

REGULAR MEETING – JANUARY 5, 2004

The regular meeting of the Common Council of the City of Marshall was held on January 5, 2004 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. Absent: Hilton. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; 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 MINUTES:

Stores moved, Reynolds seconded, that the minutes of the regular meeting held on December 15, 2003 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 CHANGE OF SEPTEMBER 6, 2004 CITY COUNCIL MEETING DATE; CONSIDER RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES FOR 2004; CONSIDER RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR 2004; CONSIDER APPROVAL TO CLOSE DEBT SERVICE FUND (373) TO "429" REVOLVING FUND (495); ANNUAL RENEWAL OF TRANSPORTATION AGREEMENT FOR 2004 WITH WESTERN COMMUNITY ACTION FOR TRANSIT OPERATIONS; CONSIDER APPROVAL OF VEHICLE PURCHASE FOR MARSHALL AREA TRANSIT; BILLS/PROJECT PAYMENTS; BUILDING PERMITS; 2003 BUILDING PERMIT SUMMARY; CONSIDER APPLICATION FOR TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU STUDENT HOSPITALITY ORGANIZATION ON FEBRUARY 7, 2004:

Per the request of Boedigheimer the approval to close Debt Service Fund (373) to "429" Revolving Fund (495) was removed from the agenda.

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

That the City Council meeting that falls on a holiday in 2004 be changed as follows:

<u>Monday holiday</u>	<u>New meeting date</u>
September 6, 2004 Labor Day	September 7, 2004

The adoption of RESOLUTION NUMBER 2600, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2600, Second Series is a resolution Appointing the Official Depositories for the City of Marshall City Funds for the year 2004.

The adoption of RESOLUTION NUMBER 2601, SECOND SERIES and that the reading of the same be waived. Resolution Number 2601, Second Series is a resolution Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall.

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The approval of an agreement between Western Community Action, Inc., and the City of Marshall for transit operations within the City of Marshall for the period January 1, 2004 through December 31, 2004.

The approval of the purchase by Western Community Action, Inc., for a transit vehicle from Grande America for the M.A.T. Transit System in the amount of \$36,677.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 40595 through 40870.

The approval of a Temporary On-Sale Liquor License for Southwest Minnesota State University Student Hospitality Organization for operation at the PE Gym at Southwest Minnesota State University on February 7, 2004.

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	Amount
1.	James Barton Design Build, Inc.	1201	Country Club	Drive	Finish Basement	\$5,000
2.	Debra J. Griebel	312	Lawrence	Street	Replace Door and Remodel Bathroom	\$3,500
3.	Bladholm Construction, Inc.	1650	West College	Drive	Remodel Office	\$8,000
4.	Sussner Construction, Inc.	610	West Erie	Road	Interior Remodeling	\$52,700
5.	Barry Hanson Construction	1102	Columbine	Drive	Replace Windows	\$2,500
6.	Jason & Amber Greeley	223	London	Road	Partial Finish Basement	\$2,500
7.	Tim Landgraff	506	Genesis	Avenue	Finish Basement	\$4,000

The 2003 Building Permit Summary was provided for the Council's information.

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the request to close Debt Service Fund 373 to the City's "429" Revolving Fund 495. Council Member Boedigheimer wanted to know why it takes so long to close out an account. He indicated that this money could have been used to help with the budget cuts in July, 2003. Per Section (5) Debt Service Account of Resolution Number 1501, Second Series, the remaining funds may be used for any lawful purpose, therefore Reynolds moved, Sturrock seconded, to transfer the cash of \$21,647.47 and the Special Assessment Receivable of \$44,316.50 to the City's "429" Revolving

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Fund No. 495. All voted in favor of the motion.

**MUNICIPAL DELEGATION AGREEMENT FOR BUILDING CODES
ADMINISTRATION ON PUBLIC BUILDINGS AND STATE LICENSED FACILITIES:**

Stores moved, Doyle seconded, the approval of an Agreement from Minnesota Building Codes and Standards Division for administration of inspections on public buildings and State license facilities within the city by the City. This is a three-year agreement. All voted in favor of the motion.

**CONSIDER RESOLUTION REALLOCATING BUDGET AMOUNTS FOR FISCAL
YEAR-END DECEMBER 31, 2003:**

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the budget adjustments for the revised 2003 budget. Council Member Boedigheimer questioned why the Skate Park cost exceeded the bid amount by \$13,000 (a 25% cost overrun). Boedigheimer indicated that the council was told that the Skate Park would not cost the city any money. Mr. Boedigheimer also requested that the council be informed on a timely manner when a project goes over budget. Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2602, SECOND SERIES and that the reading of the same be waived. Resolution Number 2602, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year Ended December 31, 2003. All voted in favor of the motion.

DRAFT FIXED ASSETS POLICY AND DRAFT CAPITALIZATION POLICY:

Council Member Boedigheimer has developed and submitted a draft of the "Fixed Asset Policy" and Thomas M. Meulebroeck, Financial Director/City Clerk, has developed a preliminary draft of a Capitalization Policy. Per the recommendation of City Administrator Michael Johnson, Reynolds moved, Sturrock seconded, that the policies be reviewed by City staff, the Council Ways and Means Committee and the City's Auditors before a final recommendation is made. All voted in favor of the motion.

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:

- Library Board – Kathleen Ashe for a 3 year term to expire on December 31, 2006
- Library Board – Valerie Brandt for an unexpired term to expire on December 31, 2004
- Library Board – Aneesa Schaeffer for a 3 year term to expire on December 31, 2006
- Community Services Advisory Board – Kelly Jo Stegner for an expired term to expire on February 28, 2004 contingent upon approval of the Marshall School Board.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report.

Stores No report.

Sturrock Utilities Commission met on December 17, 2003

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Boedigheimer No report.

Doyle Human Rights Commission minutes are included in the agenda packet; Marshall Area Transit minutes are included in the agenda packet.

Reynolds Cable Commission minutes are included in the agenda packet.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

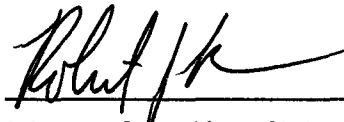
Other items brought forth by the Mayor and Council Members included: setting a date for the annual retreat; the sidewalk along Southview Drive from Saratoga to Speedway has ice and snow on it and should be removed; the Mayor and City Administrator will be making a presentation to a group in Iowa that may be interested in the Heartland property.

Be it noted the arrival of Council Member Hilton at 6:00 P.M.

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO 13D.05, SUBD. 3(b):

Reynolds moved, Sturrock seconded, that the Council go into closed session pursuant to 13D.05, Subd. 3(b). All voted in favor of the motion. The closed session adjourned at approximately 7:00 P.M.

Doyle moved, Stores 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 – JANUARY 20, 2004

The regular meeting of the Common Council of the City of Marshall was held on January 20, 2004 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, Acting City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Finance Director/City Clerk; Harry Weilage, Director of Community Services and Marc Klaith, Fire Chief.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Boedigheimer moved, Sturrock seconded, that the minutes of the regular meeting held on January 5, 2004, be approved as corrected and as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA: CONSIDER FARM LEASE AGREEMENT WITH PAUL DEUTZ FOR 2004; APPROVE POLICY REGARDING ACCOUNTING FOR FIXED ASSETS TO COMPLY WITH GASB 34; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Boedigheimer requested that the farm lease agreement with Paul Deutz be removed from the consent agenda.

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

That the Policy Regarding the Accounting for Fixed Assets to comply with GASB 34, be adopted as recommended by the Ways and Means Committee.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 40871 through 41007.

All voted in favor of the motion.

Boedigheimer was concerned with the per acre rental fee in the Paul Deutz farm lease agreement. Glenn Olson did indicate that the new rate includes \$8.00 per acre for the surface water management utility fee. Boedigheimer moved, Hilton seconded, that the farm lease agreement with Paul Deutz for 10.71 acres be approved for 1 year from February 1, 2004 to January 31, 2005 for \$942.48. All voted in favor of the motion.

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

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Applicant	Location Address	Description of Work	Valuation
1. Jason Bednarek	223 Athens Avenue	Finish Basement	\$5,000
2. Good Shepherd Lutheran Church	1600 East College Drive	Finish Basement	\$30,000
3. The Schwan Food Company	600 Michigan Road	Interior Remodeling	\$73,200
4. The Schwan Food Company	118 West College Drive	Interior Remodeling	\$38,000
5. The Schwan Food Company	901 North Highway 59	Interior Remodeling	\$22,000
6. The Schwan Food Company	800 East Southview Drive	Interior Remodeling	\$15,300
7. Carr Properties	401 South Hill Street	Sign	\$300
8. Geske Home Improvement Co.	909 Pine Avenue	Reside Dwelling	\$8,000
9. Marshall Commercial Properties, LLC	126 North Third Street	Interior Remodel	\$22,000
10. Sussner Construction, Inc.	702 West Fairview Street	Interior Remodeling	\$13,500
11. S&S Automotive	707 West Fairview Street	Sign	\$1,000

CONSIDER RESOLUTION OF APPRECIATION:

Reynolds moved, Boedigheimer seconded, the adoption of Resolution Number 2603, Second Series and that the reading of the same be waived. Resolution Number 2603, Second Series is a resolution of appreciation extended to Donald Brewers, who has faithfully served the City of Marshall and the Marshall Volunteer Fire Department for 31 years from December 7, 1972 to January 7, 2004. Mike Johnson, City Administrator, and Marc Klaith, Fire Chief presented the resolution to Mr. Brewers. Mr. Brewers took this opportunity to extend his appreciation to the City and the City Council for their support of the Marshall Volunteer Fire Department. All voted in favor of the motion.

INTRODUCE ORDINANCE AMENDING CITY CODE CHAPTER 14, ARTICLE III, SECTIONS 14-49 AND 14-50 REGULATING DOG LICENSES:

Per the recommendation of the Legislative and Ordinance Committee, Stores moved, Sturrock seconded, the introduction of an ordinance amending City Code Chapter 14, Article III, Sections 14-49 and 14-50, Regulating Dog Licenses. This ordinance would provide for the City of Marshall license to coincide with the rabies vaccinations for the dogs. All voted in favor of the motion.

INTRODUCTION OF KRIS HARRIS – FACILITATOR FOR LYON COUNTY ENTERPRISE DEVELOPMENT CORPORATION:

Kris Harris, the new Facilitator for the Lyon County Enterprise Development Corporation was in attendance at the meeting. Kris introduced herself and briefly reviewed with the City Council the activities of the Corporation from the past year. Kris indicated that they have had 95 contacts in the last year, they have helped 10 new businesses and 15 existing businesses in Lyon County and that they are still working with 43 applicants. Kris is planning to have more exposure through out the County by being in the various community's either a half day or full day each month.

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CONSIDER THE REQUEST OF OPPIDIAN, INC., FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A RETAIL BUILDING WITH LESS OFF-STREET PARKING SPACES THAN REQUIRED BY CODE AND TO PERMIT PARKING WITH A PROPERTY LINE SETBACK OF LESS THAN REQUIRED BY CODE AT 201 EAST COLLEGE DRIVE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the plan of Oppidan, Inc. for a retail building at 201 East College Drive. Mr. Olson indicated that the plan is to close the entrance to this property from East College Drive and that the entrances would be from Lyon St. or the alley between Lyon St. and Redwood St. Mr. Norman Gregerson, Greig and Gregerson Properties, Inc. expressed his support for the project but he was concerned with the availability of parking for the various businesses already in existence in this area. Mr. Gregerson suggested that the land behind the theater be purchased for a city parking lot. Boedigheimer suggested that the Public Improvement/Transportation Committee of the City Council explore options to establish a taxing district for parking facilities for the Central Business District. Per the recommendation of the Planning Commission, Boedigheimer moved, Sturrock seconded, that a Variance Adjustment Permit be granted to Oppidan, Inc. at 201 East College Drive for parking within 2 feet of a property line that abuts a street right-of-way in lieu of 10 feet as required by Zoning code and to provide 27 off-street parking spaces in lieu of 36 off-street parking spaces as required by Zoning Code. The plan is to construct a 7,200 S.F. multi tenant retail building at the former location of Mike's Café. All voted in favor of the motion.

CONSIDER THE REQUEST OF THE SCHWAN FOOD COMPANY TO REZONE TIGER PARK ADDITION, LOT 1 FROM A (AGRICULTURAL DISTRICT) TO AN R-1 (ONE-FAMILY RESIDENCE DISTRICT):

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of The Schwan Food Company to rezone Tiger Park Addition, Lot 1 from an A (Agricultural District) to an R-1 (One-Family Residence District). Mr. Olson indicated that Schools are usually zoned in a residence district. Per the recommendation of the Planning Commission, Sturrock moved, Stores seconded, that an ordinance be introduced to rezone Tiger Park Addition, Lot 1 from an A (Agricultural District) to an R-1 (One-Family Residence District) and that a public hearing be set for February 2, 2004 at 5:30 P. M. in the Council Chambers of the City of Marshall Municipal Building to consider the ordinance. All voted in favor of the motion.

PROJECT OVERVIEW ON BOARDS AND BLADES SKATE PARK PROJECT:

Harry Weilage, Director of Community Services was in attendance at the meeting to give an overview on the revenues and expenditures for the development of the Boards and Blades Skate Park. Per the review of revenues and expenditures, Mr. Weilage indicated that the expenses exceeded the revenues by \$12,803.93 and that the Community Services Advisory Board did approve at its January 7, 2004 for these monies to be transferred from the monies received from the Mildred Madden Trust and in the City's Park and Rec. Trust Fund to the City's General Fund.

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ROTARY CLUB PRESENTATION ON PROPOSED DEVELOPMENT OF LIBERTY PARK:

Harry Weilage, Director of Community Services introduced the Rotary Clubs proposed improvements to Liberty Park. Quinn Horvath and John Drown member of the morning Rotary Club reviewed in detail the proposed improvement to Liberty Park. Mr. Horvath indicated that 2005 is the Rotary's 100 year anniversary, therefore this project would be consider their centennial project. The proposed project would be a joint effort of both Rotary Clubs in the City of Marshall. John Drown, President of the morning Rotary Club addressed the designs for the improvements and did indicate that the plans include making the band shell handicap accessible with a path from the street, beautifying the park with more flower gardens, pavers at the park entrance with a town crier kiosk and an actual gateway into the park. The plans also include a bridge over the river to connect to the proposed sculpture park on the other side. There are plans for two (2) sets of playground equipment as well as scattered picnic tables. The plan is to have the handicap accessible ramp in place by the 2004 summer season and the rest of the work would be completed in 2004 after the band concert season. The estimated cost of the project is \$331,000. The Rotary club is seeking help from the City in the form of:

1. Support for the project;
2. Support for the Rotary in raising the necessary revenue;
3. \$15,000 from the City's 2004 budget for the building of the handicap accessible ramp;
4. In-kind labor from the city for work such as moving dirt, installing pavers, black top path, etc.; and
5. The Marshall Municipal Utilities to install a drinking faucet.

The Rotarians are committed to come forward financially and with sweat equity, and will commit labor in future years for planting and maintaining of the gardens. Boedigheimer was concerned with the accessibility of the trailers used to transport the Nursing Home residents to the vicinity of Band Shell. Reynolds moved, Sturrock seconded, that the report for the improvements to Liberty Park be approved as presented by the Rotarians and that the proper City personnel be authorized to move forward with the project. All voted in favor of the motion.

Mayor Byrnes called for a 5 minute recess at 6:30 P. M.

AUTHORIZATION TO ADVERTISE FOR AQUATIC CENTER FILTER ROOM UPGRADE:

Harry Weilage, Directory of Community Services, reviewed the timeframe for the Legion Field Aquatic Center Filter Room Upgrade Project. This project will include selective demolition, related electrical, mechanical and pool material/piping improvements. The estimated cost of this project is \$200,000 with plans for the funding to be done with Capital Equipment Notes to be paid over 4 years. The timeframe for this project is to receive bids on 2-9-04 and the project to be completed by May 24, 2004. Stores moved, Sturrock seconded, that the proper City personnel be authorized to advertise for bids to be received on 2-9-04 at 2:00 P. M. for the Legion Field Aquatic Center Filter Room Upgrade Project. All voted in favor of the motion.

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ACCEPTANCE OF SOUTHWEST MINNESOTA FOUNDATION GRANT AGREEMENT ON EMERGING LEADERSHIP PROGRAM:

Harry Weilage, Director of Community Services, provided a brief overview the Southwest Minnesota Foundation Grant Agreement on the Emerging Leadership Program. This grant will be used to support Dr. Joseph Diaz in his interviewing of local minority parents and will provide an up to date look at our current populations and issues. This grant will also be used to support four leadership-training opportunities over the next two years to build leadership capacity for our community. This grant is in the amount of \$10,000 and will be used over the period of January 1, 2004 to December 31, 2006. Reynolds moved, Stores seconded, that the grant in the amount of \$10,000 from the Southwest Minnesota Foundation be accepted and the City support this to fund the Emerging Leadership Investment Program. All voted in favor of the motion.

PRESENTATION OF THE 2004 BUDGET BY MARSHALL MUNICIPAL UTILITIES:

Brad Roos, General Manager Marshall Municipal Utilities and Roxy Moon, Finance Officer Marshall Municipal Utilities presented the 2004 Marshall Municipal Utilities Budget. Mr. Roos did indicate that MMU is considering the refunding of a current bond issue and they are working on some long term power contracts and that they would be returning to the City Council to review these at a later date.

SELECTION OF ENGINEERING FIRM FOR FUTURE AIRPORT IMPROVEMENTS:

Dan Taft, Chairperson of the Airport Commission reviewed the selection process for an Engineering Firm for Future Airport Improvements and the request for an Engineering Agreement with TKDA for Runway 02/20 Extension. Per the statement of qualifications and criteria provided in the Request For Qualifications (RFQ) received December 29, 2003 and the recommendation of the Airport Commission, Boedigheimer moved, Stores seconded, that TKDA be selected as the City's future airport consultant. All voted in favor of the motion.

AUTHORIZE APPROVAL OF ENGINEERING AGREEMENT WITH TKDA FOR RUNWAY 02/20 EXTENSION:

Boedigheimer moved, Sturrock seconded, that the proper City personnel be authorized to enter into an Engineering Agreement with TKDA for the Runway 02/20 Extension Project at the Southwest Minnesota Regional Airport-Marshall/Ryan Field and that a temporary interest free loan be made from the City of Marshall's Liquor Fund and that until such time funds are available from the Liquor Fund the City's General Fund will provide the funding. Once the City receives funding under a FAA/MnDOT grant for this project, the appropriate City Funds will then be reimbursed. All voted in favor of the motion.

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF DEEDS TO CONVEY REAL PROPERTY OWNED BY THE CITY OF MARSHALL TO SCHWAN'S:

In 1975, documents were executed between the City of Marshall and Schwan's Sales Enterprises, Inc. for the 1975 Industrial Development Revenue Bonds-Schwan's Sales Enterprises, Inc. Project. These bonds were discharged and paid in 1985, therefore Sturrock moved, Stores seconded, the adoption of Resolution Number 2604, Second Series and that the

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reading of the same be waived. Resolution Number 2604, Second Series is a Resolution Authorizing the Proper City Officials to Execute a Deed to Convey Real Estate Owned by the City of Marshall. This resolution authorizes the proper City personnel to execute the Deeds necessary to transfer the properties related to this bond issue from the City Of Marshall to Schwan's Shared Services, LLC and Schwan's Food Manufacturing, Inc. All voted in favor of the motion.

LYON COUNTY PUBLIC HEARING NOTICE -- LOCAL ROAD IMPROVEMENT PLAN:

Glenn Olson, Director of Public Works/City Engineer briefly addressed a public hearing notice received from Anita Benson, Lyon County, Director of Public Works/County Engineer in reference to Lyon County's Local Road Improvement Plan. The Public Hearing will be at 7:00 P. M. on January 29, 2004 in the Lyon County Board Room.

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 evaluating the next phase of Parkway Addition and is negotiating a sale of the Parkway Townhomes; and the Regional Development Commission is negotiating the sale of Prairie Expo.
- Stores Ways and Mean Committee had met and recommended the Policy on Fixed Assets as required by GASB 34; Library Board met on January 12th with three new Board Members in attendance and the Director's review was completed. The Convention and Visitors Bureau will be meeting on January 21st.
- Sturrock The Planning Commission met on January 14th; Legislative and Ordinance Committee met on January 13th; and the Utilities Commission will be meeting on January 21st at which time the service territory agreement will be discussed.
- Boedigheimer Airport Commission has met; Lyon County Enterprise Development will met on January 27th in Tracy; and M.E.R.I.T. will have a meeting on January 22nd.
- Hilton Police Commission met in December and the Hospital Board will receive a presentation from Sioux Valley Hospital on January 23, 2004.
- Reynolds Cable Commission met on January 13th and there were concerned that the Cable Company's are not required to give an annual company presentation; Community Services Board did have a presentation and supported the Liberty Park Improvement Project; and the Downtown Redevelopment Committee will be meeting next week.

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MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: The date and location of the next ATP meeting was addressed; a concern was expressed with the steepness of the entrance to the townhomes on Paris Road; is there a potential and what is the cost of a skating rink in the Downtown Park; an updated police vehicle maintenance report was requested; Boedigheimer, Sturrock, Hilton and Stores would be attending the joint City Of Marshall, WMMC Board, Tracy City Council and Tracy Hospital meeting on January 27th; and Mike Johnson was requested to determine some available dates for a joint City Council/City Staff/Administrator retreat.

REVIEW OF PENDING AGENDA ITEMS:

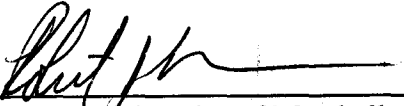
No comments received.

Per MN. Statute 13D.05, Subd. 3a, the City Council held a Closed Meeting at 4:45 P. M. in Room 6 of the Municipal Building to conduct the annual evaluation of the City Administrator.


Reynolds moved, Sturrock seconded, that a discussion on the City Administrator review and the establishment of his wage for 2004 be placed on the City Council Agenda. All voted in favor of the motion.

Based on the City Administrator's performance review, evaluation and results, and the recommendation of Mayor Byrnes, Hilton moved, Reynolds seconded that Mike Johnson, City Administrator by grant a salary increase of 2 ¾% effective January 1, 2004. All voted in favor of the motion.

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


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

JOINT CITY COUNCIL/WMMC BOARD OF DIRECTORS MEETING
JANUARY 26, 2004

A Joint City Council/WMMC Board of Directors meeting of the City of Marshall was held on January 26, 2004 in the Education Rooms (3rd Floor) of the Weiner Memorial Medical Center. The meeting was called to order at 6:00 P.M. by WMMC Board Chairperson, Art Olson. WMMC Board members in attendance were: Bill Cole, Randy Serreyn, Dr. William Kramer, Joe Cool and Cliff Carmody. Hospital staff present included: Dick Slieter, Sharon Williams, Brian Bohn, Chris Gilb, DeeAnn Holland and Dr. Atul Mishra. Mayor Byrnes and the following City Council members were present: Hilton, Sturrock, Boedigheimer and Stores. Absent: Reynolds and Doyle. Staff present included: Michael Johnson, City Administrator and Thomas M. Meulebroeck, Finance Director/City Clerk. Rae Krueger, Marshall Independent was also in attendance at the meeting.

Art Olson lead the discussion in regard to the meetings that the WMMC Board and staff have had with other Medical Facilities to determine the direction of WMMC as to whether or not they should continue to remain independent or consider partnering with another or a group of other Facilities.

Those in attendance were advised that Long Term Care Facility Construction is on target.

The WMMC Board and staff were commended for their diligence in working with other Facilities in potential partnering, addressing the medical staff vacancies and moving forward in bringing on new staff and being concerned with the every day changes in the medical field.

The City Of Marshall is considering an ordinance addressing the appointments to the WMMC Board.

WMMC continues to address marketing issues, which currently includes a potential name change and space utilization.

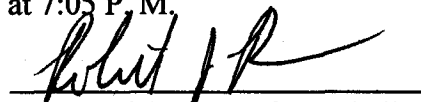
Dan Vandenberghe, Auditor McGladrey & Pullen, was in attendance at the meeting to give an overview of Weiner Memorial Medical Centers audited financial report for the year ending September 30, 2003.

Sharon Williams, WMMC financial staff, provided a brief financial report for the quarter ending December 31, 2003.

The meeting was declared adjourned at 7:05 P. M.

ATTEST:


Finance Director/City Clerk


Mayor of the City of Marshall

SPECIAL MEETING – JANUARY 27, 2004

The special meeting of the Common Council of the City of Marshall was held on January 27, 2004 at the Mediterranean Club in Tracy, Minnesota. The meeting was called to order at 7:00 p.m. by Councilmember Boedigheimer. In addition to Councilmember Boedigheimer, the following members were present: Hilton, Stores and Sturrock. Absent: Mayor Byrnes, and Councilmembers Doyle and Reynolds. Staff present included: Michael J. Johnson, City Administrator.

The special City Council meeting was a joint meeting between the Marshall City Council, Weiner Memorial Medical Center Board of Directors, City of Tracy City Council, the Tracy Hospital Board, the City of Westbrook, and representatives from the City of Slayton/Murray Council Hospital Board.

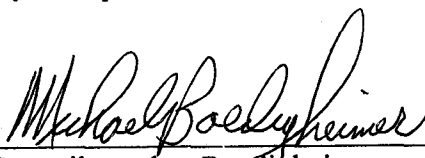
The members of the Weiner Memorial Medical Center Hospital Board included Art Olson, Mike Rich, Bill Cole, Joe Cool, Dr. William Kremer, and Hospital Administrator Dick Slieter.

The purpose of the meeting was to provide for a forum and opportunity to discuss organizational visions for health care delivery and possibilities of collaboration between the Weiner Memorial Medical Center Hospital Board and the entities of Tracy, Westbrook, and Murray County.

Mr. Dan Reiner, Hospital Administrator of the Shatek Hospitals, Clinics and Senior Services, attempted to provide an overview in purpose for the joint entities' special meeting. He described the relationship between the various hospitals in Tracy, Westbrook, and Slayton with the Sioux Valley Hospital system. Mr. Reiner also talked about physician development and hospital regional planning, about a community centered hospital or health system in the region, and then provided specific progress reports on the City of Tracy Hospital, the County Hospital in Murray County and the Community Hospital in Westbrook.

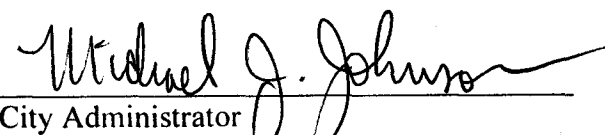
There were various questions and issues discussed about relationships, histories, and potential partnering alignments. The meeting ended on the note that the alignment of the medical services and the prospect of partnering would provide for the greatest keys for medical success in the region in the future.

The meeting adjourned at approximately 8:33 p.m.



Councilmember Boedigheimer
City of Marshall

ATTEST:



City Administrator

REGULAR MEETING – FEBRUARY 2, 2004

The regular meeting of the Common Council of the City of Marshall was held on February 2, 2004 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by President Pro-Tem Reynolds. In addition to Reynolds the following members were present: Sturrock, Doyle and Stores. Absent: Hilton, Boedigheimer and Mayor Byrnes. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Finance Director/City Clerk; Harry Weilage, Director of Community Services and Jane DeVries, Deputy City Clerk

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that item number 5, which is Minnesota Living Well Presentation by Amy Wilde, Meeker-McLeod-Sibley Community Health Services, be deleted from the agenda.

APPROVAL OF THE MINUTES:

Stores moved, Doyle seconded, that the minutes of the regular meeting held on January 20, 2003, the Special Joint City Council/Hospital meeting held on January 26, 2004 and the Special Joint City/Hospital and City of Tracy/Tracy Hospital meeting held on January 27, 2004 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 – CONSIDER THE REQUEST OF MARSHALL PUBLIC SCHOOLS TO REZONE TIGER PARK ADDITION, LOT 1 FROM AN A (AGRICULTURAL DISTRICT) TO AN R-1 (ONE FAMILY RESIDENCE DISTRICT):

The was the date and time set for a public hearing on the request of Marshall Public Schools to rezone Tiger Park Addition, Lot 1 from an A, Agricultural District, to an R-1, One Family Residence District. Glenn Olson, Director of Public Works, reviewed this request with the council. Sturrock moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Per the recommendation of the Planning Commission, Sturrock moved, Stores seconded, the adoption of ORDINANCE NUMBER 510, SECOND SERIES and that the reading of the same be waived. Ordinance Number 510, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for Tiger Park Addition, Lot 1 to be rezoned from A, Agricultural District, to an R-1, One Family Residence District. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER MINNESOTA LAWFUL GAMBLING LICENSE RENEWAL FOR MARSHALL HOCKEY ASSOCIATION; B. CONSIDER REQUEST FOR IRISH SOCIETY OF MARSHALL FOR ST. PATRICK'S DAY PARADE ON MARCH 17, 2004; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

Stores 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 200R for the Marshall Amateur Hockey Association for use at the Wooden Nickel, 448 West Main Street, Marshall, Minnesota.

