rehabilitation and Commercial Rehabilitation) Department of Trade and Economic Development.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39532 through 39643.

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. Prairie Home Hospice	1107 Skyline Circle	Residential Facility	\$400,000
2. Babcock Construction	504 Lincoln Avenue	Reside Dwelling & Install Doors	\$9,000
3. Leo Bass	1302 Parkside Drive	Install Window	\$700
4. Robert L. Carr Co.	1501 State Street	Building Separation and Alarm Monitoring Improvements	\$245,700
5. B&G Properties of Marshall	1115 East College Drive	Remodel & Install Windows	\$5,500
6. Paxton Signs, Inc.	300 West College Drive	Install Sign	\$5,000
7. Babcock Construction	413 Kossuth Avenue	Reside, Reroof, Install Door	\$8,000
8. Geske Home Improvement Co.	601 Lawrence Street	Reside Dwelling	\$10,000
9. Jody Gladis	302 George Street	Utility Shed	\$2,000
10. Bladholm Construction, Inc.	400 West College Drive	Dugouts	\$38,000
11. Babcock Construction	908 West Main Street	Reside Dwelling	\$3,800
12. Babcock Construction	1312 Horizon Drive	Reroof	\$2,000

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13.	Daniel Calvin	804 Silvervine Drive	Garage Addition	\$18,000
14.	Therese Gregg	308 North High Street	Install Window	\$600
15.	Clark Moen	203 Rainbow Drive	Deck	\$2,500
16.	K Designers	503 Carlson Street	Reside Dwelling	\$15,400
17.	Mike Slagel Construction	1407 Parkside Drive	Install Door	\$900
18.	Mike Slagel Construction	309 North Hill Street	Install Door	\$900
19.	G&P Construction, Inc.	203 London Road	Dwelling	\$122,900
20.	Mike Buysse Construction	1403 Westwood Drive	Reside	\$6,000
21.	Habitat for Humanity	1231 East Fairview Street	Dwelling	\$50,000
22.	Thomas & Coleen Behm	1504 Pinehurst Road	Addition	\$7,000
23.	Jay Salonen	307 South Bruce Street	Dwelling	\$125,000
24.	Sara VanLeeuwe	103 Gray Place	Shingle Roof	\$2,100
25.	John McDonald & Randy Wartner	615 West Redwood Street	Reside Dwelling	\$2,500
26.	Doom & Cuypers, Inc.	401 South 4th Street	Addition	\$15,500
27.	Brian Weedman Carpentry	306 North "A" Street	Reroof	\$1,300
28.	Brian and Linda Onken	203 George Street	Residing and Replace Windows	\$7,500
29.	Michael Gort	303 Hudson Avenue	Reroof	\$2,000
30.	Adrian Hebig, Sr. & Dolores Hebig	1320 Horizon Drive	Install Door	\$900
31.	Greg & Dawn VanRuler	406 Maple Lane	Manufactured Home Installation	

ADOPTION OF ORDINANCE AMENDING SECTION 22-200 FRANCHISE FEE FOR NATURAL GAS:

Mike Johnson, City Administrator, indicated that one of the proposed revenue replacement options selected by the Council was to increase the City's natural gas franchise fee from 3% to 5%. Based upon collection of existing natural gas franchise fees from FY 2000-2002, an increase in the franchise from 3% to 5% is estimated to generate approximately \$83,000 annually. Hilton moved, Stores seconded, the adoption of ORDINANCE NUMBER 504, SECOND SERIES and that the reading of the same be waived. Ordinance Number 504, Second Series is an ordinance Amending Certain Sections of Section 22-200 Regulating a Franchise Fee for a Natural Gas Franchise in the City of Marshall, Minnesota. This ordinance would increase the natural gas franchise fee from 3% to 5%. All voted in favor of the motion.

CONSIDER APPROVAL OF REQUEST TO MOVE GARAGE INTO A RESIDENTIAL DISTRICT – 204 ROBERT STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council. He indicated that the garage is in reasonably good state of repair and fit for moving and is reasonably susceptible to renovation in conformity with the City Code. Stores moved, Sturrock seconded, the request of Roger Wartner to move a garage to 204 Robert Street be approved with the following conditions:

1. The owner must obtain all necessary permits including a Permit to Move Buildings and an Electrical Permit from the Minnesota Board of Electricity.
2. Complete all on site remodeling to the garage in conformance to City Code within 180 days.

REGULAR MEETING – SEPTEMBER 2, 2003

3. The overhead and access door must be replaced, the window glazing must be repaired, install additional collar ties, and reside or repaint the exterior walls.
All voted in favor of the motion.

NORTH AMBULANCE SIX-MONTH FINANCIAL REVIEW – BUCK MCALPIN, MANAGER:

Brennan McAlpin, Manager North Ambulance was in attendance at the meeting to review the financial performance for the first six months of 2003.

CONSIDER SUB-ZONE RESOLUTION OF APPROVAL TO AUTHORIZE TAX EXEMPTIONS FOR JOBZ PROGRAM:

Mike Johnson, City Administrator, indicated that in the 2003 Legislative Session, Governor Pawlenty put forth a legislative initiative called the Job Opportunity Building Zones (JOBZ) Program. The purpose of this program is to “revitalize economically distressed areas by creating tax exempt zones that will attract jobs, business, and people to areas suffering from poor social economic conditions such as low wages, decreasing populations, low business startup rates, low property values, and other factors”. The Marshall Industrial Development Committee retained Development Services, Inc., to assist their committee and City Staff in compiling the necessary information to prepare a sub-zone application that would be filed with a zone application by the nine-county Southwest Regional Development Commission. Paul Rehkamp, President of the Marshall Industries Foundation, stated that the City would not qualify by themselves, but by combining with the nine-county area they have a better chance. The City of Marshall has identified 13 sub-zone areas. Stores moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2570, SECOND SERIES and that the reading of the same be waived. Resolution Number 2570, Second Series is a Sub-Zone Resolution of Approval to Authorize Tax Exemptions for JOBZ Program. All voted in favor of the motion.

CONSIDER APPROVAL OF 2004 PARTNERSHIP AGREEMENT WITH MARSHALL MUNICIPAL UTILITIES:

Sturrock moved, Doyle seconded, the approval of the Partnership Agreement for 2004 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 2004. A summary of the agreement is as follows:

MMU payment in lieu of taxes	\$739,402
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	\$443,402

(1) charges based on MMU’s audit. The payment formula calculation has been revised as follows:

Old: Based upon Electric Fund Kilowatt Hours (K.W.H.) sold in previous audit year @1 mill plus 10% of net income in previous audit year.

New: Phase out inclusion of net income in 2006 and use most recent 5 year rolling average of K.W.H. sales per MMU audit.

All voted in favor of the motion.

CONSIDER RESOLUTION AMENDING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL:

Mike Johnson, City Administrator, indicated that as part of the budget discussion the City Council chose to implement several new revenue charges (false alarm calls, funeral escorts, photos for the police department, residence checks), adjust several existing revenue charges (liquor licenses, towing and storage fees, transient merchant license, tobacco and beer licenses), and asked City staff to review the other fees and charges that existed within other departments. Per the recommendation of City staff, Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2571, SECOND SERIES and that the reading of the same be waived. Resolution Number 2571, Second Series is a resolution Approving Specific Fees to be Charges by the City of Marshall. Paul Rehkamp, Rehkamp Funeral Homes, suggested that him and Doug Hamilton from Hamilton Birk Funeral Home be involved in how to implement the charge for funeral escorts. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION/BOARD LIAISON 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 meets next Monday; Convention & Visitors Bureau discussed the Sounds of Summer.

Sturrock Utilities Commission met last Wednesday; he also indicated that ground breaking was held for the Long-Term Care Facility

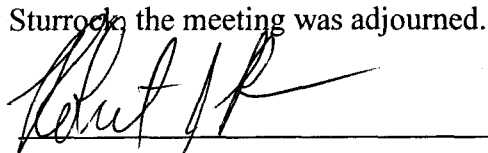
Doyle Human Rights Commission has a conference this fall.

Hilton No report.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a brief discussion on the request from the Wooden Nickel to consider a 2 A.M. closing time for On-Sale Liquor License holders and a 10 A.M. opening for Sunday Liquor License holders. Pat Raasch, manager of the Wooden Nickel, indicated that they would like to be open until 2 A.M. for special events such as SMSU Homecoming and holidays. There will be a League of Minnesota Cities Fall Regional meeting in Pipestone on October 21st.

Upon motion 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

SPECIAL MEETING – SEPTEMBER 10, 2003

A Special Meeting of the Common Council of the City of Marshall was held on September 10, 2003 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: Hilton, Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: None. Staff present included: Michael Johnson, City Administrator; Brian Murphy, City Attorney; Harry Weilage, Director of Community Services; Cal Barnett, Director of General Services/City Assessor; Glenn Olson, Director of Public Works/City Engineer; Thomas Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

CONSIDER INTRODUCTION OF ORDINANCE (SUNDAY HOURS AND CLOSING HOURS):

Michael Johnson, City Administrator, reviewed the request for bars to be open until 2 A.M. and to open at 10 A.M. on Sundays. Mr. Johnson also indicated that this would apply to those who have a 3.2 On-Sale Malt Beverage License. The Legislative and Ordinance Committee rejected the request to allow alcohol to be served until 2 a.m. but did support the opening 10 a.m. for sales on Sundays. Matt Schnoor of the Varsity Pub asked what were the reasons for denying this request. The main reasons were potential increase in costs to the police department and concerns about public safety and violence related to potential increased alcohol use. Reynolds indicated that he had received several calls from residents who live near bars and were concerned about the noise at 2 a.m. Boedigheimer indicated that the Legislature passed a law to allow liquor sales until 2 a.m., added an additional fee to license holders that goes to the State, but the City must absorb the additional expenses. Bethany Norgaard said that the Council should be more concerned with people leaving the bars at 1 a.m. and going somewhere else to continue to drink. She felt that it would be safer for them to continue to drink at the bar until 2 a.m. Matt Schnoor indicated that the police department should be able to adjust their schedule without additional cost. Boedigheimer moved, Sturrock seconded, the introduction of an ordinance amending certain sections of Chapter 6 of the City Code. This ordinance would allow the establishments with a Sunday On-Sale Intoxicating Liquor License and/or a 3.2 On-Sale Malt Beverage License to service alcohol at 10 a.m. All voted in favor of the motion. Council member Boedigheimer and Mayor Byrnes indicated that the rejection of the 2 a.m. closing time was not a reflection of how liquor license holders manage their business.

RESOLUTION ADOPTING A PROPOSED BUDGET FOR 2004 AND A RESOLUTION ADOPTING A PRELIMINARY TAX LEVY FOR 2004:

Mike Johnson, City Administrator, briefly reviewed the 2001 Legislative "Property Tax Reform" and corresponding changes that have come in the 2002/2003 Legislative sessions, and how they continue to have annual budget impacts on the City. Mike provided a brief historical overview of the City's State Aid revenues, property tax history and property tax levy options.

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2572, SECOND SERIES and that the reading of the same be waived. Resolution Number 2572, Second Series is a resolution Adopting the Proposed Budget for the General Fund for the City of Marshall for the year 2004. The proposed budget for the general fund provides for the revenues

SPECIAL MEETING – SEPTEMBER 10, 2003

of \$8,907,583 and expenditures of \$8,821,248 of which the revenues are supported with a tax levy of \$3,065,442. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2573, SECOND SERIES and that the reading of the same be waived. Resolution Number 2573, Second Series is a resolution Adopting a Preliminary Tax Levy for the year 2004. The proposed levy is in the amount of \$3,065,442 of which \$2,516,220 is the General Fund portion of the levy, Debt Service Levy of \$241,891, a Special Levy for the employer's portion of the increase of PERA Contribution for coordinated members including the library of \$7,000, a Special Levy for 2002 Airport Projects in the amount of \$205,090, a Special Levy for 2002 Parkway Improvements in the amount of \$30,241, and a Special Levy for 2003 Capital Equipment Certificates for the Pool in the amount of \$65,000. All voted in favor of the motion.

Council member Boedigheimer was concerned with the city advertising for bids without council approval. It was indicated that staff felt that in order to get a better idea of the cost of replacing the pool floor they needed to get bids, but that the council would have made the final decision in awarding of the contract.


Johnson noted that staff made a decision to streamline the customary bidding process because of the unusual circumstances and short time line involved with this project. Sturrock requested, and Johnson agreed, that Council be notified as quickly as possible should a similar situation arise in the future.

Stores moved, Reynolds 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 – SEPTEMBER 15, 2003

The regular meeting of the Common Council of the City of Marshall was held on September 15, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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/City Engineer; Marc Klaith, Fire Chief; Paula Curry, Sergeant Police Department; 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 item number 14, which is an appointment to the Cable Commission, be deleted and a new number 14 be added, which is authorization to advertise for bids for watermain improvement project in proposed Tiger Addition.

APPROVAL OF THE MINUTES:

Reynolds moved, Sturrock seconded, that the minutes of the regular meeting held on September 2, 2003 be approved as corrected and that the minutes of the special meeting held on September 10, 2003 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 – CLOSE OUT OF THE MARSHALL SMALL CITIES DEVELOPMENT PROGRAM COMPREHENSIVE PROJECT FUNDED BY THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT:

This was the date and time set for a public hearing to close the Marshall Small Cities Development Program Comprehensive Project funded by the Department of Trade and Economic Development. Jill Houseman from Western Community Action and Lisa Onken from Southwest Minnesota Housing Partnership were in attendance at the meeting and provided a brief summary of the project activities. Doyle moved, Hilton seconded, that the public hearing be closed and that the summary report be accepted. All voted in favor of the motion.

BIDS FOR POOL FLOOR REPLACEMENT AT THE MARSHALL AQUATIC CENTER:

There were no bids received for the pool floor replacement at the Marshall Aquatic Center. Sturrock moved, Boedigheimer seconded, that the proper city personnel be authorized to revise the project scope and timeline. All voted in favor of the motion.

CONSENT AGENDA – CONSIDER APPLICATION FOR PLUMBERS LICENSE FOR MINNETONKA PLUMBING COMPANY, INC.; BILLS/PROJECT PAYMENTS; AND BUILDING PERMITS:

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

A plumber's license for Stuart Johnson dba Minnetonka Plumbing Co., Inc., of Delano, Minnesota at a fee of \$75.00. This license will expire on March 31, 2004.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39644 through 39815.

All voted in favor of the motion.

REGULAR MEETING – SEPTEMBER 15, 2003

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

	Applicant	Location Address	Description of Work	Valuation
1.	Nathan & Alicia Burns	1128 David Drive	Dwelling	\$170,000
2.	French Construction	1114 Bruce Circle	Kitchen Remodel	\$3,500
3.	Scott Stattelman	205 North 7th Street	Reside Dwelling	\$5,000
4.	Jeff Vik	302 Gray Place	Replace Garage Floor & Stoop	\$2,000
5.	Kimberly Condon	117 East Main Street	Reside Dwelling	\$6,000
6.	Sussner Construction, Inc.	610 West Erie Road	Cooler Addition	\$120,000
7.	REM, Inc.	609 West Thomas Avenue	Replace Windows & Door and Remodel Kitchen	\$3,500
8.	Richard Binnebose Construction	302 West Redwood Street	Reroof	\$1,700
9.	Weiner Memorial Medical Center	300 South Bruce Street	Addition and Remodeling	\$5,538,300
10.	Loren Gregoire	804 North 6th Street	Garage	\$11,000

ADOPTION OF ORDINANCE AMENDING THE SUNDAY ON-SALE INTOXICATING LIQUOR LICENSES AND 3.2 PERCENT MALT LIQUOR HOURS OF SALE:

Stores moved, Hilton seconded, the adoption of ORDINANCE NUMBER 505, SECOND SERIES and that the reading of the same be waived. Ordinance Number 505, Second Series is an ordinance Amending Certain Sections of Chapter 6 Regulating the Sunday On-Sale Intoxicating Liquor Licenses and 3.2 Percent Malt Liquor in the City of Marshall, Minnesota. This ordinance provides for the sale of On-Sale Intoxicating Liquor and 3.2 Percent Malt Liquor at 10:00 A.M. on Sundays. All voted in favor of the motion.

PRESENTATION ON PUBLIC SAFETY "DARE" VEHICLE:

Paula Curry, Sergeant Marshall Police Department, gave a brief presentation on the Public Safety "DARE" vehicle on how this vehicle was acquired through the Gang Strike Task Force and how it was equipped for Public Safety purposes. This vehicle was available between 5:00 – 5:30 P.M. behind the Municipal Building for the Mayor and Council Members to view.

CONSIDER AUTHORIZATION FOR WMMC TO PURCHASE REAL ESTATE:

Per the request of Weiner Memorial Medical Center, Hilton moved, Doyle seconded, that they be authorized to purchase the property located at 504 Charles Avenue at a price not to exceed \$85,000. WMMC will be using this piece of property as rental property. Council Member Sturrock was concerned how this would affect the value of his property. All voted in favor of the motion, except Sturrock who abstained.

AUTHORIZATION TO SELL A USED FIRE TRUCK (SNORKEL):

Marc Klaith, Fire Chief, was in attendance at the meeting and indicated that the City of Granite Falls is interested in purchasing the 85 ft. Snorkel and is willing to pay the minimum price asked for it. Marc indicated that this truck has been certified, maintained in operational condition, and is being sold with no equipment. Boedigheimer moved, Hilton seconded, that the

proper city personnel be authorized to sell the 85 ft Snorkel to the City of Granite Falls in the amount of \$10,000. All voted in favor of the motion.

INSURANCE RENEWAL – GENERAL LIABILITY, PROPERTY, AUTO, BOILER, AIRPORT AND LIQUOR:

Sheldon Kimpling, agent of record for the City of Marshall's general liability, property, auto, boiler, airport and liquor insurance, was in attendance at the meeting and reviewed the General Liability, Property, Auto, Boiler, Airport and Liquor insurance coverage for 10-1-03 to 10-1-04. Sheldon indicated that the total premium for all coverage's has decreased by \$29,236. Stores moved, Reynolds seconded, that the General Liability, Property, Auto and Liquor Liability be renewed with the League of Minnesota Cities at a cost of \$209,051. All voted in favor of the motion.

Doyle moved, Reynolds seconded, that the Airport Liability be renewed with ACE USA in the amount of \$4,840. All voted in favor of the motion.

Sturrock moved, Reynolds seconded, that the Boiler Coverage be renewed with Hartford Steam Boiler in the amount of \$18,889. All voted in favor of the motion.

Boedigheimer moved, Sturrock seconded, that the Mayor thank all of the employees for their help in reducing the city's insurance premium. All voted in favor of the motion.

CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY IN AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT FOR DUSTIN HINCKLEY AT 804 WEST SOUTHVIEW COURT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Dustin Hinckley for a conditional use permit for a day care facility in an R-2 one to four family residence district at 804 West Southview Court. This piece of property is located immediately south of the existing Discovery Center Preschool at 702 East Southview Drive and has an existing dwelling on it. Mr. Hinckley plans to purchase this piece of property and convert it into a daycare. Mr. Hinckley's original Conditional Use Permit at 702 East Southview Drive would be revised to include the property at 804 West Southview Court. Don Bartz indicated that he recently purchased a lot in this area and was not in favor of this request in a residential area. Lowell and Darlene Schuller, residents of the area, objected to the permit because of increased traffic, safety concerns and incompatibility with the neighborhood. Boedigheimer moved, Doyle seconded, that the request of Dustin Hinckley for a conditional use permit for a day care facility in an R-2 one to four family residence district at 804 West Southview Court be approved with the conditions as recommended by the Planning Commission and city staff. Council member Sturrock was concerned that the request would not be compatible with the neighborhood. Mr. Hinckley indicated that if the conditional use permit was not approved he would build on the two lots that he currently owns under the conditional use permit that he currently has. Voting in favor of the motion were: Boedigheimer, Doyle and Stores. Voting no were: Byrnes, Hilton, Sturrock, and Reynolds.

CONDITIONAL USE PERMIT FOR A DAY CARE IN AN R-1 ONE FAMILY RESIDENCE DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Debra Werpy for a conditional use permit for a day care facility serving 17 individuals in an R-1 One Family Residence District. This day care is located at 100 Church Street at First Lutheran Church. Per the recommendation of the Planning Commission, Stores moved, Sturrock

REGULAR MEETING – SEPTEMBER 15, 2003

seconded, that a Conditional Use Permit be granted to Debra Werpy for a Day Care Facility in an R-1 One Family Residence District at 100 Church Street with the following conditions:

1. The use be limited to serving no more than 17 individuals
2. The use be licensed by the State of Minnesota
3. Conditional Use Permit No. 657 shall be revoked upon the adoption date of this permit.

All voted in favor of the motion.

CONSIDER GRANT OF UTILITY EASEMENT FOR JAMES AND SUSAN DOTY:

Sturrock moved, Doyle seconded, the Grant of a Utility Easement between the City of Marshall and James & Susan Doty. This easement is for the extension of a sanitary sewer main for access to Carr Estates and future Doty Addition. All voted in favor of the motion.

**SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL/RYAN FIELD
APPROVE MOTOR VEHICLE RENTAL CONCESSION LEASE WITH ENTERPRISE
LEASING COMPANY:**

Mike Johnson, City Administrator, reviewed with the council the proposal that was received from Enterprise Rent-A-Car. The lease agreement provides for:

1. Rental of a 150 square foot room in the Arrival/Departure Building
2. Rental of 10 parking spaces (1,800 square feet) located adjacent to and due west of the City Maintenance Facility (to be constructed)
3. 3-year lease agreement (November 15, 2003 to October 31, 2006)
4. Annual rental of \$7,200 – 1st year; \$9,600 – 2nd year; and \$12,000 – 3rd year
5. Hours of operation will be 8:00 a.m. to 5:00 p.m. Monday through Friday
6. Employees needed to operate facilities – 3 to start.

Boedigheimer moved, Doyle seconded, that the proper city personnel be authorized to enter into a lease agreement with Enterprise Rent-A-Car. All voted in favor of the motion.

**AWARD PROPOSAL TO CONSTRUCTION PARKING LOT IMPROVEMENT AT
SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL/RYAN FIELD:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposals that were received for the construction of a parking lot with 19 parking spaces at the Airport adjacent to the Airport Maintenance Building for dedicated parking for car rental services and additional airport parking. Proposals received were as follows:

D & G Excavating Inc.
Marshall, Minnesota
\$16,025.50

McLaughlin & Schulz Inc.
Marshall, Minnesota
\$16,713.00

Duininck Bros., Inc.
Prinsburg, Minnesota
\$26,484.40

Boedigheimer moved, Sturrock seconded, that the bid be awarded to D & G Excavating Inc., Marshall, Minnesota in the amount of \$16,025.50 contingent upon the execution of the agreement with Enterprise Rent-A-Car. The funds for this project will come from the Mayor and Council Contingency. All voted in favor of the motion.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR WATER MAIN IMPROVEMENT PROJECT IN PROPOSED TIGER ADDITION (NEW MARSHALL HIGH SCHOOL):

Marshall Municipal Utilities has requested the City of Marshall to design and bid the installation of water main from Trunk Highway 19 North to the City Limits, thence West crossing TH 23 and across the North area of Southwest Minnesota State University to an existing 12" water main at Fairview Street extended. MMU will pay for all of the costs for this project. Hilton moved, Doyle seconded, that the proper city personnel be authorized to advertise for bids for water main improvement project in the proposed Tiger Addition (new Marshall High School). 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 – Parkway housing is near completion, they are working on the sale of the town homes, \$151,000 in special assessments paid from TIF will need to go back to TIF; Regional Development Commission is working on the final stages of selling the Prairie Expo property in Worthington.
- Stores Library Board – their automation system is up and running, the Director of Plum Creek is leaving.
- Sturrock Planning Commission minutes are included in the agenda packet and the council acted on these items earlier in the meeting.
- Boedigheimer Airport Commission minutes are included in the agenda packet, when updating leases the rent should be based on last year expenses, the lease with Midwest Aviation is not complete; Senior Citizen Center Commission minutes are included in the agenda packet; Lyon County Enterprise Development director has resigned; M.E.R.I.T. Center needs to have a meeting.
- Doyle Housing Commission is concerned with sidewalk damage done by garbage trucks; Human Rights Commission minutes are included in the agenda packet; Marshall Area Transit has not met.
- Hilton Hospital Board minutes are included in the agenda packet; Police Commission has not met.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: what the status of the coffee shop that was going to move into the building on the corner of 3rd Street; there was a meeting at the hospital last week on the new construction and how it will affect the neighborhood; there was also a concern about how residents would be able to find out if a conditional use has been recorded against a certain piece of property.

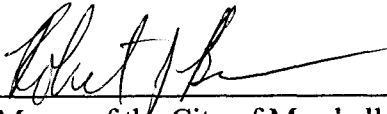
PENDING AGENDA ITEMS:

The time has not been set for the budget workshops.

REGULAR MEETING – SEPTEMBER 15, 2003

At this time Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the drainage issue at the site of Marshall's new high school. Glenn will be meeting with the Lyon County Commissioners to discuss with them how to handle this issue.

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



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

SPECIAL MEETING – SEPTEMBER 24, 2003

A special joint meeting of the Common Council of the City of Marshall and the Lyon County Commissioners was held on September 24, 2003 at the Marshall Golf Club. The meeting was called to order by President Pro-Tem Reynolds at 7:40 P.M. In addition to Reynolds the following members were present: Boedigheimer, Stores, Sturrock, Doyle and Hilton. Absent: Byrnes. Staff present included: Michael Johnson, City Administrator; Calvin Barnett, Director of General Services/City Assessor; 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. County Commissioners present were: Bob Fenske, Phil Nelson, Dan Ritter, and Cy Molitor. County Staff included: Loren Stomberg, County Administrator; Joe Dahl, Sheriff; John Biren, Zoning Administrator; Dean Champine, Assessor; Brad Marks, Jail Administrator; Jeanine Barker, Recorder; Paula VanOverbeke, Auditor/Treasurer; and Rick Maes, County Attorney.

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.

MARSHALL AMENITIES TASK FORCE REPORT (OCTOBER 2002)

Brief overview and update

ECONOMIC DEVELOPMENT

JOBZ Program

RECREATION PROJECTS/TRAILS

Soccer Project

Lyon County Ice Facility

TECHNOLOGY/TELEPHONE UPDATES

COMMUNITY DEVELOPMENT

Housing

Transportation

Annexation, Planning, Zoning

Construction Projects

Property Splits

PUBLIC SAFETY

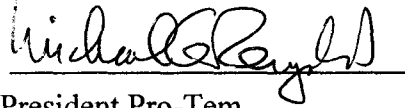
LEC Technology/Records

LEC Holding Cell

AIRPORT DEVELOPMENT/FUTURE IMPROVEMENTS

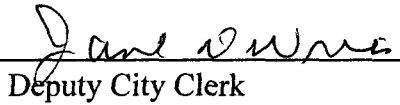
SPECIAL MEETING – SEPTEMBER 24, 2003

Stores moved, Hilton seconded, that the meeting be adjourned at 9:20 P.M. All voted in favor of the motion.



President Pro-Tem

ATTEST:



Deputy City Clerk

REGULAR MEETING – OCTOBER 6, 2003

The regular meeting of the Common Council of the City of Marshall was held on October 6, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, 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, 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. All voted in favor of the motion.

APPROVAL OF THE MINUTES:

Boedigheimer moved, Hilton seconded, that the minutes of the regular meeting held on September 15, 2003 be approved as corrected and that the minutes of the special meeting held on September 24, 2003 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 APPROVAL FOR A TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION ON OCTOBER 25, 2003; CONSIDER DISPOSAL OF SURPLUS PROPERTY AT A CITY AUCTION ON OCTOBER 16, 2003; CALL FOR A PUBLIC HEARING ON THE SMALL CITIES DEVELOPMENT GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

A Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation on October 25, 2003 at a fee of \$25.00.

Authorization to dispose of surplus City property at an auction to be held on October 16, 2003 at 5:30 P.m. at the Street Maintenance Building area at 901 Oak Street.

Call for a public hearing to be held on October 20, 2003 at 5:30 P.M. on the Small Cities Development Grant Application Program Application for 2003.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39816 through 39967.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Omaha Neon Sign Co., Inc.	1420 East College Drive	Sign	\$6,000
2.	Matthew Bormann	1317 Parkside Drive	Replace Windows	\$700
3.	French Construction	606 West Southview Drive	Garage Addition	\$9,800

REGULAR MEETING – OCTOBER 6, 2003

4.	Lozinski Construction	404 Kossuth Avenue	Reroof	\$4,000
5.	Jennifer Serreyn	220 Oslo Avenue	Finish Basement	\$2,500
6.	Lyon Lodging, LLC	1511 East College Drive	Interior Remodeling	\$25,000
7.	Marshall East Campus	1420 East College Drive	Sign	\$100
8.	Sussner Construction, Inc.	601 Michigan Road	Replace HVAC Unit	\$26,000
9.	Peggy Hames	103 Ranch Avenue	Addition & Partial Reroof	\$50,000
10.	Roger Wartner	204 Robert Street	Move In Garage	\$3,000
11.	Independent Lumber of Marshall, Inc.	1116 Horizon Drive	Addition	\$33,500
12.	True Value Home Center	704 Oak Street	Dwelling	\$110,000
13.	True Value Home Center	800 Oak Street	Dwelling	\$82,000
14.	Minnesota Cabinets, Inc.	1004 Country Club Drive	Interior Remodel	\$40,000
15.	Donna Matthys	1105 West Main Street	Warehouse Addition	\$65,000
16.	Todd & Debi Pack	301 Elm Street	Garage Addition, Entry Deck & Exterior Remodeling	\$30,000
17.	Schaefer Woodworks	605 West Southview Drive	Reroof Dwelling	\$4,000
18.	Tammy Bursack	127 North Third Street	Install Sign	\$600
19.	Scenic Sign Corp.	1500 North Highway 59	Sign	\$3,600
20.	Steve Fisher	707 Elaine Avenue	Reroof Dwelling	\$3,000
21.	Randolph L. Parde	1209 East College Drive	Partial Residing	\$2,000
22.	Greig & Gregerson	307 Rainbow Drive	Reroof Dwelling	\$1,800
23.	Douglas & Helen Devereaux	509 Elaine Avenue	Interior Remodel	\$2,800
24.	Steven Herz	602 Genesis Avenue	Finish Basement	\$2,000
25.	Winona Barber	204 East Saratoga Street	Reside Dwelling	\$4,000
26.	James Hartke	402 North Bruce Street	Reroof Dwelling	\$1,100
27.	John Albert & Elizabeth Albert	617 Camden Drive	Reroof	\$4,600
28.	Kay Rys	105 Church Street	Reroof Garage	\$300
29.	Bakke's Home Repair & Construction	903 Poplar Avenue	Replace Garage Entry Door	\$400
30.	Yvonne Boogaard	308 East Main Street	Reroof Dwelling	\$1,100
31.	Paula Schneekloth	903 Boxelder Avenue	Install Window & Door	\$1,500
32.	Doug & Helen Devereaux	509 Elaine Avenue	Porch Addition	\$18,500
33.	Jason & Traci Weber	207 Gray Place	Basement Remodel	\$10,000

CONSIDER GRANT OF UTILITY EASEMENT – KOCH MATERIALS COMPANY:

Glenn Olson, Director of Public Works/City Engineer, indicated that Koch Materials Company has requested an easement from the City of Marshall for the installation of a fence and driveway adjacent to their property. Mr. Olson indicated that this easement has been reviewed and approved by the U.S. Army Corps of Engineers as the request includes an area of the City's flood protection system. Reynolds moved, Sturrock seconded, the approval of a Utility Easement with Koch Materials Company to construct a fence and driveway adjacent to their property located in the Southeast Quarter of the Southeast Quarter of Section 33, Township 112 North, Range 41, Lyon County. All voted in favor of the motion.

**WASTEWATER STANDBY/DEMAND GENERATION PROJECT 2002-015 –
CONSIDER CHANGE ORDER NO. 1 WITH MEIER ELECTRIC:**

Stores moved, Hilton seconded, the approval of Change Order No. 1 with Meier Electric for Project 2002-015 Wastewater Standby/Demand Generation. This change order provides for an extension of the contract completion date by one month from October 1, 2003 to November 1, 2003. All voted in favor of the motion.

**CONSIDER PETITION FOR VACATION OF PUBLIC UTILITY EASEMENTS – CARR
ESTATES, BLOCK 3:**

Sturrock moved, Stores seconded, that the City Council acknowledge the receipt of a Petition for Vacation of Public Utility Easement for Carr Estates, Block 3 and call for a public hearing to vacate this utility easement on October 20, 2003 at 5:30 P.M. All voted in favor of the motion.

GRANT OF UTILITY EASEMENT – CARR ESTATES, BLOCK 3:

Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the Council. Mr. Olson indicated that Robert & Phyllis Carr have requested a public utility easement for Block 3 of Carr Estates to allow development of this area that is different than originally planned. Hilton moved, Reynolds seconded, the approval of this utility easement for Block 3 of Carr Estates. All voted in favor of the motion.

**CONSIDER RESOLUTION CALLING FOR A PUBLIC HEARING ON THE USE OF
TAX ABATEMENT FOR PARKWAY TOWNHOMES:**

Hilton moved, Stores seconded, the adoption of RESOLUTION NUMBER 2574, SECOND SERIES and that the reading of the same be waived. Resolution Number 2574, Second Series is a resolution Calling for a Public Hearing on the Use of Tax Abatement for Parkway Townhomes. This public hearing will be held on November 3, 2003 at 5:30 P.M. All voted in favor of the motion.

CONSIDER APPOINTMENT TO CABLE COMMISSION:

Per the recommendation of Mayor Byrnes, Hilton moved, Stores seconded, that Karla Olson be appointed to the Cable Commission for a term to expire on May 31, 2004. 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 item was discussed earlier at the meeting; Fire Relief Association will meet later this month; Regional Development Commission will meet later this week.

Stores Charter Commission and Insurance Advisory Commission have not met; Library Board met Monday in Balaton; Convention & Visitors Bureau met last week.

Sturrock Utilities Commission met on September 17th and are recommending a policy to adopt water area charges and they also met on September 24th.

Boedigheimer Airport Commission meets next Monday; Senior Citizen Center Commission meets later this month; Lyon County Enterprise Development met last Tuesday in Ghent – they have 14 applications for the director position.