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A Parade Permit be approved for March 17, 2004 for the 8th Annual St. Patrick's Day Parade. Per the request of the Marshall Area Chamber of Commerce this request is for Main Street to be closed from 5:00 P.M. until 6:00 P.M. beginning at the intersection with College Drive and going to North 5th Street.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 41008 through 41203.

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. True Value Home Center	118 McFarland Circle	Finish Basement	\$14,000
2. Brian Weedman Carpentry	302 North High Street	Bathroom Addition	\$5,000
3. Hasslen Construction, Inc.	1420 East College Drive	Interior Remodel	\$90,000

ADOPTION OF ORDINANCE AMENDING CITY CODE CHAPTER 14, ARTICLE III, SECTION 14-49 AND 14-50 REGULATING DOG LICENSES:

Doyle moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 511, SECOND SERIES and that the reading of the same be waived. Ordinance Number 511, Second Series is an ordinance Amending the City of Marshall Chapter 14, Article III, of the City Code of Marshall, Minnesota Regulating Dog Licenses. This ordinance provides for the term of the dog license to coincide with the rabies tag period. All voted in favor of the motion.

CONSIDER APPROVAL OF DESIGN ENGINEERING/CONSTRUCTION ADMINISTRATION SERVICES AGREEMENT WITH USA AQUATICS:

Harry Weilage, Director of Community Services, reviewed this agreement with those in attendance. This agreement is for Design and Construction Services for the renovation of the Marshall Aquatics filter room and is in the amount of \$18,950.00 plus reimbursable expenses. Bids for the renovation of the Marshall Aquatics filter room will be received on February 9, 2004 with the project being completed by May 15, 2004. Doyle moved, Stores seconded, that the proper city personnel be authorized to enter into an agreement with USAquatics, Inc., for Design and Construction Services for the renovation of the Marshall Aquatics filter room and is in the amount of \$18,950.00 plus reimbursable expenses. All voted in favor of the motion.

REQUEST OF MARSHALL PUBLIC SCHOOLS FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A PUBLIC SENIOR HIGH SCHOOL WITH A HEIGHT OF GREATER THAN PERMITTED BY CODE AT TIGER PARK ADDITION, LOT 1:

Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council. Marshall Public Schools is requesting a Variance Adjustment Permit to construct a public senior high school with a height of 57 feet in lieu of 30 feet that is permitted by Code in a R-1 One Family District on Lot 1 of Tiger Park Addition. Per the recommendation of the Planning Commission, Stores moved, Sturrock seconded, that a Variance Adjustment Permit to construct a public senior high school with a height of 57 feet in lieu of 30 as allowed by Code in a R-1 One Family District on Lot 1 of Tiger Park Addition be approved. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS ON COMBINATION JET/VAC TRUCK FOR WWTF:

Doyle moved, Stores seconded, that the proper city personnel be authorized to advertise for bids for a Combination Jet/Vac Truck for the Wastewater Treatment Facility. These bids will be received and opened at 10:00 A.m. on February 19, 2004 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

PETITION FOR VACATION OF A LICENSE AND AN AGREEMENT IN MARSHALL YMCA ADDITION, BLOCK 1, LOTS 1 AND 2:

Doyle moved, Stores seconded, the approval of filing a petition with the City Administrator and call for a public hearing to be held at 5:30 P.M. on February 17, 2004. The purpose of the public hearing is to consider a resolution that will repeal the previous resolutions adopted January 7, 2002 and granting a petition for the vacation of the license and agreement for Marshall YMCA Addition, Block 1, Lots 1 and 2. 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	<u>Convention and Visitors Bureau</u> met last week.
Sturrock	<u>Utilities Commission</u> met on January 21 st .
Doyle	<u>Housing Commission</u> minutes are included in the agenda packet; <u>Human Rights Commission</u> has not met and Doyle was not able to attend the <u>Marshall Area Transit</u> meeting.
Reynolds	<u>Downtown Development</u> has not met and all of the other committees will meet later this month.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the bi-weekly memo included in the agenda packet indicated that there is an agent of arbitration available for review; there will be a joint Public Improvement/Transportation Committee and Legislative Ordinance Committee meeting on February 10, 2004 at 4:00 P.M.; there will be a City Council and City Staff retreat on March 22, 2003 at 4:30 P.M.

Sturrock moved, Stores seconded, that the meeting be adjourned at 6:00 P.M. All voted aye.



President Pro-Tem

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – FEBRUARY 17, 2004

The regular meeting of the Common Council of the City of Marshall was held on February 17, 2004 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, Reynolds, and Stores. Absent: Doyle, Sturrock and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, 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, 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 13 a, which is a discussion on the facility planning for M.A.T. buses.

APPROVAL OF THE MINUTES:

Reynolds moved, Stores seconded, that the minutes of the regular meeting held on February 2, 2004 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 LEASE AND AN AGREEMENT IN MARSHALL YMCA ADDITION, BLOCK 1, LOTS 1 AND 2:

This was the date and time set for a public hearing on the vacation of a lease and an agreement in Marshall YMCA Addition, Block 1, Lots 1 and 2. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council. Stores moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2605, SECOND SERIES and that the reading of the same be waived. Resolution Number 2605, Second Series is a resolution Repealing Resolution Number 2403, Second Series and the Granting of a Petition for Vacation of a License and an Agreement in the City of Marshall, Minnesota. This resolution is for Marshall YMCA Addition, Block 1, Lots 1 and 2. All voted in favor of the motion.

REGULAR MEETING -- FEBRUARY 17, 2004

AWARD OF BIDS FOR MARSHALL AQUATIC CENTER:

Bids were received, opened and read on February 9, 2004 at 2:00 P.M. for the Marshall Aquatic Center Equipment Room Renovation. Bids received, opened and read were as follows:

	Aqua Logic Bloomington, MN	Abhe & Svoboda Prior Lake, MN	Wanzek Fargo, ND
Base Bid	\$202,300.00	\$224,900.00	\$191,300.00
Alternate No. 1	15,600.00	17,800.00	15,000.00
Auto Backwash			
Alternate No. 2	6,820.00	8,000.00	8,000.00
Insulate Ceiling			
Total with Alternates	\$224,720.00	\$250,700.00	\$211,300.00

Contingent upon the City Attorney review and approval of the contract, Reynolds moved, Hilton seconded, that the bid for the Marshall Aquatic Center Equipment Room Renovation Project be awarded to Wanzek, Fargo, North Dakota in the amount of \$211,300.00. This contract was awarded on the condition that the project would be completed by May 15, 2004 and that the Aquatic Center would open on schedule. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER APPLICATION FOR EXEMPT PERMIT (LG220) FOR SOUTHWEST GREAT DIVIDE OF ROCKY MOUNTAIN ELK FOUNDATION ON APRIL 3, 2004; B. CONSIDER APPLICATION FOR EXEMPT PERMIT (LG220) FOR HOLY REDEEMER CHURCH ON MAY 16, 2004; C. PROJECT 2002-009 RAINBOW DRIVE WATERMAIN REPLACEMENT, PROJECT 2002-010 “H” STREET WATERMAIN REPLACEMENT, PROJECT 2002-011 WEST MAIN STREET WATERMAIN REPLACEMENT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION; D. BILLS/PROJECT PAYMENTS; AND E. BUILDING PERMITS:

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

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for 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 3, 2004 and that the 30 day waiting period be waived.

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 16, 2004 and that the 30-day waiting period be waived for both applications.

The approval of Change Order No. 1 (Final) in the amount of \$9,991.30 and the Acknowledgement of Final Payment with Schoep & Sons Contracting, LLC, for Project 2002-

REGULAR MEETING – FEBRUARY 17, 2004

009 Rainbow Drive Watermain Replacement; Project 2002-010 "H" Street Watermain Replacement; and Project 2002-011 West Main Street Watermain Replacement in the amount of \$17,014.28.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 41204 through 41380.

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	Amount
1.	Sussner Construction, Inc.	202 North 1st Street	Exterior Remodeling	\$21,300
2.	Clarence Possail	1221 Patricia Court	Partial Finish Basement & Construct Deck	\$10,000
3.	Isaac Paxton	600 South Saratoga Street	Finish Basement	\$4,500
4.	Thomas & DeAnna Sanderson	509 Central Avenue	Basement Remodel & Install Window	\$1,500
5.	Royal Tire	1740 East College Drive	Interior Partitions	\$1,000
6.	James D. Moline	606 Kennedy Street	Basement Remodel & Install Window	\$2,500

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

At this time Cheryl McChesney, Linda Baun and Eileen VanWie, from the 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	Jaclyn Turner
Grade 1	Nathan Schuch
Grade 3	Alaina Stoutland
Grade 4	Maranda Esparza
Grade 5	Zach Thooft
Grade 6	Bethany Ahlers

PRESENTATION – MARSHALL LYON COUNTY LIBRARY UPDATE, RICHARD MACDONALD:

Richard MacDonald, Director of the Marshall-Lyon County Library, was in attendance at the meeting to provide the council and others in attendance an update of the activities of the library. Mr. MacDonald also took this opportunity to thank the council for their support during his time as Director of the Marshall Lyon County Library. Mr. MacDonald is leaving to go to work for Plum Creek. Mayor Byrnes thanked Mr. MacDonald for his service at the Library.

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ANNUAL FINANCIAL REPORT (2003) FOR NORTH AMBULANCE:

Brennan (Buck) McAplin, Manager of the North Ambulance System, was in attendance at the meeting to present the 2003 annual financial report to the City Council for the North Ambulance operations.

DEPARTMENT OF PUBLIC SAFETY ISSUES – A. CONSIDER CHEMICAL ASSESSMENT TEAM (C.A.T.) GRANT APPLICATION AUTHORIZATION; B. CONSIDER HIRING OF PART-TIME POLICE OFFICER FOR PUBLIC SAFETY; C. CONSIDER APPROVAL TO SELL POLICE CANINE UNIT; D. CONSIDER AUTHORIZATION TO PURCHASE TWO POLICE SQUAD CARS:

Rob Yant, Director of Public Safety, reviewed with the council the Chemical Assessment Team (C.A.T.) Grant. This is a Haz-Mat and Bomb Squad Federal Homeland Security Equipment/Exercise Grant Program, Part I. This is broken down into three categories. The first category is equipment, \$25,000; exercises, \$20,000; and training, \$10,000. There is no match required for this grant. There will be a Part II in the amount of \$55,000 available later this year. Hilton moved, Stores seconded, the approval of the application for the Southwest Minnesota Chemical Assessment team to apply to the Minnesota Homeland Security and Emergency Management Haz-Mat and Bomb Squad Federal Homeland Security Equipment/Exercise Grant Program, Part I in the amount of \$55,000. All voted in favor of the motion.

Upon the recommendation of Director of Public Safety Robert Yant, Hilton moved, Stores seconded, that Ryan B. Spencer be employed as a part-time Police Officer with the City of Marshall at the rate of \$16.31 effective March 8, 2004. The following resolution was adopted: BE IT RESOLVED that Ryan B. Spencer be duly appointed, qualified and acting part-time police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

Officer Larry Hanson is leaving the Marshall Police Department and is requesting to purchase Jerry Lee. The Department of Public Safety is not interested in keeping Jerry Lee. Due to the current vacancies in their department they are not able to spare someone for the 14 weeks to re-train Jerry Lee with a new handler. Stores moved, Reynolds seconded, that the proper city personnel be authorized to enter into a contract between Lawrence P. Hanson and the City of Marshall for the purchase of Jerry Lee and it becoming the personal property of Larry Hanson. Mr. Hanson will be responsible for all acts of said dog, and he shall be responsible for all food and veterinary bills. All voted in favor of the motion.

Hilton moved, Reynolds seconded, that the proper city personnel be authorized to advertise for bids be received for two police squad cars for the Public Safety Department. All voted in favor of the motion.

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INTRODUCTION OF ORDINANCES – AMENDING CHAPTER 78, ARTICLE III, SURFACE WATER MANAGEMENT UTILITY, SEC. 78-136; AMENDING SECTIONS 86-1, 96-99, 86-100 AND 86-201 TO 86-245; AMENDING SECTION 86-27 AMORTIZATION OF NONCONFORMING USES:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed ordinance amending Chapter 78, Article III, Surface Water Management Utility, Section 78-136. Reynolds moved, Hilton seconded, that this proposed ordinance be tabled. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed ordinance amending Sections 86-1, 86-99, 86-100 and 86-201 to 86-245. Reynolds moved, Stores seconded, the introduction of an ordinance amending Sections 86-1, 86-99, 86-100 and 86-201 to 86-245 of the Code of Ordinances of the City of Marshall. This ordinance would allow Assisted Living Facility and Congregate Living Facility as a permitted use in a R-3 Low to Medium Density Multiple Family Residence District and in R-4 a Higher Density Multiple Family Residence District; and revise off-street parking. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed ordinance amending Section 86-27 regulating nonconforming uses. Stores moved, Reynolds seconded, the introduction of an ordinance amending Section 86-27 regulating the amortization of nonconforming uses. All voted in favor of the motion.

PRELIMINARY PLAT OF MCLAUGHLIN INDUSTRIAL PARK II THIRD ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of McLaughlin Industrial Park II Third Addition. Per the recommendation of the Planning Commission, Reynolds moved, Hilton seconded, the introduction of the preliminary plat of McLaughlin Industrial Park II Third Addition and call for a public hearing to be held at 5:30 P.M. on March 1, 2004. All voted in favor of the motion.

PRELIMINARY PLAT OF J-C BOYER ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of J-C Boyer Addition. Mr. Olson indicated that he is requesting additional comments from all utilities, Mn/DOT, Lyon County, Marshall Area Transit and the City Attorney's office on this preliminary plat. Mr. Olson indicated that there are considerable coordination issues in the submission of this preliminary plat, as the information submitted impacts both the Quist and Running's properties, their private accesses and public access to T.H. 59. Bolton & Menk, Inc., has prepared a Traffic Study for the proposed Wal-Mart Supercenter, which would be located in this addition. Stores moved, Hilton seconded, the introduction of the preliminary plat of J-C Boyer Addition and call for a public hearing to be held at 5:30 P.M. on March 1, 2004. All voted in favor of the motion.

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AUTHORIZATION TO ADVERTISE FOR BIDS FOR A PICK-UP TRUCK FOR STREET DEPARTMENT:

Reynolds moved, Hilton seconded, that the proper city personnel be authorized to advertise for bids for a pick-up truck for the Street Department. These bids will be opened and read at 10:00 A.M. on March 3, 2004. All voted in favor of the motion.

2003 AUDIT AGREEMENT WITH LARSON, ALLEN, WEISHAR & CO., LLP (LAWCO):

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the Audit Engagement Letter from Larson, Allen Weishar & Co., LLP (LAWCO) for the 2003 audit. This agreement identifies the audit fee to be the lower of 80% of standard hourly rates. The estimated cost for these services is \$42,000 to \$46,000. Hilton moved, Reynolds seconded, the proper city personnel be authorized to enter into an agreement with Larson, Allen, Weishar & Co., LLP for the 2003 audit at a fee of 80% of standard hourly rates. All voted in favor of the motion.

RESOLUTION APPROVING ELECTION FOR INCLUSION IN PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA) BY MICHAEL J. JOHNSON, CITY ADMINISTRATOR:

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2606, SECOND SERIES and that the reading of the same be waived. Resolution Number 2606, Second Series is a resolution Approving Election for Inclusion in Public Employees Retirement Association (PERA) by Michael J. Johnson, City Administrator. This resolution provides for Michael J. Johnson to be included in membership in PERA, effective on the first day of the pay period for which contributions are to be deducted which is February 9, 2004. All voted in favor of the motion.

AUTHORIZATION TO CALL FOR BIDS ON RUNWAY 2-20 EXTENSION PROJECT AT THE SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL/RYAN FIELD:

Mike Johnson, City Administrator, reviewed the Runway 2-20 Extension Project at the Southwest Minnesota Regional Airport – Marshall/Ryan Field. This project includes and 800' x 75' extension of the runway, a full parallel taxiway, lighting, drainage, electrical, signage, contingencies and engineering. The estimated cost for this project is \$1,800,000. The funding for this project is 95% Federal and 5% local. Stores moved, Hilton seconded, that the proper city personnel be authorized to advertise for bids for the Crosswind Runway 2-20 Extension Project at the Southwest Minnesota Regional Airport – Marshall/Ryan Field. These bids are scheduled to be received on March 19, 2004. All voted in favor of the motion.

BUS FACILITY PLANNING FOR M.A.T. BUSES:

Discussion was held at this time on the request from Western Community Action's Transportation Program for MN/DOT to provide funding to build a bus storage facility in Marshall in the year 2005. The estimated cost for this project is \$300,000 of which 80% is covered by MN/DOT and 20% or \$60,000 must be local share. The council was also asked to contribute land for this project. The council was concerned that they were being asked to make

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this commitment on such short notice and with three members being absent from the meeting. Stores moved, Hilton seconded, that this project be considered in 2006 to allow for time to plan for the project. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA met this past week and are continuing to discuss Phase 2 of the Parkway Housing Project.

Stores Library Board will be searching for a new Director.

Hilton Hospital Board minutes are included in the agenda packet; Police Commission met to review the Police Officer vacancies.

Reynolds Community Services Advisory Board discussed the turn over that they have had on this board.

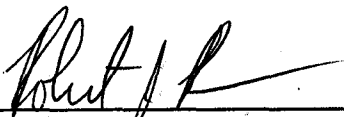
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

There were no additional items or concerns brought forth by the Mayor and Council Members.

REVIEW OF PENDING AGENDA ITEMS:

The City Council retreat is scheduled for March 22, 2004 at 4:30 P.M. Reynolds and Hilton will be working on the agenda for this retreat. The Comprehensive Plan Updates will be reviewed at the retreat.

Upon motion by Hilton, 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 – MARCH 1, 2004

The regular meeting of the Common Council of the City of Marshall was held on March 1, 2004 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: Bedigheimer. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 9a, which is the consideration of the 2004 Law Enforcement Terrorism Prevention Program Grant Application.

APPROVAL OF THE MINUTES:

Reynolds moved, Stores seconded, that the minutes of the regular meeting held on February 17, 2004 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 – MCLAUGHLIN INDUSTRIAL PARK II THIRD ADDITION:

This was the date and time set for a public hearing on the preliminary plat for McLaughlin Industrial Park II Third Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed this addition and indicated that Marshall Municipal Utilities has requested an easement between Lot 1 and Lot 2 & 3; and between Lot 4 and Lot 5. Doyle 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 McLaughlin Industrial Park II Third Addition with the addition of the two easements as requested by Marshall Municipal Utilities. All voted in favor of the motion.

PUBLIC HEARING – J-C BOYER ADDITION:

Glenn Olson, Director of Public Works/City Engineer, indicated that the city has not received the necessary information to hold the public hearing at this time. Sturrock moved, Doyle seconded, that the public hearing on the J-C Boyer Addition be continued to the regular City Council on March 15, 2004 at 5:30 P.M. All voted in favor of the motion.

AWARD OF BIDS – TRUCK CHASSIS AND COMBINATION VACUUM AND HIGH PRESSURE SEWER CLEANER FOR WWTF:

Bids were received, opened and read at 10:00 A.M. on February 19, 2004 for a truck chassis and combination vacuum and high-pressure sewer cleaner for Wastewater Treatment Facilities. The bid received, opened and read for the truck chassis was from:

Olson and Johnson International Inc.
Marshall, Minnesota
\$66,003.38

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The bids received, opened and read for the combination vacuum and high pressure sewer cleaner mounted on a provided 2004 or current model truck chassis and the selling of one 1995 guzzler jet/vac from the Wastewater Department:

	Proposal A	Proposal B	Proposal C
ABM Equipment Supply Inc. Hopkins, MN	\$117,998.00	\$166,509.56	No bid
Northern Sewer Equip Co., Inc. Waterloo, WI	\$125,403.75	\$133,071.75	No bid

Proposal A: Bidder furnish one (1) combination vacuum and high-pressure sewer cleaner mounted on a provided 2004 or current model truck chassis for the Wastewater Department and purchase one (1) 1995 Guzzler jet/vac from the Wastewater Department

Proposal B: Bidder furnish one (1) combination vacuum and high pressure sewer cleaner mounted on a provided 2004 or current model truck chassis for the Wastewater Department

Proposal C: Purchase one (1) 1995 Guzzler jet/vac from the Wastewater Department

Stores moved, Hilton seconded, that the bid for the truck chassis be awarded to Olson & Johnson International, Inc., Marshall, Minnesota in the amount of \$66,003.38 and that the bid for the combination vacuum and high-pressure sewer cleaner be awarded to ABM Equipment & Supply, Hopkins, Minnesota in the amount of \$117,998. The bid from ABM Equipment & Supply includes the equipment, installation on the truck supplied by Olson & Johnson, delivery of the unit to the Wastewater Department and the trade-in of the existing jet/vac. All voted in favor of the motion.

CONSENT AGENDA: A – CONSIDER RENEWAL OF LMCIT GROUP SELF-INSURED ACCIDENT PLAN BASIC COVERAGE AND OPTIONAL MEDICAL BENEFIT FOR CITY VOLUNTEERS; B – PROJECT 2002-015 WASTEWATER TREATMENT PLANT STANDBY/DEMAND GENERATOR PROJECT ACKNOWLEDGEMENT OF FINAL PAYMENT AND CLOSEOUT DOCUMENTS; C- BILLS/PROJECT PAYMENTS; D – BUILDING PERMITS:

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

The renewal of the LMCIT Group Self-Insured Accident Plan Basic Coverage and Optional Medical Benefit for City Volunteers.

The acknowledgement of final payment in the amount of \$5,000 to Meier Electric, Inc., and the closeout documents for Project No. 2002-015 Wastewater Treatment Plant Standby/Demand Generator.

REGULAR MEETING – MARCH 1, 2004

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 41380 through 41515.

All voted in favor of the motion.

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

	Applicant	Location Address	Description of Work	Valuation
1.	Mark Hinckley	804 West Southview Court	Finish Basement	\$2,900
2.	Coudron Construction	608 Adobe Road	Bathroom Remodel	\$3,000
3.	Bladholm Construction, Inc.	115 West College Drive	Remodel Stair G & J	\$1,100,000
4.	Gustavo & Kari Condezo	221 Oslo Avenue	Finish Basement	\$4,000
5.	Rod & Michelle Salzwedel	106 South Minnesota Street	Interior Remodel & Replace Doors	\$2,000
6.	Clarence Possail	1221 Patricia Court	Partial Finish Basement & Construct Deck	\$12,000
7.	Sussner Construction, Inc.	110 South 8 th Street	Remodel Warehouse	\$40,000

ADOPTION OF ORDINANCE AMENDING SECTIONS 86-1, 96-992 86-100 AND 86-201 TO 86-245:

Doyle moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 512, SECOND SERIES and that the reading of the same be waived. Ordinance Number 512, Second Series is an ordinance Amending Sections 86-1, 86-99, 86-100, and 86-201 to 86-245 of the Code of Ordinances of the City of Marshall. This ordinance amends the Permitted Uses for the R-3 Low to Medium-Density, Multiple-Family Residence District and the Permitted Uses for the R-4 Higher Density, Multiple-Family Residence District; and the revisions of the off-street parking regulations. All voted in favor of the motion.

ADOPTION OF ORDINANCE AMENDING SECTION 86-27, AMORTIZATION OF NONCONFORMING USES:

Stores moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 513, SECOND SERIES and that the reading of the same be waived. Ordinance Number 513, Second Series is an ordinance Amending Chapter 86, Article II, of the City Code of Marshall, Minnesota Regulating Nonconforming Uses. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SURFACE WATER MANAGEMENT UTILITY SECTION 78-136:

The introduction of an Ordinance Amending Chapter 78, Article III, Surface Water Management Utility Section 78-136 was tabled at the February 17, 2004 City Council meeting, therefore Sturrock moved, Doyle seconded, that the introduction of this ordinance be removed from the table. All voted in favor of the motion.

REGULAR MEETING – MARCH 1, 2004

Following considerable discussion on this ordinance Sturrock moved, Doyle seconded, that this ordinance be referred back to the Legislative and Ordinance Committee and the Public Improvement/Transportation Committee for further review and recommendation. All voted in favor of the motion.

RECOMMENDATIONS FROM THE PERSONNEL COMMITTEE – A. APPROVE ADDENDUM TO APPENDIX “A” IN 2003-2004 LABOR AGREEMENT WITH AFSCME, COUNCIL NO. 65; B. APPROVE 2004 LABOR AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES (LELS) UNION FOR POLICE SUPERVISORS (LOCAL #245):

Reynolds moved, Stores seconded, the approval of the Addendum to Appendix “A” in 2003-2004 Labor Agreement with AFSCME, Council No. 65 and the 2004 Labor Agreement with Law Enforcement Labor Services (LELS) Union for Police Supervisors (Local #245). All voted in favor of the motion.

APPOINTMENTS TO MARSHALL COMMUNITY SERVICES ADVISORY BOARD:

Per the recommendation of Mayor Byrnes, Reynolds moved, Stores seconded, and it was unanimously approved that the following appointments be made to the Community Services Advisory Board:

- Gwen Mukomela for a term to expire on February 28, 2007
- Kelly Jo Stegner for a term to expire on February 28, 2007
- Frank Moorsee for a term to expire on February 28, 2007
- Bruce Mitlyng for a term to expire on February 28, 2007

RESOLUTION OF DECLARATION OF OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS:

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2607, SECOND SERIES and that the reading of the same be waived. Resolution Number 2607, Second Series is a resolution of Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds. It is the intent to finance the improvements at the Marshall Aquatic Center and the purchase of the truck/jet-vac machine for the Wastewater Department with the proceeds of a tax-exempt bond. All voted in favor of the motion.

2004 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT:

Doyle moved, Hilton seconded, that the proper city personnel be authorized to apply for the 2004 Law Enforcement Terrorism Prevention Program Grant. This grant will be used for terrorism/HAZMAT training, exercises and equipment that would be of ongoing value to the Police Department. This grant would be for between \$40,000 to \$90,000 and there is not match required by the City. All voted in favor of the motion.

REGULAR MEETING – MARCH 1, 2004

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report.

Stores Library Board appointed Pam Sukalski as the interim director.

Sturrock Utilities Commission met on February 18th.

Doyle Human Rights Commission met and reviewed the Martin Luther King poster winners; Marshall Area Transit met at the Airport on February 25th

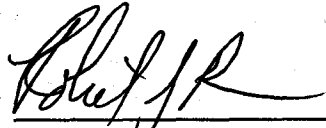
Hilton Hospital Board met with representatives from AVERA McKennan Hospital and Sioux Valley Hospital.

Reynolds Cable Commission will meet on March 9th; Community Services Advisory Board minutes are included in the agenda packet; and the Personnel Committee met earlier this evening.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

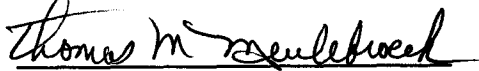
Other items brought forth by the Mayor and Council Members included: the intersection of Highway 23 and Saratoga Street; and the City Council retreat.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – MARCH 15, 2004

The regular meeting of the Common Council of the City of Marshall was held on March 15, 2004 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; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Kim Jergenson, Senior Engineering Tech; and Rich Herigon, Street Superintendent.