REGULAR MEETING – OCTOBER 6, 2003

Hilton Hospital Board meets in two weeks; Police Commission has not met

Reynolds Cable Commission will meet on October 14th; Community Services Advisory Board met last week and their minutes from August are included in the agenda packet; Downtown Redevelopment will meet later this month.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

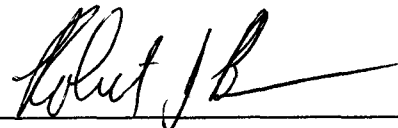
Other items brought forth by the Mayor and Council Members included: the Hate Crime Workshop on September 30th; tour of city facilities on Friday October 3, 2003; the meeting in Slayton on September 18th on the JOBZ Zones; the MMUA/City Equipment Show; the request for the bi-weekly newsletters from Mike to continue; the status of the Schwan's Lease and the fixed base operator lease at the airport; a MERIT meeting needs to be scheduled; the status of the bases from the wind towers on North 7th Street being removed; and the annual City Appreciation Breakfast will be on Friday, October 10th.

REVIEW OF PENDING AGENDA ITEMS:

The time for the budget workshop on Monday, October 13, 2003 is set for 5:30 P.M.

Glenn Olson, Director of Public Works/City Engineer, indicated that the Public Improvement and Transportation Committee needs to meet and discuss the proposed 2004 projects.

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 13, 2003

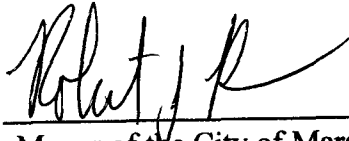
A special meeting of the Common Council of the City of Marshall was held on October 13, 2003 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator.

LABOR NEGOTIATIONS STRATEGIES

The only item on the agenda was to discuss labor negotiation strategies. Motion by Stores, seconded by Sturrock to go into closed session to discuss labor negotiation strategies in accordance with MN.STATUTES 13D.03(b). All voted in favor of the motion.


The Council came out of closed session at 7:19 p.m. No additional action was taken.

It was the consensus of the Council to adjourn at 7:20 p.m.



Mayor of the City of Marshall

ATTEST:


City Administrator

REGULAR MEETING – OCTOBER 20, 2003

The regular meeting of the Common Council of the City of Marshall was held on October 20, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Doyle, 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; 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. All voted in favor of the motion.

APPROVAL OF THE MINUTES:

Doyle moved, Reynolds seconded, that the minutes of the regular meeting held on October 6, 2003 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARINGS – 2003 SMALL CITIES DEVELOPMENT GRANT PROGRAM APPLICATION OF THE DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT. A. REVIEW PROPOSED PROJECT AREA; B. REVIEW PROPOSED PROJECT BUDGET; C. REVIEW AND ADOPT RESOLUTION IDENTIFYING “SLUM AND BLIGHTING” CONDITIONS; REVIEW GRANT APPLICATION COMPLIANCES; AND E. ADOPT RESOLUTION AUTHORIZING THE SUBMITTAL OF THE 2003 SMALL CITIES DEVELOPMENT GRANT APPLICATION TO THE DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT:

This was the date and time set for a public hearing on the submission of an application to the Department of Employment and Economic Development for Small Cities Development Grant Program for a Comprehensive Project. Lisa Onken, Southwest Minnesota Housing Partnership, was in attendance at the meeting to review the proposed project area and the proposed project budget. There are two target area designations, which include a four-square block of West Main Street as slum, and blight and a multiple block area, including portions of West Main Street, West Saratoga Street, South Fifth Street, Mill Street, Lynd Street and other areas are designated for residential projects. Lisa indicated that the application estimates that 35 owner-occupied units will be able to use the program – 15 rental properties and 20 commercial projects. The total budget for this project is \$2,105,050 of which the City share is \$81,380. The applicants are also required to contribute some money toward the rehabilitation project. Brian Kor, Awards Plus, took part in the first round of Small Cities Development Grant and was able to put an addition on his store. Because of this addition Mr. Kor indicated that his sales have increased 30%. Tracy Veglahn from the Chamber of Commerce indicated that the business places are very excited about moving forward with this project. Thomas M. Meulebroeck, Financial Director/City Clerk, was concerned if SW MN Housing Partnership would administer the grant and if they would be the contact for any questions. Lisa indicated that SW MN Housing Partnership would administer the grant with the same structure as the current project and that all questions would go to them. Council Member Boedigheimer indicated that if there was a violation of compliance that the City would be responsible. Ellayne Conyers, Lyon County Historical Society, indicated that Greig and Greigerson and the Chamber of Commerce were very helpful in conducting the survey for the project. Shelly Hilton indicated that Joe Cool

REGULAR MEETING – OCTOBER 20, 2003

from Mr. Cools is in full support of this project. Doyle moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2575, SECOND SERIES and that the reading of the same be waived. Resolution Number 2575, Second Series is a resolution Identifying "Slum and Blighting" Conditions as is required for the application for the Department of Employment and Economic Development for the Small Cities Development Grant Program for a Comprehensive Project. The target area for this project is the 4-block area on both sides of Main Street from College Drive to Sixth Street. All voted in favor of the motion.

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2576, SECOND SERIES and that the reading of the same be waived. Resolution Number 2576, Second Series is a Submittal of Resolution for 2003 Small Cities Development Grant Program Application to the Department of Employment and Economic Development. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER PETITION FOR VACATION OF PUBLIC UTILITY EASEMENTS – CARR ESTATES, BLOCK 3 AND ADOPTION OF RESOLUTION GRANTING PETITION:

This was the date and time set for a public hearing to consider the petition for the vacation of public utility easements in Carr Estates, Block 3. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council. Mr. Olson indicated that the purpose of this vacation is to allow the owner to relocate the easements for a specific development. There are currently no utilities located in this easement. Hilton moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2577, SECOND SERIES and that the reading of the same be waived. Resolution Number 2577, Second Series is a resolution Granting a Petition for Vacation of Public Utility Easements in the City of Marshall. This resolution provides for the vacation of public utility easements in Block 3 of Carr Estates. All voted in favor of the motion.

CONSENT AGENDA: A. CONSIDER MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION ON FRIDAY, FEBRUARY 6, 2004; B. CONSIDER TEMPORARY ON-SALE LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY STUDENT HOSPITALITY ORGANIZATION FOR DECEMBER 6, 2003; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

Per the request of Council Member Boedigheimer the consideration of a temporary On-Sale Liquor License for Southwest Minnesota State University Student Hospitality Organization for December 6, 2003 was removed from the consent agenda.

Sturrock moved, Doyle 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 Exempt Permit –LG 220 for the Southwest Minnesota State University Foundation to be used at

REGULAR MEETING – OCTOBER 20, 2003

the Best Western Marshall Inn, East College Drive, Marshall, Minnesota on February 6, 2004 and that the 30 day waiting period be waived.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 39968 through 40134.

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. Lesage Family Investment	202 North 11th Street	Storage Building	\$12,000
2. Lesage Family Investment	202 North 11th Street	Storage Building	\$12,500
3. Lesage Family Investment	202 North 11th Street	Storage Building	\$12,500
4. Karen Pochardt	1408 Parkside Drive	Replace Entry Steps	\$400
5. Chuck & Judy Michelson	1305 East Fairview Street	Addition	\$35,000
6. Todd Blomme	507 Williams Street	Demolish Garage	\$0
7. Randy Wartner & John McDonald	405 South 2nd Street	Reside, Install Windows & Reroof	\$10,000
8. Ronald & April McGlynn	201 "H" Street	Reside & Replace Windows	\$11,900
9. Robert & Delores Wilson	203 Carrow Street	Install Window	\$1,000
10. Sean Trygestad	305 North High Street	Garage	\$11,000
11. Matt & Jennifer Schneringer	225 Athens Avenue	Finish Basement	\$4,100
12. Norman Schnieder	404 West Saratoga Street	Exterior Remodel	\$5,000
13. Floyd Wilmes	412 South First Street	Reroof	\$700
14. Denny Miller Construction, Inc.	610 Kendall Street	Entry Deck	\$2,000
15. Bakke's Home Repair & Construction	1203 Parkside Drive	Replace Garage Entry Door	\$400
16. Lloyd & Kathy White	304 South 4th Street	Demolish Garage	\$0
17. Jerry Gauquie	502 Jewett Street	Building Garage and 16x14 Addition	\$30,000
18. Bound to Read	1420 East College Drive	Sign	\$500
19. True Value Home Center	1101 East Lyon Street	Dwelling	\$175,000
20. Scott Beekman	803 Woodfern Drive	Addition	\$7,500
21. Chad Beens	414 North 6th Street	Demolish Garage	\$0
22. Chad Beens	414 North 6th Street	Garage	\$9,000
23. Frank & Anita Bauer	510 West Thomas Avenue	Install Window	\$400
24. John Alcorn	403 DeSchepper Street	Reroof, Garage Addition	\$9,800
25. Kurt & Brenda Hovaldt	614 West Southview Drive	Install Egress Window	\$1,000
26. CPMI	1501 State Street, SC	Student Center Complex	\$13,404,900
27. The Schwan Food Company	1202 Dublin Street	Dwelling	\$114,500

REGULAR MEETING – OCTOBER 20, 2003

28.	The Schwan Food Company	203 West Main Street	Demolish Two-Story Section	\$0
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Boedigheimer questioned why there were two locations on the application for a temporary on-sale liquor license for Southwest Minnesota State University Student Hospitality Organization. At the time of the application the college had not approved the specific location. Boedigheimer moved, Reynolds seconded, the approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Student Hospitality Organization for December 6, 2003 and that the city be notified of the specific location. All voted in favor of the motion.

REQUEST OF GREGORY B. CATTOOR TO REZONE 815 WEST MAIN STREET FROM A B-3 GENERAL BUSINESS DISTRICT TO AN I-2 GENERAL INDUSTRIAL DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed this request with the council and others in attendance at the meeting. Sturrock moved, Reynolds seconded, the introduction of an ordinance amending Chapter 86 of the City Code relating to zoning and called for a public hearing to be held at 5:30 P.M. on November 3, 2003. All voted in favor of the motion.

PRELIMINARY PLAT OF TIGER PARK ADDITION:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the preliminary plat of Tiger Park Addition. Doyle moved, Reynolds seconded, that a public hearing be held at 5:30 P.M. on November 3, 2003 to consider the preliminary plat for Tiger Park Addition. All voted in favor of the motion.

APPROVE OTTO BREMER FOUNDATION GRANT AGREEMENT:

Harry Weilage, Director of Community Services, briefly reviewed this grant. Mr. Weilage indicated that this grant would be used to help finance the Minority Advocate Position's after school programs. This grant is in the amount of \$20,000 with \$7,500 in 2003 and 2004 and \$5,000 in 2005. Hilton moved, Reynolds seconded, that the City of Marshall accept the \$20,000 Grant from the Otto Bremer Foundation. All voted in favor of the motion.

CONSIDER THE ADOPTION OF THE YOUTH INTERVENTION PROGRAM RESOLUTION OF SPONSORSHIP:

Doyle moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2578, SECOND SERIES and that the reading of the same be waived. Resolution Number 2578, Second Series is a Youth Intervention Program Resolution of Sponsorship. This resolution provides for Marshall Community Services to serve as the fiscal agent for the Lyon County Community Plus Program for the period January 1, 2004 through December 31, 2005. All voted in favor of the motion.

At this time Mayor Byrnes requested that the agenda be amended and that the Council member individual items be considered. Discussion was held at this time on the house that is being moved into a residential district at 307 South Bruce Street. Several residents from the area were concerned with the elevation of this house and how it would affect drainage in the area. It was the recommendation that Glenn Olson, Director of Public Works/City Engineer and his staff would meet with these residents and address their concerns.

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

CONSIDER AGREEMENT WITH PAUL SCHIERHOLZ FOR THE PURCHASE OF RIGHT-OF-WAY IN BROADMOOR VALLEY ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the agreement that would compensate Mr. Schierholz in the amount of \$600.00 for the taking and use of approximately 2,340 square feet of Broadmoor Valley Addition that the City of Marshall has extended Genesis Avenue upon. Doyle moved, Sturrock seconded, that the proper city personnel be authorized to enter into an agreement with Paul Schierholz for the purchase of right-of-way in Broadmoor Valley Addition in the amount of \$600.00. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR STATE AID OVERLAY PROJECT 2004-003:

Glenn Olson, Director of Public Works/City Engineer reviewed the areas that are to be part of the State Aid Overlay project for 2004. Mr. Olson indicated that bids and specifications will be submitted to MN/DOT for their review and approval. The intent is to advertise and award bids before December 31, 2003 and for construction to be completed by August 31, 2004. The estimated cost is \$286,000. Sturrock moved, Hilton seconded, that the proper city personnel be authorized to advertise for bids for State Aid Overlay Project 2004-003. All voted in favor of the motion.

CONSIDER REQUEST OF THE SCHWAN FOOD COMPANY FOR PERMIT FOR PRIVATE USE OF PARKING LOT:

The Schwan Food Company is requesting a closure of the public alley for the demolition of the two-story addition to the New Atlantic Hotel for approximately on week from November 5 – 12, 2003. Boedigheimer moved, Doyle seconded, the request for private use of the alley from West College Drive Westerly approximately 70 feet for the period from November 5 – 12, 2003 for the purpose of demolition of the two-story addition to the New Atlantic Hotel be approved. All voted in favor of the motion.

CONSIDER APPROVAL OF NONEXCLUSIVE UTILITY COMMUNICATION AND WATERLINE EASEMENT BETWEEN SOUTHWEST MINNESOTA STATE UNIVERSITY AND THE CITY OF MARSHALL ON BEHALF OF MARSHALL MUNICIPAL UTILITIES:

Marshall Municipal Utilities is in the process of the development of distribution mains in and around the City of Marshall. Included in that development is the construction of 16-inch watermain across a parcel of land located within the Southwest Minnesota State University. According to MMU, the Attorney General's office requires the City to be a signatory of the Grant of Utility Easement between MMU and SMSU, therefore Hilton moved, Doyle seconded, the approval of the Nonexclusive Utility Communication and Waterline Easement between Southwest Minnesota State University and the City of Marshall, Minnesota on behalf of Marshall Municipal Utilities for the purposes of installation of this distribution main across SMSU. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE ADDING CERTAIN SECTIONS TO THE SUBDIVISION ORDINANCE TO ESTABLISH AND REGULATE THE COLLECTION OF A WATER AREA CHARGE (WAC) FOR THE MARSHALL MUNICIPAL UTILITIES IN THE CITY OF MARSHALL, MINNESOTA:

Marshall Municipal Utilities is in the process of the development of a Water Area Charge (WAC) for the construction of distribution mains in and around the City of Marshall. The purpose for the WAC is to collect money from developers and owners of real estate to install water transmission mains that will be necessary to meet domestic as well as fire flow needs of

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developing areas. Sturrock moved, Hilton seconded, the introduction of an ordinance Adding Certain Sections to the Subdivision Ordinance to Establish and Regulate the Collection of a Water Area Charge for the Marshall Municipal Utilities in the City of Marshall, Minnesota. All voted in favor of the motion.

CONSIDER REQUEST BY MARSHALL VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION TO AMEND BY-LAWS:

Hilton moved, Doyle seconded, that the revisions of the by-laws being proposed be referred to the Ways and Means Committee. All voted in favor of the motion.

CONSIDER APPROVAL OF AIRPORT ARRIVAL/DEPARTURE BUILDING LEASE WITH SCHWAN'S SHARED SERVICES LLC:

Mike Johnson, City Administrator, reviewed with the council the Commercial Lease between the City of Marshall and Schwan's Shared Services LLC at the Airport Arrival/Departure Building. Schwan's is directly leasing 4,629 square feet (34%) of the total building square footage, but is sharing in approximately 51.8% of the total building square footage when it comes to calculating the lobby and other public area spaces. This lease is for the period July 1, 2002 through June 30, 2032 at a rate of \$4590 per month. Boedigheimer moved, Hilton seconded, that the proper city personnel be authorized to enter into the Airport Arrival/Departure Building Lease with Schwan's Shared Services LLC effective July 1, 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 EDA is working on the sale of the Parkway Town Homes
- Sturrock Planning Commission items were discussed earlier in the meeting; Public Improvement/Transportation Committee met last week and discussed proposed projects for 2004 and sidewalks; Utilities Commission met on September 24th for a strategic planning retreat.
- Boedigheimer Airport Commission met last Monday; Lyon County Enterprise Development will be conducting interviews on Thursday evening; and the M.E.R.I.T. Center needs to schedule a meeting.
- Doyle Housing Commission minutes are included in the agenda packet; Human Rights Commission meets next Monday; Marshall Area Transit will be meeting on Wednesday.
- Hilton Hospital Board minutes are included in the agenda packet.
- Reynolds Cable Commission met earlier this month and there are concerns about the equipment; Downtown Redevelopment Committee will be meeting on Wednesday.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the hours that the Library is opened; they requested that Glenn provide a list of the pro's and con's on requiring

REGULAR MEETING – OCTOBER 20, 2003

a maximum height for buildings above grade; the Comprehensive Plan needs to be updated; is there a need for the Downtown Design & Review Committee and the Cable Commission to meet on a monthly basis; and the bases from the wind towers on North 7th Street have not been removed.

REVIEW OF PENDING AGENDA ITEMS:

Glenn Olson, Director of Public Works/City Engineer will provide an update on the Storm Water Utility Program at the budget meeting on Monday, October 27th.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 27, 2003

A special meeting of the Common Council of the City of Marshall was held on October 27, 2003 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 6:05 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, 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, Finance Director/City Clerk; Harry Weilage, Director of Community Services; Kim Jergenson, Senior Engineering Assistant; Cal Barnett, Director of General Government Services/City Assessor; and Rob Yant Director of Public Safety. Also in attendance at the meeting were Pat Leary Quarnstrom, Doering, Leary, Pederson and Murphy Law Office and Ray Krueger from the Marshall Independent.

The purpose of the special meeting was to allow the Director of Public Works/City Engineer Glenn Olson to provide an overview on the Storm Water Utility and to consider and review the 2004 General Fund budget requests.

Due to the death of City Attorney Brian Murphy on October 25, 2003 and per the recommendation of Mayor Byrnes, Doyle moved, Stores seconded, that the consideration of an interim City Attorney be added to the agenda. All voted in favor of the motion.

City Administrator Mike Johnson and Mayor Byrnes had met with Pat Leary from the law office of Quarnstrom, Doering, Leary, Pederson and Murphy to discuss the potential of Mr. Pat Leary taking over the duties of the City Attorney. Mr. Leary provide the City Council and staff with a history of himself, the individuals who have held the city attorney position, and did indicate that he would if the council so choose to serve as the interim City Attorney through December of 2003.

Boedigheimer moved, Stores seconded, per the recommendation of Mayor Byrnes, Pat Leary be appointed as an interim City Attorney under the same terms and conditions as in the memo of understanding for the City Attorney position through December, 2003. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, did address with the city council and staff in attendance at the meeting the Storm Water Utility and the policy that was adopted per Resolution Number 1795, Second Series on December 19, 1994. Mr. Olson did review with the council some projects that may be considered as a part of this Storm Water Utility. The areas that were discussed were the Carr Subdivision, East Side Sanitary Sewer, Hill and Marshall Street Project, Parkway Addition, High School Addition, the airport, the Boyer Addition, the North 6th Street Project and the downtown project. Mr. Olson did go through a detailed presentation, which was based on Resolution Number 1795, Second Series, which adopted the Storm Water Management Utility Policy for the City of Marshall. Mr. Olson did have various alternates that he reviewed with the city council based on Resolution Number 1795, Second Series but based on his review of the resolution and the scenarios that he provided his emphasis were on alternate no. 2A. Mr. Olson did indicate that if the Storm Water Utility Management Policy was going to be put into effect as of January 1, 2004 that the city council did need to introduce an ordinance at the November 3, 2003 city council meeting.

SPECIAL MEETING – OCTOBER 27, 2003

Mike Johnson, City Administrator, reviewed the proposed General Fund Budget for 2004. At this time the revenues projected for the general fund for 2004 are \$9,815,359 and Mr. Johnson is suggesting that the amount budgeted for State Aid of \$857,000; and the amount budgeted for administrative and engineering of \$550,000 be deleted to reflect revenues at this time of \$8,408,359. The expenses reflect \$9,015,618 and Mr. Johnson is recommending that \$350,000 for engineering professional fees be deleted to reflect expenditures at this time of \$8,665,618. With these changes the expenditures exceed the revenues by \$257,259. Mr. Johnson did proceed by reviewing the various revenues and expenditures within the general fund and did identify some other areas of minor adjustments in the revenues and expenditures.

Mayor Byrnes excused himself from the meeting at 8:25 P.M. at which time Council Member Reynolds was conducting the meeting. Mayor Byrnes returned to the meeting at 8:28 P.M.


Director of Community Services Harry Weilage did address with the council at this time a concern with completing improvements within the equipment room at the aquatic center. Mr. Weilage also did address the impact on programs provided by the Community Services Department that will also be provided by the YMCA. Mr. Weilage did indicate that the Community Services budget is impacted by the coaches with the public school system being more involved with the sports program and the Community Services Department is being more involved with after school programs for students and parents.

A brief discussion was held at this time in regard to the potential of merging some boards and commissions and/or deleting some of these commissions and/or putting some of these commissions under other entities for operation.

Council Member Boedigheimer informed the council that the GASB Board is currently considering proposals that would require city's to include provisions for sick leave and vacations to be reflected within the financial reports for the City.

Mr. Johnson did also provide and reviewed the Capital Outlay request for the General Fund and did suggest that there may be some reductions in this request.

Upon motion made by Boedigheimer, seconded by Hilton, the meeting was adjourned at 9:20 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – NOVEMBER 3, 2003

The regular meeting of the Common Council of the City of Marshall was held on November 3, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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; Pat Leary, Interim City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Cal Barnett, City Assessor; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council to consider item no. 7, which is the Resolution of Appreciation for Ernest Seppi, after the approval of the minutes.

APPROVAL OF THE MINUTES:

Doyle moved, Boedigheimer seconded, that the minutes of the special meeting held on October 13, 2003, the minutes of the regular meeting held on October 20, 2003 and the minutes of the special meeting held on October 27, 2003 as corrected be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

RESOLUTION OF APPRECIATION FOR ERNEST SEPPI:

Hilton moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2579, SECOND SERIES and that the reading of the same be waived. Resolution Number 2579, Second Series is a resolution recognizing Ernest Seppi for his many years of dedicated service to the City of Marshall. Michael Johnson, City Administrator, read the resolution. David Frey, former Wastewater Superintendent, took this opportunity to thank Ernie for all of years of service. Dave indicated that Ernie was always accurate and consistent during his years of service. All voted in favor of the motion.

PUBLIC HEARING – REQUEST FOR USE OF TAX ABATEMENT FOR PARKWAY TOWNHOMES:

This was the date and time set for a public hearing on the use of Tax Abatement for Parkway Townhomes. Cal Barnett, Director of General Services/City Assessor, reviewed the request with the council and others in attendance at the meeting. Mr. Barnett indicated that the city currently owns Parkway Townhomes but wants to sell them to the Southwest Minnesota Housing Partnership. The Tax Abatement plan would replace a pilot payment that is made in lieu of taxes by the owner. The plan calls for increasing tax payments over a 10-year period in increments of three-year periods. After several years, the owner would pay as much as the pilot payment and eventually more. With the sale of the townhomes it is important that the rent remains affordable and the Tax Abatement would help provide this. This tax abatement would be for the City of Marshall and Lyon County, but would not include the Marshall School District. Hilton moved, Sturrock seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2580, SECOND SERIES and that the reading of the same be waived. Resolution Number 2580,

Second Series is a resolution Authorizing Abatement of City Property Taxes on Parkway Townhomes. This resolution was adopted contingent upon the sale of the Parkway Townhomes to Southwest Minnesota Housing Partnership. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST OF GREGORY B. CATTOOR TO REZONE 815 WEST MAIN STREET FROM A B-3 GENERAL BUSINESS DISTRICT TO AN I-2 GENERAL INDUSTRIAL DISTRICT:

This was the date and time set for a public hearing on the request to rezone 815 West Main Street from a B-3 General Business District to an I-2 General Industrial District. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council and others in attendance at the meeting. The request is to rezone the south 84 feet of 815 West Main Street from a B-3 General Business District to an I-2 General Industrial District. The reason for the request is to permit the construction of fuel storage (petroleum bulk plant). Access to the area will be the existing driveway from West Main Street. Mr. Olson also indicated that the Marshall EDA has applied for participation and funding in a new residential development located South of the property, which is known as the "McKigney property". The application is currently in its final stages of review, and the expectation is that it will be approved. Jay Cattoor, President of Cattoor Oil Company indicated that the tanks would be primarily used for diesel fuel. He indicated that safety was a primary concern of theirs. Diesel fuel is not explosive but it is flammable. Mr. Cattoor also indicated that there are rules and regulations that they must follow. Mr. Cattoor indicated that they would be willing to plant trees or put a fence along the back lot and side. The tanks vent from the top and will be high enough in the air that odors would not be a problem.

Comments from the general public included:

- Michell Kronback, 821 West Main, was concerned about safety
- Joan Johnson, 901 West Main, was concerned about the safety of her children
- George Jacob felt that the tanks belonged out in the country and wanted to know how do you keep kids out.
- Betty Sik, 825 West Main, felt that her property value would go down and that the tanks belong in the country
- Terrance Neuse, 903 West Main, also felt that the tanks belonged in the country.

Jay Cattoor responded by indicating that the tanks and controls would be locked.

There was discussion on the tanks that Lyon County Coop have as a non-conforming use on their property and if these tanks on West Main Street could have the same restrictions as the tanks on Lyon County Coop property have.

Glenn Olson indicated that the council needed to approve this request, deny this request and state the reason for denial within 60 days of the application, but that can not amend the request. Mr. Olson also indicated that the houses along West Main Street are single-family homes that have a conditional use permit to be in a B-3 General Business District. The land use plan for this area is for business. Hilton moved, Doyle seconded, that the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING – NOVEMBER 3, 2003

Boedigheimer moved, Doyle seconded, to deny the request to rezone 815 West Main Street from a B-3 General Business District to an I-2 General Industrial District because it is not compatible with the surrounding area. Voting in favor of the motion is Boedigheimer. Voting no is: Doyle, Hilton, Sturrock, Byrnes, Reynolds and Stores. Motion fails.

Sturrock moved, Hilton seconded, the adoption of ORDINANCE NUMBER 506, SECOND SERIES and that the reading of the same be waived. Ordinance Number 506, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for the south 84 feet of 815 West Main Street to be rezoned from a B-3 General Business District to an I-2 General Industrial District. All voted in favor of the motion, except Boedigheimer who voted no. Boedigheimer voted no because they could not require a buffer zone or a fence around the tanks.

PUBLIC HEARING – PRELIMINARY PLAT FOR TIGER PARK ADDITION:

This was the date and time set for a public hearing on the Preliminary Plat for Tiger Park Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed this preliminary plat with the council and others in attendance at the meeting. Mr. Olson reviewed the drainage issues and how it would affect the area. Norman Carrow owns property downstream from the new high school and was concerned if the area referred to as Branch 10 of County Ditch 60B would be able to handle the additional water. Mr. Olson said that the ponds that are required to be built would accommodate any needed detention of water to keep the water from backing or flowing into the outlet too fast. Bill Douglas, an engineer with Bolton and Menk, the firm that's working with the city said the detention ponds in Tiger Park would work much the same way as the pond near Southwest Minnesota State University. Tom Behm, MN/DOT, briefly reviewed the ten items that were addressed in a letter to Mr. Olson. Sturrock moved, Hilton seconded, the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Stores seconded, the approval of the Preliminary Plat for Tiger Park Addition with the following conditions:

1. Require Lot 1 be zoned R-1
2. Provide lot corner elevations for Lot 1 and Outlot B. Any development or owner retained outlots must be addressed in future replats of each outlot.
3. Outlot B sizing and actual layout be adjusted to accommodate a minimum of 17.2 acre-feet of storm water storage, plus a minimum of 1 foot of freeboard above the maximum pond elevation.
4. Require the Developer to be responsible for winter maintenance of Tiger Drive until additional public right of way is dedicated and constructed connecting the north limits of Tiger Drive to another developed public roadway.
5. A Developers Agreement included with the submission of the Final Plat
6. Certificates for approval as required for platting.
7. Dedication of Outlots A, C, D, E, F, and G to the City
8. Change street name from "City Street" to "Amiret Street" at the northwest corner of the subdivision.

All of these conditions have been reviewed by Schwan's Food Sales Inc. All voted in favor of the motion.

REGULAR MEETING – NOVEMBER 3, 2003

Mayor Byrnes called for a 5-minute recess at 7:15 P.M.

APPROVAL OF CONSENT AGENDA -CONSIDER TRANSIENT MERCHANT LICENSE FOR HOMIER DISTRIBUTING COMPANY TO EXPIRE DECEMBER 31, 2003; CONSIDER AGREEMENT WITH WELLS FARGO BANK FOR ON-LINE BANKING SERVICES; PROJECT 2002-014: T.H. 23 LIFT STATION UPGRADE PROJECT – ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION WITH KHC CONSTRUCTION, INC.; PROJECT 2003-001: 2003 STATE AID OVERLAY PROJECT – CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION WITH DUININCK BROS., INC.; APPROVAL OF MARSHALL AREA SENIOR CENTER, INC. (M.A.S.C.) SENIOR CENTER RENTAL AGREEMENT; CONSIDER ASSIGNMENT OF LEASES AT THE SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL/RYAN FIELD; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Per the request of Mayor Byrnes the consideration of a Transient Merchant License for Homier Distirbuting Company was removed from the consent agenda.

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

The proper city officials be authorized to enter into an agreement with Wells Fargo Bank for on-line Banking Svices for the City of Marshall.

Acknowledgement of Final Payment Application with KHC Construction Inc., for T.H. 23 Lift Station Upgrade Project 2002-014 in the amount of \$9,150.

The approval of Change Order No. 1 (Final) in the amount of \$200.62 and the Adknowledement of Final Payment with Duininck Bros., Inc., for 2003 State Aid Overlay Project 2003-001 in the amount of \$8,888.23.

The proper city personnel be authorized to enter into an agreement with Marshall Area Senior Citizens, Inc., for the Senior Center Rental. This agreement is for the period January 1, 2003 through December 31, 2003 at a cost of \$550.00 per month.

The approval of the assignment of two leases with Schwan's Sales Enterprises Inc., at the Southwest Minnesota Regional Airport – Marshall Ryan Field as follows:

- The 1984 Lease for the Red Baron Hangar (former Gold Hangar) assigned to Schwan's Aerial Marketing, LLC
- The 2002 Lease for Hangar #1 assigned to Schwan's Shared Services, LLC

The following bills and project payments authorized for payment: ACCOUNTS PAYABLE, Voucher No. 40135 through 40256.

All voted in favor of the motion.

REGULAR MEETING – NOVEMBER 3, 2003

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

	Applicant	Location Address	Description of Work	Valuation
1.	Donald Wirtz	301 Jean Avenue	Utility Shed	\$3,000
2.	Marlin Besse	1136 David Drive	Dwelling	\$160,000
3.	Marshall Properties, Inc. - Agent	309 South 1st Street	Reside Dwelling	\$3,000
4.	The Schwan Food Company	115 West College Drive	Interior Remodeling	\$65,300
5.	The Schwan Food Company	901 North Highway 59	Interior Remodeling	\$1,700
6.	Nicholas & Linnea Lasnetski	301 South 4th Street	Garage Addition	\$8,800
7.	Greg & LaVae Anderson	1604 North Highway 59	Utility Shed	\$1,000
8.	Marshall Spas & Pools, Inc.	602 Jefferson Circle	Sunroom Addition	\$21,000
9.	Hisken Construction, Inc.	103 Park Avenue	Reroof Dwelling	\$8,500
10.	Sussner Construction, Inc.	508 West Main Street	Reside Fascia	\$8,900
11.	Art-N-Sign	1603 Superior Road	Instal. Sign	\$900
12.	Marcia Rehkamp	509 West Main Street	Interior Remodel & Sign	\$1,000
13.	Steven Doom	104 Walker Lane	Garage	\$4,000
14.	Darwin Patzlaff	102 "C" Street	Basement Remodel & Install Window	\$2,600
15.	Hisken Construction, Inc.	907 North 4th Street	Addition	\$20,000
16.	Schlenner Construction Co.	1122 Clifton Circle	Dwelling	\$252,000
17.	Leo Bass	1302 Parkside Drive	Reside Dwelling	\$8,000
18.	Kevin Peterson	414 Legion Field Road	Deck	\$2,000
19.	Independent Lumber of Marshall, Inc.	1108 David Drive	Dwelling	\$150,000
20.	The Schwan's Development Corporation	209 South 1st Street	Reroof	\$1,300
21.	Sears Home Improvements	101 Circle Drive	Replace Doors	\$2,200
22.	Randy Wartner & John McDonald	511 West Redwood Street	Interior Remodel	\$2,000
23.	Marshall Properties, Inc. - Agent	326½ Timberlane Drive	Storage Building	\$5,600
24.	Marshall Properties, Inc. - Agent	204 Ash Drive	Garage	\$4,000
25.	Marshall Properties, Inc. - Agent	129 Spruce Drive	Garage	\$4,000
26.	Marshall Properties, Inc. - Agent	401 Maple Lane	Garage	\$4,000

REGULAR MEETING – NOVEMBER 3, 2003

27.	Marshall Properties, Inc. - Agent	126 Lilac Drive	Garage	\$4,000
28.	Marshall Properties, Inc. - Agent	114 Lilac Drive	Garage	\$4,000

Per the recommendation of City Attorney Pat Leary, Stores moved, Reynolds seconded, that the Transient Merchant License for Homier Distributing Company be referred to the Legislative and Ordinance Committee for review and that it be considered at the city council meeting on November 17, 2003. All voted in favor of the motion.