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 March 1, 2004 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 – J-C BOYER ADDITION:

This was the date and time set for the continuation of the public hearing on the preliminary plat for the J-C Boyer Addition. Mr. Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat for J-C Boyer Addition. Mr. Olson stated that there are several issues related to the review of the J-C Boyer Addition and its development project that depend upon decisions made outside of the subdivision. The initial preliminary plat and associated plans for the development of Lot 1 of Block 1, included access to the property from two main locations from T.H. 59, one at East Southview Drive and the other at the T.H. 59 access just north of Quist Moving & Storage. During the review of this proposals it was found that, if the Developer constructed a major traffic generating business in this area, Mn/DOT would require the median crossover on T.H. 59 at Quist Moving & Storage be closed and a right-in/right-out access only allowed. The City has also developed a major street plan indicating T.H. 59 access at East Southview Drive, Canoga Park Drive and Windstar Street. Mr. Olson thought that the best development of this proposed plan and future consideration of continued development in the southeast quadrant of the City, and in conjunction with discussions with Administration, the City recommended changes to the Preliminary Plat to accommodate three main transportation connections to T.H. 59. These recommendations included intersections at East Southview Drive, Canoga Park Drive, and Windstar Street. To accommodate that recommendation, the City would need to acquire street right of way from T.H. 59 to J-C Boyer Addition through Runnings property. The City proceeded with an appraisal of this property and is in the negotiation process with Runnings representatives. The Developer and the City have also been in contact with the owner of Quist Moving & Storage to accommodate their needs in revised or relocated access to their business. The City is working with Mn/DOT concerning a Memorandum of Understanding for the elimination of the current access to T.H. 59 just north of Quist Moving & Storage, the T.H. 59 median crossover, transfer of the frontage road located between Quist Moving & Storage and ShopKo to the City, and the agreement for the installation of traffic signals along T.H. 59. During the development process of the Preliminary Plat, the City required the Developer to provide a detailed Traffic Study (a copy of which is available in the City Engineers Office) for T.H. 59 from T.H. 23 south to Windstar Street indicating recommendations for traffic control and access management due to the proposed developments in the platted area. The results of the Traffic Study recommend revisions to the East Southview Drive intersection installation of traffic signals at the intersection of T.H. 59 and T.H. 23, the

intersection of T.H. 59 and East Southview Drive, and in the future when traffic warrants are met, at T.H. 59 and Canoga Park Drive.

Darcy Winter from D.E. Winter & Associates, was in attendance at the meeting to address the preliminary plat and the development of the J-C Boyer Addition. Ms. Winter was in attendance to address the proposed Super Wal-Mart, which would be developed within the J-C Boyer Addition. Ms. Winter expresses her appreciation to the city and Mn/DOT for their cooperation and professionalism in working together in this process.

Tom Behm from Mn/DOT addressed the signal lights and the proposed costs of these lights for the areas that were being requested by the developer for the Super Wal-Mart facility. Mr. Behm did indicate that if warrants do not justify the installation of the lights that Mn/DOT would not authorize them to be installed.

Stores moved, Sturrock seconded, that the public hearing for the consideration of the preliminary plat for J-C Boyer Addition be closed. All voted in favor of the motion.

Sturrock moved, Hilton seconded, that the preliminary plat for J-C Boyer Addition be approved with the following conditions:

1. A Memorandum of Understanding approved between Mn/DOT and the City concerning cost participation for improvements on T.H. 59 and Canoga Park Drive and the elimination of the existing access to T.H. 59 just north of Quist Moving & Storage, the transfer of frontage road right-of-way from Mn/DOT to the City for the area between Quist Moving & Storage and ShopKo, and traffic signal installation.
2. Successful completion of acquisition of Canoga Park Drive right-of-way from T.H. 59 eastward to the east line of Runnings property.
3. Council authorization to proceed with the name change of East Southview Drive to Boyer Drive.
4. Any development of owner retained outlots must be addressed in future replats of each outlot.
5. A First Development Contract for J-C Boyer Addition be included with submission of the Final Plat.
6. Certificates for approval as required for platting.
7. Recalculate acreage of Outlots C, D, and E.
8. Add I-1 Limited Industrial District to adjacent zoning.
9. Show all required utility easements on outlots with dimensions as requested by MMU. The requested utility easements on outlots are required because the utility company may be utilizing these easements for installation of their utility to and from the proposed Wal-Mart site.
10. Change designation of Mn/DOT Right of Way (Lot 3) from ShopKo to Quist to "Public Roadway & Utility Easement." Change designation of this easement from the Mn/DOT right-of-way easement to Canoga Park Drive as well. This "Public Roadway & Utility Easement" (on Lots 3) will be filed by the City after transfer of the right-of-way from Mn/DOT to the City prior to recording of the Final Plat.
11. Show dimensions of all utility easements on east and west sides for Lot 2 and Outlot C and adjacent to Windstar Street. Check to make sure all utility easements are dimensioned.
12. Site Plan
 - a. Check alignment of lanes at northeast corner of Quist property.

13. Grading and Drainage Plan – No changes

14. Utility Plan

- a. Adjustments to made prior to construction documents
- b. 15" stub out south of sanitary sewer manhole at intersection of Canoga Park Drive and Susan Street.
- c. Change 12" watermain to 8" on street south of Canoga Park Drive by Runnings.
- d. Review hydrant spacing from ShopKo entrance to Quist with MMU. Typical hydrant spacing is approximately 600'.
- e. Include 10-foot utility easement on both sides of storm sewer from Canoga Park Drive to detention pond.

All voted in favor of the motion.

Sturrock moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2608, SECOND SERIES and that the reading of the same be waived. Resolution Number 2608, Second Series is a resolution Approving the Final Plat for J-C Boyer Addition. This final plat for J-C Boyer Addition was approved contingent upon the successful completion of the following items:

1. Utility easement areas around Lot 2 and Outlot C to be resubmitted, as well as indications of a utility easement for storm sewer from Canoga Park Drive to the storm water detention pond.
2. A Memorandum of Understanding approved between Mn/DOT and the City concerning cost participation for improvements on T.H. 59 and Canoga Park Drive and the elimination of the existing access to T.H. 59 just north of Quist Moving & Storage, the transfer of frontage road right-of-way from Mn/DOT to the City for the area between Quist Moving & Storage and ShopKo, and traffic signal installation.
3. Successful completion of acquisition of Canoga Park Drive right-of-way from T.H. 59 eastward to the east line of Runnings property.
4. Council authorization to proceed with the name change of East Southview Drive to Boyer Drive.
5. The City Attorney review and approve the First Development Contract, abstract of title, and title opinion and the developer has made payment of all fees according to the First Development Contract for J-C Boyer Addition 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.

Ms. Darcy Winter on behalf of the developers did indicate that she would not comment as to the project moving forward, since the warrants did not justify the installation of signal lights at the intersection of Highway 59 South and Canoga Park Drive.

Mayor Byrnes called for a recess at 6:50 P.M. The meeting reconvened at 7:00 o'clock P.M.

CONSIDER AWARD OF BIDS FOR A PICK-UP TRUCK FOR STREET DEPARTMENT:

Bids were received, opened and read on March 3, 2004 at 10:00 A.M. in the Council Chambers of the Marshall Municipal Building for a ¾ ton pickup truck for the City of Marshall Street Department. The bids received, opened and read were as follows:

REGULAR MEETING – MARCH 15, 2004

Lockwood Motors
Marshall, Minnesota
2500 ST - \$24,708.00
2500 SLT - \$26,092.50

Tholen Auto Sales
Marshall, Minnesota
\$24,305.95

A bid was received from Marshall Ford but did not include the required bid security; therefore the bid was not read nor considered. The apparent low bid from Tholen Auto Sales of Marshall, Minnesota, in the amount of \$24,305.95, was compared to the State bid. The State bid from Thane Hawkins Polar Chevrolet, Inc., for the same minimum specifications delivered to Marshall, Minnesota, is \$23,294.35, including sales tax, is \$1,011.60 lower than the bid from Tholen Auto Sales. Per the recommendation of Director of Public Works/City Engineer Glenn Olson, Boedigheimer moved, Sturrock seconded, the bid for the ¾ ton pickup truck for the Street Department be awarded to Thane Hawkins Polar Chevrolet, Inc., in the amount of \$23,294.35 along with the transfer of \$1,294.35 from the General Fund account number 101-60162-3416 with an increase in the transfer to the Capital Equipment Fund 101-96520-7112 and the purchase of the vehicle be made from account number 104-62011-5540 and this be increased by \$1,294.35 and the transfers in account number 104-39221 also be increased by the \$1,294.35. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA –CONSIDER A TEMPORARY ON-SALE BEER LICENSE FOR THE MARSHALL BASEBALL ASSOCIATION FOR APRIL 15, 2004 TO AUGUST 15, 2004; CONSIDER ANNUAL RENEWAL OF PLUMBERS LICENSES FOR APRIL 1, 2004 TO MARCH 31, 2005; CONSIDER ANNUAL RENEWAL OF REFUSE HAULERS LICENSES FOR RITTER'S SANITARY SERVICE & CURRY SANITATION FOR APRIL 1, 2004 TO MARCH 31, 2005; CONSIDER ANNUAL RENEWAL FOR CONSUMPTION AND DISPLAY LICENSES FOR APRIL 1, 2004 TO MARCH 31, 2005; CONSIDER GAMBLING APPLICATION FOR EXEMPT PERMIT LG220 FOR LYON COUNTY AGRICULTURAL SOCIETY; CONSIDER SETTING LOCAL BOARD OF APPEAL AND EQUALIZATION DATE; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Stores moved, Doyle seconded, that the following consent agenda items be approved, except at the request of Mayor Byrnes the annual renewal of Refuse Haulers Licenses for Ritter's Sanitary Service and Curry Sanitation for April 1, 2004 to March 31, 2005 and the bills and project payments.

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Baseball Association for April 15, 2004 through August 15, 2004 at the American Legion Field at a fee of \$200.00

The renewal of the Plumbers License for the period April 1, 2004 through March 31, 2005 at a fee of \$75.00 for:

Charles DeVos DBA Bisbee Plumbing & Heating
Rodney Bruflat DBA Bruflat Plumbing
Edward 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
Tony McChesney DBA McChesney Mechanical
Dwayne Klarenbeek DBA Midwestern Mechanical
Mike Paulson DBA Mike's Plumbing & Heating

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Sturart Johnson DBA Minnetonka Plumbing Co., Inc.
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 annual renewal of a Consumption and Display Permit for the Prairie Event Center, and Southwest Minnesota State University for the period April 1, 2004 through March 31, 2005 at a fee of \$150.

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 Agricultural Society for a raffle to be held at the Lyon County Fair Grounds on August 15, 2004 and that the 30 day waiting period be waived.

That the 2004 Local Board of Appeal and Equalization be held at 7:00 P.M. on Monday, April 5, 2004 in the Council Chambers.

All voted in favor of the motion.

Byrnes moved, Sturrock seconded, the approval of the renewal of the Refuse Haulers Licenses for Ritter's Sanitary Service and Curry Sanitation for the period April 1, 2004 through March 31, 2005 at a fee of \$150.00 contingent upon a statement and acknowledgement received from the applicant stating that "All items removed by the contractor shall be disposed of in the Lyon County Landfill and in accordance with the Lyon County solid waste plan and Lyon County ordinances". All voted in favor of the motion.

Council Member Boedigheimer questioned a payment being made to Hewlett Packard for the Wastewater Treatment Fund in the amount of \$10,058.81 and whether or not this was included in the original budget. Mr. Boedigheimer along with the other council members were informed that this expenditure was for computer equipment which was included in the 2004 Wastewater Treatment Facility Budget; therefore Stores moved, Boedigheimer seconded, that the following bills and project payments be made: ACCOUNTS PAYABLE, Voucher No. 41516 through 41715. 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.	Pride Neon, Inc.	1229 East	College	Drive	Install Signs	\$10,000
2.	Jill Schwarz	502	Paul	Street	Refinish Basement	\$7,000
3.	French Construction	211	Rainbow	Drive	Finish Basement	\$14,700
4.	Kesteloot Construction, Inc.	105	Circle	Drive	Kitchen Remodel	\$8,400
5.	Bladholm Construction, Inc.	301 South	Highway 23		Interior Remodeling	\$18,000

6.	Kelli Masters	505	Hudson	Avenue	Finish Basement & Install Bathroom	\$1,500
7.	Brian & Sandra Hoffman	417 North	3rd	Street	Bathroom Remodel	\$8,000
8.	Anthony & Laurie Larsen	500	Kathryn	Avenue	Reroof & Reside Dwelling	\$4,200

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$425,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2004A:

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2609, SECOND SERIES and that the reading of the same be waived. Resolution Number 2609, Second Series is a resolution Providing for the Issuance and Sale of \$425,000 General Obligation Equipment Certificates of Indebtedness, Series 2004A Bonds. These bonds will be used to finance improvements at the Aquatic Center in the amount of \$265,000 and for the purchase of a JetVac for the Wastewater Treatment Facility Plant in the amount of \$160,000. All voted in favor of the motion.

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF APPROXIMATELY \$4,695,000 GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS, SERIES 2004B:

Sturrock moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2610, SECOND SERIES and that the reading of the same be waived. Resolution Number 2610, Second Series is a resolution Providing for the Issuance and Sale of Approximately \$4,695,000 General Obligation Tax Increment Refunding Bonds, Series 2004B. These refunding bonds will be used for the cross-over refunding of the Series 1996B and 1997A Tax Increment Bonds. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ERNST ASSOCIATES FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES AT LIBERTY PARK:

Per the recommendation of Director of Community Services Harry Weilage, Stores moved, Doyle seconded, that the proper city personnel be authorized to enter into an agreement with Ernst Associates, Inc., for Professional Landscape Architectural Services Phase I of the Liberty Park Band Shell Project. Phase I includes the design and inspection of handicapped accessibility to the band shell, adjacent site improvements, electrical improvements, and miscellaneous items surrounding the band shell. The monies to pay for the professional landscape architectural services will be provided by the Rotary Clubs of Marshall. This agreement was approved with the understanding that it would not exceed \$13,150 in costs for the services of Ernst Associates Inc. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR PHASE 1 OF LIBERTY PARK BAND SHELL PROJECT:

Doyle moved, Boedigheimer seconded, that the proper city personnel be authorized to advertise for bids for the construction of Phase I of the Liberty Park Band Shell Project Improvement. All voted in favor of the motion.

CONSIDER REQUEST OF GREGORY S. TAYLOR TO REZONE PROPOSED WILKE-MILLER-BUESING SECOND ADDITION FROM A B-3 (GENERAL BUSINESS

DISTRICT), R-3 (LOW TO MEDIUM DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT), R-2 (ONE TO FOUR FAMILY RESIDENCE DISTRICT), AND R-1 (ONE FAMILY RESIDENCE DISTRICT) TO BE PLACED IN AN R-4 (HIGHER DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT), R-3 (LOW TO MEDIUM DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT), R-2 (ONE TO FOUR FAMILY RESIDENCE DISTRICT), AND R-1 (ONE FAMILY RESIDENCE DISTRICT):

Director of Public Works/City Engineer Glenn Olson reviewed the request of Greg S. Taylor to rezone the proposed Wilke-Miller-Buesing Second Addition from B-3 (General Business District), R-3 (Low to Medium Density, Multiple Family Residence District), R-2 (One to Four Family Residence District), and R-1 (One Family Residence District) to be placed in an R-4 (Higher Density, Multiple Family Residence District), R-3 (Low to Medium Density, Multiple Family Residence District), R-2 (One to Four Family Residence District), and R-1 (One Family Residence District). Hilton moved, Stores seconded, the introduction of an ordinance to rezone properties within the proposed Wilke-Miller-Buesing Second Addition as requested by Greg S. Taylor and that a public hearing be called to consider the adoption of the ordinance to allow for the rezoning of these properties. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF WILKE-MILLER-BUESING SECOND ADDITION:

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2611, SECOND SERIES and that the reading of the same be waived. Resolution Number 2611, Second Series is a resolution approving the final plat of Wilke-Miller-Buesing Second Addition contingent upon the recording of the utility easement outside of and along the east and south side of the subdivision. All voted in favor of the motion.

CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2611-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2611-A, Second Series is a resolution Ordering Preparation of Report on 429 Public Improvement Projects. Project 2003-003: Canoga Park Drive and Canoga Park Circle Sanitary Sewer, Watermain, Storm Sewer, and Street Improvement; Project 2003-010 Canoga Park Drive Wilke-Miller-Buesing Second Addition: Bituminous Surfacing; Project 2004-002: Windstar Street Storm Sewer and Street Improvement; Project 2004-006: Scott Street Sanitary Sewer, Watermain and Street Improvement; Project 2004-007: Sunrise Lane Watermain Improvement Project; Project 2004-008: Washington Avenue Watermain Improvement Project; and Project 2004-009: Marshall Street (Liberty Park) Watermain Improvement Project were included as a part of these improvements per the request of the Marshall Municipal Utilities. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR PROJECT 2004-010: 2004 CITY OVERLAY PROJECT:

Per the request of Director of Public Works/City Engineer Glenn Olson, Boedigheimer moved, Hilton seconded, that the proper city personnel be authorized to advertise for bids for Project No. 2004-010, which is the bituminous resurfacing project on City streets in 2004. All voted in favor of the motion.

CONSIDER REQUEST OF SOUTHWEST MINNESOTA STATE UNIVERSITY CONCERT CHOIR FOR "BIKE FOR THE MUSIC" EVENT ON APRIL 24, 2004:

A request was received from the Southwest Minnesota State University Concert Choir regarding their "Bike for the Music" event, which will be held on April 24, 2004. This event includes a 5K run at 10:00 o'clock A.M. and a 5K or 10K Bike Challenge to start at approximately 12:30 P.M. Per the review of this request from the Director of Public Works/City

REGULAR MEETING – MARCH 15, 2004

Engineer Glenn Olson and Director of Public Safety Rob Yant it is anticipated that approximately four officers will be needed along this route to direct traffic and provide safety along with 12 other volunteers. It is anticipated that the cost for personnel for this event for two to three hours would be approximately \$500. Boedigheimer moved, Sturrock seconded, the approval of the 5K run and the 5K or 10K Bike Challenge for the route as follows:

Route for Running 5K and 5K Bike Departing from O'Connell and Birch
Birch to Bruce, Right on to Bruce
Bruce to Boxelder, left on Boxelder
Boxelder to North 4th Street, right onto 4th Street
4th Street to Fairview to Village Drive, right on to Village Drive
Village Drive to Birch, left onto Birch
Birch to O'Connell for end of race

Route for Biking 10K Departing from O'Connell and State Street
State Street around campus to Mustang Trail
Mustang Trail to Birch, right on Birch
Birch to Bruce, right on Bruce
Bruce to North 4th Street, left on North 4th Street
North 4th Street to Saratoga Street, left on Saratoga Street
Saratoga Street to "C" Street, left on "C" Street
"C" Street to south Bruce Street, left on Bruce Street
Bruce Street to Birch Street, right on Birch Street
Birch Street to O'Connell, end of race

All voted in favor of the motion.

A discussion was held at this time as to whether or not the city should charge for the services provided by city personnel for this event. Since the city does not have a policy at this time, it was the consensus that a policy would be considered at budget time in 2004, therefore Boedigheimer moved, Stores seconded, to not charge the Southwest Minnesota State University Concert Choir for the utilizing of city personnel for the "Bike for the Music" Event on April 24, 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 will be holding a special meeting on March 30, 2004 to discuss Parkway II Addition; and the Regional Development Commission did meet on March 11, 2004 to continue their discussion on the Prairie Expo Facility.

Stores Library Board has hired Pam Sukowski as Interim Director and the search committee for a new director at the Library did meet and extended the receiving of applications for the director's position until April 9, 2004.

Sturrock Planning Commission did meet on March 10, 2004 and the Utilities Commission will be meeting on Wednesday night March 17, 2004.

Boedigheimer No report.

Doyle Housing Commission minutes are included with the agenda packet.

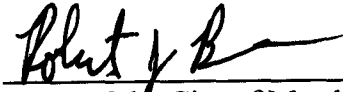
Hilton Had excused herself from the meeting earlier, therefore no report was provided.

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MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

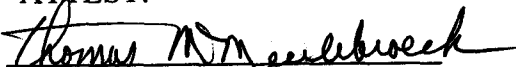
Other items brought forth by the Mayor and Council Members included an indication that there would be a meeting on March 18, 2004 with Northwest Airlines in Minneapolis to consider possible services to the City of Marshall. The council was also reminded of the St. Patrick Day Parade, which will be held at 5:30 P.M. on Wednesday, March 17, 2004.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL CITY COUNCIL RETREAT

March 22, 2004

A special retreat of the Common Council and City Staff of the City of Marshall was held on March 22, 2004 in the Board Room of the Marshall Municipal Utilities. Mayor Byrnes called the meeting to order at 4:40 P.M. In addition by Byrnes the following members were present: Hilton, Doyle, Reynolds, Boedigheimer, Stores and Sturrock arrive late. Absent: none. Staff present at the meeting included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; and Jane DeVries, Deputy City Clerk. Others in attendance included Rae Kruger, Marshall Independent.

Mayor Byrnes briefly reviewed the expectations for the City Council Planning Retreat. He indicated that they would briefly review the items that were included with the agenda before prioritizing them for further discussion.

The items reviewed included:

A. TRANSPORTATION

- New High School Development/Traffic
- Highway 23 & 59 Traffic Safety
- Traffic Signals Installation (3 – 4 sets)
- Planning for East Gateway Area / SMSU and High School Hwy 23 Access

B. COMMUNITY DEVELOPMENT/GROWTH ISSUES

- Amenities Task Force Recommendation
- Comprehensive Plan Update
- Airport issues (Crosswind Runway, Primary Extension, FBO Lease, Red Baron Lease, etc.)
- Annexation
- Hospital (Council expectations)
- Housing (Parkway II & III, Private Developments)
- East Side School/Middle School Future and Planning Task Force
- Walmart/Runnings Project
- Liberty Park/"Rotary" Donations
- JOBZ/Economic Development Program
- Eastside Sanitary Sewer Project
- Hill/Marshall Street Area Reconstruction

C. DOWNTOWN ISSUES

- Parking Lots and Structures
- Small Cities Grant Decision (April, 2004)
- 2007 Main Street Reconstruction / Community Design Input
- Future Property Acquisitions/Demolitions

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D. ORGANIZATIONAL ISSUES

- Role and Effectiveness of Boards and Commissions
- Technology/City WEB Page Development
- Assistant to City Administrator Position
- Employee Staffing / Key Staffing Retirements / Turnover
- Anticipated Turnover of Council due to Elections
- Communication with Lyon County and SMSU
- City Attorney Appointment December 2004 (full-time, contract, dual contract)
- Surface Water Utility Implementation Issues
- TIF Plan Funding / 1996-1997 Bond Proceeds
- Polling Locations

E. PUBLIC SAFETY ISSUES

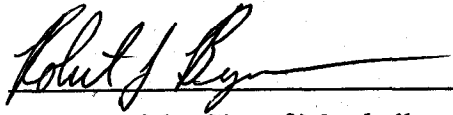
- MERIT Center
- Chemical Assessment Team (C.A.T.) Operations Startup
- Joint L.E.C. Software
- MMUA Training Site Lease

A recess was called at 5:55 P.m. for dinner. The meeting was reconvened at 6:30 P.M.

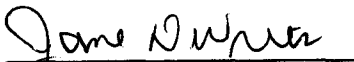
Following the brief update of all of the issues the Council Members and Staff were asked to prioritize their top three items for additional discussion. The prioritized list is as follows starting with the most important:

1. Downtown Issues
2. JOBZ/Economic Development Program
3. Parking Lots and Structures
4. 2007 Main Street Reconstruction / Community Design / Input
5. Airport Issues (Crosswind Runway, Primary Extension, FBO Lease, Red Baron Lease, etc.)
6. Hospital (Council Expectations)
7. Housing (Parkway II & III, Private Developments)
8. Role and Effectiveness of Boards/Commissions
9. TIF Plan Funding / 1996-1997 Bond Proceeds
10. Planning for East Gateway Area / SMSU and High School – Highway 23 Access
11. East Side School / Middle School Future and Planning Task Force
12. Assistant to City Administrator Position
13. Employee Staffing / Key Staff Retirements / Turnover

Doyle moved, Stores seconded, that the meeting be adjourned at 8:25 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Deputy City Clerk

REGULAR MEETING – APRIL 5, 2004

The regular meeting of the Common Council of the City of Marshall was held on April 5, 2004 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 the Mayor the following members were present: Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: Hilton. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; 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, Doyle seconded, that the minutes of the regular meeting held on March 15, 2004 and the special meeting held on March 22, 2004 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 – CONSIDER THE REQUEST OF GREGORY S. TAYLOR TO REZONE PROPOSED WILKE-MILLER-BUESING SECOND ADDITION FROM A B-3 (GENERAL BUSINESS DISTRICT), R-3 (LOW TO MEDIUM DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT), R-2 (ONE-TO FOUR-FAMILY RESIDENCE DISTRICT), AND R-1 (ONE-FAMILY RESIDENCE DISTRICT) TO BE PLACED IN AN R-4 (HIGHER DENSITY, MULTIPLE-FAMILY RESIDENCE DISTRICT), R-3 (LOW TO MEDIUM DENSITY, MULTIPLE-FAMILY RESIDENCE DISTRICT), R-2 (ONE-TO FOUR-FAMILY RESIDENCE DISTRICT), AND R-1 (ONE-FAMILY RESIDENCE DISTRICT):

This was the date and time set for a public hearing to consider the request of Gregory S. Taylor to rezone proposed Wilke-Miller-Buesing Second Addition from a B-3 (General Business District), R-3 (Low to Medium Density, Multiple Family Residence District), R-2 (One-to Four-Family Residence District), and R-1 (One-Family Residence District) to be placed in an R-4 (Higher Density, Multiple-Family Residence District), R-3 (Low to Medium Density, Multiple-Family Residence District), R-2 (One-to Four-Family Residence District), and R-1 (One-Family Residence District). Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council. Doyle moved, Sturrock seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 514, SECOND SERIES and that the reading of the same be waived. Ordinance Number 514, Second Series is an ordinance Amending Chapter 86 of the City Code relating to zoning. This ordinance rezones Wilke-Miller-Buesing Second Addition from a B-3 (General Business District), R-3 (Low to Medium Density, Multiple Family Residence District), R-2 (One-to Four-Family Residence District), and R-1 (One-Family Residence District) to be placed in an R-4 (Higher Density, Multiple-Family Residence District), R-3 (Low to Medium Density, Multiple-Family Residence District), R-2 (One-to Four-Family Residence District), and R-1 (One-Family Residence District). All voted in favor of the motion.

AWARD OF BIDS – AIRPORT RUNWAY 2/20 PROJECT:

Bids were received, opened and read at 10:00 A.M. on March 19, 2004 for the Southwest Minnesota Regional Airport – Marshall Runway 2/20 Extension. Bids received, opened and read were from:

R & G Construction	Midwest Contracting
Marshall, Minnesota	Marshall, Minnesota
\$1,299,882.09	\$1,334,371.81

Duininck Bros, Inc.
Prinsburg, Minnesota
\$1,523,082.54

Due to the fact that a funding agreement is not available at this time, it is the recommendation from MnDOT that the awarding of the bids be tabled until federal funding becomes available for this project. The bids received are good for 90 days, which means that this project would have to be awarded by June 17, 2004. Boedigheimer moved, Doyle seconded, that the award of bids for the Southwest Minnesota Regional Airport – Marshall Runway 2/20 Extension Project be tabled until such time that federal funding becomes available. All voted in favor of the motion.

AWARD OF BIDS – TWO POLICE VEHICLES FOR THE PUBLIC SAFETY DEPARTMENT:

Bids were received, opened and read at 10:00 A.M. on March 23, 2004 for purchasing two (2) Police type squad cars and selling two (2) Police type vehicles. Bids received, opened and read were as follows:

	Anton Chevrolet Marshall, MN	Marshall Ford Marshall, MN	Tholen Auto Sales Marshall, MN	Erickson Chevrolet Fergus Falls, MN
Base Proposal A	\$23,161.92	\$33,399.26	No bid	No bid
Base Proposal B	\$34,561.92	No bid	\$40,693.00	\$36,066.00
Base Proposal C	\$28,861.92	No bid	No bid	No bid
Base Proposal D	\$11,580.96	No bid	No bid	No bid
Base Proposal E	\$17,280.96	No bid	\$20,347.00	\$18,033.00
Base Proposal F	No bid	No bid	No bid	No bid

Base Proposal A: Furnish two (2) Police Type Squad Car Vehicles and trade-in of existing vehicles.

Base Proposal B: Furnish two (2) Police Type Squad Car Vehicles with no trade-in.

Base Proposal C: Furnish two (2) Police Type Squad Car Vehicles and trade-in of one existing vehicle.

Base Proposal D: Furnish one (1) Police Type Squad Car Vehicle and trade-in of one existing vehicle.

Base Proposal E: Furnish one (1) Police Type Squad Car Vehicle with no trade-in.

Base Proposal F: Purchase two (2) trade-in existing vehicles only.

Boedigheimer moved, Stores seconded, that the bid for two (2) Police Type Squad Car Vehicles with trade-in of two 2001 Ford Interceptor's for the Marshall Police Department be awarded to Anton Chevrolet in the amount of \$25,380.88. This bid includes the base bid of \$23,161.92 plus the addition of optional equipment. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - CONSIDER LG214 PREMISES PERMIT APPLICATION FOR THE MARSHALL BASEBALL ASSOCIATION TO BE USED AT THE STATE STREET GRILL, 1419 EAST COLLEGE DRIVE, MARSHALL, MN; CONSIDER APPLICATION FOR A SPECIAL VEHICLE LICENSE FOR ROBERT EGLY FOR JANUARY 1, 2004 THROUGH DECEMBER 31, 2004; CONSIDER APPLICATION FOR A PLUMBERS LICENSE FOR MICHAEL LUND DBA MIKE'S PLUMBING & HEATING, INC. FOR APRIL 1, 2004 THROUGH MAY 31, 2005; CONSIDER REQUEST FOR PRIVATE USE OF PUBLIC RIGHT-OF-WAY (WELLS-FARGO); BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

Reynolds 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 Premises Permit Renewal Application, LG214, for the Marshall Baseball Association to be used at the State Street Grill, 1419 East College Drive, Marshall, Minnesota.

The renewal of a Special Vehicle Permit for Robert Egly for January 1, 2004 through December 31, 2004 at a fee of \$30.00.

The renewal of a Plumbers License for Michael Lund dba Mike's Plumbing and Heating, Inc., to expire on March 31, 2005 at a fee of \$75.00.

The approval of an Application for Permit for Private Use of Public Streets (Right-of-Way) and Parking Lots for St. Aubin Drywall for the rehabilitation of the exterior of the Wells Fargo Bank building.

The following bills and project payments be made: ACCOUNTS PAYABLE, Voucher No. 41716 through 41888.

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. REM, Inc.	609 West Thomas Avenue	Basement Remodel & Install Window	\$2,500
2. Denny Miller Construction, Inc.	610 Kendall Street	Entry Remodel	\$3,900
3. Doom & Cuypers, Inc.	1501 State Street	Elevator Upgrade	\$8,300
4. Minnetonka Plumbing & Heating, Inc.	1501 State Street / BA	Library Chiller Piping	\$142,300
5. Minnesota Cabinets, Inc.	1105 Bruce Circle	Master Bathroom/Bedroom Remodel	\$15,000
6. Lee & Shana Allex	404 Legion Field Road	Partial Finish in Basement/Install Window	\$1,500
7. Jim & Frances Andrzejewski	704 South 4th Street	Remodeling Basement	\$3,500

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8.	Chew Chee Lim	212	Rainbow	Drive	Finish Basement	\$8,000	
9.	Marshall Residential Properties, LLC	318	West	College	Drive	Reside Dwelling & Replace Doors	\$5,500
10.	Terrence & Sara Flynn	200	South	Whitney	Street	Basement Remodel	\$10,100
11.	Scott VanOverbeke Construction	409	South	Bruce	Street	Bathroom Addition	\$5,000
12.	True Value Home Center	810		Viking	Circle	Dwelling	\$285,000
13.	Brian Gadd	805		Silvervine	Drive	Replace Doors	\$1,800
14.	Chester Miller	300		Rainbow	Drive	Demolish Garage	\$0
15.	BOR-SON Construction, Inc.	400		Tiger	Drive	High School Building	\$26,711,200
16.	Curtis & Sharon Fried	301		Walnut	Street	Reside Dwelling & Replace Windows	\$10,000
17.	Larry & Julie Vlaininck	1514		Westwood	Drive	Addition	\$10,000
18.	John Bunge	113		Circle	Drive	Reroof	\$2,500
19.	Sussner Construction, Inc.	1310		Madrid	Street	Interior Office Remodeling	\$15,000
20.	Mike Slagel Construction	312		Lawerence	Street	Reroof Dwelling	\$1,600
21.	Bob St. Aubin	400	West	Main	Street	Exterior Remodeling	\$160,000
22.	Scott VanOverbeke Construction	408	North	High	Street	Car Port Enclosure	\$2,500
23.	Northern Management	1305		Birch	Street	Sign	\$1,000
24.	Mike Slagel	208	East	Redwood	Street	Addition	\$18,000
25.	Dr. Paul Puetz - Tenant	103	North	3rd	Street	Interior Remodel & Install Doors	\$5,000
26.	Clarence Possail	1221		Patricia	Court	Storage Shed	\$1,400
27.	P&R Ventures	606		Mercedes	Drive	Dwelling	\$150,000
28.	Sussner Construction, Inc.	1609		Halbur	Road	Addition	\$190,000
29.	True Value Home Center	1230		Patricia	Court	Dwelling	\$95,000
30.	Independent Lumber	1006		Country Club	Drive	Family Room Addition	\$42,900
31.	Dennis Ivey	619	West	Lyon	Street	Reroofing	\$400
32.	Dennis Lozinski	505	East	Lyon	Street	Reroofing	\$3,800
33.	Jeff Nielsen	623		Donita	Avenue	Replace Windows & Reside Dwelling	\$5,500

CONSIDER AUTHORIZATION OF GRANT APPLICATION FOR MARSHALL FIRE DEPARTMENT UNDER THE FEMA PROGRAM:

Marc Klaith, Fire Chief for the Marshall Volunteer Fire Department, was in attendance at the meeting to review the request that the Marshall Volunteer Fire Department is making under the FEMA Program for 20 SCBA's (air packs) and one fill station to fill the SCBA's. The total grant is approximately \$130,000, which requires a 10% match. The Marshall Volunteer Firefighter's Relief Association will pay the 10% match using proceeds from fundraising events. They are requesting an \$8,000 loan from the City of Marshall to be reimbursed in two installments of \$4,000 a year for two years. The Relief Association will come up with the \$5,000 at the time the grant is awarded. Stores moved, Sturrock seconded, the approval of the Grant Application for the Marshall Fire Department under the FEMA Program and for the loan

of \$8,000 from the City of Marshall General Fund to be repaid in two installments of \$4,000 a year for two years. All voted in favor of the motion.

TRUNK HIGHWAY NO. 23/59 ENGINEERING AGREEMENTS – MEMORANDUM OF UNDERSTANDING WITH MN/DOT AND TRAFFIC SIGNALS AGREEMENT WITH SHORT, ELLIOT & HENDRICKSON (SEH):

Glenn Olson, Director of Public Works/City Engineer, reviewed the Memorandum of Understanding with MnDOT. Dave Trooien and Tom Behm from MnDOT were also in attendance at the meeting to answer any questions. The Memorandum of Understanding between MnDOT and the City of Marshall provides for the following:

MnDOT agrees to:

1. Transfer the existing excess State right-of-way (located adjacent to and East of State Highway 59) between the Quist Moving and Storage access and Southview Drive (hereafter referred to as “the Parcel”) to the City for the cost of the title transfer. However, MnDOT will retain access control to State Highway 59 from the Parcel.
2. Enter into a Cooperative Agreement with the City to close the Quist access to State Highway 59 and to close the median crossover of State Highway 59 at the existing Quist access for an amount of \$156,163.
3. Fund 100% of the design and construction of traffic signals at the intersection of State Highway 59 and State Highway 23 and at the intersection of State Highway 19 and State Highway 23 when signal warrants are met.
4. Fund 50% of the design and construction of signals at the intersection of Southview Drive and State Highway 59 and the intersection of Canoga Park Drive and State Highway 59 when they are warranted and approved for installation by MnDOT.

The City agrees to:

1. Fund the cost of transferring the title of the Parcel, indicated in Item 1 above, to the City.
2. Record a “Public Roadway and Utility Easement” over the entire Parcel prior to recording the J-C Boyer Addition. This Parcel will be included as a lot on the Plat with the recorded easement shown over the entire lot. The Parcel may be transferred from the City to the adjacent Developer with the recorded easement, for \$1.00 and other valuable consideration.
3. Enter into a Cooperative Agreement with MnDOT to close the Quist access and median crossing in exchange for a payment of \$156,163 from MnDOT.
4. Fund 50% of the design and installation costs of traffic signals at Southview Drive and Canoga Drive when the signals are warranted and approved for installation by MnDOT. If the City proceeds with the design of all or part of these signals prior to MNDOT approval, the City agrees to up-front 100% of these costs. MnDOT agrees to reimburse the City 50% of MnDOT approved costs when warrants are met and approved by MnDOT. It is further agreed that the signals will not be installed until approved by MnDOT.

Boedigheimer moved, Doyle seconded, that the proper city personnel be authorized to enter into a Memorandum of Understanding with MnDOT as outlined above. All voted in favor of the motion.

Sturrock moved, Stores seconded, that the proper city personnel be authorized to enter into a Traffic Signal Design Services Professional Services Agreement with Short Elliott Hendrickson, Inc. This agreement provides for the preparation of plans and specifications, Signal Justification Report (SJR) preparation, providing assistance to the City in bidding the

project and providing construction inspection services required. This agreement is for four new traffic signal systems located at the following intersections:

TH 23 at TH 19-68

TH 23 at TH 59

TH 59 at East Southview Drive

TH 59 at Canoga Park Drive

The cost for these services shall not exceed \$24,000. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE ACTION OF THE BOARD OF COMMISSIONERS OF THE MARSHALL MUNICIPAL UTILITIES COMMISSION AUTHORIZING THE ISSUANCE AND DELIVERY OF \$3,950,000 PUBLIC UTILITY REVENUE REFUNDING BONDS, SERIES 2004A:

Brad Roos, General Manager Marshall Municipal Utilities, and Mark Ruff from Ehlers & Associates, Inc., were in attendance at the meeting to review the bids that were received for the \$3,950,000 Public Utility Revenue Refunding Bond, Series 2004A. Sturrock moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2612, SECOND SERIES and that the reading of the same be waived. Resolution Number 2612, Second Series is a resolution Approving the Action of the Board of Commissioners of the Marshall Municipal Utilities Commission, Authorizing the Issuance and Delivery of \$3,950,000 Public Utility Revenue Refunding Bonds, Series 2004A. This bond issue does not count against the City of Marshall's \$10,000,000 per year limit. All voted in favor of the motion.

CONSIDER RESOLUTION ORDERING THE ABATEMENT FOR DISEASED ELM TREE REMOVAL AT 601 PELTIER STREET:

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2613, SECOND SERIES and that the reading of the same be waived. Resolution Number 2613, Second Series is a resolution Ordering the Abatement for Diseased Elm Tree Removal. This resolution provides for the removal of a diseased elm tree at 601 Peltier Street and to have the cost assessed against this parcel. The owner has signed an Agreement of Assessment and Waiver of Irregularity and Appeal. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SURFACE WATER MANAGEMENT UTILITY, SECTION 78-136:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed changes to the Surface Water Management Utility. The proposed change would change Classification 7, Vacant and Rural to Vacant and add Classification 8, which is Agricultural. Doyle moved, Sturrock seconded, the introduction of an ordinance Amending Chapter 78, Article III, Surface Water Management Utility, Section 78-136. All voted in favor of the motion.

CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT: A. PROJECT 2003-003: CANOGA PARK DRIVE & CANOGA PARK CIRCLE SANITARY SEWER, WATERMAIN, STORM SEWER AND STREET IMPROVEMENT; B. PROJECT 2003-010: CANOGA PARK DRIVE/WILKE-MILLER-BUESING SECOND ADDITION BITUMINOUS SURFACING; C. PROJECT 2004-002: WINDSTAR STREET STORM SEWER AND STREET IMPROVEMENT:

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2614, SECOND SERIES and that the reading of the same be waived. Resolution Number 2614, Second Series is a resolution Receiving Report and Calling for Hearing on Improvement for Project 2003-003 Canoga Park Drive and Canoga Park Circle Sanitary Sewer, Watermain, Storm

Sewer and Street Improvement. The public hearing will be held at 5:30 P.M. on May 17, 2004 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2615, SECOND SERIES and that the reading of the same be waived. Resolution Number 2615, Second Series is a resolution Receiving Report for Project 2003-010 Canoga Park Drive – Wilke-Miller-Buesing Second Addition Bituminous Surfacing. All voted in favor of the motion.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2616, SECOND SERIES and that the reading of the same be waived. Resolution Number 2616, Second Series is a resolution Receiving Report for Project 2004-002 Windstar Street Storm Sewer and Street Improvement. All voted in favor of the motion.

REVIEW AND APPROVAL OF WILDLIFE HAZARD MITIGATION PLAN FOR AIRPORT OPERATIONS:

The preparation and creation of the Wildlife Hazard Management Plan for the airport was necessary in order to obtain a categorical exclusion on an environmental issue (wetland) located off the end of the northeast end of the crosswind runway. With the adoption of the Wildlife Hazard Management Plan and the submittal by TKDA, the City has received the categorical exclusion from FAA, which now puts the City in a position to receive federal funding for the airport project. Boedigheimer moved, Sturrock seconded, the approval of the Wildlife Hazard Mitigation Plan for Airport Operations. All voted in favor of the motion.

APPROVAL OF AIRPORT PROFESSIONAL SERVICES AGREEMENT WITH TKDA:

Mike Johnson, City Administrator, reviewed the agreement with TKDA. This agreement is for engineering services to assist in the preparation of an update to the airport layout plan for Runway 12/30, it will provide for the undertaking of an environmental assessment, and the updating of the zoning map and ordinance for airport operations. The overarching purpose of these engineering services is to take a look at the future extension of Runway 12/30 from 5,010 feet to approximately 7,000 feet in length. The estimated cost of this engineering contract is \$90,000. The Schwan Food Company has offered to split the upfront cost of this agreement on a 50/50 basis with the City, with the recognition that when a federal grant is received from FAA, it will provide for funding from the Federal Government at 95%, with the local share being 5%. In terms of total dollars, the Federal share would be \$85,500, with the local share being \$4,500. The City's share of funding for this project is included in the 2004 airport budget. Doyle moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with TKDA for Airport Professional Services. All voted in favor of the motion.

REQUEST FOR PROPOSALS FOR UPDATING 1996 COMPREHENSIVE PLAN:

Based upon inclusion of the project in the 2004 Budget and per a request from the City Council, City staff recently requested proposals for updating the 1996 Comprehensive Plan. In the request for proposals, the scope of services identified the following items to be addressed:

1. Recommendations to incorporate plans completed since the adoption of the 1996 Comprehensive Plan.
2. Update the Demographic and Economic indicators based on the 2000 Census and other data sources.
3. Address newly annexed property, potential growth areas and special study areas to included:
 - a. Study Areas located northwest of the downtown and bordered by Channel Parkway, West Main Street and BNSF Railroad.

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- b. Downtown public parking analysis
- c. Future airport runway expansion – land use protection
- d. Southerly annexation growth area
- e. New high school site and adjacent growth areas to North/East
- f. Southeast growth corridor bordered by U.S. Highway 59, 23 and 19/68.

Proposals were received from Dahlgren, Shardlow and Uban, Inc., (DSU) and Southwest Regional Development Commission (SRDC) as follows:

Entity	COST			
	Part "A" Cost	Part "B" Cost	Reimbursables	Total Cost
DSU	\$ 2,100	\$15,400	\$ 2,500	\$20,000
SRDC	\$14,000	\$25,200	\$ 2,725	\$41,925

Entity	TIME FOR COMPLETION	
	Part "A"	Part "B"
DSU	Within 1 Month	Within 4 – 6 Months
SRDC	2 Months from Contract Date	6 Months from Contract Date

Part A – Incorporate plans completed since 1996

Part B – Newly annexed property, potential growth areas and special study areas

Stores moved, Sturrock seconded, that the proper city personnel be authorized to enter into an agreement with DSU for Comprehensive Planning Services not to exceed \$20,000. All voted in favor of the motion.

CONSIDER APPROVAL OF PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH BOLTON & MENK, INC., FOR INDUSTRIAL PARK PROJECT:

Reynolds moved, Sturrock seconded, that the proper city personnel be authorized to enter into an agreement with Bolton & Menk, Inc., for Professional Engineering Services for the Industrial Park Project. The estimated cost of this engineering agreement with Bolton & Menk is \$23,200 to do the data collection, concept layout review/revisions and platting, preliminary design, final design, preparation of the storm water pollution prevention plan, and to provide basic bidding/construction services. 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 continuing to work on the next phase of the Parkway II Housing Project; Fire Relief Association and Regional Development Commission will be meeting next week.

Stores: Library Board will meet next Monday and start to review the applications for the Director's position; Convention and Visitors Bureau meets on Wednesday.

Sturrock: Utilities Commission met on March 17th.

REGULAR MEETING – APRIL 5, 2004

Boedigheimer Airport Commission minutes from the February 9th and March 29th meetings are included in the agenda packet; M.E.R.I.T. Center has held a Steering Committee meeting and the minutes are included in the agenda packet.

Hilton Byrnes attended the Hospital Board meeting for Hilton. They held a closed session to discuss partnership with other facilities.

Reynolds Cable Commission will meet on April 12th and the Community Services Advisory Board will meet on April 7th.

A Housing and Redevelopment Authority Meeting was scheduled for 6:45 P.M. and the Local Board of Appeal and Equalization meeting scheduled for 7:00 P.M., therefore Mayor Byrnes called for a recess at 6:44 P.M.

Following the HRA meeting at 6:45 P.M. and the Local Board of Appeal and Equalization Meeting at 7:00 P.M. the City Council meeting was reconvened at 7:58 P.M.

Reports by the Council Members were continued at this time.

Doyle Human Rights Commission minutes are included in the agenda packet.

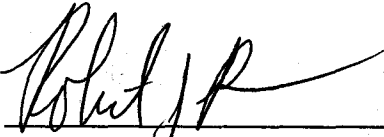
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the ground breaking at the new high school today; Sturrock read a memo he received from the League of Minnesota Cities about changing voting locations; Boedigheimer questioned the council approving items or letting city staff approving certain items and the council being provided the information as an informational item.

REVIEW OF PENDING AGENDA ITEMS:

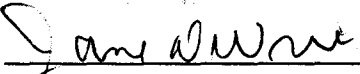
Mayor Byrnes appointed Boedigheimer, Doyle and Hilton to a committee to make a recommendation for an appointment for City Attorney.

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



Mayor of the City of Marshall

ATTEST:



Deputy City Clerk

Minutes of the City of Marshall Local Board of Appeal and Equalization
7:00 p.m. – April 5, 2004

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

Council Members Absent: Hilton

Staff Present: C Barnett, C Snyder, D Huber

Others Present: Dean Champine, Lyon County Assessor's Office
Rae Krueger – Marshall Independent

The 2004 City of Marshall Local Board of Appeal and Equalization was called to order at 7:00 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 Assessor Calvin Barnett.

Barnett gave a presentation of the real estate market over the past year. Additional information had been prepared for the Council prior to the meeting. Mayor Byrnes stated the next step in the Board of Appeal and Review process would be to appear at the Lyon County Board on June 15, 2004.

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

Robert Egly – 801 South 4th Street. Mr. Egly questioned the \$1,600 in new construction on his valuation notice. Egly stated he had only put in an escape window with a material cost of \$100. Ms. Snyder will meet with Mr. Egly to explain the number and answer any other questions he may have.

Jeff Kuiper – 1101 East College Drive. Mr. Kuiper would like to have his property value reviewed. The value in 2002 was \$116,000, in 2003 were 188,000, and in 2004, was 238,100. This is a \$72,000 increase or 40% over two years. He indicated he had not made any changes to the property. There is a parking problem, 3 vacancies, and deferred maintenance with the property. Mr. Barnett will meet with Mr. Kuiper and review the property.

Mr. Bob Archbold – Marshall Mini Storage at 1410 South Saratoga Street. Mr. Archbold's value in 2003 was \$206,900. The property was annexed in 2003 and is now valued at \$373,200 in 2004. They have added a new building at \$52,000, but there is still a value increase of \$110,000. Mr. Barnett indicated he had met with Mr. Archbold prior to the meeting, but would be willing to meet with him again to resolve the value issue.

Mr. Tom Hey – Southwest Coaches – 2001 South Highway 23. Mr. Hey began with a recommendation to the Marshall City Council to treat the property owners with dignity and respect when they are going to annex their property. They need to communicate what is happening and why to all affected property owners.

The value of the building in 2003 was 207,000. The value in 2004 is \$283,000. They have made no improvements or changes to the property. The only change from 2003 to 2004 is the fact of annexation. This will cause an additional \$4,000 to \$5,000 in additional taxes, plus the additional surface water management fee. Barnett indicated he would meet with Mr. Hey to review his property and discuss the new valuation.

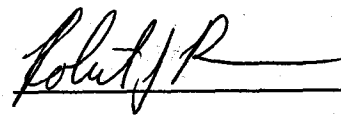
Mr. Bob Jones, County Fair Manager – 405 County Club Drive. Mr. Jones requested a review of the County Fair property value. The value had been reviewed in 2003, but the City had made no change. The County Board had reduced the value to \$975,000. The property had been purchased for \$850,000 in January of 2003. Mr. Barnett indicated no change in value had occurred this year. He also indicated the property is within a TIF District and is covered by a minimum assessment agreement. Mr. Barnett will meet and review the property within the next week.

Mayor Byrnes asked if there were any other concerns either in person or in writing. Mr. Barnett distributed a list of persons who had contacted the office prior to the meeting to express concerns. They are as follows:

Infinity Financial, LLC - 400-402 Village Drive
Joseph Tillemans - 102 Ranch Avenue
Rong Xuan Cai - 305 North 3rd Street
Milo Pinkerton – Marshall Family Apartments - 1400 North 4th Street

Byrnes indicated a final report will be received from the Assessor's office on April 19, 2004 regarding their conclusions. A meeting will be set up with each property owner within the next week.

Motion by Reynolds, seconded by Sturrock to continue the Local Board of Appeal and Equalization on April 19, 2004. All voted in favor of the motion.



Mayor

Attest:



Assessment Technician

REGULAR MEETING – APRIL 19, 2004

The regular meeting of the Common Council of the City of Marshall was held on April 19, 2004 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 the Mayor the following members were present: Hilton, Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial 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 with the addition of two items before the consent agenda; including the introduction of the Assistant City Attorney and special recognition of Gustavo Estrada.

APPROVAL OF THE MINUTES:

Boedigheimer moved, Doyle seconded, that the minutes of the regular meeting held on April 5, 2004 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.

At this time Dennis Simpson, City Attorney, introduced Jodi Pariseau, Assistant City Attorney.

Harry Weilage, Director of Community Services, took this opportunity to introduce Gustavo Estrada and informed the council that he was awarded the Southwest Minnesota Bladin Community Leadership Alumni Award. Gustavo works with the minority children in the Marshall School District. Gustavo has also been a vital link between the Marshall's minority community and the Big Buddies program.

APPROVAL OF CONSENT AGENDA - CONSIDER NEW REFUSE HAULERS LICENSE FOR DANIEL RITTER DBA SOUTHWEST SANITATION, INC., TO EXPIRE ON MARCH 31, 2005; CONSIDER A TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR THE MARSHALL SOFTBALL ASSOCIATION FOR MAY 10, 2004 THROUGH SEPTEMBER 10, 2004; CONSIDER AUTHORIZATION TO ADVERTISE FOR TRANSPORT TANKER FOR WASTEWATER DEPARTMENT; CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR SKID LOADER FOR AIRPORT; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

A Refuse Haulers License for Daniel Ritter dba Southwest Sanitation Inc., to expire on Marcy 31, 2005 at a fee of \$150.00.

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Softball Association for the period May 10, 2004 through September 10, 2004 at a fee of \$200.00.

The proper city personnel be authorized to advertise for proposals for a replacement transport tanker for the Wastewater Department. The intent is to trade-in the existing 1977 unit and replace it with a used stainless steel tanker of approximately 8,000 gallons.

The proper city personnel be authorized to advertise for bids for a skid loader and attachments for the Southwest Minnesota Regional Airport – Marshall/Ryan Field.

REGULAR MEETING – APRIL 19, 2004

The following bills and project payments be made: ACCOUNTS PAYABLE, Voucher No. 41889 through 42032.

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. Hasslen Construction Co., Inc.	1501	State	Street / BA	Library Renovation	\$4,725,000
2. Robert L. Carr Co.	1301 East	College	Drive	Sign	\$100
3. Schlenner Construction Co.	1407	Ridgeway	Road	Dwelling	\$300,000
4. Beek Construction	100	"E"	Street	Deck	\$2,300
5. Paxton Signs, Inc.	110 North	11th	Street	Sign	\$200
6. Thor's Handyman Service	109	Park	Avenue	Bathroom Remodel	\$6,500
7. Mike Slagel Construction	616	Soucy	Drive	Interior Remodel	\$2,900
8. Joyce Blowers	209 South	4th	Street	Interior Remodel	\$5,500
9. Geihl Construction, Inc.	1114	David	Drive	Dwelling	\$254,000
10. Dulas Construction, Inc.	1608 East	College	Drive	Shop Addition	\$130,000
11. Tutt Construction	501 West	College	Drive	Install windows	\$2,000
12. The Country Stop	1206 East	College	Drive	Temporary Structure	\$0
13. The Schwan Food Company	1601 East	College	Drive	Sign	\$3,000
14. Carr Properties	601	Village	Drive	Addition	\$480,000

ORDINANCE AMENDING CHAPTER 78, ARTICLE III – SURFACE WATER MANAGEMENT UTILITY IN THE CITY OF MARSHALL, MINNESOTA:

Glenn Olson, Director of Public Works/City Engineer, reviewed the changes being recommended by the Legislative and Ordinance Committee and the Public Improvement & Transportation Committee. Doyle moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 515, SECOND SERIES and that the reading of the same be waived. Ordinance Number 515, Second Series is an Ordinance Amending Sections 78-116 to 78-142 of the Code of Ordinances of the City of Marshall. This ordinance would change Classification 7, Vacant and Rural to Vacant and add Classification 8, which is Agricultural. Boedigheimer moved, Sturrock seconded, that the changes in Ordinance Number 515, Second Series be effective January 1, 2004 and that adjustments be applied to the respective properties. All voted in favor of the motion.

SPRINGSTED PUBLIC FINANCE ADVISORS – A. RESOLUTION AWARDING THE SALE OF \$425,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2004B; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT; B. RESOLUTION AWARDING THE SALE OF \$4,695,000 GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS, SERIES 2004C; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; PROVIDING FOR THEIR PAYMENT; PROVIDING FOR THE ESCROWING AND INVESTMENT OF THE PROCEEDS THEREOF; AND PROVIDING FOR THE REDEMPTION OF BONDS REFUNDED THEREBY;

Thomas M. Meulebroeck, Financial Director/City Clerk, introduced Terri Heaton from Springsted, Inc., Financial Advisors for the City of Marshall. Ms. Heaton reviewed the bids that Springsted's Inc., received for the \$425,000 General Obligation Equipment Certificates of Indebtedness, Series 2004B and the \$4,695,000 General Obligation Tax Increment Refunding Bonds, Series 2004C. Stores moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2617, SECOND SERIES and that the reading of the same be waived. Resolution Number 2617, Second Series is a resolution Awarding the Sale of \$425,000 General Obligation Equipment Certificates of Indebtedness, Series 2004B, Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment. These bonds will be used to finance improvements at the Aquatic Center in the amount of \$265,000 and for the purchase of a JetVac for the Wastewater Treatment Facility Plant in the amount of \$160,000. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2618, SECOND SERIES and that the reading of the same be waived. Resolution Number 2618, Second Series is a resolution Awarding the Sale of \$4,695,000 General Obligation Tax Increment Refunding Bonds, Series 2004C; Fixing their Form and Specifications; Directing their Execution and Delivery; Providing for their Payment; Providing for the Escrowing and Investment of the Proceeds thereof; and Providing for the Redemption of Bonds Refunded thereby. These refunding bonds will be used for the cross-over refunding of the Series 1996B and 1997A Tax Increment Bonds. All voted in favor of the motion.

CONTINUING DISCLOSURE AND/OR ARBITRAGE REBATE REQUIREMENTS RELATING TO \$425,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATE OF INDEBTEDNESS, SERIES 2004B AND \$4,695,000 GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS, SERIES 2004C:

Hilton moved, Sturrock seconded, the approval of the Amendment to Addendum A of Agreement to Continuing Disclosure Services with Springsted Incorporated. This addendum adds the \$425,000 General Obligation Equipment Certificates of Indebtedness, Series 2004B and the \$4,695,000 General Obligation Tax Increment Refunding Bonds, Series 2004C to the original agreement. All voted in favor of the motion.