ADOPTION OF ORDINANCE ADDING CERTAIN SECTIONS TO THE SUBDIVISION ORDINANCE TO ESTABLISH AND REGULATE THE COLLECTION OF A WATER AREA CHARGE (WAC) FOR THE MARSHALL MUNICIPAL UTILITIES IN THE CITY OF MARSHALL, MINNESOTA:

Glenn Olson, Director of Public Works/City Engineer, reviewed the development of a Water Area Charge (WAC) for the construction of distribution mains in and around the City of Marshall. The purpose for the WAC is to collect money from developers and owners of real estate to install water transmission mains that will be necessary to meet domestic as well as fire flow needs of developing areas. Reynolds moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 507, SECOND SERIES and that the reading of the same be waived. Ordinance Number 507, Second Series is an ordinance Adding Certain Sections to the Subdivision Ordinance to Establish and regulate the Collection of a Water Area Charge for the Marshall Municipal Utilities in the City of Marshall, Minnesota. All voted in favor of the motion.

ORDINANCE AMENDING CHAPTER 78, ARTICLE III – SURFACE WATER MANAGEMENT UTILITY IN THE CITY OF MARSHALL, MINNESOTA:

On October 27, 2003 Glenn Olson, Director of Public Works/City Engineer, presented various scenarios and recommended changes to the Surface Water Management Utility Ordinance Number 332, Second Series that the City Council adopted on December 19, 1994. These revisions included an undeveloped rate based upon a flat charge of \$4/acre, a minimum charge for all classifications of \$5/per parcel, and associated rates per acre for all non-single family residential and vacant and rural properties based upon the utility factors of the original ordinance. Sturrock moved, Doyle seconded, the introduction of an ordinance Amending Chapter 78, Article III – Surface Water Management Utility in the City of Marshall, Minnesota. All voted in favor of the motion.

CONSIDER A RESOLUTION CALLING FOR A PUBLIC HEARING TO CONSIDER MODIFICATION OF THE MODIFIED REDEVELOPMENT PLANS OF REDEVELOPMENT PROJECT NUMBERS 1 AND 2 AND THE TAX INCREMENT PLANS FOR THE TAX INCREMENT FINANCING DISTRICTS LOCATED THEREIN:

Hilton moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2581, SECOND SERIES and that the reading of the same be waived. Resolution Number 2581, Second Series is a resolution Calling for a Public Hearing to Consider Modification of the Modified Redevelopment Plans of Redevelopment Project Nos. 1 and 2 and the Tax Increment

REGULAR MEETING – NOVEMBER 3, 2003

Plans for the Tax Increment Financing Districts Located Therein. This public hearing will be held at 5:30 P.M. on December 15, 2003. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF DOOM INDUSTRIAL PARK:

Glenn Olson, Director of Public Works/City Engineer, reviewed the following items that have been revised since the submission of the preliminary plat:

1. A Developers Agreement has been completed, reviewed by the City Attorney and included with the submission of the final plat.
2. The street names have been revised to comply with City Code of Ordinances.
3. Revised utility and grading plans have been submitted and approved by the City.
4. A utility easement for storm water drainage purposes connecting the Doom Industrial Park with an existing adjacent City storm sewer will be necessary prior to the development of the storm sewer system.
5. The preliminary plat approval did not include any requirement for storm sewer ponding and was approved as submitted.
6. According to Section 66-56. Effective period of preliminary approval, "The approval of a preliminary plat shall be effective for a period of one year unless agreed otherwise." The reason for this provision in our Code is to make preliminary plats that have gone beyond the one-year effective period, subject to any new subdivision regulations. The City has not changed the subdivision regulations for this area since the approval date of the preliminary plat.

Stores moved, Doyle seconded, the approval of extension of the effective period of the preliminary plat of Doom Industrial Park through November 3, 2003. All voted in favor of the motion.

Hilton moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2582, SECOND SERIES and that the reading of the same be waived. Resolution Number 2582, Second Series is a resolution Approving the Final Plat of Doom Industrial Park. This Final Plat was approved contingent upon the City Attorney review of the abstract of title and title opinion, recording of the utility easement for storm water drainage purposes connecting the Doom Industrial Park with an existing adjacent City storm sewer prior to the development of the storm sewer system, and payment of all fees according to the First Development Contract for Doom Industrial Park and according to the current Resolution Approving Specific Fees to be charged by the City of Marshall (Resolution Number 2571, Second Series). 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 will be meeting on November 10th.

REGULAR MEETING – NOVEMBER 3, 2003

- Sturrock Utilities Commission minutes from the October 21st meeting are included in the agenda packet and they will be meeting on Wednesday, November 12th.
- Boedigheimer Airport Commission met on Monday; Lyon County Enterprise Development held 4 interviews last Thursday and need to meet to make a recommendation for the position; M.E.R.I.T. Center will be meeting on November 19th.
- Doyle Housing Commission will meet on Monday; Human Rights Commission met last Monday; Marshall Area Transit discussed garages and storage facilities for the vehicles.
- Hilton No report.
- Reynolds No report.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

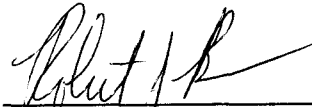
Other items brought forth by the Mayor and Council Members included: the October 22nd Regional League of Minnesota Cities meeting in Sleepy Eye; the editorial in the Star Tribune on Marshall's affordable housing; Mr. Leary is working on the fixed based operator lease; a request was made to review the names of the city parking lots.

Pat Leary was welcomed as the Interim City Attorney.

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Stores moved, Sturrock seconded, that the permit issued to Schwan Food Company for the closure of the public alley for the demolition of the two-story addition to the New Atlantic Hotel for approximately on week from November 5 – 12, 2003 be changed to November 10 – 17 or a 1 week period of time when weather permits and the contractor is available prior to the Thanksgiving Holiday. All voted in favor of the motion.


Mike Johnson, City Administrator, thanked the City Engineer and his staff for all of their hard work on the plat for the school addition.

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 10, 2003

A special meeting of the Common Council of the City of Marshall was held on November 10, 2003 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 6:04 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Sturrock, Doyle, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Calvin Barnett, Director of General Government Services/City Assessor; Richard MacDonald, Director Marshall Lyon County Library; and Thomas M. Meulebroeck, Financial Director/City Clerk. Rob Yant, Director of Public Safety and Harry Weilage, Director of Community Services, arrived late.

The primary purpose of this meeting was to review the 2004 budget requests for the various funds and departments for the City of Marshall. Richard MacDonald, Marshall Lyon County Library, reviewed the budget process that they go through at the Library. Mr. MacDonald indicated that he had met with the Lyon County Board of Commissioners to review his budget requests for 2004. The budget request for the Marshall Lyon County Library reflects 6% decrease in monies received from the city of \$24,234. The 2004 budget requested also provides for a reduction from the county of \$12,117. Mr. MacDonald did indicate that the library was able to develop a budget that would allow them to work within the constraints of receiving reduced revenues. The library did have some reduction in staff and operating hours to help accommodate the reduction in revenues they have received for their operation.

Molly Lindstrom, Carol Marshall and Bob Mann from MAFAC, Marshall Area Fine Arts Council, were in attendance at the meeting to discuss with the council their request for the 2004 budget. The request from the Marshall Area Fine Arts Council is in the amount of \$3,000. The members from MAFAC addressed with the council the mission of MAFAC and the history of this organization, which started in 1980. It was indicated that this organization had accomplished his goals for last year but is concerned about the upcoming year with losing money from some grants that they had received in the past and reductions in other areas of revenues they had received. They did express the importance of the financial support from the city for their organization.

Ellayne Conyers and Kristie Coudron were in attendance at the meeting on behalf of the Lyon County Historical Society to review with the council their budget request for the year 2004. Their request was in amount of \$10,000, which is \$2,220 less than the amended budget amount for 2003. Ellayne did address the Lyon County Historical Society's goals for 2004 and she did also indicated the various organizations that she has and continues to work with in the community. Kristie Coudron did review the proposed revenues and expenditures for 2004 in comparison to the actual for 2001 and 2002 and the estimated for 2003.

Jim VanHyfte, Manager of the Marshall Municipal Liquor Store, addressed the budgeted revenues and expenditures for 2004 for the Marshall Municipal Liquor Store. The proposed budget reflects revenues of \$2,800,808 and the expenditures are \$2,720,846. During the discussion on the proposed budget for 2004 for the Marshall Municipal Liquor Store a discussion was held on the pros and cons of having a second location for liquor sales for the Marshall Municipal Liquor Store. Mr. VanHyfte did express a concern with actions by the legislature in

SPECIAL MEETING – NOVEMBER 10, 2003

allowing wine coolers and other alcoholic beverages being sold at other type of convenience stores and grocery stores.

Mike Johnson, City Administrator, reviewed the proposed 2004 Municipal State Aid Budget. This budget included expenditures of \$2,394,000 for projects consisting of the Channel Parkway, North 3rd Street, Windstar Street and bituminous overlays. The offsetting revenue for this is money to be received from the Federal government, State government and the State bridge-bonding fund.

Mike Johnson, City Administrator, and Thomas M. Meulebroeck, Finance Director/City Clerk, briefly reviewed the 2004 proposed Capital Equipment Fund budget. Thomas M. Meulebroeck, Finance Director/City Clerk, provided an overview of the budgets for 2004 for the Liability Insurance Fund; Special Revenue Funds; Debt Service Funds; and the "429" Public Improvement Revolving Capital Project Funds.

Mike Johnson, City Administrator, provided a budget summary for the General Fund comparing the revenues and expenditures for 2002, the original 2003, the amended 2003, and the proposed 2004 and the differences between the revenues and expenditures for each of these time frames. Mr. Johnson also provided a budget breakdown of the amended 2003 budget versus the proposed 2004 budget for the categories consisting of personnel, operation and maintenance, capital and transfers. He further provided a review of the Capital Budget and transfers comparing the amended 2003 with the proposed 2004. Mr. Johnson did indicate that the operation and maintenance increase in expenditures consists of approximately \$51,000 for utilities. Mr. Johnson went on further to review the budget planning issues and options. The areas that Mr. Johnson addressed were: additional revenues, capital expenditure reductions, other expenditure reductions, and other expenditures additions. The current General Fund budget reflects expenditures in excess of revenues by \$204,926. Mayor Byrnes did indicate to the council that the areas that the council should be concerned with at this time are the fund balance; their position on increasing the levy by the allowable amount of \$302,883, which is the 60% levy back due to loss of LGA of \$504,805 in 2004; and also the council's responsibility of due diligence.

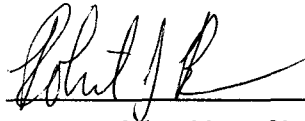
Following a review of the General Fund proposed revenues and expenditures for 2004 and the alternatives for having a balanced General Fund Budget, it was the recommendation that the revenues consisting of the transfer from the Wastewater Fund be increased by \$100,000; the amount of revenue for the administrative and engineering be set at \$60,000; and that the amount of the levy allowed for the levy back based on LGA cuts be reduced by \$100,000. The expenditures that were recommended for adjustment consisted of deleting the capital expenditures of the GPS Survey system under the Engineering department of \$44,400; eliminating the new 4-door sedan under Building Inspection and Zoning of \$20,750; to reduce or eliminate the 30 h.p. turf tractor with loader under the Parks Department of \$23,500; and to eliminate the computer under Community Education of \$2,000. It was further decide to reduce the dental insurance expense by \$10,000; to increase the contribution to MAFAC by \$180 to \$3,000 as was requested; to reduce the contribution to the Ice Area, which is the Marshall Area

SPECIAL MEETING – NOVEMBER 10, 2003

Hockey Association, by \$2,194; and to add back into the budget the position for special projects of approximately \$61,500; and allocation for kites for the 4th of July of \$2,500; flowers and staff for the Parks of \$5,000; and \$20,000 for the Comprehensive Plan update. With these proposed changes it is estimated that the expenditures will exceed revenues by \$31,262. A brief discussion was held at this time as to the direction the city council intends to take for the City Attorney position, since the current arrangement will expire on December 31, 2003.

The next budget workshop meeting was scheduled for 4:30 P.M. on November 24, 2003.

Upon motion made by Boedigheimer, seconded by Stores, the meeting was adjourned at 9:00 o'clock P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – NOVEMBER 17, 2003

The regular meeting of the Common Council of the City of Marshall was held on November 17, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present included: Michael Johnson, City Administrator; Pat Leary, Interim City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Bob VanMoer, Wastewater Superintendent; Dale Howe, Building Official; 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, Hilton seconded, that the minutes of the regular meeting held on November 3, 2003 and the minutes of the special meeting held on November 10, 2003 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 TEMPORARY ON-SALE LIQUOR LICENSE FOR HOLY REDEEMER CHURCH ON FEBRUARY 21, 2004; CONSIDER APPLICATION FOR EXEMPT PERMIT (LG220) FOR SMSU FOUNDATION FOR A RAFFLE ON JANUARY 31, 2004; CONSIDER TRANSIENT MERCHANT LICENSE FOR HOMIER DISTRIBUTING COMPANY TO EXPIRE DECEMBER 31, 2003; CONSIDER STREET CLOSURE ON MARVIN SCHWAN DRIVE FROM E. COLLEGE DRIVE TO 1ST STREET ON NOVEMBER 26, 2003; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

The approval of a Temporary On-Sale Liquor License for Holy Redeemer Church on February 21, 2004 at a fee of \$30.00;

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 Southwest Minnesota State University Foundation, 1501 State Street, Marshall, Minnesota on January 31, 2004 and that the 30-day waiting period be waived;

The approval of a Transient Merchant License for Homier Distributing Company at a fee of \$300.00. This license will expire on December 31, 2003;

The approval of the request for the closure of Marvin Schwan Memorial Drive from the east side of the north access of Schwan's Corporate I easterly to South 1st Street and the diagonal parking spaces on the west side of South 1st Street between East Main Street and Marvin Schwan Memorial Drive for the purpose of display of the Capitol Tree on November 26, 2003; and

The following bills and project payments authorized for payment: ACCOUNTS PAYABLE, Voucher No. 40257 through 40411.

All voted in favor of the motion.

REGULAR MEETING – NOVEMBER 17, 2003

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

	Applicant	Location Address	Description of Work	Valuation
1.	Doom & Cuypers, Inc.	119 "G" Street	Garage	\$9,800
2.	Dulas Construction, Inc.	1220 Floyd Wild Drive	Retail Store	\$123,000
3.	Gregory B. Cattoor	809 West Main Street	Demolish Warehouse	\$0
4.	Gregory B. Cattoor	815 West Main Street	Demolish Garage	\$0
5.	Minnesota Cabinets, Inc.	1228 Patricia Court	Two-Family Dwelling	\$350,000
6.	True Value Home Center	802 Viking Drive	Dwelling	\$165,000
7.	Tutt Construction	305 North High Street	Garage	\$11,000
8.	Steve Swain	227 Rainbcw Drive	Finish Basement	\$8,000
9.	Randy Wartner & John McDonald	514 East Main Street	Basement Remodel	\$2,000
10.	Schaefer Woodworks	504 Parkside Drive	Replace Windows	\$9,000
11.	Wesley United Methodist Church	308 North Hill Street	Deck	\$4,000
12.	Roger Lipinski	607 Donita Avenue	Reside	\$2,500
13.	Brian Weedman Carpentry	302 North High Street	Install Window	\$1,000
14.	Carr Properties	1424 East College Drive	Remodel Office Space	\$23,400
15.	Robert Wilson, Jr. & Delores Wilson	203 Carrow Street	Basement Remodel	\$500

ADOPTION OF ORDINANCE AMENDING CHAPTER 78, ARTICLE III – SURFACE WATER MANAGEMENT UTILITY:

Sturrock moved, Hilton seconded, the adoption of ORDINANCE NUMBER 508, SECOND SERIES and that the reading of the same be waived. Ordinance Number 508, Second Series is an ordinance Amending Sections 78-116 – 78-142 of the Code of Ordinances of the City of Marshall. This ordinance provides for a Surface Water Management Utility for the City of Marshall. All voted in favor of the motion.

CONSIDER APPROVAL OF PRAIRIENET WIDE AREA NETWORK (WAN) JOINT POWERS AGREEMENT:

Brad Roos, General Manager Marshall Municipal Utilities, was in attendance at the meeting to review the purpose of the PrairieNet Wide Area Network (WAN) Joint Powers Agreement. The purpose of this agreement is to share technology costs (i.e. equipment, infrastructure, staff, etc.). This agreement is between the City of Marshall, Independent School District #413, Marshall Municipal Utilities, and Lyon County. The contract is not meant to be exclusive and allows for future partners. Reynolds moved, Stores seconded, that the proper city personnel be authorized to enter into the PrairieNet Wide Area Network (WAN) Joint Powers Agreement. All voted in favor of the motion.

CONSIDER THE REQUEST OF LISA J. PARKER FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR AN EMBROIDERY BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 408 NORTH HIGH STREET:

Per the recommendation of the Planning Commission, Sturrock moved, Hilton seconded, that a five-year renewal for a Conditional Use Permit be granted to Lisa J. Parker for an embroidery business in an R-1 One-Family Residence District at 408 North Street with the following conditions:

1. The permit expire on November 17, 2008
2. That the hours of business be between 6:00 a.m. to 10:00 p.m. only
3. This permit is not transferable to any other person.

All voted in favor of the motion.