REQUEST FOR CONDITIONAL USE PERMIT TO CLASSIFY AS A CONFORMING USE A NON-CONFORMING SINGLE FAMILY DWELLING USE EXISTING IN THE B-2 CENTRAL BUSINESS DISTRICT AT THE TIME OF THE ESTABLISHMENT OF THE DISTRICT AT 204 WEST SARATOGA STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that this property became non-conforming in 1983 when the Zoning Ordinance and Map were revised to the current status. Previous to that, the property was in an R-2 Multiple Family Residence District where under the 1967 Zoning Ordinance single-family dwellings were a Permitted Use. Stores moved, Reynolds seconded, that a Conditional Use Permit be granted to Jerry Reese to classify as a conforming use a non-conforming single family dwelling use existing in the B-2 Central

Business District at the time of the establishment of the district at 204 West Saratoga Street. All voted in favor of the motion.

**PROJECT 2004-001 / S.P. 139-121-03 CHANNEL PARKWAY RECONSTRUCTION
PROJECT – CONSIDER RESOLUTION FOR AGENCY AGREEMENT FOR MN/DOT
AGREEMENT NO. 86455:**

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2619, SECOND SERIES and that the reading of the same be waived. Resolution Number 2619, Second Series is a Resolution for Agency Agreement. This resolution provides for the proper city personnel to enter into a State of Minnesota Agency Agreement between Department of Transportation and City of Marshall for Federal Participation in Advance Construction for S.P. 139-121-03; M.P. STPX 4204(117); Mn/DOT Agreement No. 86455. This agreement allows the City to proceed with this project and to be reimbursed with federal funds when they are available. All voted in favor of the motion.

**DISCUSSION ON LYON COUNTY PROPOSED LOCAL ROAD IMPROVEMENT
PLAN (PLAN C):**

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed Lyon County's Proposed Local Road Improvement Plan and having a representative from the city attend the county's public hearing to be held on April 22, 2004.

MAYOR AND COUNCIL MEMBER REPORTS:

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

- Byrnes EDA met on April 20th and are continuing to work on the next phase of Parkway Housing
- Stores Library Board is continuing the search for a new director; Prairienet WAN will be bringing a report to the council.
- Sturrock Planning Commission minutes are included in the agenda packet; Utilities Commission will meet on Wednesday evening.
- Boedigheimer Legislative and Ordinance Committee met and discussed scooters, changing voting locations and liquor compliance checks – violations should be against the establishment and not just the employee.
- Doyle Housing Commission March minutes are included in the agenda packet; Marshall Area Transit minutes are included in the agenda packet.
- Hilton Hospital Board minutes are included in the agenda packet; Police Commission has been interviewing for the officers position.
- Reynolds Cable Commission minutes are included in the agenda packet; Community Services Advisory Board met on April 7th

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

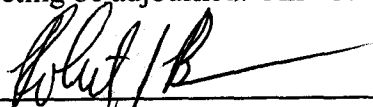
Other items brought forth by the Mayor and Council Members included: a concern that the civil defense siren near Freedom Park is not working; there will be coffee and cake on Wednesday, April 28th to recognize Teri McCausland on her leaving the city; there will be an open house on Wednesday, April 21st from 2:00 to 5:00 P.M. for Pat Leary for his 40 years of service at Quarnstrom, Doering, Pederson, Leary, Murphy Law Office; and a date and time needs to be set for Board and Commission interviews.

REGULAR MEETING – APRIL 19, 2004

REVIEW OF PENDING AGENDA ITEMS:

It was requested that an anticipated action date be included on the pending council agenda items for the MMUA Lease.

Reynolds moved, Stores seconded, that the meeting be 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 – APRIL 19, 2004

The continuation of the Local Board of Appeal and Equalization was called to order at 7:00 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Reynolds, Boedigheimer and Stores. Absent: none.

Doyle moved, Stores seconded, that the minutes of the Local Board of Appeal and Equalization held on April 5, 2004 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

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 5, 2004. Mr. Barnett indicated that each concern has been discussed with the property owner; the questions researched and the recommendations made are based on the information and the property. Mr. Barnett's recommendations were as follows:

27-572-016-0 – Mr. Robert Egly – 801 South 4th Street

Concern: Mr. Egly appeared before the Board questioning the new construction value of \$1,600 added to his property when he only installed a \$100 window in the basement.

Findings: The Assessor's office reinspected the basement and window installed. It was explained to Mr. Egly how putting an escape /rescue window in the basement increases the whole finished area. It also could qualify as a 4th legal bedroom, which would increase the possible sale price of the home. Mr. Egly indicated his concerns were answered.

Recommendation: No change.

27-258-022-0 - Mr. Joseph Tillemans – 102 Ranch Avenue

Concern: Mr. Tillemans questioned the \$70,000 estimated market value of his home, an increase of \$2,400

Findings: Ms. Snyder, City of Marshall Appraiser, met with Mr. Tillemans and inspected his property. She then compared his home to five recent sales of similar properties. After adjusting for differences such as lot size, age, house and garage size, etc., it was determined a range of value for Mr. Tillemans home of \$71,400 to \$74,000.

Recommendation: No Change

27-677-179-0 – Mr. Rong Xuan Cai – 305 North 3rd Street

Concern: The 2004 assessed market value of \$51,100 is higher than the sale price of \$53,000 paid for the property in December of 2003.

Findings: Ms. Snyder inspected the property and determined there was some deferred maintenance, which was not present at the time of the last interior inspection. There are also some issues with the encroachment of the home on the neighbor's property. The issue related to encroachment was addressed using a cost to cure approach with its impact being approximately 50% of the recommended adjustment.

Recommendation: Reduce the value from \$61,100 to \$52,500

27-598-001-0 – Jeff Kuiper – 1101 East College Drive

Concern: Questioned the value change for the last two years. In 2002, the assessor's estimated market value was \$166,000, in 2003 the assessor's estimated market value was \$188,000, and in 2004, the assessor's estimated market value is \$238,100

Findings: The property's value was reviewed with Mr. Kuiper. Comparable sales along East College Drive were considered which indicated the property should sell in excess of the \$238,100. Mr. Kuiper is no longer questioning the value.

Recommendation: No Change

Parcel 27-616-002-0 – Mr. Bob Archbold – Marshall Mini Storage – 1410 South Saratoga Street

Concern: Mr. Archbold, representing the Marshall Mini Storage facility, indicated a concern about the property's value increase for the 2004 assessment. The property was recently annexed from Lake Marshall Township to the City of Marshall.

Findings: The property was assessed by Lake Marshall Township in the amount of \$206,900 for the 2003 assessment year. The initial review of the property by the Marshall City Assessor's office indicated the property should be assessed at approximately \$373,200. Following meetings with the property owner, and after receiving additional information, which permitted the property to be looked at using an income approach, it appeared the property should be revalued for the 2004 assessment year. The property being in a higher tax capacity rate area left less operating income for capitalization, therefore the recommendation for change.

Recommendation: The initial 2004 assessment placed the value at \$373,200. It is the recommendation to reduce the value by \$40,000 to \$333,200.

Parcel 27-617-003-0 - Mr. Tom Hey – Southwest Coaches – 2001 South Highway 23

Concern: Mr. Tom Hey was concerned about the value of this property for the 2004 assessment, as it had increased substantially with no change other than annexation to the City of Marshall. In 2003 the property was assessed by Lake Marshall Township at \$212,100. The City for 2004 has established an estimated market value of \$283,900.

Findings: The property assessment for 2004 was reviewed with Tom Hey. A number of the comments were related to the annexation process. Those related to the 2004 assessment addressed the basis for the increase. Generally, Mr. Hey's questions were answered.

Recommendation: No change

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

Concern: Questioned the 2004 estimated market value of the County Fair grocery store property since the property was purchased January 7, 2003 for less than the assessor's estimated market value.

Findings: The subject property consists of two parcels of land, one parcel improved with parking and the County Fair grocery store. The second parcel is considered vacant land. The primary parcel for the 2003 assessment saw a value increase to the land going from \$261,200 to \$335,800, and a decrease in the building's value from \$899,100 to \$809,900. The property's value from 2002 to 2003 reduced from \$1,160,300 to \$1,145,700. The sale of property was not within the study period for the 2003 assessment therefore it was not considered. Mr. Clark did contact the Marshall Assessor's office and request a reduction in value to be equal to the \$850,000 he paid for the real estate in January of 2003. The City of Marshall Local Board of Appeal and Equalization, on the recommendation from the Assessor, reduced the property's value from \$1,145,700 to \$1,095,700. The second parcel received no adjustment. The Lyon County Board of Commissioners, acting as the Lyon County Board of Appeal and Equalization, heard the appeal by John Clark and made a decision to reduce the value of the County Fair store property to \$975,000. The County Board of Appeal and Equalization did not adjust the value of the second parcel.

Now, Mr. Clark is requesting the value of the two parcels being \$975,000 and \$73,200 be reduced to a value of \$850,000 equal to the January 2003 sale price. The primary parcel, having a value of \$975,000, is located within TIF District 1-7. The agreement sets a minimum market value for the primary parcel at \$950,000. The County Fair grocery store has a footprint square footage of 27,920 s.f. in the primary building, with a 1997 addition adding an additional 4,656 s.f. The mezzanine level has 2,472 s.f. The indicated improvement value for paving, lighting, and main building indicates those improvements are assessed at a net of \$19.62 per s.f. of the building's footprint. The \$975,000 assigned to the primary parcel indicates a land and improvement value per s.f. of building footprint to be \$29.93 per s.f. Sales of similar property within Marshall indicate the building value is not excessive.

Recommendation: No Change

Parcel 27-941-005-0 – Infinity Financial, LLC, 400-402 Village Drive

Concern: A general inquiry with a potential letter to follow. No letter or follow-up occurred regarding the 2004 assessment.

Recommendation: No Change

Mr. Milo Pinkerton – Marshall Family Apartments – 1400 South 4th Street

Concern: The Cityside Townhome Project is an affordable townhome project for low to moderate-income individuals. Rents are regulated by agreement, which can be restrictive. Returns on the project are also subject to restrictions. Generally the project has run a very high percentage of occupancy, but in the last year or two the subject property has encountered vacancies of 10% or more. The 2003 and 2004 assessments are in the amount of \$1,704,800. There are 50 units within the project.

Recommendation: Reduce the value by \$50,000 for the 2004 assessment. The 2004 assessment will be 1,654,800. This represents a change of \$1,000 per unit.

LOCAL BOARD OF APPEAL AND EQUALIZATION – APRIL 19, 2004

The following constitutes clerical cleanup of the 2004 assessment.

Parcel 27-211-045-0 – Rebecca Bot – 1200 South 4th Street

Should be classified as 201-1 (homestead) for the 2004 assessment

Parcel 27-191-025-0 – Homeside Lending Inc., 425 North 6th Street

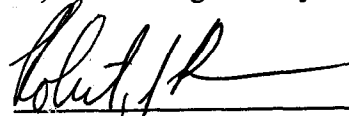
Should be classified as 204-0 (non homestead) for the 2004 assessment

Parcel 27-346-005-0 – Kenneth & Jane Sovell – 310 East Lyon Street

Classification	Land	Building	Total
201-7	9,000	81,400	90,400

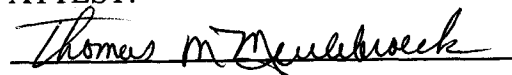
Reynolds moved, Doyle seconded, the report as presented by City Assessor, Calvin Barnett, be accepted. All voted in favor of the motion.

Upon motion by Reynolds, seconded by 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 – MAY 3, 2004

The regular meeting of the Common Council of the City of Marshall was held on May 3, 2004 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, Doyle, Reynolds, Boedigheimer and Stores. Council Member Sturrock arrived at 6:08 P.M. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; 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 with the addition of item 14a, which is to consider the introduction of an ordinance on Motorized Scooters and to call for a public hearing.

APPROVAL OF THE MINUTES:

Doyle moved, Stores seconded, that the minutes of the regular meeting held on April 19, 2004 and the minutes of the Local Board of Appeal and Equalization held on April 19, 2004 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.

CONSIDER AWARD OF BIDS FOR LIBERTY PARK BAND SHELL PROJECT:

Bids were received, opened and read for the Liberty Park Band Shell Project on April 22, 2004. Bids received, opened and read were as follows:

Bladholm Construction Inc.
Marshall, Minnesota
\$93,525.00
Acknowledged Addendum No. 1

Sussner Construction Inc.
Marshall, Minnesota
\$104,510.00
Acknowledged Addendum No. 1

Glenn Olson, Director of Public Works/City Engineer, indicated that the city originally budgeted \$14,930 for the handicapped ramp but an additional amount of \$9,570 is being requested for a guardrail and handrail. It was also indicated that the band concerts would be moved to either the Downtown Park or Independence Park.

Quinn Horvath, Marshall Rotary Club, was requesting that the City of Marshall award to bid for the Liberty Park Band Shell Project and to pay the additional costs for the guardrail and handrail in the amount of \$9,750. Harry Weilage, Director of Community Services, indicated that the additional amount of \$9,750 would have to be paid for out of the Mayor and Council Contingency.

Reynolds moved, Stores seconded, that the bid for the Liberty Park Band Shell Project be awarded to Bladholm Construction Inc., Marshall, Minnesota in the amount of \$93,525 and that the \$9,750 be paid from the Mayor and Council Contingency. All voted in favor of the motion.

Council Member Doyle indicated that he did not think there was adequate parking for the band concerts to be held at the Downtown Park.

CONSIDER AWARD OF BIDS FOR PROJECT 2004-011 BITUMINOUS RESURFACING ON VARIOUS STREETS:

Bids were received, opened and read for Project 2004-011 Bituminous Resurfacing on Various Streets on April 28, 2004. Bids received, opened and read were from:

Duininck Bros., Inc.
Prinsburg, Minnesota
\$202,432.25

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$215,378.25

The city has \$150,000 in the 2004 budget for Bituminous Resurfacing and the low bid is in the amount of \$202,432.25. Glenn Olson, Director of Public Works/City Engineer, has prepared a list of priority streets and alternate streets if the award of the contract is limited to the \$150,000 budgeted amount. Council Member Boedigheimer indicated that by only budgeting \$150,000 per year that the city will fall further behind each year on resurfacing of the streets. It was suggested that maybe this should be done as a special assessment project and splitting the cost 50-50 between the City and the property owner. Boedigheimer moved, Hilton seconded, that the bid be awarded in the amount of \$148,107.21 for bituminous resurfacing of the priority streets and that an additional amount of \$20,000 be taken from the Mayor and Council Contingency for additional bituminous resurfacing. There was a concern expressed with not knowing what the balance is for the Mayor and Council Contingency before approving this. Voting in favor of this motion was Boedigheimer and voting no were: Hilton, Doyle, Byrnes, Reynolds and Stores

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2620, SECOND SERIES and that the reading of the same be waived. Resolution Number 2620, Second Series is a resolution Accepting Bid for Project 2004-011 Bituminous Resurfacing in the amount of up to \$150,000 and to consider a change order at the next meeting to add additional amount from the Mayor and Council Contingency. This bid was awarded to Duininck Bros., Inc., Prinsburg. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - CONSIDER RESOLUTION DESIGNATING POLLING PLACES AND APPROVAL TO APPOINT ELECTION JUDGES FOR THE PRIMARY AND GENERAL ELECTION; CONSIDER TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR JULY 28, 2004; CONSIDER TRANSIENT MERCHANTS LICENSE FOR TNT FIREWORKS TO BE LOCATED AT THE WAL-MART PARKING LOT FOR THE SALE OF FIREWORKS; CONSIDER TRANSIENT MERCHANTS LICENSE FOR THE COUNTRY STOP, INC., TO BE USED AT THE DAIRY QUEEN PARKING LOT ON EAST COLLEGE DRIVE; CONSIDER REQUEST FOR PLUMBERS LICENSE FOR JENNIGES PLUMBING & HEATING, INC.; REQUEST AUTHORITY TO DISPOSE OF SURPLUS CITY PROPERTY AT A PUBLIC AUCTION TO BE HELD ON MAY 20, 2004; LG220 APPLICATION FOR EXEMPT PERMIT FOR HEALTHY MINDS FOUNDATION FOR A RAFFLE ON AUGUST 21, 2004 AT THE SOUNDS OF SUMMER CELEBRATION; CONSIDER GRANT OF UTILITY EASEMENT IN WILKE-MILLER-BUESING SECOND ADDITION; REQUEST FOR STREET CLOSURE – 500 BLOCK OF MAIN STREET FOR FIRE DEPARTMENT TRAINING ON MAY 18, 2004; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

REGULAR MEETING – MAY 3, 2004

RESOLUTION NUMBER 2621, SECOND SERIES and that the reading of the same be waived. Resolution Number 2621, Second Series is a resolution Designating the Polling Locations, Authorizing the Appointment of Election Judges and Setting their Rate of Pay for the Primary Election on September 14, 2004 and the General Election on November 2, 2004.

The approval of a Temporary On-Sale Non-Intoxicating Beer License for the Marshall Area Chamber of Commerce for the Ag-Fest to be held at the Lyon County Fairgrounds on July 28, 2004 at a fee of \$30.00.

The approval of a Transient Merchants License for TNT Fireworks for the sale of fireworks in the Wal Mart parking lot at a fee of \$300.00. This license will expire on December 31, 2004.

The approval of a Transient Merchants License for The Country Stop, Inc., to be used at the Dairy Queen parking lot on East College Drive for the sale of fresh produce at a fee of \$300.00. This license will expire on December 31, 2004.

The approval of a Plumbers License for John Jenniges dba Jenniges Plumbing & Heating, Inc., at a fee of \$75.00. This license will expire on March 31, 2005.

Authorization to dispose of surplus City property at an auction to be held on May 20, 2004 at 5:30 P.M. at the Street Maintenance Building area at 901 Oak Street.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit –LG 220 for the Healthy Minds Foundation, 1212 East College Drive, Marshall, Minnesota for a raffle to be held on August 21, 2004 and that the 30-day waiting period be waived.

The approval of a Utility Easement between the City of Marshall and Gregory S. Taylor and Nadine R. Taylor. This utility easement is outside of and along the east and south side of the Wilke-Miller-Buesing Second Addition.

The approval to close Main Street between the intersections of Sixth and Fifth Streets on Tuesday, May 18th from 6:00 P.M. through 10:00 P.M. for training for the Marshall Volunteer Fire Department.

The following bills and project payments be made: ACCOUNTS PAYABLE, Voucher No. 42033 through 42179.

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. Mike Buysse Construction	301 South 4th Street	Garage	\$6,500
2. Tutt Construction	106 Circle Drive	Basement Remodel	\$9,000
3. REM Southwest Services, Inc.	1007 North 4th Street	Ramp	\$3,500
4. Marlin & Audrey Thompson	1304 Ellis Avenue	Dwelling	\$90,000
5. Chad Rykhus Construction	108 South High Street	Reroof Dwelling	\$6,000

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6.	American Siding, Inc.	807	Nuese	Lane	Reside Dwelling	\$16,000
7.	Duane Matthys	704	South	2nd Street	Replace Window	\$1,800
8.	Jill Kerkela	1222	Prospect	Road	Basement Bathroom and Bedroom	\$2,000
9.	Sussner Construction, Inc.	501	South	Whitney Street	Replace Doors	\$7,000
10.	Dang Yang	601	North	6th Street	Install Windows	\$1,900
11.	Mike Mettenbrink	308	North	3rd Street	Remodel Partition	\$700
12.	P&R Ventures	617		Mercedes Drive	Dwelling	\$120,000
13.	Brad & Julie Nelson	1220		Floyd Wild Drive	Sign	\$14,000
14.	Geske Home Improvement Co.	706		South Bend Avenue	Reside Dwelling	\$5,000
15.	Myron & Bobbi Ruesch	202	East	Thomas Avenue	Dwelling	\$192,500
16.	Brian & Gretchen Flynn	513		Central Avenue	Install Window	\$1,000
17.	Chad Krog	218		Carrow Street	Utility Shed	\$4,200
18.	Jeff & Renae Jorgenson	1117		David Drive	Deck	\$3,000
19.	Vicki Hahn	503		Hawthorn Drive	Remodel Deck & Replace Window	\$5,400

CONSIDER AUTHORIZATION FOR REPLACEMENT OF OUTDOOR WARNING SIREN:

Rob Yant, Director of Public Safety, indicated that the outdoor emergency warning siren located in the Industrial Park and the one in Freedom Park are not working. The unit in Freedom Park is a newer unit and is being repaired. The unit in the Industrial Park is no longer repairable. Mr. Yant is requesting to purchase a new outdoor emergency warning siren with five-omni directional speakers, battery backup and a P.A. capability. This unit would also have a solar power source which prevents the siren from going out if there is a need for activation past the 10 to 15 minutes that the battery back up will maintain it. The cost of this unit is \$18,686.66 plus \$658 for two batteries for a total cost of \$19,344 plus cost for installation. The Police Department has approximately \$15,000 left in the vehicle budget. Reynolds moved, Hilton seconded, that the proper city personnel be authorized to purchase a Whelen outdoor emergency siren with funds from the Police Department vehicle budget and a recommendation being made at the next regular city council for the additional funding. All voted in favor of the motion.

CONSIDER RECOMMENDATION FROM MMU COMMISSION AND WAYS AND MEANS COMMITTEE ON RESOLUTION APPROVING AN AGREEMENT FOR THE PURCHASE OF SUPPLEMENTAL POWER AND ENERGY FROM MISSOURI RIVER ENERGY SERVICES:

Brad Roos, General Manager Marshall Municipal Utilities, was in attendance at the meeting to review the request from MMU to enter into an agreement for the Purchase of Supplemental Power and Energy from Missouri River Energy Services. Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2622, SECOND SERIES and that the reading of the same be waived. Resolution Number 2622, Second Series is a resolution Approving an Agreement for the Purchase of Supplemental Power and Energy from Missouri River Energy Services from July 1, 2004 to January 1, 2030. All voted in favor of the motion.

Be it noted the arrival of Council Member Sturrock at 6:08 P.M.

CONSIDER REVISED TRAFFIC SIGNAL DESIGN SERVICES PROFESSIONAL SERVICES AGREEMENT WITH SEH, INC.

Glenn Olson, Director of Public Works/City Engineer, indicated that the original agreement with SEH, Inc., included four new traffic signal systems at the following intersections:

TH 23 at TH 19-68

TH 59 at East Southview Drive

TH 23 at TH 59

TH 59 at Canoga Park Drive

Subsequent to that approval, MN/DOT has decided to do their own design on the following signals:

TH 23 at TH 19-68

TH 23 at TH 59

Because of this change SEH, Inc., was requested to provide a revised proposal for the remaining work on the remaining signals. The revised proposal for professional services for the full design of two signals, incorporation of the State's design for two signals, and the construction inspection for all four signals is proposed to be on a hourly basis, not to exceed a total of \$21,000. Hilton moved, Sturrock seconded, that the proper city personnel be authorized to enter into a revised contract with SEH, Inc., for the revised traffic signal design services in an amount not to exceed \$21,000. All voted in favor of the motion.

CONSIDER AWARD OF PROPOSALS FOR DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR T.H. 59 ROADWAY AND CANOGA PARK DRIVE ROADWAY IMPROVEMENTS:

Proposals were received for the design and construction inspection services for T.H. 59 roadway and Canoga Park Drive roadway improvements as follows:

I & S Engineers & Architects Inc.
Mankato, Minnesota
\$15,800.00

Bolton & Menk, Inc.
Mankato, Minnesota
\$25,240.00

SEH, Inc.
St. Paul, Minnesota
\$44,800.00

Sturrock moved, Doyle seconded, that the proper city personnel be authorized to enter into a contract with I & S Engineers & Architects, Inc., Mankato, Minnesota in an amount not to exceed \$15,800.00 subject to approval of MN/DOT, Runnings and Wal-Mart land agreements. This contract provides for I & S Engineers & Architects, Inc., to prepare plans and specifications, according to Municipal State Aid requirements, provide assistance to the City in bidding the project, and providing construction inspection services as required for the T.H.59 roadway and Canoga Park Drive roadway improvements. All voted in favor of the motion.

GRANT OF UTILITY EASEMENT – LINCOLN PIPESTONE RURAL WATER:

Boedigheimer moved, Stores seconded, the approval of a Utility Easement with Lincoln Pipestone Rural Water to provide water service to a subdivision north and east of the City of Marshall just outside of the current city limits. This easement has been provided to accommodate future city street extension purposes and should not be in conflict with that future use. Any relocation to the water line in the future requires Lincoln Pipestone Rural Water to adjust the location at their expense, if necessary. All voted in favor of the motion.

PROJECT 2004-002: WINDSTAR STREET STORM SEWER AND STREET IMPROVEMENT PROJECT - CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; B. CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS.

Glenn Olson, Director of Public Works/City Engineer, indicated to the council that they would be receiving a petition and waiver of protest from the owner for Project 2004-002 Windstar Street Storm Sewer and Street Improvement Project.

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2623, SECOND SERIES and that the reading of the same be waived. Resolution Number 2623, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project 2004-002 Windstar Street Storm Sewer and Street Improvement. All voted in favor of the motion.

Reynolds moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2624, SECOND SERIES and that the reading of the same be waived. Resolution Number 2624, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project 2004-002 Windstar Street Storm Sewer and Street Improvement. All voted in favor of the motion.

PROJECT 2003-010: CANOGA PARK DRIVE/WILKE-MILLER-BUESING SECOND ADDITION BITUMINOUS SURFACING PROJECT - A. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; B. CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated to the council that they would be receiving a petition and waiver of protest from the owner for Project 2003-010 Canoga Park Drive/Wilke-Miller-Buesing Second Addition Bituminous Surfacing Project. Mike Johnson, City Administrator indicated that if the owner decides not to continue with this project the City may want to be reimbursed for their expenses.

Hilton moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2625, SECOND SERIES and that the reading of the same be waived. Resolution Number 2625, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project 2003-010 Canoga Park Drive/Wilke-Miller-Buesing Second Addition Bituminous Surfacing Project. All voted in favor of the motion.

Hilton moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2626, SECOND SERIES and that the reading of the same be waived. Resolution Number 2626, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project 2003-010 Canoga Park Drive/Wilke-Miller-Buesing Second Addition Bituminous Surfacing Project. All voted in favor of the

CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT - A. PROJECT 2004-007: SUNRISE LANE WATERMAIN IMPROVEMENT PROJECT; B. PROJECT 2004-008: WASHINGTON AVENUE WATERMAIN IMPROVEMENT PROJECT; C. PROJECT 2004-009: MARSHALL STREET (LIBERTY PARK) WATERMAIN IMPROVEMENT PROJECT:

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2627, SECOND SERIES and that the reading of the same be waived. Resolution Number 2627, Second Series is a resolution Receiving Report and Calling for Hearing on Improvement for Project 2004-007 Sunrise Lane Watermain Improvement; Project 2004-008 Washington Avenue Watermain Improvement; Project 2004-009 Marshall Street (Liberty Park) Watermain Improvement. All of these projects have been requested by Marshall Municipal Utilities. The sewer pipes in these areas were also televised to check on their condition. All voted in favor of the motion.

CONSIDER CHANGING THE NAME OF AND RENAMING THOROUGHFARE – A. EAST SOUTHVIEW DRIVE TO BOYER DRIVE; B. HACKBERRY PLACE TO EAST THOMAS AVENUE; C. BASE LINE ROAD TO SUSAN LANE; D. UNNAMED STREET TO MARGARET AVENUE; E. SUSAN STREET TO ANNE-MARIE STREET:

The City Engineers office has received two petitions for the renaming of streets. The petitions were received from Gregory S. Taylor and Clarice E. Boyer requesting the following:

<u>Current Street Name/Segment</u>	<u>Proposed New Street Name</u>
Hackberry Place from Saratoga Street to Hackberry Drive	East Thomas Avenue
East Southview Drive from T.H. 59 to East city limits	Boyer Drive
Baseline Road from East Southview Drive to Independent Lumber	Susan Lane
Unanmes Street from Canoga Park Drive to Outlot D	Margaret Avenue
Susan Street from Boyer Drive to Windstar Street	Anne-Marie Street

At the meeting, there was a request from Ms. Boyer to change Anne-Marie Street to Clarice Street.

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Sturrock moved, Doyle seconded, that the request to change the name of and renaming thoroughfare be referred to the Planning Commission for their review and recommendation. All voted in favor of the motion.

APPROVAL OF MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE BUILDING LEASE:

Stores moved, Hilton seconded, that the proper city personnel be authorized to execute the 2004-005 Building Lease Agreement with Minneosta West Community and Technical College. This lease provides for a 10% increase from \$22,500 in 2003-2004 to \$24,750 in 2004-2005. The breakdown of the lease payment is \$18,250 for 2,940 square feet at City Hall and \$6,500 for 281 feet at the M.E.R.I.T. Center. All voted in favor of the motion.

PROPOSED MOTORIZED SCOOTER ORDINANCE:

Boedigheimer moved, Sturrock seconded, the introduction of an ordinance on Motorized Scooters and that a public hearing be held at 5:30 P.M. on Monday, May 17, 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 No report.

Stores Libaray Board is continuing their serarch for a new director; Prairie Net Wan will meet on Tuesday.

Sturrock Utilities Commission items were discussed earlier in the meeting.

Boedigheimer Lyon County Enterprise Development met last Tuesday; M.E.R.I.T. Center met on April 22nd and are working on By-Laws for the M.E.R.I.T. Center.

Doyle Human Rights Commission met last Monday; Marshall Area Transit met last Wednesday.

Hilton Hospital Board will be traveling to Sioux Falls next week to continue discussion on a partnership with another facility; Police Commission will meet later this week.

Byrnes indicated that Hilton will replace Doyle as the liasian on the Human Rights Commission.

Reynolds Cable Commission will meet on Thursday; Community Services Advisory Board will meet on Wednesday.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a concern of yard sales in an R-1, Single Family Residence District; the task force that was appointed to review the Transient Merchants Ordinance has not met; the City has been asked to be responsible for the East Side School and Middle School buildings; and there was a conern about the City's current towing license holder.

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

REGULAR MEETING – MAY 17, 2004

The regular meeting of the Common Council of the City of Marshall was held on May 17, 2004 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: Sturrock, Reynolds, Boedigheimer and Stores. Doyle arrived at 5:50 P.M. and Hilton was absent. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director; Rob Yant, Director of Public Safety, Kim Jergenson, Engineer Technician; Bob VanMoer, Wastewater Superintendent, Todd Ellis, Corporal Marshall 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 the agenda be approved with the addition of item 6G, which is the consideration of a Lawful Gambling License Renewal for the Eagles AERIE 3405 and item number 13A, which is a request from the City of Tracy for their residents to purchase season pool passes at the same rate charges to Marshall residents due to Tracy's pool being closed for the season.

APPROVAL OF THE MINUTES:

Reynolds moved, Stores seconded, that the minutes of the regular meeting held on May 3, 2004 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 - CONSIDER ADOPTION OF PROPOSED ORDINANCE REGULATING THE USE OF MOTORIZED BICYCLES AND ELECTRIC-ASSISTED BICYCLES AND PROHIBITING THE USE OF MOTORIZED SCOOTERS ON SIDEWALKS AND STREETS AND PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF:

This was the date and time set for a public hearing on the proposed ordinance regulating the use of motorized bicycles and electric-assisted bicycles and prohibiting the use of motorized scooters on sidewalks and streets and providing for the enforcement and penalties for violation thereof. Rob Yant, Director of Public Safety, and Todd Ellis, Corporal Marshall Police Department, reviewed the proposed ordinance and some of their concerns. Todd indicated that the scooters are not designed for street use, people under 15 are using them and they do not wear helmets. This ordinance would simply reinforce what the state law does now – banning motorized scooters from city sidewalks and streets. Cindy Verschaetse indicated that a definition from the federal code about motorized bicycles she downloaded from a Consumers Protection Service Web site shows that motorized scooters fit the motorized bicycle definition. Cindy suggested that a safety course be offered for people under age 15. Rob Yant indicated that they couldn't do this unless it is allowed by the state and scooters are not allowed in the State of Minnesota. Boedigheimer indicated that maybe these could be used under certain circumstances with a special vehicle permit. Brenda Krog, 218 Carrow Circle, asked why you could ride a moped at age 15 but not a motorized bicycle. Nathaniel Zeinstra indicated that this is only way to get to work and he rides on the side of the road and uses hand signals. Amanda Beekman, 803

REGULAR MEETING – MAY 17, 2004

Woodfern, indicated that scooters are safer than a bike and that you have more control with a scooter. Kayla Krog indicated that scooters are not much difference than a bike and that they are really convenient. Ms. Verschaetse indicated that a scooter fits in the federal definition of a bike. Nathaniel indicated that according to scooter dealers if the power is under 50cc, the scooter is legal and the definition he received by e-mail from the State Department of Motor Vehicles also said that motorized scooters are legal. The public also wanted to know, that if it is legal to buy and sell them then why is it not legal to ride them? Reynolds moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 516, SECOND SERIES and that the reading of the same be waived. Ordinance Number 516, Second Series is an Ordinance Regulating the Use of Motorized Bicycles and Electric-Assisted Bicycles and Prohibiting the Use of Motorized Scooters on Sidewalks and Streets and Providing for the Enforcement and Penalties for Violation Thereof. All voted in favor of the motion.

PUBLIC HEARING - PROJECT 2004-007 SUNRISE LANE WATERMAIN IMPROVEMENT PROJECT; PROJECT 2004-008 WASHINGTON AVENUE WATERMAIN IMPROVEMENT PROJECT; PROJECT 2004-009 MARSHALL STREET (LIBERTY PARK) WATERMAIN IMPROVEMENT PROJECT; A. PUBLIC HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; C. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

This was the date and time set for a public hearing on Project 2004-007: Sunrise Lane Watermain Improvement Project; Project 2004-008: Washington Avenue Watermain Improvement Project; and Project 2004-009: Marshall Street (Liberty Park) Watermain Improvement Project. Glenn Olson, Director of Public Works/City Engineer, indicated that based on historical breaks Marshall Municipal Utilities is requesting that these three watermain improvement projects be completed. Glenn indicated that the sanitary sewers and storm sewers in these areas has been video taped to determine if any work would need to be done on these at the same time. The estimated construction cost is \$142,000 and Marshall Municipal Utilities normally pays for ½ on a watermain replacement project. Sturrock moved, Doyle seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2628, SECOND SERIES and that the reading of the same be waived. Resolution Number 2628, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project 2004-007 Sunrise Lane Watermain Improvement Project; Project 2004-008 Washington Avenue Watermain Improvement Project; and Project 2004-009 Marshall Street (Liberty Park) Watermain Improvement Project. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2629, SECOND SERIES and that the reading of the same be waived. Resolution Number 2629, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project 2004-007 Sunrise Lane Watermain Improvement Project; Project 2004-008 Washington Avenue Watermain Improvement Project; and Project 2004-009 Marshall Street (Liberty Park) Watermain Improvement Project. All voted in favor of the motion.

REGULAR MEETING – MAY 17, 2004

PUBLIC HEARING - PROJECT 2003-003 CANOGA PARK DRIVE AND CANOGA PARK CIRCLE SANITARY SEWER, WATERMAIN, STORM SEWER AND STREET IMPROVEMENT PROJECT; A. PUBLIC HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Project 2003-003: Canoga Park Drive and Canoga Park Circle Sanitary Sewer, Watermain, Storm Sewer and Street Improvement Project. Glenn Olson, Director of Public Works/City Engineer, indicated that a petition of 35% of the property owners initiated this project. Corey Lenz, 2627 260th Avenue (Canoga Park Drive) was concerned with moving forward with the project in his area and how special assessments would be done. Mr. Olson indicated that the costs of new construction are normally assessed at 100% to the property owners. Mr. Olson indicated that normally a project does not take place on property that is not part of the city limits. The plan is to start on this project as soon as possible and if it would affect his property there would be discussion on annexing this property into the city limits. Craig Holland, 2593 US Highway 59, indicated that he is not in favor of being annexed into the City of Marshall. It was indicated that this would be discussed at a later time. Reynolds moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2630, SECOND SERIES and that the reading of the same be waived. Resolution Number 2630, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project 2003-003 Canoga Park Drive and Canoga Park Circle Sanitary Sewer, Watermain, Storm Sewer and Street Improvement. All voted in favor of the motion.

CONSIDER AWARD OF PROPOSALS FOR A REPLACEMENT TANKER FOR THE WASTEWATER DEPARTMENT:

On May 10, 2004, Robert VanMoer, Wastewater Superintendent, received proposals for a replacement Transport Tanker for hauling biosolids at the Wastewater Treatment Facility. Mr. VanMoer had sent RFP's to two vendors he knew could supply a unit to meet the specs. One vendor was able to locate a unit and supplied a proposal; the other vendor did not submit a proposal. Per the recommendation of Robert VanMoer, Wastewater Superintendent, Boedigheimer moved, Doyle seconded, that the proposal be awarded to Siouxland Trailer Sales of Sioux City, IA for a total sales price including trade-in of \$14,800, plus sales tax in the amount of \$962.00 to be paid to the local Deputy Registrar for a total of \$15,762 to be paid from the Wastewater capital account 602-90581-5550. All voted in favor of the motion.

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

APPROVAL OF CONSENT AGENDA -CONSIDER STREET CLOSURE REQUEST FOR MARSHALL AREA CHAMBER OF COMMERCE FOR CRAZY DAYS – JULY 22, 2004; CONSIDER STREET CLOSURE REQUEST FOR SOUNDS OF SUMMER COMMITTEE FOR SOUNDS OF SUMMER PARADE – AUGUST 22, 2004; CONSIDER APPLICATION FOR COMMUNITY SERVICES TO BUY FIREWORKS FOR DISPLAY PURPOSES ON JULY 4, 2004 AT INDEPENDENCE PARK; CONSIDER MERIT CENTER LEASE AGREEMENT WITH THE MINNESOTA ARMY NATIONAL GUARD; BILLS/PROJECT PAYMENTS; BUILDING PERMITS;

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CONSIDER APPROVAL OF LAWFUL GAMBLING LICENSE RENEWAL FOR THE EAGLES AERIE 3405:

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

A request from the Chamber of Commerce to close Main Street from College Drive to North 6th Street on Thursday, July 22, 2004 from 6:00 A.M. to 6:00 P.M. for Crazy Days.

A request from the Sounds of Summer Committee for street closure from 1:30 P.M. to 4:30 P.M. for the Sounds of Summer Parade on Saturday, August 22, 2004. The parade route begins at Independence Park and travels west on Lyon Street to T.H. 59 (Main Street) heading northwest and ending at the corner of South 6th Street.

The approval of an application for Community Services to buy fireworks for display purposes on July 4, 2004 at Independence Park. Community Services will be making arrangements with the Marshall Volunteer Fire Department for the fireworks display.

The proper city personnel be authorized to enter into an agreement with the Minnesota Army National Guard to lease the MERIT Center for one weekend per month.

The following bills and project payments be made: ACCOUNTS PAYABLE, Voucher No. 42180 through 42371.

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. Blue Earth Environmental Co., Inc.	1200 East College Drive	Demolish Restaurant	\$0
2. Schlenner Construction Co.	101 Elaine Avenue	Dwelling	\$251,000
3. Dan & Diane Flygare	1107 East Lyon Street	Install Fireplace	\$3,700
4. Brian Weedman Carpentry	312 East Main Street	Reroof Dwelling & Garage	\$5,000
5. Sussner Construction, Inc.	205 Sunrise Lane	Replace Steps	\$1,300
6. Richard & Kimberly Olson	515 Central Avenue	Install Windows	\$1,500
7. Celeste Wherry	413 North 6th Street	Deck	\$1,100
8. Gregory St. Aubin	303 North 7th Street	Install Window	\$500
9. Joyce Hoffman	1213 Prospect Road	Replace Step	\$400
10. Todd Blomme	507 Williams Street	Garage	\$5,000

REGULAR MEETING – MAY 17, 2004

11.	Brian Weedman Carpentry	405 North 'A'	Street	Finish Garage	\$900
12.	CAB Quality Construction	1130	David Drive	Dwelling	\$160,000
13.	Francis & Marie Moorse	110	George Street	Install Windows & Deck	\$1,600
14.	True Value Home Center	604	Adobe Road	Reroof, Reside & Replace Windows	\$25,000
15.	Kelly Devereaux	615	Donita Avenue	Finish Partial Basement	\$800
16.	Scott VanOverbeke Construction	1308	Westwood Drive	Reroofing	\$4,000
17.	Kesteloot Construction, Inc.	507	Donita Avenue	Remodel Staircase	\$800
18.	Chong Thao	105	"G" Street	Install Egress Window	\$1,000
19.	Hiller Development Co.	1610	T-Bird Road	Four-Unit Apartment	\$360,000
20.	Gregory S. Taylor	1106	Colombine Drive	Storage Room	\$10,000
21.	James Duffey	209	London Road	Finish Basement	\$8,700
22.	Mohammed Rahman & Hasina Banu	405 North High	Street	Install Bathroom	\$3,000
23.	Architectural Roofing & Sheetmetal	1500 East	College Drive	Partial Reroof	\$17,500

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

CONSIDER THE REQUEST OF ELAINE SANDQUIST FOR A ONE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO OPERATE A BEAUTY SHOP BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 1100 CHERYL AVENUE:

Per the recommendation of the Planning Commission, Boedigheimer moved, Stores seconded, the approval of the request of Elaine Sandquist for a one-year renewal of a Conditional Use Permit for a home occupation to operate a beauty shop business in an R-1 One Family Residence District at 1100 Cheryl Avenue. Normally a conditional use permit is renewed for 5 years but Ms. Sandquist only requested a one-year renewal. All voted in favor of the motion.

CONSIDER THE REQUEST OF MARIE VLAMINCK FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO OPERATE A BEAUTY CONSULTANT BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 1209 WESTWOOD DRIVE:

Per the recommendation of the Planning Commission, Stores moved, Doyle seconded, the approval of the request of Marie Vlaminc for a five-year renewal of a Conditional Use Permit for a home occupation to operate a beauty consultant business in an R-1 One Family Residence District at

REGULAR MEETING – MAY 17, 2004

1209 Westwood Drive. All voted in favor of the motion.

CONSIDER TOBACCO-FREE PARKS POLICY RECOMMENDATION FROM COMMUNITY SERVICES ADVISORY BOARD:

Members of the Marshall ACTS were in attendance at the meeting to request a tobacco-free parks policy in Marshall. Katie Bierman, representative from Marshall ACTS, outlined some important reasons a tobacco free park should be enforced. She indicated that adults are setting a bad example for children using the parks and they could have easy access to cigarette butts and eat them. She also indicated that using tobacco in a park is a contradiction to the recreation and physical fitness aspects of parks. ACTS has already spoken to various Marshall recreational organizations that said they were supportive of the policy, such as the softball association and MAYBA. Compliance to the policy would be strictly voluntary. ACTS said they would post the free signs they received announcing the policy and use existing poles to post them throughout the parks. They would likely use their own money for brackets and additional posts if needed. Reynolds moved, Stores seconded, the approval of the Marshall ACTS Tobacco-Free Parks Policy. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE CHANGING THE NAME OF AND RENAMING THOROUGHFARES - A. HACKBERRY PLACE TO EAST THOMAS AVENUE; B. EAST SOUTHVIEW DRIVE TO BOYER DRIVE; C. BASELINE ROAD TO SUSAN LANE; D. UNNAMED STREET IN J-C BOYER ADDITION TO MARGARET AVENUE; E. SUSAN STREET TO CLARICE AVENUE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the petitions received from Gregory S. Taylor and Clarice E. Boyer requesting the renaming of certain streets in the City of Marshall. Due to the actions of the Planning Commission to recommend denial of the renaming of Baseline Road to Susan Lane, Pam Loyson, Agent for Clarice Boyer, read a letter asking that East Southview Drive be renamed to Susan Drive (not Boyer Drive as originally requested) and to change Canoga Park Drive from T.H. 59 east to city limits to Boyer Drive. Following discussion and reviewing the recommendations from the Planning Commission the following action was taken:

Sturrock moved, Doyle seconded, the introduction of an ordinance to rename Hackberry Place, from Saratoga Street to Hackberry Drive, to East Thomas Avenue. All voted in favor of the motion.

Sturrock moved, Boedigheimer seconded, that the request to change Baseline Road from East Southview Drive to Independent Lumber not be changed. All voted in favor of the motion.

Sturrock moved, Reynolds seconded, the introduction of an ordinance to rename East Southview Drive, from T.H. 59 to east city limits, to Susan Drive. All voted in favor of the motion.

Sturrock moved, Doyle seconded, the introduction of an ordinance to rename Canoga Park Drive, from T.H. 59 to east city limits, to Boyer Drive. All voted in favor of the motion.

Stores moved, Reynolds seconded, the introduction of an ordinance to name the unnamed

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street in J-C Boyer Addition, from Canoga Park Drive to Outlot D, as Margaret Avenue. All voted in favor of the motion.

Doyle moved, Reynolds seconded, the introduction of an ordinance to rename Susan Street, from Boyer Drive to Windstar Street, to Clarice Avenue. All voted in favor of the motion.

DISCUSS DRAFT NPDES/SDS PERMIT NO. MN 0022179 – MARSHALL WASTEWATER TREATMENT FACILITY:

Glenn Olson, Director of Public Works/City Engineer, indicated that the current NPDES Discharge Permit for the City of Marshall Wastewater Treatment Facility is in the public comment period until May 25, 2004. The City submitted comments and concerns to the MPCA during the pre-public notice period. The MPCA did change their recommendation for a WET Limit in our Comment #1. They are now recommending monitoring only, instead of a limit. All of the other comments were addressed, but MPCA did not change any requirements, which will result in more testing of our wastewater and more cost. Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Doyle moved, Reynolds seconded, that the proper city personnel be authorize to resubmit our concerns for a final review by MPCA for consideration. All voted in favor of the motion.

WAL-MART STORES, INC. DEVELOPMENT PROJECT ON TRUNK HIGHWAY #59 SOUTH - A. REAL PROPERTY EXCHANGE CONTRACT WITH WAL-MART STORES, INC: B. OPTION CONTRACT ON REAL ESTATE PURCHASE FROM JR & R PARTNERSHIP: C. PUBLIC ACCESS AND UTILITY EASEMENT AGREEMENT: D. APPROVE REVISIONS TO FIRST DEVELOPMENT CONTRACT FOR J-C BOYER ADDITION: E. PERMIT AGREEMENT BETWEEN MNDOT AND CITY OF MARSHALL:

Reynolds moved, Sturrock seconded, that the proper city personnel be authorized to enter into a Real Property Exchange Contract between the City of Marshall and Wal-Mart Stores, Inc., for the purchase of Outlot "D", J-C Boyer Addition. This parcel contains approximately 2.96 acres and is to be purchased by the City for \$77,257.80 from Wal-Mart Stores, Inc., following their purchase of the property from Clarice Poyer. In addition to paying for Outlot "D", the city is also obtaining the future ownership of Lot 3, Block 1, J-C Boyer Addition from MnDOT at no cost. This property will ultimately be transferred to Wal-Mart Stores, Inc., when the City receives title to the property from MnDOT. All voted in favor of the motion.

Reynolds moved, Stores seconded, that the proper city personnel be authorized to enter into an Option Contract on Real Estate Purchase from JR & R Partnership. This Option Contract provides the City of Marshall with a 120-day option to purchase real estate from the JR & R Partnership for street right-of-way for the future extension of Canoga Park Drive and Windstar Street. The parcels of land contain approximately 1.57 acres and .26 acres respectively or about 1.83 acres in total. The purchase price of this property (valued at \$77,257.80) is an "exchange" of property with the City of Marshall for Outlot "D", J-C Boyer addition that is proposed to be purchased from Wal-Mart Stores, Inc. All voted in favor of the motion.

Stores moved, Sturrock seconded, that the proper city personnel be authorized to enter into a Public Access and Utility Easement Agreement with Wal-Mart Stores, Inc. This easement

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agreement allows the city permanent driveway access and replacement and repair for a watermain and other public utility lines under and across the property around Quist. All voted in favor of the motion.

Reynolds moved, Doyle seconded, the revisions to the First Development Contract for J-C Boyer Addition. The amendments include revisions to cost participation of the City-construction improvements in Item 7, as well as a change in the maximum Developer costs not to exceed \$260,000 of City constructed improvements. The second change was to Item 23C changing the "Quit Claim Deed" reference to "Deed without Warranty". All voted in favor of the motion.

Reynolds moved, Sturrock seconded, that the proper city personnel be authorized to enter into a Permit Agreement with Mn/DOT for the construction of improvements on Parcel 204E. It is the intent of the City to assign this permit to Wal-Mart Stores, Inc., for construction by their contractor. This agreement was approved with the understanding that there may be minor changes. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

- Airport Commission – Gary Schmidt for a 3-year term to expire on May 31, 2007
- Airport Commission – Ricky Singh for a 3-year term to expire on May 31, 2007
- Economic Development Authority – Tracy Welch for a 6-year term to expire on May 31, 2010
- Hospital Board – Cliff Carmody – for a 5-year term to expire on May 31, 2009
- Housing Commission – Mike Fossum for a 3-year term to expire on May 31, 2007
- Housing Commission – David Kock for a 5-year term to expire on May 31, 2009
- Human Rights Commission – Steve Carlson for a 3-year term to expire on May 31, 2007
- Human Rights Commission – LaVonne Lutz for a 3-year term to expire on May 31, 2007
- Planning Commission – Jon Harback for a 3-year term to expire on May 31, 2007
- Planning Commission – Todd Lendt for a 3-year term to expire on May 31, 2007
- Police Civil Service Commission – Ellayne Conyers for a 3-year term to expire on May 31, 2007
- Senior Citizen Center Commission – Gael Coleman for a 3-year term to expire on May 31, 2007
- Senior Citizen Center Commission – Patricia Carlson for a 3-year term to expire on May 31, 2007
- Utilities Commission – Tom Tapper for a 5-year term to expire on May 31, 2009

It was also approved that openings on the Library Board and on the Cable Commission be re-advertised.

REQUEST FROM THE CITY OF TRACY FOR THEIR RESIDENTS TO PURCHASE SEASON POOL PASSES AT THE SAME RATE CHARGES TO MARSHALL RESIDENTS DUE TO THE POOL BEING CLOSED FOR THE SEASON:

Per the request of the City of Tracy, Boedigheimer moved, Sturrock seconded, that Tracy residents be allowed to use the Marshall Aquatic Center this summer at the same rate as charged to Marshall city and school district residents. Tracy's pool needs repairs and will be closed this summer. The Council also wants the Tracy mayor to ask if the Tracy school district wants the same rates. All voted in favor of the motion, except Reynolds who voted no.

REGULAR MEETING – MAY 17, 2004

MAYOR AND COUNCIL MEMBER REPORTS:

Byrnes EDA met last week; Regional Development Commission meets on Thursday

Stores Library Board met last Monday; Convention and Visitors Bureau meets on Wednesday

Sturrock Planning Commission met last Wednesday; Utilities Commission held a special meeting earlier today

Boedigheimer No report

Doyle No report

Hilton Byrnes indicated that she was at a special Hospital Board meeting and that the council was invited to a special Hospital Board meeting on Tuesday, May 18th

Reynolds Cable Commission items have been in the Marshall Independent

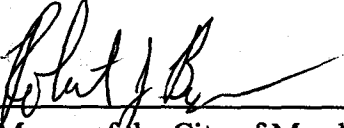
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the 6th Street project being reconsidered; and a concern with yard sales where items are displayed outside and not inside.

REVIEW OF PENDING AGENDA ITEMS:

The Channel Parkway Reconstruction Project bid letting will be moved to June and the award of contract will be moved to July.

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

REGULAR MEETING – JUNE 7, 2004

The regular meeting of the Common Council of the City of Marshall was held on June 7, 2004 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; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Bob VanMoer, Wastewater Treatment Facility Superintendent; Jane Devries, Deputy City Clerk; and 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 with the addition of item 13a, which is a petition for vacation of a roadway and utility easement in J-C Boyer Addition, Block 1, Lots 1 & 3; and the addition of item 13b, which is a temporary grading easement agreement with Wal-Mart Stores, Inc.

APPROVAL OF THE MINUTES:

Stores moved, Reynolds seconded, that the minutes of the regular meeting held on May 17, 2004 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. AUTHORIZATION FOR OUT-OF-STATE TRAVEL: 1) ICMA CONFERENCE – ADMINISTRATION DEPARTMENT, 2) WMD TECHNICAL EMERGENCY RESPONSE TRAINING (TERT) – POLICE DEPARTMENT, 3) WMD INCIDENT COMMAND (IC) – POLICE DEPARTMENT; B. CONSIDER AUTHORIZATION TO ADVERTISE FOR 29,000 GVW TRUCK CHASSIS FOR STREET DEPARTMENT AND RECEIVE QUOTES FOR BOX AND HYDRAULIC PACKAGE; C. CONSIDER REQUEST OF SOUTHWEST MINNESOTA STATE UNIVERSITY HOMECOMING COMMITTEE FOR HOMECOMING DAY PARADE ON OCTOBER 2, 2004; D. CONSIDER REQUESTS FOR TRANSIENT MERCHANTS LICENSES: 1) TAP ENTERPRISES FOR A TOOL SALE AT THE NATIONAL GUARD ARMORY, 2) B.J. ALAN COMPANY FIREWORKS TO SELL FIREWORKS, E. CONSIDER TWO SPECIAL VEHICLE LICENSES FOR WEINER MEMORIAL MEDICAL CENTER NURSING HOME; F. CONSIDER MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR SONS OF THE AMERICAN LEGION POST 113 FOR A RAFFLE; G. APPROVAL OF AGENCY AGREEMENT WITH US BANK FOR REGISTRAR/PAYING AGENT DUTIES FOR \$425,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATE OF INDEBTEDNESS, SERIES 2004B; H. DECLARE THE “MARSHALL SOUNDS OF SUMMER” A COMMUNITY FESTIVAL; BILLS/PROJECT PAYMENTS; BUILDING PERMITS:

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

Authorization for Mike Johnson, City Administrator, to attend the International City Management Association in San Diego, California on October 17 – October 20, 2004.

Out-of-state travel for Rob Yant, Director of Public Safety, to attend the WMD Technical Emergency Response Training (TERT) in Anniston, Alabama from August 22 – 27, 2004. The only cost to the city will be for his wages.

REGULAR MEETING – JUNE 7, 2004

Out-of-state travel for Todd Ellis, Corporal Marshall Police Department, to attend the WMD Incident Command (IC) in Anniston, Alabama from September 7 - 11, 2004. The only cost to the city will be for his wages.

Authorization to advertise for bids for the purchase of a 29,000 G.V.W. truck and to receive quotes for box and hydraulic package for the Street Department.

That the request from Southwest State University to close East Main Street from Lyon Street to 5th Street for SSU's Homecoming Parade be approved for Saturday, October 2, 2004. The parade will start at 10:00 A.M. and end at approximately 12:15 p.m.

The approval of a Transient Merchants License for T.A.P. Enterprises Inc., for a tool sale on June 8, 2004 at the National Guard Armory at a fee of \$300.00. This license will expire on December 31, 2004.

The approval of a Transient Merchants License for B. J. Alan Company to sell fireworks in the Hy-Vee parking lot located at 900 East Main Street at a fee of \$300.00. This license will expire on December 31, 2004.

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, 2004 and the fee for these permits was waived.

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 Sons of the American Legion Post 113, 412 West Main Street, Marshall, Minnesota on June 7, 2004 and that the 30-day waiting period be waived.

The proper city personnel be authorized to enter into an Agreement Relating to Paying Agency, Registrar and Transfer for the City of Marshall, Minnesota General Obligation Equipment Certificate of Indebtedness, Series 2004B. This agreement outlines the duties and responsibilities as they relate to U.S. Bank National Association being the registrar/paying agent for this bond issue.

The approval of the Proclamation of the "Marshall Sounds of Summer" for the period August 19 – 22, 2004 and that this event be declared a Community Festival.

The following bills and project payments be made: ACCOUNTS PAYABLE, Voucher No. 42372 through 42576.

All voted in favor of the motion.