CONSIDER THE REQUEST OF DUSTIN HINCKLEY FOR A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY IN AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT AT 702 EAST SOUTHVIEW DRIVE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Dustin Hinckley, Discovery Center Preschool and Daycare, for a conditional use permit for a daycare facility serving 100 individuals in an R-2 One to Four Family Residence District at Southview Third Addition, Block 1, Lots 1-3. The property includes the existing day care on Lots 1 and 2 and expanding onto Lot 3, 804 West Southview Court, an existing single-family dwelling. Mr. Hinckley plans to convert the dwelling into a daycare facility. Elaine Sandquist represented her father, Pete Schuler, who lives at 805B Southview Court. Ms. Sandquist indicated that her father is concerned about the additional traffic and if their employees were going to park in front of his house all day. Mr., Hinckley said the employees would use the parking lot. Mr. Hinckley also indicated that there would be an access drive on Southview Drive to help keep traffic off Southview Court. The three-lot design allows about 34 to 40 children to enter a second facility, with most parents using Southview Court. The other children would still enter from Southview Drive. If Mr. Hinckley goes ahead and does the addition, all of the traffic will be in the second lot on Southview Court. Per the recommendation of the Planning Commission, Hilton moved the approval of a Conditional Use Permit for a Day Care Facility at 702 Southview Drive (Southview Third Subdivision, Block 1, Lots 1, 2 and 3), which includes 804 West Southview Court with four conditions. Boedigheimer seconded the motion with a friendly amendment to include a u-shape driveway on Southview Court. The five conditions are as follows:

1. The use be limited to serving no more than 100 individuals.
2. The use be licensed by the State of Minnesota.
3. The use property includes Lots 1, 2 and 3. If split, the permit shall remain with Lots 1 and 2.
4. Conditional Use Permit No. 762 shall be revoked upon the adoption date of this permit.
5. Access to the property as approved by the Public Works/City Engineer.

All voted in favor of the motion, except Sturrock and Stores because it stretched too far into a residential area and because of traffic concerns.

CONSIDER THE REQUEST OF JEANNE A. CURIELLI FOR A VARIANCE ADJUSTMENT PERMIT FOR A BUSINESS SIGN IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 613 SOUTH 4TH STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Jeanne A. Curielli for a variance adjustment permit to allow for a business sign in an R-1 One Family Residence District at 613 South 4th Street. Ms. Curielli operates a therapeutic massage business at her home. Ms. Curielli told the council that the ordinance on signs was established in 1972 is

outdated and should be reviewed. She is located just outside the business district; there is only one house between hers and Minnesota Electric Supply. Mike Johnson, City Administrator, indicated that not allowing business signs in a residential area is part of the preservation of the single-family neighborhood. Per the recommendation of the Planning Commission, Sturrock moved, Hilton seconded, that the request of Jeanne A. Curielli for a variance adjustment permit to allow for a business sign in an R-1 One Family Residence District at 613 South 4th Street be denied because a sign was in direct violation of the City Codes. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER THE REQUEST OF SHAWN LALEMAN FOR A VARIANCE ADJUSTMENT PERMIT FOR AN ACCESSORY BUILDING WITH A REAR YARD SETBACK OF LESS THAN REQUIRED BY CODE IN A B-3 GENERAL BUSINESS DISTRICT AT 401 SOUTH HIGHWAY 23:

Dale Howe, Building Official, reviewed the request of Shawn Laleman, the purchaser of Marshall Spas and Pools, 401 South Highway 23, for a Variance Adjustment Permit for an existing accessory building used for storage with a rear yard of 10 feet in lieu of 15 feet as required by city code. Mr. Laleman intends to purchase part of Lot 1, the Marshall Spas and Pools business, and relocate the storage building within 10 feet of the new rear lot line. Per the recommendation of the Planning Commission, Boedigheimer moved, Sturrock seconded, that a Variance Adjust Permit be granted to Shawn Laleman for a rear yard setback of 10 feet in lieu of 15 feet as required by code in a B-3 General Business District at 401 South Highway 23. All voted in favor of the motion.

CONSIDER THE REQUEST OF WUEBKER FAMILY TRUST FOR A VARIANCE ADJUSTMENT FOR A REAR YARD OF LESS THAN REQUIRED BY CODE IN A B-3 GENERAL BUSINESS DISTRICT AT 411 SOUTH HIGHWAY 23:

Dale Howe, Building Official, reviewed the request of Jim Wuebker, owner of Marshall Spas and Pools, for a Variance Adjustment Permit for a rear yard for an existing building of 16 feet in lieu of 25 feet at 411 South Highway 23, which is in a B-3 General Business District. Mr. Wuebker intends to sell the self-storage warehouse building by splitting the property. Per the recommendation of the Planning Commission, Sturrock moved, Stores seconded, that a Variance Adjust Permit be granted to the Wuebker Family Trust for a rear yard of 16 feet in lieu of 25 feet as required by code in a B-3 General Business District at 411 South Highway 23. All voted in favor of the motion.

CONSIDER THE REQUEST OF JAMES A. & ROSE HOLT FOR A CHANGE IN LIMITS OF THE DOWNTOWN DISTRICT TO INCLUDE 114 EAST MAIN STREET:

Dale Howe, Building Official, reviewed the request of James A. & Rose Holt to include the property, on which his dwelling is located, within the limits of the Downtown District of the Marshall Zoning Map. Sturrock moved, Stores seconded, the introduction of an ordinance amending the Zoning Ordinance and calling for a public hearing to be held at 5:30 P.M. on December 1, 2003. All voted in favor of the motion.

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

CONSIDER A RESOLUTION APPROVING AN AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE MINNESOTA ENVIRONMENTAL SCIENCE AND ECONOMIC REVIEW BOARD (MESERB):

Bob VanMoer, Wastewater Superintendent, has been involved in meetings concerning membership and point-point nutrient trading program, in lieu of the Total Maximum Daily Load

REGULAR MEETING – NOVEMBER 17, 2003

(TMD) for dissolved oxygen currently under development. As a result of these discussions, MESERB is recommending an Amendment to the Joint Powers Agreement. Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2583, SECOND SERIES and that the reading of the same be waived. Resolution Number 2583, Second Series is a resolution Approving an Amendment to the Joint Powers Agreement of the Minnesota Environmental Science and Economic Review Board (MESERB). All voted in favor of the motion.

CONSIDER ENTERING INTO AN AGREEMENT WITH R & G CONSTRUCTION COMPANY FOR LEASE OF A MOTOR GRADER WITH WING:

Boedigheimer moved, Hilton seconded, that the proper city personnel be authorized to enter into a rental agreement with R & G Construction Company for the lease of a motor grader with wing for the Public Works Department. This lease is for the period November 17, 2003 through April 30, 2004. The rent for the motor grader with wing will be a guarantee of \$1,900 per month up to 142 hours per month average for the leased months. All voted in favor of the motion.

CONSIDER RESOLUTION FOR THE ISSUANCE OF A REVENUE NOTE TO FINANCE A MULTIFAMILY HOUSING DEVELOPMENT ON BEHALF OF SOUTHWEST MINNESOTA HOUSING PARTNERSHIP:

Hilton moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2584, SECOND SERIES and that the reading of the same be waived. Resolution Number 2584, Second Series is a resolution Calling for a Public Hearing on a Proposal for the Issuance of a Revenue Note to Finance a Multifamily Housing Development on Behalf of Southwest Minnesota Housing Partnership. This public hearing will be held at 5:30 P.M. on Monday, December 1, 2003. All voted in favor of the motion.

CONSIDER INTRODUCTION OF AN ORDINANCE REPEALING THE TRANSIENT MERCHANTS REQUIREMENT:

A discussion was held at this time on the city's transient merchants license. Pat Leary, City Attorney, indicated that there is a conflict between the city ordinance and state law. The state law requires counties to issue transient merchants licenses. Council member Boedigheimer indicated that the ordinance is not enforced fairly and some merchants do not apply for a license when they do business in Marshall. Council member Stores indicated that eliminating the transient merchants license was not being fair to the local business and that the license provides a way for a customer with a problem to contact the merchant. Tracy Veglahn, Executive Director of Marshall Area Chamber of Commerce, had the same concerns as Council Member Stores. Council Member Sturrock requested city staff to check with the county to see how many transient merchants licenses they have issued. Boedigheimer moved, Sturrock seconded, the introduction of an ordinance Repealing the Transient Merchants Requirement. All voted in favor of the motion, except Stores who voted no.

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 discussed the sale of the Parkway Townhomes, Phase II of the Parkway Addition, and Governor Palenty will be in Marshall on Monday, November 24th to discuss the housing project; Regional Development Commission is proceeding with the sale of the Prairie Expo in Worthington.

REGULAR MEETING – NOVEMBER 17, 2003

- Stores Library Board met last Monday; Convention and Visitors Bureau will meet on Wednesday and the Ways and Means Committee will meet on November 24th.
- Sturrock Planning Commission items were discussed earlier in the meeting; Utilities Commission meets on Wednesday.
- Boedigheimer Senior Citizen Center Commission has a new contract for Senior Dining at a cost of \$0.29/meal
- Hilton Hospital Board minutes are included in the agenda packet.
- Reynolds Cable Commission did not have a quorum; Community Services met two weeks ago; and the Council Personnel Committee will be meeting on Thursday.

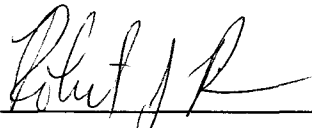
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the City of Marshall flag at the airport needs to be replaced; the railroad crossing on Fairview and on County Road 7 need to be repaired; there have been two resignations received – one for Community Services and one for the Library.

REVIEW OF PENDING AGENDA ITEMS:

The Budget Workshop on November 24th will start at 4:30 P.M.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 24, 2003

A special meeting of the Common Council of the City of Marshall was held on November 24, 2003 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 4:38 P.M. by Council member Doyle. In addition to Doyle the following members were present: Hilton, Sturrock, Boedigheimer and Stores. Reynolds arrived at 4:40 P.M. and Byrnes at 4:45 P.M. Staff present were: Mike Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Bob VanMoer, Wastewater Treatment Superintendent; Rob Yant, Director of Public Safety; and Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this special meeting was to review the proposed 2004 Wastewater Treatment Facility Fund Budget and to consider the final adjustments to the General Fund Budget for 2004. Glenn Olson, Director of Public Works/City Engineer, and Bob VanMoer, Wastewater Superintendent Facility, addressed the proposed 2004 budget and identified the various areas where there were increases in the proposed budget. Based on the past five years of operating revenues and expenditures for the Wastewater Treatment Facility, Springsted's Inc., has prepared projection for the Wastewater Treatment revenues and expenditures for 2004 through 2008. Their projections reflect a 4.75% increase in the revenues each year. This report also reflects the net operating cash at the end of each fiscal year and the relationship of this operating cash to the goal of having available approximately 50% of expenditures for the following year.

Mike Johnson, City Administrator, briefly reviewed the effects of the General Fund budget adjustments that were made at the special meeting held on November 10, 2003. Based on the changes that were made to the 2004 General Fund proposed budget the expenditures exceeded revenues by \$10,844. The recommendation that was being made to the council at this time was to reduce the capital expenditure for the runway extension by \$13,333; that there be \$2,997 added to the CAT budget; and that there be \$508 removed from the fuel expense line item budget for the Police Department to get the city a balanced budget for 2004. The balanced budget reflects General Fund revenues and expenditures for 2004 of \$8,467,161. With the final changes in the budget the tax levy for 2004 reflects 9.97% increase.

Sturrock moved, Stores seconded, that the General Fund 2004 Preliminary Budget reflecting revenues and expenditures of \$8,467,161 be the preliminary budget used for the Truth and Taxation Hearing to be held on December 1, 2003 at 5:30 P.M. All voted in favor of the motion.

Mayor Byrnes briefly addressed a notice that was received by the City of Marshall in regard to a presentation at the Marshall Lyon County Library on December 3, 2003 at 8:45 A.M. and 9:30 A.M. in reference to a Southwest Minnesota Waste to Energy Facility planned in Lamberton.

Upon motion 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 – DECEMBER 1, 2003

The regular meeting of the Common Council of the City of Marshall was held on December 1, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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; Pat Leary, Interim City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the deletion of item number 13, which is the appointment of a City Attorney for 2004.

APPROVAL OF THE MINUTES:

Stores moved, Doyle seconded, that the minutes of the regular meeting held on November 17, 2003 be approved as corrected and that the minutes of the special meeting held on November 24, 2003 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 TO AMEND THE LIMITS OF THE DOWNTOWN DISTRICT:

This was the date and time set for a public hearing to consider the request of Jim Holt to include the property, on which his dwelling is located, to be within the limits of the Downtown District of the Marshall Zoning Map. Glenn Olson, Director of Public Works/City Engineer, indicated that this property includes the commercial building at 113 Marvin Schwan Memorial Drive. The property is divided into two zoning districts, the north half upon which the dwelling is located is in an R-4 Higher Density, Multiply Family Residence District and the south half is in a B-3 General Business District. Council member Boedigheimer suggested that the Downtown District Limits be extended to "A" Street. Sturrock moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

Per the recommendation of the Planning Commission, Boedigheimer moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 509, SECOND SERIES and that the reading of the same be waived. Ordinance Number 509, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for a change in the Downtown District Limits to include 114 East Main Street. All voted in favor of the motion.

REGULAR MEETING – DECEMBER 1, 2003

PUBLIC HEARING – CONSIDER PROPOSAL FOR THE ISSUANCE OF A REVENUE NOTE TO FINANCE A MULTIFAMILY HOUSING DEVELOPMENT ON BEHALF OF SOUTHWEST MINNESOTA HOUSING PARTNERSHIP:

This was the date and time set for a public hearing for the purpose of considering a proposal for the issuance of a revenue note to finance a multi-family housing development on behalf of the Southwest Minnesota Housing Partnership. Cal Barnett, Director of General Services, reviewed with the council the Joint Powers Agreement and Resolution Giving Host Approval to Issuance of Revenue Bonds. The Marshall EDA approved the conditional approval of sale of the Parkway Townhomes to Southwest Minnesota Housing Partnership. Doyle moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2585, SECOND SERIES and that the reading of the same be waived. Resolution Number 2585, Second Series is a resolution Giving Host Approval to the Issuance of Revenue Bonds and a Joint Powers Agreement and Ratifying Preparation and Publication of a Notice of Hearing. All voted in favor of the motion.

CONSIDER AWARD OF BIDS FOR STATE AID OVERLAY PROJECT 2004-003:

Bids were received, opened and read on November 20, 2003 for 2004 State Aid Overlay Project 2004-003. Bids received, opened and read were as follows:

Duininck Bros. Inc.
Prinsburg, Minnesota
\$245,865.36

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$213,632.86

Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2586, SECOND SERIES and that the reading of the same be waived. Resolution Number 2586, Second Series is a resolution Accepting the Bid for 2004 State Aid Overlay Project 2004-003. This bid was awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$213,632.86. The funding for this project will be from the State Aid Account. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA: CONSIDER AMENDMENT TO SERVICE AGREEMENT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION (MMUA) FOR 2004 SAFETY COMPLIANCE; CONSIDER ANNUAL RENEWAL OF LICENSES FOR: OFF-SALE NON-INTOXICATING BEER, ON-SALE NON-INTOXICATING BEER AND TOBACCO; CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION WITH DUININCK BROS., INC. – PROJECT 40135: PARKWAY HOUSING ADDITION IMPROVEMENT PROJECT (PHASE 2); CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION WITH MCLAUGHLIN & SCHULZ, INC. – PROJECT 2003-002: 2003 CITY OVERLAY PROJECT; CALL FOR PUBLIC HEARING REGARDING FY 2004 WASTEWATER USER RATES; CONSIDER APPROVAL OF LEASE AGREEMENT FOR SENIOR CITIZEN CENTER WITH NUTRITION SERVICES, INC. (NSI); RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR AMENDMENT #1 TO THE

REGULAR MEETING – DECEMBER 1, 2003

GRANT FOR BROWN-LYON-REDWOOD DRUG TASK FORCE; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Per the request of Council Member Boedigheimer the consideration of Change Order No. 2 (Final) and Acknowledgement of Final Payment Application with Duininck Bros. Inc., - Project 40135 Parkway Housing Addition Improvement (Phase 2) was removed from the consent agenda.

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

An Amendment to Services Agreement with Minnesota Municipal Utilities for 2004 Safety Program. The estimated cost for participation for 2004 is \$15,967.33. This agreement provides for coordinated training and oversight of the City's entire safety compliance program.

The 2004 license renewals for Off-Sale Beer, On-Sale Beer and Tobacco for the following establishments:

OFF-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$90.00 per year)

Ampride West
Casey's General Store
Cattoor Oil/Phillipps 66
Freedom Valu Center/Erickson Oil
Hy-Vee Food Store
Hy-Vee Gas Station
La Mexicana
Texaco Super Stop & Wash

ON-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$250.00 per year)

Pizza Hut
Prairie Event Center

TOBACCO LICENSE APPLICATIONS (\$72.00 per year)

American Legion	Ampride Main
Ampride West	Caseys General Store
Cattoor Oil/Phillipps 66	County Fair
Eagles Club	Freedom Value Center/Erickson Oil Products
Gambler	Hitching Post Eatery and Saloon
Hy-Vee Food Store	Hy-Vee Gas Station
K-Mart	Marshall Golf Club
Naomi's	Pappy's
Sam's Place	Super America/Cattoor Oil
Texaco Super Stop & Wash	Traveler's Lodge
Varsity Pub	Wooden Nickel

REGULAR MEETING – DECEMBER 1, 2003

The approval of Change Order No. 1 (Final) for a decrease in the amount of \$3,091.49 and the Acknowledgement of Final Payment with McLaughlin & Schulz Inc., in the amount of \$144,389.93 for 2003 City Overlay Project 2003-002.