REGULAR MEETING – JUNE 7, 2004

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

Applicant	Location Address	Description of Work	Valuation
1. Lozinski Construction	406 West Marshall Street	Reroof	\$4,500
2. Clyde Madden	203 West Southview Drive	Repair Fire Damage	\$30,000
3. Peterson Construction	1401 Parkside Drive	Addition & Kitchen Remodel	\$49,800
4. True Value Home Center	1124 Clifton Circle	Dwelling	\$185,000
5. Sussner Construction, Inc.	203 West Main Street	Restaurant Remodeling	\$500,000
6. Linda Johnson	223 Rainbow Drive	Partial Finish Basement	\$2,000
7. Bladholm Construction, Inc.	1300 East Main Street	Move In Sales Office	\$58,800
8. Bakke's Home Repair & Construction	901 South 2nd Street	Install Door	\$400
9. Vlaminck Construction	1502 Westwood Drive	Reroof & Reside Dwelling & Porch Addition	\$11,500
10. D&G Excavating	513 West Main Street	Demolish Dwelling	\$0
11. L&L Builders	1200 East College Drive	Restaurant	\$430,000
12. French Construction	104 Carrow Street	Finish Basement	\$5,500
13. Geske Home Improvement	704 South Bend Avenue	Reside Dwelling	\$7,000
14. Geske Home Improvement Co.	317 North Highway 59	Sign	\$1,500
15. Babcock Construction	1107 East Fairview Street	Garage Addition	\$13,500
16. Quality Roofing	414 North 5th Street	Reroof Dwelling	\$1,500
17. Sheldon Adams	104 Carrow Street	Utility Shed	\$800
18. Shawn Varpness	308 Sunrise Lane	Install Window	\$500
19. Paul Griebel	1406 Westwood Drive	Deck	\$2,800
20. Fish and LaBeau Signs	1001 North Highway 23	Install Sign	\$400
21. The Schwan Food Company	901 North Highway 59	Interior Remodeling	\$9,000
22. Papa Murphy's	1113 East College Drive	Temporary Transportable Sign	\$0
23. Timothy & Kathy Marlow	303 North Elm Street	Garage	\$10,100

ADOPTION OF ORDINANCE CHANGING THE NAME OF AND RENAMING THOROUGHFARES - HACKBERRY PLACE TO EAST THOMAS AVENUE; EAST SOUTHVUEW DRIVE TO SUSAN DRIVE; UNNAMED STREET IN J-C BOYER ADDITION TO MARGARET AVENUE; SUSAN STREET TO CLARICE AVENUE; CANOGA PARK DRIVE TO BOYER DRIVE:

Reynolds moved, Stores seconded, the adoption of ORDINANCE NUMBER 517, SECOND SERIES and that the reading of the same be waived. Ordinance Number 517, Second Series is an ordinance Changing the Name of and Renaming Thoroughfares. This ordinance provides for the following changes:

- A. Hackberry Place to East Thomas Avenue
- B. East Southview Drive to Susan Drive
- C. Unnamed Street in J-C Boyer Addition to Margaret Avenue
- D. Susan Street to Clarice Avenue

REGULAR MEETING – JUNE 7, 2004

E. Canoga Park Drive to Boyer Drive
All voted in favor of the motion.

**OVERVIEW OF SOUTHWEST REGIONAL DEVELOPMENT COMMISSION
ACTIVITIES – JAY TRUSTY, EXECUTIVE DIRECTOR:**

Jay Trusty, Executive Director of Southwest Regional Development Commission, was in attendance at the meeting to give an update of their activities. Mr. Trusty indicated that the Prairie Expo Center in Worthington, Minnesota has been sold to Prairie Event LLC. Prairie Event LLC previously had five different properties and plan to use the Prairie Expo Center as their corporate campus.

Southwest Regional Development Commission is the administrator of the JOBZ Program. Jay gave a brief update of how other communities are using the JOBZ Program.

**AUTHORIZATION TO HIRE A FULL-TIME POLICE OFFICER FOR THE PUBLIC
SAFETY DEPARTMENT:**

Upon the recommendation of Director of Public Safety Robert Yant, Hilton moved, Stores seconded, that Ryan B. Spencer be employed as a fulltime Police Officer with the City of Marshall at the rate of \$16.31 effective June 9, 2004. The following resolution was adopted: BE IT RESOLVED that Ryan B. Spencer be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

**CONSIDER APPROVAL OF ACCEPTANCE OF THE 2003 HOMELAND SECURITY
HAZ-MAT GRANT:**

Sturrock moved, Doyle seconded, the acceptance of the 2003 Homeland Security HAZ-MAT/Bomb Squad Equipment/Exercise/Training Grant for the SW Minnesota C.A.T. The grant is in the amount of \$55,000 and is to be used as follows: \$25,000 for equipment, \$20,000 to plan and conduct exercises and \$10,000 to conduct training within our 10 county area. Money is also included in the grant for the grant administration at an overtime rate. Mike Johnson, City Administrator, thanked Rob Yant for all of his work in writing this grant. All voted in favor of the motion.

**CONSIDER PURCHASE OF WIN CAN CAMERA SOFTWARE/HARDWARE FOR
WWTF:**

Bob VanMoer, Wastewater Superintendent, reviewed the request to purchase Win Can software/hardware for the Wastewater Treatment Facility. He indicated that this software would allow them to query many additional parameters, store files independently for quick access to the data, has much more user friendly reports, and best of all has free viewing software for office use to retrieve information and reports at any office work station, including city all. This new program will give them the ability to locate all service connections by building address for easy location at a later date for sewer replacement projects. The cost of this software is \$6,000, which includes on site training. Stores moved, Hilton seconded, the approval to purchase the Win Can Camera Software/Hardware for the Wastewater Treatment Facility. All voted in favor of the motion.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS S.P. 139-121-03 CHANNEL PARKWAY RECONSTRUCTION PROJECT:

Doyle moved, Reynolds second, the adoption of RESOLUTION NUMBER 2631, SECOND SERIES and that the reading of the same be waived. Resolution Number 2631, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for S.P. 139-121-03 Channel Parkway Reconstruction Project 2004-001. All voted in favor of the motion.

CONSIDER AMENDMENT NO. 1 TO THE FIRST DEVELOPMENT CONTRACT FOR CARR ESTATES:

Glenn Olson, Director of Public Works/City Engineer, indicated the Amendment No. 1 to the First Development Contract for Carr Estates would reduce the warranty security from 25% to 10%. This Contract was one of the first development contracts that the City entered into, and since that time the city has reduced the warranty security on other contracts from 25% to 10% for the warranty period. The City has contracted with the Developer to do the project inspections and are comfortable with the improvements that have been made with respect to the specifications. Hilton moved, Stores seconded, that the proper city personnel be authorized to enter into Amendment No. 1 to the First Development Contract for Carr Estates. All voted in favor of the motion.

CONSIDER RESOLUTION DEDICATING CITY-OWNED PROPERTY FOR PUBLIC USE FOR STREET RIGHT-OF-WAY AND PUBLIC UTILITY PURPOSES – THIRD STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that the property along Third Street was recorded as a meets and bounds and this area was never dedicated as a street. The property owners along this area have signed Quit Claim Deeds transferring this property to the City of Marshall. This property needs to be dedicated to the City of Marshall for public use for street right-of-way and public utility purposes before the Third Street project starts. Brigitte Smisek, 421 North Third Street, asked how this project would affect her property. Mr. Olson indicated that there would be a public hearing on this project, but that any changes in this area would move the street further away from her driveway. Doyle moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2632, SECOND SERIES and that the reading of the same be waived. Resolution Number 2632, Second Series is a resolution Dedicating City Owned Property for Public Use for Street Right-of-Way and Public Utility Purposes. All voted in favor of the motion.

CONSIDER ACTION ON BIDS FOR AIRPORT RUNWAY 2/20 PROJECT:

On April 5, 2004 the City Council considered the bids for the proposed Airport Runway 2/20 Extension Project. The apparent low bidder at that time was R & G Construction of Marshall, Minneosta in the amount of \$1,299,882.09. At that council meeting, the Council voted to table the project award of bid pending receipt of Federal funding for this project. At this time it is apparent that federal funding for this project will not materialize to enable the City Council to award the bid for this construction project, therefore Stores moved, Boedigheimer seconded, to reject all bids for the proposed Airport Runway 2/20 Extension Project. All voted in favor of the motion.

CALL FOR PUBLIC HEARINGS ON PROPOSED AMENDED BUSINESS SUBSIDY POLICY AND CRITERIA AND ON THE BUSINESS SUBSIDY AND JOBZ AGREEMENT WITH IOWA TURKEY PRODUCTS, INC.:

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2633, SECOND SERIES and that the reading of the same be waived. Resolution Number 2633, Second Series is a resolution Calling for Public Hearings on Proposed Amended Business Subsidy Policy and Criteria and on the Business Subsidy and JOBZ Agreement with the Iowa Turkey Products, Inc. This public hearing will be held at 5:30 P.M. on Monday, June 21, 2004. All voted in favor of the motion.

**CALL FOR PUBLIC HEARING ON APPLICATIONS TO MINNESOTA
DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT,
MINNESOTA INVESTMENT FUND PROGRAM:**

Stores moved, Sturrock seconded, to call for a public hearing on June 21, 2004 at 5:30 P.M. on two applications to the Minnesota Department of Employment and Economic Development, Minnesota Investment Fund Program. The purpose of these applications will be to apply for grants to be loaned to Iowa Turkey Products, Inc., and Marshall Labs, Inc. All voted in favor of the motion.

**PETITION FOR VACATION OF A ROADWAY AND UTILITY EASEMENT
LOCATED IN LOTS 1 AND 3, BLOCK 1, J-C BOYER ADDITION:**

Boedigheimer moved, Sturrock seconded, to call for a public hearing on June 21, 2004 at 5:30 P.M. to consider the vacation of a roadway and utility easement in Lots 1 and 3, Block 1, J-C Boyer Addition. All voted in favor of the motion.

TEMPORARY GRADING EASEMENT AGREEMENT:

Sturrock moved, Reynolds seconded, that the proper city personnel be authorized to enter into a Temporary Grading Easement Agreement with Wal-Mart Stores, Inc., over the northern most twenty (20) feet of Outlot D of J-C Boyer Addition. All voted in favor of the motion.

A Housing and Redevelopment Authority Meeting was scheduled for 6:30P.M., therefore Mayor Byrnes called for a recess at 6:30P.M.

Following the HRA the City Council meeting was reconvened at 6:52 P.M.

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 meets on Tuesday; Fire Relief Association has not met and the Regional Development Commission meets on Thursday and their annual meeting will be held on July 8th

Stores Library Board is continuing to look for a new director.

Sturrock No report.

Boedigheimer Airport Commission meeting was cancelled; Senior Citizen Center Commission meets this week; Lyon County Enterprise met last Tuesday; and the M.E.R.I.T. Center meeting was postponed.

Doyle No report.

Hilton Hospital Board met last week and they are continuing to work on the agreement with AVERA Health Care; Human Rights Commission minutes are included in the agenda packet.

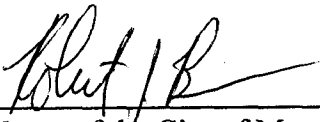
Reynolds Cable Commission meets on Tuesday; Community Services Advisory Board met last week.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: glad to have the flowers back in the parks; requested a policy on how to get council action back to a commission when the council overrides a commission recommendation; and a request was made for a written report on the current status of liquor licenses available and the rate structure.

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Sturrock moved the Council stand adjourned in memory of the late President Reagan, seconded by Reynolds. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JUNE 21, 2004

The regular meeting of the Common Council of the City of Marshall was held on June 21, 2004 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; Dennis Simpson, City Attorney; 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 as presented.

APPROVAL OF THE MINUTES

Reynolds, moved, Stores seconded, that the minutes of the regular meeting held on June 7, 2004 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 – CONSIDER RESOLUTION APPROVING THE AMENDED BUSINESS SUBSIDY POLICY AND CRITERIA, INCORPORATING JOBZ AMENDMENTS:

This was the date and time set for a public hearing on the proposed Amended Business Subsidy Policy and Criteria. Mike Johnson, City Administrator, reviewed the amendments and indicated that the most significant change in this policy are the provisions contained in Section 4, Job and Wage Goals. Upon examining Section 4.1, the current hourly wage average, including insurance, would be \$9.73 per hour and would be expected to increase to \$10.10 on July 1, 2004. Stores moved, Doyle seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2634, SECOND SERIES and that the reading of the same be waived. Resolution Number 2634, Second Series is a resolution Approving the Amended Business Subsidy Policy and Criteria, Incorporating JOBZ Amendments. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER GRANT APPLICATIONS TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED) MINNESOTA INVESTMENT FUND PROGRAM FOR MARSHALL LABS, INC., AND IOWA TURKEY PRODUCTS, INC.:

This was the date and time set for a public hearing to consider Grant Applications to the Minnesota Department of Employment and Economic Development (DEED) Minnesota Investment Fund Program for Marshall Labs, Inc., and Iowa Turkey Products, Inc. Mike Johnson, City Administrator, indicated that the City of Marshall is applying for a \$150,000 grant on behalf of Marshall Labs, Inc., and for a \$500,000 grant on behalf of Iowa Turkey Products, Inc. If successful, the City of Marshall will be the recipient of the two grants, which would

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ultimately belong to the two companies and subsequently repaid to the City of Marshall. Doyle 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 2635, SECOND SERIES and that the reading of the same be waived. Resolution Number 2635, Second Series is a resolution Authorizing the Submittal of a Grant Application on Behalf of Marshall Labs, Inc. All voted in favor of the motion.

Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2636, SECOND SERIES and that the reading of the same be waived. Resolution Number 2636, Second Series is a resolution Authorizing the Submittal of a Grant Application on Behalf of Iowa Turkey Products, Inc. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER PROPOSED BUSINESS SUBSIDIES AND JOBZ SUBSIDY AGREEMENT WITH IOWA TURKEY PRODUCTS, INC.:

This was the date and time set for a public hearing to consider the proposed business subsidies and JOBZ subsidy agreement with Iowa Turkey Products, Inc. Mike briefly reviewed this business subsidy, but due to the fact that the City of Marshall has not received all of the necessary information Stores moved, Doyle seconded, that this public hearing be continued to 5:30 P.M. on July 19, 2004. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER PETITION FOR VACATION OF A ROADWAY AND UTILITY EASEMENT IN J-C BOYER ADDITION BLOCK 1, LOTS 1 & 3:

This was the date and time set for a public hearing to consider the petition for vacation of a roadway and utility easement in J-C Boyer Addition Block 1, Lots 1 and 3. Mike Johnson, City Administrator, indicated that the purpose of the vacation is to allow the owner to relocate the easements for a specific development. Doyle moved, Sturrock seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2637, SECOND SERIES and that the reading of the same be waived. Resolution Number 2637, Second Series is a resolution Granting a Petition for Vacation of a Roadway and Utility Easement in the City of Marshall. This vacation is located in Lots 1 & 3, Block J-C Boyer Addition and was approved subject to the installation and approval by the City Engineer of a replacement sanitary trunk sewer line from T.H. 59 to the existing sanitary sewer manhole at the east end of the vacated easement and that it be operational. All voted in favor of the motion.

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APPROVAL OF CONSENT AGENDA – A. AUTHORIZATION FOR OUT-OF-STATE TRAVEL – POLICE DEPARTMENT; B. CONSIDER APPROVAL OF MUTUAL AID AGREEMENT WITH WEST CENTRAL FIREFIGHTERS ASSOCIATION; C. CONSIDER AUTHORIZATION FOR A NEW TOBACCO AND OFF-SALE BEER FOR CASEY'S RETAIL COMPANY; D. AGREEMENT RELATING TO PAYING AGENCY, REGISTRAR AND TRANSFER AGENCY FOR THE CITY OF MARSHALL MINNESOTA GENERAL OBLIGATION TAX INCREMENT REFUNDING BOND, SERIES 2004C; E. CONSIDER LAND SURVEYOR'S CERTIFICATE OF CORRECTION TO PLAT FOR MCFARLAND BUILDING CONDOMINIUM #10; F. BILLS/PROJECT PAYMENTS; G. 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 Incident Response to Terrorist Bombings in Socorro, New Mexico from September 21 – 24, 2004. The only cost to the city will be for his wages.

The proper city personnel be authorized to enter into a Mutual Aid Agreement with West Central Firefighters Association to be effective June 21, 2004. This agreement is being updated for the purpose of better covering the City in case of a major emergency situation where the City needs to have assistance from other cities for more than 8 hours. These agreements would allow the city to charge the private party or seek reimbursement from the State or Federal government. The Marshall Fire Department will only respond to emergency situations within a 35-mile radius, with the City of Marshall being their first priority.

The approval of an Off-Sale Non-Intoxicating Beer License at a fee of \$90.00 and a Tobacco License at a fee of \$72.00 for Casey's Retain Company effective July 1, 2004.

The proper city personnel be authorized to enter into an Agreement Relating to Paying Agency, Registrar and Transfer for the City of Marshall, Minnesota General Obligation Tax Increment Refunding Bond, Series 2004C. This agreement outlines the duties and responsibilities as they relate to U.S. Bank National Association being the registrar/paying agent for this bond issue.

The proper city personnel be authorized to execute a Certificate of Correction to Plat for the McFarland Building Condominium #10. The City of Marshall did not execute the original Plat for McFarland Building Condominium #10 but Minnesota Statute 505.176 requires that the governing body approve a Certificate to correct the Plat.

The following bills and project payments be made: ACCOUNTS PAYABLE, Voucher No. 42577 through 42782.

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.	Larson's Home Furnishings	1204 East College Drive	Reroof	\$15,000
2.	Dulas Construction, Inc.	1300 East Lyon Street	Reroof	\$129,000
3.	True Value Home Center	800 East Main Street	Interior Remodeling & Window Replacement	\$5,000
4.	Chuck Swanson	101 South Minnesota Street	Reroof Dwelling	\$2,500
5.	Michael Swalboski	408 North 7th Street	Reroof and Residing	\$4,000
6.	Bladholm Construction, Inc.	100 West Marshall Street	Band shell Accessibility Project	\$45,000
7.	Gregory A. McDowell	612 West Thomas Avenue	Reroof	\$3,500
8.	Davis Typewriter Co. Inc.	300 East College Drive	Temporary Transportable Sign	\$0
9.	Francis & Marie Moorse	110 George Street	Garage	\$5,600
10.	Joseph & Bobbi Zeug	1001 Columbine Drive	Deck	\$2,500
11.	Jason & Jessica Thomas	221 London Road	Deck	\$3,500
12.	Richard Binnebose Construction	418 North 5th Street	Reroof	\$2,300

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:

Mark Burau, Airport Commission, 1998-2004
 Aaron Esping, Airport Commission, 1998-2004
 Tim Sheehan, Community Services Advisory Board, 2002-2003
 Karen Yant, Community Services Advisory Board, 2002-2004
 Carol Marshall, Human Rights Commission, 1999-2004
 Pam Sukalski, Library Board, 2001-2003

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

Brian Sattler, Community Services Board, 2002-2004
 Kelli Thielges, Community Services Board, 2000-2003
 Michael Ziebell, Economic Development Authority, 2001-2004
 Jeff Gunvalson, Housing Commission, 1999-2004
 Quinn Horvath, Housing Commission, 2002-2004
 Eileen VanWie, Human Rights Commission, 2003-2004
 Tracy Veglahn, Library Board, 1996-2003
 Sandy Erxleben, Library Board, 2001-2003
 Valerie Brandt, Library Board, 2004-2004

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Bill Keehr, Planning Commission, 2001-2004
Debra Moon, Senior Center Commission, 2002-2003
Frank DeSleer, Senior Center Commission, 2001-2004
Tom Tapper, Utilities Commission, 1999-2004

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

Reynolds moved, Stores seconded, a five-year renewal for a conditional use permit be granted to Jeanne A. Curielli for a home occupation for a massage therapy business at 613 South 4th Street with two conditions. The two conditions are:

1. That the hours of business be between 6:00 A.M. and 10:00 P.M.
2. That the outstanding statement for direct costs related to a previous application for a sign variance permit be paid prior to issuance of this renewal permit.

All voted in favor of the motion.

WEINER MEMORIAL MEDICAL CENTER – CONSIDER REGIONAL PARTNER AGREEMENT WITH AVERA HEALTH; CONSIDER RECOMMENDATION OF NAME CHANGE; CONSIDER RECOMMENDATION TO PURCHASE REAL ESTATE AT 604 CHARLES AVENUE:

Several members of the Weiner Memorial Medical Center Board and Weiner Memorial Medical Center Staff were in attendance at the meeting. Art Olson, Chairman Weiner Memorial Medical Center Board request that the item to consider recommendation to purchase real estate at 604 Charles Avenue be removed from the agenda. The hospital board and staff has spent the past several months working on a partnership agreement. Mr. Olson thanked the Mayor and Council Members for all of their support during this time. Hilton moved, Stores seconded, the approval of the Regional Partner Agreement with Avera Health. This agreement is effective July 1, 2004 and is for 39 months. All voted in favor of the motion.

Discussion was held on the request to change the corporate name of the hospital to Avera Marshall Regional Medical Center. City Attorney Dennis Simpson indicated that this would require a resolution to change the name. Richard Slieter, CEO Weiner Memorial Medical Center indicated that a letter has been sent to the Weiner family in regard to the name change. Hilton moved, Sturrock seconded, that a resolution be drafted by City Attorney Dennis Simpson to change the corporate name of Weiner Memorial Medical Center to Avera Marshall Regional Medical Center. The official name change will be considered at the time the resolution is presented. All voted in favor of the motion.

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**SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL/RYAN FIELD –
AUTHORIZATION TO CONTINUE SEEKING FUNDING FOR CROSSWIND
RUNWAY 2/20 EXTENSION PROJECT; APPROVAL OF MONITORING
EQUIPMENT SITE LEASE WITH STATE OF MINNESOTA, DEPARTMENT OF
ADMINISTRATION:**

Bob Meyer, Co-Chair Airport Commission, was in attendance at the meeting to request authorization to continue seeking funding for this project, assuming the City Council is capable of finding funding of \$104,762 that is not included in the 2004 budget. This funding, along with support from the private sector in the amount of \$121,429, would be used to match almost \$1,757,143 in Federal/State funding if it can be obtained. Mike Johnson, City Administrator, indicated that this project would have to be re-advertised if and when funding becomes available. Hilton moved, Sturrock seconded, authorization be granted to the Airport Commission to continue to seek funding for the Crosswind Runway 2/20 Extension Project. All voted in favor of the motion.

Doyle moved, Hilton seconded, that the proper city personnel be authorized to enter into a Monitoring Equipment Site Lease with the State of Minnesota. This lease is for the installation of monitoring equipment for the benefit of Minnesota Pollution Control Agency. All voted in favor of the motion.

**CONSIDER RECOMMENDATION FROM PRAIRIE NET WAN COMMITTEE ON
JOINT PURCHASE OF HARDWARE WITH MARSHALL MUNICIPAL UTILITIES:**

This item was tabled until later in the meeting.

**MINNESOTA POLLUTION CONTROL AGENCY CITIZEN BOARD REVIEW OF
MARSHALL'S NPDES PERMIT:**

Bob VanMoer, Wastewater Superintendent, was in attendance at the meeting to request that Marshall join three other cities being represented by Flaherty and Hood at the MPCA Review Board Meeting on July 27, 2004. Bob indicated that the Minnesota Center for Environmental Advocacy (MCEA), requested a review of Marshall's permit by the Minnesota Pollution Control Agency (MPCA) Citizen Review Board. MCEA is contending that Marshall is required to have a 1-mg/l effluent phosphorus limit in our permit. Marshall's draft permit currently is requesting a Phosphorus Management Plan. MPCA is taking the stand that all new permits issued in the Minnesota River Basin will have a Phosphorus Management Plan, instead of a limit. The MPCA is looking at instituting a Basin Wide Permit for phosphorus. The Basin Wide Permit will allow Nutrient Trading to reduce the load on the river and also allow for current data to be collected from near future TMDL Studies and an updated Waste Load Allocation on the Minnesota River. Flaherty and Hood will be representing three other cities in the basin that MCEA also requested review of their permits for the same issue. The Citizens Board is meeting on July 27, 2004 to review these permits. Sturrock moved, Stores seconded, that Marshall join the three other cities being represented by Flaherty and Hood at the MPCA Review Board Meeting on July 27, 2004. The cost of this service is estimated to be \$5,000 and will be split between the four cities. All voted in favor of the motion.

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PROJECT 2004-002 / S.A.P. 139-101-01 WINDSTAR STREET STORM SEWER AND STREET IMPROVEMENT PROJECT – A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION ADOPTING ASSESSMENT; C. CONSIDER RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

Reynolds moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2638, SECOND SERIES and that the reading of the same be waived. Resolution Number 2638, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project 2004-002 / S.A.P. 139-101-01 Windstar Street Storm Sewer and Street Improvement. All voted in favor of the motion.

Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2639, SECOND SERIES and that the reading of the same be waived. Resolution Number 2639, Second Series is a resolution Adopting Assessment for Project 2004-002 / S.A.P. 139-101-01 Windstar Street Storm Sewer and Street Improvement. All voted in favor of the motion.

Hilton moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2640, SECOND SERIES and that the reading of the same be waived. Resolution Number 2640, Second Series is a resolution Accepting Bid for Project 2004-002 / S.A.P. 139-101-01 Windstar Street Storm Sewer and Street Improvement. This bid was awarded to D & G Excavating, Marshall, Minnesota in the amount of \$251,970.95. All voted in favor of the motion.

**PROJECT 2004-007: SUNRISE LANE WATERMAIN IMPROVEMENT PROJECT
PROJECT 2004-008: WASHINGTON AVENUE WATERMAIN IMPROVEMENT
PROJECT 2004-009: MARSHALL STREET (LIBERTY PARK) WATERMAIN IMPR.
PROJECT 2004-017: EAST THOMAS AVENUE WATERMAIN CONSTRUCTION
A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED, AND
ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER
RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:**

Per the request of City Engineer Glenn Olson, Doyle moved, Hilton seconded, this item be tabled until the Special City Council Meeting to be held at 5:30 P.M. on Monday, June 28, 2004. All voted in favor of the motion.

**PROJECT 2004-011: BITUMINOUS RESURFACING ON VARIOUS CITY STREETS –
CONSIDER CHANGE ORDER NO. 1:**

Reynolds moved, Hilton seconded the approval of Change Order No. 1 with Duininck Bros., Inc., for additional mobilization for an increase in the contract in the amount of \$790.36. This change order is for Project 2004-011 Bituminous Resurfacing on Various City Streets. All voted in favor of the motion.

**CONSIDER RESOLUTION DEDICATING CITY-OWNED PROPERTY FOR PUBLIC
USE FOR STREET RIGHT-OF-WAY AND PUBLIC UTILITY PURPOSES – RUNNING
PROPERTY:**

Sturrock moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2641, SECOND SERIES and that the reading of the same be waived. Resolution Number 2641, Second Series is a resolution Dedicating City-Owned Property for Public Use for Street

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Right-of-Way and Public Utility Purposes. These parcels are a portion of the land acquisition from Running's and are intended for street purposes for the extension of Canoga Park Drive and Windstar Street. All voted in favor of the motion.

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

CONSIDER RECOMMENDATION FROM PRAIRIE NET WAN COMMITTEE ON JOINT PURCHASE OF HARDWARE WITH MARSHALL MUNICIPAL UTILITIES:

Todd Pickhorn, Prairie Net WAN, and Joe Nichols and J P Peterson from Inter-Tel, were in attendance at the meeting to review the recommendation from the Prairie Net WAN Board that is comprised of City officials, Marshall Municipal Utility Officials and School District officials. The Board is recommending hardware improvements for the City's network design and the Marshall Municipal Utilities network design that provides for an integrated and shared system. The design and the proposed system is consistent with the City's Technology and is proposed to be split between the City and the Marshall Municipal Utilities. The anticipated purchase cost of the hardware and software for this system would be \$52,654 and approximately \$7,500 for installation for a total of \$60,154. Stores moved, Hilton seconded, the approval of purchasing hardware and software in the amount of \$60,154 of which \$50,000 is included in the Data Processing budget and \$10,154 is to be transferred from the Administration Personnel Budget, 101-40741-1101, to the Data Processing Capital Expenditure Budget, 101-41641-5560. All voted in favor of the motion.

CONSIDER 2004 STATE OF MINNESOTA SMALL CITIES DEVELOPMENT PROGRAM GRANT – A. CONSIDER APPROVAL OF DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED) BUSINESS AND COMMUNITY DEVELOPMENT DIVISION GRANT AGREEMENT; B. CONTRACT FOR ADMINISTRATIVE SERVICES WITH THE SOUTHWEST MINNESOTA HOUSING PARTNERSHIP:

Hilton moved, Reynolds seconded, the proper city personnel be authorized to enter into the Small Cities Development Program Grant Agreement with the Minnesota Department of Employment and Economic Development Business and Community Development Division. This grant is in the amount of \$1,196,800 and is to be used for residential owner rehabilitation; residential rental rehabilitation, commercial rehabilitation and general grant administration. All voted in favor of the motion.