Call for a public hearing to be held at 5:30 P.M. on December 15, 2003 to consider the proposed Wastewater User Rates.

The approval of a Lease Agreement for Senior Citizen Center with Nutrition Services, Inc., (NSI) at a rate of \$5,800 per year.

The adoption of RESOLUTION NUMBER 2587, SECOND SERIES and that the reading of the same be waived. Resolution Number 2587, Second Series is a resolution Authorizing Execution for Amendment No. 1 to the Grant for Brown Lyon Redwood Drug Task Force.

The following bills and project payments authorized for payment: ACCOUNTS PAYABLE, Voucher No. 40412 through 40519.

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.	Randy Wartner & John McDonald	432 North 7th Street	Install Window	\$500
2.	Geske Home Improvement Co.	208 DeSchepper Street	Reside Dwelling & Install Window	\$11,000
3.	Doom & Cuypers, Inc.	331 Burlington Circle	Office & Warehouse	\$220,000
4.	Douglas J. Mosch	900 North Highway 59	Interior Remodel	\$4,800
5.	Delores Holm	608 West Southview Drive	Replace Door	\$800
6.	P&R Ventures	1126 Clifton Circle	Dwelling	\$105,000
7.	Sussner Construction, Inc.	500 Artillery Drive	Remodel	\$448,000
8.	Ace Sign	1608 East College Drive	Sign	\$6,000
9.	Bakke's Home Repair & Construction	509 Kathryn Avenue	Interior Remodel	\$800
10.	CAB Quality Construction	901 Oak Street	Replace Door & Interior Remodel	\$2,000
11.	Jon & Amy DeVlieger	215 Athens Avenue	Finish Basement	\$4,000

Council Member Boedigheimer was concerned about the \$52,037.61 increase in the contract with Duininck Bros., Inc., Project 40135 – Parkway Housing Addition Improvement

REGULAR MEETING – DECEMBER 1, 2003

Phase II and wanted to know how this was to be paid for. Glenn Olson, Director of Public Works/City Engineer, indicated that this would be covered by the 5% contingency and by the additional amount that Marshall Municipal Utilities will be paying. Boedigheimer moved, Hilton seconded, the approval of Change Order No. 2 (Final) in the amount of \$52,037.61 and the Acknowledgement of Final Payment in the amount of \$61,092.14 with Duininck Bros., Inc., for Parkway Addition Improvement (Phase 2) Project 40135. All voted in favor of the motion.

ORDINANCE REPEALING THE TRANSIENT MERCHANT LICENSE REQUIREMENT:

A discussion was held at this time on the proposed ordinance that would repeal the Transient Merchant License Requirement in the City of Marshall. Items of concern that were discussed included the fee and bond being too high; enforcement; and the protecting of the public and local businesses. It was indicated that the County issued 5 transient merchants licenses for 2003 but that they do not enforce the license. Council Member Sturrock suggested that a task force be set up to review the ordinance and make a recommendation to the Council. Chamber Executive Director Tracy Veglahn said the ordinance may need to be reviewed but that it is one way to help protect the public and businesses. Sturrock moved, Doyle seconded, that the ordinance repealing the transient merchant license requirement be tabled and that Mayor Byrnes appoint a task force to review the ordinance and report to the Legislative and Ordinance Committee by February 1, 2004. All voted in favor of the motion, except Boedigheimer who voted no.

Mayor Byrnes appointed the following people to a task force that would review the transient merchant license requirement and asked that the Chamber of Commerce to set a date for the first meeting:

- Council Member Stores
- Council Member Boedigheimer
- City Attorney or representative
- County Auditor or representative
- Financial Director/City Clerk Thomas M. Meulebroeck
- Representative from the Chamber of Commerce

PRESENTATION FROM DISTRICT #413 ON SOCCER FIELDS PROJECT:

Harry Weilage, Director of Community Services, gave an update on the Soccer Fields Project. Mr. Weilage was requesting that the City of Marshall continue the partnership with the Minnesota Amateur Sports Commission on the soccer field project at the new high school site. The construction of the soccer fields will use the money contributed by local partners (Marshall Public School and City of Marshall) to access \$169,000 from the sports commission. This project started in 2001 with a partnership between the city, school district, SSU, Lyon County and the sports commission. Each entity committed \$50,000 in cash or in-kind toward the project. SMSU dropped out after a proposal, which included revamping Mattke Field at SMSU, was rejected by the sports commission. Reynolds moved, Hilton seconded, that the proper city personnel be authorized to enter into a Grant Contract Amendment with the Minnesota Amateur

REGULAR MEETING – DECEMBER 1, 2003

Sports Commission, Marshall School District 413 and the City of Marshall for the Soccer Fields Project at the new high school site. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 6:45 P.M.

PRELIMINARY PLAT OF MOORSE ADDITION:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the preliminary plat of Moose Addition. Stores moved, Sturrock seconded, that a public hearing be held at 5:30 P.M. on December 15, 2003 to consider the preliminary plat for Moose Addition. All voted in favor of the motion.

CONSIDER RESOLUTION REMOVING ASSESSMENT FROM DEFERRED STATUS DUE TO REMOVAL OF PROPERTY FROM FLOOD PLAIN:

Doyle moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2588, SECOND SERIES and that the reading of the same be waived. Resolution Number 2588, Second Series is a resolution Removing an Assessment from Deferred Status due to Removal of Property from Flood Plain. This resolution provides for the assessment against Parcel No. 27-819003-0 to be removed from deferred status due to the removal of the property from the flood plain. The assessment in the amount of \$14,269.80 was paid on December 1, 2003. All voted in favor of the motion.

MESERB MINNESOTA RIVER NUTRIENT TRADING PROGRAM:

Glenn Olson, Director of Public Works/City Engineer, reviewed Minnesota Environmental Science and Economic Review Board Nutrient Trading Program. Mr. Olson indicated that the City of Marshall may benefit in a proposed nutrient trading program by enabling the City to construct a phosphorus treatment system and "selling" excess phosphorus credits to small cities that may not be able to afford treatment systems in their communities. Sturrock moved, Hilton seconded, the approval of the start-up costs for the Minnesota River Basin Nutrient Trading Program in the amount of \$2,517.46, which includes a credit of \$622.35 to our existing MESERB membership assessment. This amount will be paid from the Wastewater dues and subscriptions account in 2003. All voted in favor of the motion.

PERSONNEL COMMITTEE RECOMMENDATION ON JOB CLASSIFICATION CHANGES:

Per the recommendation of the Personnel Committee, Reynolds moved, Stores seconded, that the following changes be made:

1. Reclassify the Collection System Assistant Superintendent position from 271 points to 301 points and provide for a retroactive wage adjustment to the position effective from May 1, 2003 from \$18.59 to \$19.58 (Step4).
2. Reclassify the Lift Station Operator (223 points), Biosolids Operator (186 points), and collection System Operator (167 points) positions into a new Maintenance Operator (192 points) position effective November 24, 2003 for the recent Wastewater position vacancy that was filled and to reclassify the existing positions held by the Biosolids

REGULAR MEETING – DECEMBER 1, 2003

Operator/Collection System Operator into the new Management Operator position effective January 1, 2004.

All voted in favor of the motion.

OVERVIEW FROM CGMC FALL CONFERENCE MEETING:

At this time John Doyle briefly reviewed the CGMC Fall Conference that he attended on November 20-21, 2003 in Alexandria, Minnesota.

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 discussed the sale of the Parkway Townhome property, the next phase of housing project and updating the housing plan.
- Stores Charter Commission met last week; Library Board will meet later this month.
- Sturrock Planning Commission held a special meeting on November 24th and the Utilities Commission met on November 19th
- Boedigheimer Lyon County Enterprise Development met on November 25th and they have hired a new director; Ways and Means needs to schedule a meeting.
- Doyle Housing Commission will be meeting on December 8th; Human Rights Commission met last week; and Marshall Area Transit minutes are included in the agenda packet.
- Hilton Hospital Board has met with representatives from Sioux Valley Hospital AVERA McKennan Hospital and Tracy Hospital.
- Reynolds Cable Commission will be meeting next week; Community Services Advisory Board met on Wednesday and Personnel Committee minutes are included in the agenda packet.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the rate for the Nutrition Program being higher with Nutrition Services than it was with WESCAP; Council Member Sturrock has been invited to a White House Holiday Reception in Washington DC; the street department did a good job with the snow removal; there is considerable drifting along Paris Road in the Parkway Addition; the City needs to adopt policies and guidelines for the GASB34; the Amenities Task Force met last week and will be providing a presentation to the council in January; it was suggested that signs be installed along Channel Parkway informing people of the construction that will take place in 2004; the tree ceremony was well attended; and it was suggested that there be a name selected for the downtown park.

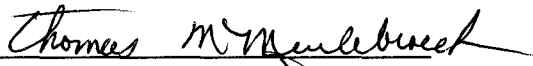
REGULAR MEETING – DECEMBER 1, 2003

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 3, 2003

The Truth and Taxation Public Hearing was held on Wednesday, December 3, 2003 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 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. Boedigheimer arrived at 5:52 P.M. Staff in attendance at the meeting included: Mike Johnson, City Administrator; Thomas M. Meulebroeck, Finance Director/City Clerk; Teri McCausland, Studio 8 and Erick from the Radio Station; Calvin Barnett, Director of General Services; and Harry Weilage, Director of Community Services, arrived at 6:15 P.M. There were five 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 2004. 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 15, 2003 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 2003 Accomplishments:

- * Implementation of Surface Water Management Utility to Assist with Future Storm Water Improvements
- * Coordinated Review of 15 Residential/Commercial/Industrial Subdivision plats that have created 185 New Residential and 14 Commercial/Industrial Lots
- * Public Works Staff managed \$1,900,000 worth of Planning/Design/Construction Projects for Airport, Wastewater, Parks, Street and Municipal Building Departments
- * Completion of "EDA" Parkway Housing Addition
- * Completed Annexation Proceedings that Added 721 Acres to Corporate City Boundaries
- * Received \$100,000 2-Year Grant and \$500,000 worth of Equipment/Vehicle/Trailer for Local Hazardous Chemical Assessment Team
- * Donations/Construction of "Boards and Blades" Skate Park in Legion Field Park
- * Closed out Downtown Small Cities Grant Project which resulted in Investment of \$2,100,000 in Commercial/Residential Properties
- * City Assisted Chamber of Commerce in 1st Annual "Sounds of Summer" Celebration
- * Successfully addressed Mid-Year State Budget cuts resulting in the loss of \$504,805 in Local Government Aid (LGA)
- * Completed Comprehensive Infrastructure Study with Marshall Municipal Utilities
- * Negotiated 10-Year Cable Television Franchise Renewals with Charter Communications and PrairieWave Communications

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 3, 2003

- * Completion of Technology Convergence Plan/Community Strategic Technology Plan
- * "JOBZ" Application Developed and Submitted to Minnesota Department of Employment and Economic Development

Following the review of the 2003 Accomplishments, Mike reviewed the 2004 Issues Confronting the City of Marshall:

- * Planning and Development of Parkway Addition II for Affordable Housing
- * Construction of New High School and Related Utility/Transportation Improvements
- * Implementation of "Amenities Committee" Recommendations
- * Planning/Construction/Transportation Improvements Associated with New Wal-Mart Supercenter
- * Updating City's 1996 Comprehensive Plan
- * Construction of Multiple Improvement Projects (i.e. East Side Sanitary Sewer, Channel Parkway Reconstruction, N. 3rd Street Road/Bridge Construction, Windstar Street Construction, and other Development Projects)
- * Replacement of Filtration/Boiler/Heating Equipment at Aquatic Center
- * GASB 34 and Fixed Asset Accounting Program
- * Residential/Commercial/Industrial Subdivisions (Platting, Development and Construction)
- * Development of Revenue Alternatives for Recreation/Community Education Programs in a Transitioning Environment
- * Completion of Air Service Study and Runway Extension Planning at Airport
- * Trails/Park Development/Connectivity Planning with New Residential Subdivision Developments
- * Continued Development/Naming of Downtown City Park
- * Implementation of Small Cities Grant if State Funding is received
- * Implementation of Hazardous Chemical Assessment Team (CAT) and Development of Utilization/Funding Alternatives for MERIT Center

Mike reviewed the Building Permit Summary by the number of residential units from 1993 through year to date November, 2003; the 2004 proposed general fund budget, which is balanced with revenues and expenditures equal to \$8,467,161; the general fund revenues and other financing sources and expenditures and transfers out for 1994 – 2004; and the changes in fund balance between revenues and expenditures.

Other items that were briefly reviewed included: the 2004 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 1995 through estimated 2004; the State Aids and Property Tax Levy from 1998 through 2004; the proposed 2004 Marshall Property Tax Levy; the comparison of Marshall's Property Tax Levy from 1995

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 3, 2003


through 2004; a break down of total tax capacity rate paid by Marshall City residents from 1984 to 2004; the history of local Tax Capacity Rates from 1994 through 2004; and a comparison of 2003 Tax Capacity Rates for Greater Minnesota Cities with 8,000 population and above.

Mike acknowledged Doris Huber, Assessing Technician; Thomas M. Meulebroeck, Financial Director/City Clerk; Kathy Knutson, Assistant Finance Officer; and Eileen Christiansen, Administrator Assistant; for their efforts in preparing the budget presentation. Mike also informed those in attendance at the hearing that the final budget will be considered and adopted at the December 15, 2003 City Council meeting.

Comments or concerns received from the general public in attendance at the meeting were from:


- Cory Butler, 306 South Hill was concerned with the 77.45% increase in the Mayor and Council budget, which is a reflection of monies set aside for payroll adjustments in 2004 that have not been allocated to the departments.
- Barbara Hawes, 306 South Hill Street was concerned with the storm sewer improvements that have been discussed for some time for the area where she lives. Ms. Hawes was advised that the improvement is still in the plans and it is the intent to utilize monies collected from the Storm Water Utility for this improvement.
- John Feda questioned the decrease in tax capacities from 2001 to 2002, and when the YMCA project was completed since he likes to see the value of tax capacities related to TIF reduced. Mr. Johnson stated that when the pooling of TIF areas was done it provides for an increase in growth activities.
- Ron Labat suggested that compare there was more benefit to comparing actual to budget rather than budget-to-budget. Ron Labat was concerned with the loss of 800 jobs in Marshall and Montevideo adding 500 jobs. Mike Johnson stated that the loss of jobs with certain business doesn't reflect the jobs that were added in other businesses. Ron suggested that the City should have a plan to only add additional debt to be levied upon properties owners when other debt has been paid off. Ron's final concern was with the City adding a position and that this does not seem to be the practice in private businesses that are trying to hold the line during the difficult economic times.

Upon motion made by Doyle and seconded by Reynolds, the meeting was adjourned at 6:37 P.M. All voted in favor of the motion



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – DECEMBER 15, 2003

The regular meeting of the Common Council of the City of Marshall was held on December 15, 2003 in the Council Chambers 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: Hilton, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Doyle. Staff present included: Michael Johnson, City Administrator; Pat Leary, Interim City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Calvin Barnett, Director of General Services/City Assessor; 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 council that the agenda be approved as presented. All voted in favor of the motion.

APPROVAL OF THE MINUTES:

Reynolds moved, Hilton seconded, that the minutes of the regular meeting held on December 1, 2003 and the minutes of the Truth in Taxation meeting held on December 3, 2003 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 – WASTEWATER USER RATES FOR FY 2004:

This was the date and time set for a public hearing on the Wastewater user rates for the year 2004. The proposed rates have been calculated based on a financial analysis of the Wastewater Utility Fund prepared by Springsted's Incorporated. Sturrock moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2589, SECOND SERIES and that the reading of the same be waived. Resolution Number 2589, Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 2004. All voted in favor of the motion.

PUBLIC HEARING – RESOLUTION APPROVING THE MODIFICATION OF THE MODIFIED REDEVELOPMENT PLANS FOR REDEVELOPMENT PROJECTS NUMBERS 1 AND 2 AND THE MODIFICATION OF THE MODIFIED TAX INCREMENT FINANCING PLANS FOR THE TAX INCREMENT DISTRICTS LOCATED THEREIN AS REQUESTED BY THE HOUSING AND REDEVELOPMENT AUTHORITY:

This was the date and time set for a public hearing on the Modification of the Modified Redevelopment Plans for Redevelopment Project Nos. 1 and 2 and the Modification of the Modified Tax Increment Financing Plans for the Tax Increment Districts Located Therein as requested by the Housing and Redevelopment Authority. Cal Barnett, Director of General Services/City Assessor, indicated that the modifications to the TIF Plan are three-fold: first the budget of Project Areas #1 and #2 has been increased in total by \$900,000; second is to lengthen the life of District 2-3 to its legal life; and third is the inclusion of legal descriptions for all properties acquired by the Authority since the last significant modification to the TIF Plan.

REGULAR MEETING -- DECEMBER 15, 2003

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

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2590, SECOND SERIES and that the reading of the same be waived. Resolution Number 2590, Second Series is a resolution Approving the Modification of the Modified Redevelopment Plans for Redevelopment Projects Nos. 1 and 2 and the Modification of the Modified Tax Increment Financing Plans for the Tax Increment Districts Located Therein. All voted in favor of the motion.