Hilton moved, Doyle seconded, that the proper city personnel be authorized to enter into a contract for administrative services with Southwest Minnesota Housing Partnership. This agreement provides for Southwest Minnesota Housing Partnership to administer the Small Cities Grant. Included in the grant from the State of Minnesota, is an amount totaling \$172,700 for administration of the program. All voted in favor of the motion.

UPDATE ON CITY ON-SALE LIQUOR LICENSES:

Thomas M. Meulebroeck, Financial Director/City Clerk, briefly reviewed the current number of City Liquor Licenses and the history of the license fee. The City of Marshall has 16 On-Sale Liquor Licenses available. The current On-Sale Liquor License Holders are as follows:

- | | |
|-----------------------------|----------------------|
| 1 American Legion Post 113 | 9 Marshall Golf Club |
| 2 Applebee's Grill and Bar | 10 Naomi's |
| 3 Best Western/Marshall Inn | 11 Pappy's |

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4 Eagles Club AERIE 3405	12 Sam's Place
5 Gambler	13 Varsity Pub
6 Hitching Post Eatery and Saloon	14 Wooden Nickel
7 Mariachi Fiesta	15 Available
8 Marshall Bowl	16 Available

The history of the On-Sale Liquor License Fee is as follows:

August 16, 1971	\$6,000
January 1, 1976	\$5,000
September 20, 1993	\$3,500
September 2, 2003	\$4,200

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

- Public Housing Commission – Charles Holland for a term to expire on May 31, 2009.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes	<u>EDA and Fire Relief Association</u> have not met; <u>Regional Development Commission</u> met this past Thursday and their annual meeting will be on July 8 th
Stores	<u>Library Board</u> is continuing to search for a new director; <u>Convention and Visitors Bureau</u> – there is a hospitality group that has formed to review license fee and compliance checks.
Sturrock	<u>Planning Commission and Utilities Commission</u> minutes are included in the packet.
Doyle	<u>Housing Commission</u> minutes are included in the packet.
Hilton	<u>Hospital Board</u> minutes are included in the agenda packet and they also met earlier to finalize the agreement with Avera Health; <u>Human Rights Commission</u> meets next Monday.
Reynolds	<u>Cable Commission</u> minutes from June 8 th and a memo from the Commission is included in the agenda packet.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

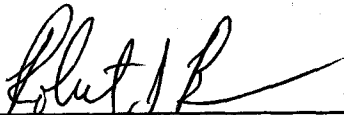
Other items brought forth by the Mayor and Council Members included: there was a development tour last week; there is a large pot hole at the intersection of Main and "C" Street; and they wanted to know about spraying for mosquitoes. According to information from Thomas M. Meulebroeck, the city did spraying several years ago, but had some problems with

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the spray causing damage to vehicles. The council asked that other cities be contacted to see what they are doing.

Mike Johnson, City Administrator, reminded the council that he would be gone on vacation for three weeks in July.

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 28, 2004

A special meeting of the Common Council of the City of Marshall was held on June 28, 2004 in the Cottonwood Room 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, Sturrock, Reynolds, and Stores. Absent: Doyle and Boedigheimer. Staff present included: Mike Johnson, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Financial Director/City. Others in attendance included: Brad Roos, Manager Marshall Municipal Utilities; Tom Koop, Auditor from Larson Allen Weishair & Company; and Rae Kruger, Marshall Independent.

The purpose of this special meeting was to consider resolutions for watermain replacement projects and to receive an overview of the 2003 Audit Report prepared by Larson Allen Weishair.

Bids were received, opened and read on June 18, 2004 for the following projects: Project 2004-007: Sunrise Lane Watermain Improvement Project; Project 2004-008: Washington Avenue Watermain Improvement Project; Project 2004-009: Marshall Street (Liberty Park) Watermain Improvement Project; Project 2004-017: East Thomas Avenue Watermain Construction Project. The low bid received was from Thompson Excavating in the amount of \$163,062.30. With a 5% contingency added to the low bid amount and administrative and engineering of 16%, the total cost of these projects is \$198,611.08. Glenn Olson, Director of Public Works/City Engineer, reviewed these projects and the cost breakdown between Marshall Municipal Utilities and the amount to be assessed. MMU's cost participation is estimated at \$143,065.47 and the amount to be assessed is estimated at \$55,545.61. Glenn did indicate that the age of the pipes, the type of pipe and the type of ground around the pipes all have a bearing on how long the pipes will last. Brad Roos, Manager of the Marshall Municipal Utilities, was in attendance at the meeting and was in agreement with the cost allocation of improvement. Mr. Roos did express his appreciation for the process the City Engineer's Office has used to determine the cost allocation and for the good working relationship they have with the City Engineer's Office.

Sturrock moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2642, SECOND SERIES and that the reading of the same be waived. Resolution Number 2642, Second Series is a resolution Declaring the Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project 2004-007: Sunrise Lane Watermain Improvement Project; Project 2004-008: Washington Avenue Watermain Improvement Project; Project 2004-009: Marshall Street (Liberty Park) Watermain Improvement Project; Project 2004-017: East Thomas Avenue Watermain Construction Project. All voted in favor of the motion.

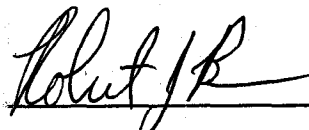
Stores moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2643, SECOND SERIES and that the reading of the same be waived. Resolution Number 2643, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for Project 2004-007: Sunrise Lane Watermain Improvement Project; Project 2004-008: Washington Avenue Watermain Improvement Project; Project 2004-009: Marshall Street (Liberty Park) Watermain Improvement Project; Project 2004-017: East Thomas Avenue Watermain Construction Project. The public hearing will be held on July 19, 2004 at 5:30 P.M. in the Council Chambers of City Hall at 344 West Main Street. All voted in favor of the motion.

SPECIAL MEETING – JUNE 28, 2004

Thomas M. Meulebroeck, Financial Director/City Clerk, introduced Tom Koop, Larson Allen Weishar, Auditor for the City of Marshall to give an overview of the City's audited financial statements and supplemental information for the year ended December 31, 2003. The format of the report is substantially different due to the City's compliance with Government Accounting Standard Board (GASB) 34. Mr. Koop did address a prior period adjustment to the Wastewater Treatment Facility Fund due to the inventory on fixed assets relating to the sanitary sewer systems. Mr. Koop did indicate that they (LAWCO) had advised the State of Minnesota – Auditors Office that the City report would not be submitted by the June 30, 2004 deadline and that the State did grant an extension for the filing of the report to August 15, 2004. In addition to the draft report that Mr. Koop reviewed with the City Council the Management Discussion and Analysis Sector needs to be incorporated and the City Council did request that the TIF District Schedules be included in the report.

Due to the report not being complete, the City Council requested Mr. Koop to provide the City Council with the complete report to be approved at the July 19, 2004 City Council meeting.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JULY 6, 2004

The regular meeting of the Common Council of the City of Marshall was held on July 6, 2004 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, Boedighamer and Stores. Absent: none. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services; Dean Coudron, Airport Manager; Rich Herigon, Street Department Superintendent; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 7e which is to consider authorization to enter into an agreement with Ernst Associates for professional landscape architectural services at Liberty Park.

APPROVAL OF THE MINUTES:

Stores moved, Doyle seconded, that the minutes of the regular meeting held on June 21, 2004 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSIDER AWARD OF BIDS FOR PURCHASE OF 29,000 G.V.W. TRUCK FOR THE STREET DEPARTMENT:

Bids were received, opened and read on June 23, 2004 for a 29,000 G.V.W. Truck for the Street Department. Bids received, opened and read were as follows:

Boyer Trucks
Sioux Falls, South Dakota
Proposal A - \$41,520.09
Proposal B - \$50,572.59
Proposal C – None

Olson & Johnson Trucks
Marshall, Minnesota
Proposal A - \$44,608.19
Proposal B - \$51,530.69
Proposal C – None

Proposal A – furnish 29,000 G.V.W. Truck and purchase existing 1986 IH trade-in
Proposal B – furnish 29,000 G.V.W. Truck only
Proposal C – purchase existing 1986 IH Trade-in only

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Doyle moved, Reynolds seconded, that the bid be awarded to Boyer Trucks, Sioux Falls, South Dakota in the amount of \$41,520.09 with \$34,520.09 being paid from Street Department Account No. 104-60211-5540 and \$7,000.00 being paid from Wastewater Department Account No. 602-90581-5550; authorization to transfer the current 1992 IH Truck (VIN #1HTSAZRP4NH416543) from the Street Department to the Wastewater Department; and authorization for the purchase of a hydraulic/box package within the remaining budgeted amount of \$18,479.91 from the Street Department Account No. 104-60211-5540. All voted in favor of the motion.

**CONSIDER AWARD OF BIDS FOR NEW SKID LOADER AND ATTACHMENTS –
AIRPORT DEPARTMENT; APPROVE RESOLUTION AUTHORIZING EXECUTION
OF MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT:**

Bids were received, opened and read on June 9, 2004 for a new skid loader and attachments for the Airport. Bids received, opened and read were as follows:

D & M Implement, Inc.	Swede's Service Center	Piorier Equipment Co.
Marshall, Minnesota	Minneota, Minnesota	Marshall, Minnesota
\$44,405.15	\$42,251.76	\$54,369.34 for a Case 90XT
		\$52,894.32 for a Case 85XT

Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2644, SECOND SERIES and that the reading of the same be waived. Resolution Number 2644, Second Series is a resolution Providing Authorization to Execute a Minnesota Department of Transportation – Office of Aeronautics. This agreement provides for equipment costs up to \$43,000 for the purchase of a skid loader and attachments for the Airport, with up to \$30,100 of State funds, with the remainder provided by City funds. The bid for the skid loader and attachments was awarded to Swede's Service Center, Minneota, Minnesota in the amount of \$42,251.76. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA – A. CONSIDER REVISED DATE REQUEST
FOR MARSHALL SOUNDS OF SUMMER PARADE; B. CONSIDER APPROVAL OF
TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR VFW CLUB
FOR THE MONTH OF AUGUST TO BE USED DURING THE LYON COUNTY FAIR;
C. CONSIDER APPROVAL OF TEMPORARY ON-SALE LIQUOR LICENSE FOR
THE AREA SENIOR CENTER FOUNDATION FOR OCTOBER 16, 2004 AT THE
SENIOR CENTER; D. CONSIDER EXTENSION OF EFFECTIVE PERIOD OF
PRELIMINARY PLAT APPROVAL FOR NORTHLAND THIRD ADDITION;
E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:**

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

The approval to revise the date for the Sounds of Summer Parade to be held on August 21, 2004 instead of August 22, 2004 as was originally approved.

The approval of a Temporary On-Sale Non-Intoxicating Beer License for the VFW for the month of August, 2004 for use at the Lyon County Fairgrounds. The fee for this license is \$50.00.

The approval of a Temporary On-Sale Intoxicating Liquor License for the Area Senior Center Foundation for an event to be held at the Area Senior Center on October 16, 2004. The fee for this license is \$30.00.

The approval of the extension of the effective period of preliminary plat approval for Northland Third Addition to through September 7, 2004 in order to address several issues.

The following bills and project payments be made: ACCOUNTS PAYABLE, Voucher No. 42783 through 42940.

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.	Hiskin Construction, Inc.	511 West Thomas Avenue	Reroof	\$4,500
2.	True Value Home Center	507 Impala Court	Dwelling	\$90,000
3.	Clyde Madden	203 West Southvie Drive w	Addition	\$20,000
4.	Quality Roofing	611 West Marshall Street	Partial Reroof	\$900
5.	Manuel Lagunas	407 South 2nd Street	Reside Dwelling	\$1,800
6.	Gary Smidt	109 Ranch Avenue	Exterior Remodeling	\$6,000
7.	Assembly of God Church	711 North Bruce Street	Sign	\$6,000
8.	Joy Sisombat	1001 Paris Road	Deck	\$2,500
9.	French Construction	421 North 3rd Street	Reroof	\$2,000
10.	Minnesota Cabinets, Inc.	1120 Horizon Drive	Addition	\$140,000
11.	Babcock Construction	700 South 4th Street	Reside Dwelling	\$7,000
12.	Tom Ries	408 East Lyon Street	Deck	\$6,000
13.	Keith Petermeier	201 North "A" Street	Porch Repair & Reside Dwelling	\$3,000
14.	Harriet Frank	1001 North 4th Street	Reroof	\$1,600
15.	Bakke's Home Repair & Construction	619 Kathryn Avenue	Replace Door	\$400
16.	Donald & Carolyn Jants	407 South 4th Street	Reside Dwelling	\$2,000
17.	Daryl Scholten	308 West Redwood Street	Repair Fire Damage	\$20,000
18.	True Value Home Center	300 West James Avenue	Addition	\$37,000
19.	Prairie Community Services	500 Central Avenue	Remodel Deck	\$1,000
20.	Faith Family Christian Center	1400 South Saratoga Street	Sign	\$700

AUTHORIZATION TO HIRE A FULL-TIME POLICE OFFICER FOR PUBLIC SAFETY DEPARTMENT:

Upon the recommendation of Director of Public Safety Robert Yant, Hilton moved, Doyle seconded, that Ronald E. McKenzie be employed as a fulltime Police Officer with the City of Marshall at the rate of \$19.58 effective July 15, 2004. The following resolution was adopted: BE IT RESOLVED that Ronald E. McKenzie be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

CONSIDER APPROVAL OF NURSE CALL SYSTEM UPGRADE AT WMMC:

Richard Slieter, Administrator and CEO of Weiner Memorial Medical Center, was in attendance at the meeting to review the proposal they received from Hill Rom to upgrade the nurse call system, expand the system into the newly constructed long-term care facility and

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create stand-alone systems for the hospital and long-term care facility. Mr. Slieter indicated the costs for this system is as follows:

Long-Term Care Addition	\$ 82,735
Long-Term Care Upgrade	13,077
Hospital Server Upgrade	<u>33,743</u>
Total Cost of Addition and Upgrades	\$129,555 (plus installation not to exceed \$8,500)

Hilton moved, Sturrock seconded, the approval of the Nurse Call System upgrade at Weiner Memorial Medical Center in the amount of \$129,555 plus installation not to exceed \$8,500. All voted in favor of the motion.

**S.P. 4203-44 & S.P. 4208-46 / S.A.P. 139-030-01 – T.H. 23 & T.H. 59 SIGNAL PROJECT
A. RESOLUTION TO REQUEST FUNDING FROM THE MINNESOTA DEPARTMENT
OF TRANSPORTATION THROUGH THE COOPERATIVE AGREEMENT
PROGRAM; B. AUTHORIZATION TO PURCHASE TRAFFIC SIGNAL MATERIALS
AND ELECTRICAL EQUIPMENT; C. APPROVAL OF PLANS AND
SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR BIDS; D. REQUEST
FOR CHANGE IN CONTRACT AMOUNT FROM SEH, INC. – CHANGE ORDER
NO. 1:**

Glenn Olson, Director of Public Works/City Engineer, reviewed T.H. 23 & T.H. 59 Signal Project, S.P. 4203-44 and S.P. 4208-46 / S.A.P. 139-030-01 in the City of Marshall. This project involves the installation of four sets of traffic signals at the following locations:

- Trunk Highway 59 at Canoga Park Drive
- Trunk Highway 59 at East Southview Drive
- Trunk Highway 59 at Trunk Highway 23
- Trunk Highway 23 at Trunk Highway 19 and 68

It was indicated that the turn lane on Highway 19 and 23 by the college will stay and that MN/DOT will remove the rumble strips on Highway 23 by the college.

Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2645, SECOND SERIES and that the reading of the same be waived. Resolution Number 2645, Second Series is a resolution to Request Funding from the Minnesota Department of Transportation Through the Cooperative Agreement Program. This funding is to be used for the installation of four sets of traffic signals as listed above. All voted in favor of the motion.

Doyle moved, Hilton seconded, the approval for the advance purchase of traffic signal materials and electrical equipment for the traffic signal systems at the above locations. Funding for this equipment will be covered according to the Memorandum of Understanding, which includes installation of signals and will be included in a Cooperative Agreement being developed by MN/DOT. The cost for the materials and electrical equipment is in the amount of \$40,732.00, plus sales tax (if necessary). All voted in favor of the motion.

Boedigheimer moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2646, SECOND SERIES and that the reading of the same be waived. Resolution Number 2646, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for T.H. 23 & T.H. 59 Signal Project, S.P. 4203-44 and S.P. 4208-46 / S.A.P. 139-030-01. These bids are to be received at 10:00 A.M. on August 5, 2004. All voted in favor of the motion.

Stores moved, Doyle seconded, the approval of Change Order No. 1 with Short Elliot Hendrickson, Inc., for T.H. 23 & T.H. 59 Signal Project, S.P. 4203-44 and S.P. 4208-46 / S.A.P. 139-030-01. This change order provides for an increase in the contract sum in the amount of \$3,000 for a total contract cost of \$24,000. These funds will be paid for out of the Municipal

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State Aid account with reimbursement by MN/DOT for their portion. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ERNST ASSOCIATES FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES AT LIBERTY PARK:

Stores moved, Sturrock seconded, that the proper city personnel be authorized to enter into an agreement with Ernst Associates for professional landscape architectural services at Liberty Park in an amount not to exceed \$5,300. This agreement is for Phase II of the Liberty Park Band Shell Project and includes the preparation of design concepts for Phase II hard and soft landscape. The monies to pay for the professional landscape architectural services will be provided by the Rotary Clubs of Marshall. All voted in favor of the motion.

GRANT OF A PRIVATE DRIVEWAY EASEMENT AND PUBLIC UTILITY EASEMENT IN CARR ESTATES, BLOCK 7 FOR CHARLES AND MONICA LINDEMANN:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to dedicate a private driveway easement and a public utility easement in Block 7 of Carr Estates. This is being requested to allow development of Block 7 differently than was previously planned. Hilton moved, Sturrock seconded, the approval of a Private Driveway Easement and Public Utility Easement in Block 7 of Carr Estates as requested by Charles and Monica Lindemann. All voted in favor of the motion.

PETITION FOR VACATION OF DRIVEWAY EASEMENT AND PUBLIC UTILITY EASEMENTS IN CARR ESTATES, BLOCK 7, LOTS 1-3:

Stores moved, Doyle seconded, that a public hearing be held at 5:30 P.M. on July 19, 2004 to consider the vacation of a driveway easement and public utility easements in Carr Estates, Block 7, Lots 1-3. This vacation is being requested to allow development of Block 7 differently than was previously planned. All voted in favor of the motion.

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

Per the recommendation of the Personnel Committee, Reynolds moved, Hilton seconded, that the compensation for the Mayor's position be adjusted by \$542.88 due to comparability data with other communities, the volume of work performed by the Mayor's position, and an additional adjustment of 2.75% and that the Council Members annual salary be increased by 2.75%. An Ordinance was introduced that would provide for the Mayor's salary to be \$616.50 per month effective January 1, 2005 and for the Council Members salary to be \$411.69 per month effective January 1, 2005. All voted in favor of the motion.

INFORMATION ON MOSQUITO SPRAYING:

Glenn Olson, Director of Public Works/City Engineer, provided the Council Members with a memo on mosquito spraying. The memo included information on Preventing West Nile Virus; several methods of application and control, including aerial and ground application for adult mosquitoes and larvaecide application of granules and briquettes. It was indicated that Independence Park has been sprayed for the July 4th celebration.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA has not met; Fire Relief Association will meet on July 13th; and Regional Development Commission will have their annual meeting on Thursday.

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Stores Library Board is continuing their search for a new director.

Sturrock Planning Commission will be meeting on Wednesday, July 14th.

Boedigheimer No report.

Doyle No report.

Hilton Hospital Board has not met; Human Rights Commission met last week and the Police Commission item was acted on earlier in the meeting.

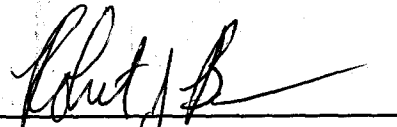
Reynolds Council Personnel Committee item was acted on earlier in the meeting.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: bituminous overlay work is being done; the kites were back this year for the July 4th celebration; it was suggested that the flashing lights currently located at the T.H. 19 & 23 be relocated to the intersection of T.H. 23 and Saratoga Street as soon as the new signal lights have been installed; review of the City Audit for 2004 will continue at the regular meeting on August 2, 2004; there were positive comments on the July 4th Celebration and Fireworks; and a letter has been received from Superintendent Tapper requesting a task force be set up to discuss the future of East Side School and Middle School.

Other items presented by staff included: the Greyhound Bus Terminal being discontinued in Marshall; the Downtown Committee has met and discussed moving the entrance to "P" Lot; a Legislative and Ordinance Committee meeting needs to be scheduled to discuss a special assessment policy; the HRA has closed on the Marshall Labs property; the Halter/Cutting Company property sale has closed; and the property in the industrial park will close next week.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JULY 19, 2004

The regular meeting of the Common Council of the City of Marshall was held on July 19, 2004 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:35 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Reynolds, Boedigheimer and Stores. Hilton arrived late and Doyle and Sturrock were absent. Staff present included: Calvin Barnett, Director of General Services/City Assessor; Bill Toulouse, Assistant City Attorney; Glenn Olson, Director of Public Works; Thomas M. Meulebroeck, Financial Director/City Clerk; 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.

APPROVAL OF THE MINUTES:

Stores moved, Reynolds seconded, that the minutes of the regular meeting held on July 6, 2004 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONTINUATION OF PUBLIC HEARING TO CONSIDER PROPOSED BUSINESS SUBSIDIES AND JOBZ SUBSIDY AGREEMENT WITH IOWA TURKEY PRODUCTS, INC:

This was the date and time set to continue a public hearing to consider Proposed Business Subsidies and JOBZ Subsidy Agreement with Iowa Turkey Projects. Calvin Barnett, Director of General Services/City Assessor, reviewed the proposed business subsidy and JOBZ subsidy agreement with Iowa Turkey Products, Inc. The proposed business subsidies were to include Tax Increment Assistance, a Community Reinvestment Fund Loan, and a Minnesota Investment Fund Loan. In addition, the project, which is located in a designated JOBZ zone, would also be eligible to receive certain tax exemptions under the JOBZ act. There were no concerns or objections, therefore Reynolds moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

PUBLIC HEARING - PETITION FOR VACATION OF A DRIVEWAY EASEMENT AND PUBLIC UTILITY EASEMENT – CARR ESTATES, BLOCK 7:

This was the date and time set for a public hearing on the vacation of a driveway easement and public utility easements for Block 7, Carr Estates. Glenn Olson, Director of Public Works/City Engineer, reviewed this vacation request with the council and those in attendance at the meeting. There were no objections, therefore Stores 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 2647, SECOND SERIES and that the reading of the same be waived. Resolution Number 2647, Second Series is a resolution Granting a Petition for Vacation of a Driveway Easement and Vacation of Public Utility Easements in the City of Marshall. This resolution provides for a driveway easement on Lot 3, Block 7 of Carr Estates and the westerly 132.5 feet of the public utility easements on Lots 1 and 2, Block 7 of Carr Estates. All voted in favor of the motion.

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PUBLIC HEARING - PROJECT 2004-007: SUNRISE LANE WATERMAIN IMPROVEMENT PROJECT; PROJECT 2004-008: WASHINGTON AVENUE WATERMAIN IMPROVEMENT PROJECT; PROJECT 2004-009: MARSHALL STREET (LIBERTY PARK) WATERMAIN PROJECT; PROJECT 2004-017: EAST THOMAS WATERMAIN CONSTRUCTION PROJECT - A. PUBLIC HEARING ON PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING ASSESSMENT; C. RESOLUTION AWARDDING CONTRACT:

This was the date and time set for a public hearing on the proposed assessment for the 2004 Watermain Improvement Projects. Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities requested all of the projects. The proposed assessment roll is as follows:

Marshall Municipal Utilities	\$143,065.47
City of Marshall (Liberty Park)	4,800.00
Property Owners	50,745.61

Rodney Bennett, 1104 Washington, wanted to know how the city can charge 8% when the prime is less than that. He also indicated that the watermain is only 33 years old and there has been three breaks on this line. Cal Barnett indicated that the consulting firm, Springsteds Inc., is recommending that the city charge 7% and not 8% as in the past. Morey Chapman, Marshall Municipal Utilities indicated that when this watermain was installed they used caste iron, but that they will be using a new state of the art plastic. Shelly moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Council member Boedigheimer indicated that the interest has been 8% for several years and that all assessment interest rates should be set a certain percent above prime.

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2648, SECOND SERIES and that the reading of the same be waived. Resolution Number 2648, Second Series is a resolution Adopting the Assessment. This resolution adopts the assessment for Watermain Replacement Projects on Sunrise Lane Project 2004-007, Washington Avenue Project 2004-008; West Marshall Street Project 2004-009; and East Thomas Avenue Project 2004-017; setting the interest rate at 7% for a period of 8 years. All voted in favor of the motion.

Bids were received, opened and read for the Watermain Replacement Projects on Sunrise Lane Project 2004-007, Washington Avenue Project 2004-008; West Marshall Street Project 2004-009; and East Thomas Avenue Project 2004-017. The bids received, opened and read were as follows:

Thompson Excavating	Duininck Bros., Inc.	Prellwitz Tilling & Backhoe Service
Taunton, Minnesota	Prinsburg, Minnesota	Minneota, Minnesota
\$163,063.30	\$216,634.06	\$222,468.73

Hilton moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2649, SECOND SERIES and that the reading of the same be waived. Resolution Number 2649, Second Series is a resolution Accepting the Bid for the Watermain Replacement Projects on Sunrise Lane Project 2004-007, Washington Avenue Project 2004-008; West Marshall Street Project 2004-009; and East Thomas Avenue Project 2004-017. This bid was awarded to Thompson Excavating, Taunton, Minnesota in the amount of \$163,063.30. All voted in favor of the motion.

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CONSIDER AWARD OF BIDS FOR WMMC LONG TERM CARE BUILDING PROJECT – FURNITURE:

Per the recommendation of the Weiner Memorial Medical Center Board, Hilton moved, Reynolds seconded, that bids for the Long Term Care Building Project Furniture be awarded to Encompass Interiors in the amount of \$140,548.65. All voted in favor of the motion.

RESOLUTION AWARDING CONTRACT FOR PROJECT 2004-001 / S.P. 139-121-03 CHANNEL PARKWAY RECONSTRUCTION PROJECT:

Bids were received, opened and read for the Channel Parkway Reconstruction Project 2004-001 S.P. 139-121-03. Bids received, opened and read were as follows:

Central Specialties Inc.	Duininck Bros., Inc.	McLaughlin & Schulz Inc.
Alexandria, Minnesota	Prinsburg, Minnesota	Marshall, Minnesota
\$1,992,664.95	\$1,841,230.55	\$1,631,852.91

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2650, SECOND SERIES and that the reading of the same be waived. Resolution Number 2650, Second Series is a resolution awarding the bid for the Channel Parkway Reconstruction Project 2004-001 S. P. 139-121-03 to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$1,631,852.91. This contract was awarded contingent upon approval from the Minnesota Department of Transportation. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. AUTHORIZATION FOR OUT-OF-STATE TRAVEL – PUBLIC WORKS; B. CONSIDER PLUMBERS LICENSE FOR DARREL OBERLOH DBA SCHWICKERT, INC.; C. CONSIDER PARADE REQUEST FOR “PURSUIT OF EXCELLENCE” MARCHING FESTIVAL – SEPTEMBER 18, 2004; D. CONSIDER REQUEST OF WESLEY UNITED METHODIST CHURCH FOR STREET CLOSURE AND PARKING LOT USE – SEPTEMBER 11, 2004; E. CONSIDER AREA SENIOR CENTER PARKING REQUEST; F. CONSIDER CALLING FOR A PUBLIC HEARING ON CHAMBER OF COMMERCE REQUEST TO BLOCKADE STREET/ALLEY PARKING LOTS FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 19-22, 2004; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

Reynolds moved, Hilton seconded, and it was unanimously approved that the following consent agenda items be approved. The motion was amended to exclude item F., which is to consider calling for a public hearing on the Chamber of Commerce request to blockade street/alley parking lots for Sounds of Summer Festival on August 19-22, 2004.

The approval of out of state travel for Glenn Olson, Director of Public Works/City Engineer, to attend the International American Public Works Association Congress (APWA) in Atlanta, Georgia on September 12-15, 2004.

The approval of a Plumbers License for Darrel Oberloh dba