PUBLIC HEARING -- MOORSE ADDITION:

This was the date and time set for a public hearing on the Preliminary Plat for Moose Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed this plat with the council. Stores moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Sturrock seconded, the approval of the Preliminary Plat for Moose Addition. All voted in favor of the motion.

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2591, SECOND SERIES and that the reading of the same be waived. Resolution Number 2591, Second Series is a resolution Approving the Final Plat of Moose Addition. This resolution was approved contingent upon the City Attorney's review and approval of the abstract of title and title opinion and Developer's payment of all fees due. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA: CHANGE OF 2004 CITY COUNCIL MEETING DATES; ANNUAL RENEWAL OF LICENSES FOR: ON-SALE LIQUOR, SUNDAY LIQUOR, TOWING & STORAGE, TOBACCO, AND TRANSIENT MERCHANTS; APPROVAL OF REVISED RENTAL LEASE AGREEMENT FOR SENIOR DINING NUTRITION PROGRAM WITH NUTRITION SERVICES, INC.; CONSIDER RESOLUTION AUTHORIZING ACCEPTANCE OF A TRAFFIC SAFETY AWARD; PROJECT 2002-007: 2002 TERMINAL AREA IMPROVEMENTS -- ACKNOWLEDGEMENT OF FINAL PAY ESTIMATE (#7) AND AUTHORIZATION FOR APPROVAL OF CERTIFICATE OF FINAL ACCEPTANCE; CONSIDER RESOLUTION OF AUTHORIZATION TO EXECUTE MN/DOT GRANT AGREEMENT NO. 85986 FOR AIRPORT IMPROVEMENT FOR THE PURCHASE OF TWO REVERSIBLE PLOWS; CONSIDER CURRENCY EXCHANGE LICENSE APPLICATION BY WAL-MART STORES, INC. D.B.A. WAL-MART STORE #1722; BILLS/PROJECT PAYMENTS; AND BUILDING PERMITS:

Per the request of Sturrock the changing of 2004 City Council meeting dates and per the request of Mayor Byrnes the Revised Rental Agreement for Senior Dining Nutrition Program with Nutrition Services, Inc., were removed from the consent agenda.

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

The 2004 license renewals for On-Sale Liquor, Sunday Liquor, Towing & Storage, Tobacco and Transient Merchants licenses for the following establishment:

REGULAR MEETING – DECEMBER 15, 2003

LIQUOR LICENSE APPLICATIONS (\$4,200 per year)

Applebee's Neighborhood Grill & Bar
American Legion
Best Western/Marshall Inn
Eagles Club
Gambler
Hitching Post Eatery and Saloon
Marshall Golf Club
Naomi's
Pappy's
Sam's Place
Varsity Pub
Wooden Nickel

SUNDAY LIQUOR LICENSE APPLICATIONS (\$240 per year)

Applebee's Neighborhood Grill & Bar
American Legion
Best Western/Marshall Inn
Eagles Club
Gambler
Hitching Post Eatery and Saloon
Marshall Golf Club
Naomi's
Pappy's
Sam's Place
Varsity Pub
Wooden Nickel

TOWING AND STORAGE LICENSE APPLICATION (\$180.00 per year)

Brad's One Stop

TOBACCO LICENSE APPLICATIONS (\$72.00 per year)

Brad's One Stop
K. C. Pawn & Gun Shop
Marshall Municipal Liquor
Wal-Mart

TRANSIENT MERCHANTS LICENSE APPLICATIONS (\$300.00 per year)

American Studios Inc. (WalMart)
The Pacesetter Corporation
Precision Hearing Instruments dba Miracle Ear

REGULAR MEETING – DECEMBER 15, 2003

The adoption of RESOLUTION NUMBER 2592, SECOND SERIES and that the reading of the same be waived. Resolution Number 2592, Second Series is a resolution Authorizing Acceptance of a Traffic Safety Award. This grant is in the amount of \$2,000.

The Acknowledgement of Final Payment in the amount of \$8,684.78 from the 2001 Airport Improvements Fund (Account Number 420-62066-5520), and acknowledgement of the final contract amount of \$884,416.91.

The adoption of RESOLUTION NUMBER 2593, SECOND SERIES and that the reading of the same be waived. Resolution Number 2593, Second Series is a resolution Authorizing the Execution of the Minnesota Department of Transportation Grant Agreement for Airport Improvements. This resolution provides for up to \$11,500 for the purchase of a truck reversible plow and a pickup reversible plow for the Airport.

The approval of the application from Wal-Mart Stores, Inc., to operate a "currency exchange" business at 1101 East Main Street.

The following bills and project payments authorized for payment: ACCOUNTS PAYABLE, Voucher No. 40520 through 40594.

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. Pat & Wendy Sarazyn	923 West Main Street	Replace Door, Window and Siding	\$3,000
2. Maria Pribyl	902 Birch Street	Insulate Garage	\$500
3. Babcock Construction	107 "E" Street	Finish Bathroom & Finish Basement	\$3,500
4. Daniels Peterson Construction	700 South Saratoga Street	Finish Basement	\$19,000
5. Tim Landgraff	506 Genesis Avenue	Finish Garage	\$1,000
6. Jason & Heidi Buysse	218 Athens Avenue	Finish Basement	\$10,000
7. Clarence Boogaard	310 East Main Street	Partial Garage Reroof	\$200
8. Dennis & James Lozinski	506 Carlson Street	Reside Dwelling	\$2,500
9. Fastenal Company	900 North Highway 59	Sign	\$1,500

Council member Sturrock was concerned about moving the Council meeting from Monday September 6, 2004 to Tuesday, September 7, 2004. His concern was whether or not

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September 7, 2003 was Primary Election Day. Reynolds moved, Stores seconded, That the three City Council meetings that fall on holidays in 2004 be changed as follows:

Monday holidays

January 19, 2004 Martin Luther King
February 16, 2004 President's Day
July 5, 2004 4th of July Observed

New meeting date

January 20, 2004
February 17, 2004
July 6, 2004

All voted in favor of the motion.

Hilton moved, Reynolds seconded, the approval of the Revised Rental Lease Agreement for Senior Dining Nutrition Program with Nutrition Services, Inc. The revised agreement provides for a change in the re-imbursement rate per meal. The change is from 29 cents per meal to 20 cents per meal. All voted in favor of the motion.

CONSIDER REVISED ABATEMENT OF CITY PROPERTY TAXES ON PARKWAY TOWNHOMES:

Cal Barnett, Director of General Services/City Assessor, reviewed the revised Abatement of City Property Taxes on Parkway Townhomes. Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2594, SECOND SERIES and that the reading of the same be waived. Resolution Number 2594, Second Series is a resolution Revising the Abatement of City Property Taxes on Parkway Townhomes. All voted in favor of the motion.

RESOLUTION ADOPTING THE FISCAL YEAR 2004 BUDGET:

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2595, SECOND SERIES and that the reading of the same be waived. Resolution Number 2595, Second Series is a resolution Adopting a Budget for 2004. This resolution provides for General Fund revenues of \$8,467,161 and expenditures of \$8,467,161 and of which the revenues will be supported with a tax levy of \$2,416,220. The total revenue for all funds is \$21,276,819 and the total expenditures for all funds is \$22,632,591. All voted in favor of the motion.

RESOLUTION APPROVING THE 2003 TAX LEVY, COLLECTIBLE IN 2004:

Hilton moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2596, SECOND SERIES and that the reading of the same be waived. Resolution Number 2596, Second Series is a resolution Approving 2002 Tax Levy, Collectible in 2004. This resolution provides for a total levy of \$2,965,442 which includes the General Fund Levy of \$2,036,557; Library \$379,663; Flood Control Debt Service 216,891; Senior Center/Swimming Pool Debt Service \$25,000; Airport Improvements \$205,090; Parkway Improvements Debt Service \$30,241; Pool Capital Equipment Certificates Debt Service \$65,000; and PERA Employer contribution of \$7,000. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING A SPECIAL LAW OF THE STATE OF MINNESOTA:

Russ Labat, representative of the Marshall Volunteer Firefighter Relief Association, and Marc Klaith, Fire Chief, were in attendance at the meeting. Russ Labat and Mike Johnson, City Administrator, reviewed this PILOT Plan with the council. Stores moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2597, SECOND SERIES and that the reading of the same be

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waived. Resolution Number 2597, Second Series is a resolution Approving a Special Law of the State of Minnesota Permitting the City of Marshall, Minnesota to Allow the Marshall Volunteer Firefighter Relief Association to Amend its Bylaws to Pay Interest on Deferred Lump Sum Payment Pensions. All voted in favor of the motion.

CONSIDER RESOLUTION AMENDING THE BY-LAWS OF THE MARSHALL VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION:

Boedigheimer moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2598, SECOND SERIES and that the reading of the same be waived. Resolution Number 2598, Second Series is a resolution Approving the By-Laws of the Marshall Volunteer Firefighters Relief Association. This resolution provides for a change to allow for interest to be paid on Deferred Lump Sum Payment Pensions as provided by a Special Law of the State of Minnesota. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF TIGER PARK ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the final plat of Tiger Park Addition. Mr. Olson indicated that the following items have been revised since the submission of the preliminary plat: A Developers Agreement has been completed; a revised utility and grading plans have been submitted; design locations for utilities have been approved with actual sizes of watermain to be determined by MMU and approved by the City; and utility easements have been provided in accordance with the requirements of MMU. Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2599, SECOND SERIES and that the reading of the same be waived. Resolution Number 2599, Second Series is a resolution Approving the Final Plat of Tiger Park Addition contingent upon the City Attorney's review and approval of the Developers Agreement, abstract of title and title opinion, and Developers payment of all fees according to the First Development Contract for Tiger Park Addition. All voted in favor of the motion.

CONSIDER RECOMMENDATIONS FROM INSURANCE ADVISORY COMMITTEE A. REVIEW HEALTH INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2004; B. CONSIDER LIFE INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2004; C. CONSIDER LONG-TERM DISABILITY INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2004; D. CONSIDER RENEWAL OF EMPLOYEE ADMINISTRATION FEE FOR DENTAL INSURANCE WITH FORTIS; E. CONSIDER INCREASE IN DENTAL INSURANCE PREMIUMS FOR THE CITY'S SELF-INSURED PLAN; AND F. CONSIDER WORKERS COMPENSATION INSURANCE RENEWAL EFFECTIVE JANUARY 1, 2004:

Thomas M. Meulebroeck, Financial Director/City Clerk, briefly reviewed the recommendations of the Insurance Advisory Committee as follows:

The health insurance be renewed with Blue Cross Blue Shield through the Appletree Institute pooled health insurance plans at a 6.7% increase. The premium for single coverage would increase from \$285.12 to \$304.00 per month and the premium for family coverage would increase from \$762.02 to \$813.00 per month. Reynolds moved, Stores seconded, that the health insurance be renewed with Blue Cross Blue Shield through the Appletree Institute pooled health insurance. The premiums for single coverage will be \$304.00 per month and the premium for

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family coverage will be \$813.00 per month. All voted in favor of the motion.

The City's group life insurance be renewed with Madison National Life Insurance with no change in premium. The premiums are: Basic Life at \$0.28 per thousand for employee Life Insurance, AD&D at \$0.035 per thousand for employee coverage and the dependant life at \$1.65 per unit. The life insurance plan has an enhancement to it that provides a Long-Term Care Insurance rider at no cost to the employer nor will it ever affect the group rate. The rider will give qualified retiring employees a LTC policy free of charge for the first 90 days on a guaranteed basis. If a retiree intends to keep this coverage they will be billed personally. Council Member Boedigheimer asked if the rider for a LTC policy would cause the rates to go up in future years. It was indicated that the letter from Madison National Life states that this rider will never affect the group rates. Hilton moved, Reynolds seconded, that the City's group life insurance be renewed with Madison National Life Insurance with no in premium. The premiums are: Basic Life at \$0.28 per thousand for employee Life Insurance, AD&D at \$0.035 per thousand for employee coverage and the dependant life at \$1.65 per unit. The life insurance plan has an enhancement to it that provides a Long-Term Care Insurance rider at no cost to the employer nor will it ever affect the group rate. All voted in favor of the motion.

That the long-term disability insurance coverage be renewed with Madison National Life Insurance with no change in the premium. The policy will be amended to cover an individual's payroll up to \$100,000 at a premium of .425%. In addition to the increase in covered payroll to \$100,000 per individual the maximum monthly benefit is also being increased to \$5,000. Stores moved, Hilton seconded, that the long-term disability insurance coverage be renewed with Madison National Life Insurance with no change in the premium. The policy will be amended to cover an individual's payroll up to \$100,000 at a premium of .425%. In addition to the increase in covered payroll to \$100,000 per individual the maximum monthly benefit is also being increased to \$5,000. All voted in favor of the motion.

That the Employee Administration Fee with Fortis be renewed at the current rate of \$5.77 per employee per month for administration of dental claims. It was indicated that the rate of \$5.77 per employee per month is effective to the year 2006. It was also indicated that there is a 60-day notice required to cancel the contract with Fortis. Hilton moved, Reynolds seconded, that the Employee Administration Fee with Fortis be renewed at the current rate of \$5.77 per employee per month for administration of dental claims. All voted in favor of the motion.

That the monthly dental insurance premiums be set at \$96.38 for family coverage and \$34.38 for single coverage effective 1-1-04. These rates include the administration fee of \$5.77 per employee per month. Stores moved, Reynolds seconded, that the monthly dental insurance premiums be set at \$96.38 for family coverage and \$34.38 for single coverage effective 1-1-04. These rates include the administration fee of \$5.77 per employee per month. All voted in favor of the motion.

That the workers compensation insurance be renewed with the League of Minnesota

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Cities effective January 1, 2004 utilizing the managed care credit of 3% and a medical deductible of \$2,500, which provides a 10% credit to the premium. Stores moved, Hilton seconded, that the workers compensation insurance be renewed with the League of Minnesota Cities effective January 1, 2004 utilizing the managed care credit of 3% and a medical deductible of \$2,500, which provides a 10% credit to the premium. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 6:40 P.M.

DISCUSSION ON MNDOT/LYON COUNTY TRANSPORTATION PLANNING AND UPCOMING MEETINGS:

A discussion was held at this time on the letters that have been received from the Minnesota Department of Transportation and Lyon County concerning transportation planning and upcoming meetings. There will be a MN/DOT meeting on December 18th at 1:00 P.M. in Redwood Falls and another one sometime in January to discuss possible Area Transportation Partnership (ATP) projects in Marshall. The Lyon County Commissions and the County Public Works Department will be holding an information meeting on December 18th at 7:00 p.m. and a public hearing on January 29th at 7:00 p.m. concerning the County's Local Road Improvement Plan. City Staff and Council Members that are available should attend these meetings.

PUBLIC WORKS DEPARTMENT UPDATE ON IMPLEMENTATION OF SURFACE WATER MANAGEMENT UTILITY:

Glenn Olson, Director of Public Works/City Engineer, gave a brief update on the implementation of the Surface Water Management Utility (SWMU). Mr. Olson summarized the Areas and Estimated Revenue by Classification, the Tax-Exempt Parcels information, questions fielded by staff at City Hall and MMU, and provided a listing of proposed projects to be partially funded by SWMU Revenue, as well as future projects being considered for storm sewer improvements. Mr. Olson also indicated that this utility may be paid annually.

APPOINTMENT OF CITY ATTORNEY FOR 2004:

Mayor Byrnes recommended that Dennis Simpson be appointed as City Attorney for the remainder of the current term, which will end on December 5, 2004. Council Member Boedigheimer moved, Stores seconded, that a detailed analysis of the City Attorney position be added to the pending agenda items. All voted in favor of the motion. The council took this opportunity to thank Pat Leary for all of his help as Interim City Attorney.

CONSIDER BOARD AND COMMISSION APPOINTMENTS:

Per the recommendation of Mayor Byrnes, Reynolds moved, Sturrock seconded, that Gael Coleman be appointed to the Senior Citizen Center Commission for a term to expire on May 1, 2004 and that they continue interviews on December 18, 2003 for the remaining vacancies. 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

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presented at this time:

Byrnes No report.

Stores Insurance Advisory Commission met on December 11th; Library Board met on December 8th.

Sturrock Planning Commission meeting was cancelled; Utilities Commission minutes are included in the agenda packet; and there was a Waste Energy Project at the Library on December 3rd.

Boedigheimer Airport Commission, Senior Citizen Center Commission and Ways and Means Committee have all met.

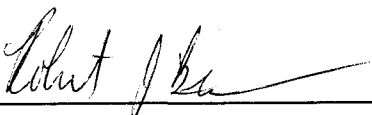
Hilton Hospital Board minutes from November are included in the agenda packet and the annual joint meeting between the Hospital Board and the City Council will be held on January 26th.

Reynolds Community Services Advisory Board met on December 4th.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the parking spot on North 6th that is between the two drive ways for the Marshall Independent should be reviewed by Glenn; the workers comp dividend of approximately \$77,000 will be split between the City, MMU, and Library; the agenda for the M.E.R.I.T. meeting on December 18th has been sent by email; the annual evaluation for City Administrator Mike Johnson will be sent to the council this week; the Annual Tree Lighting Ceremony was held this evening.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk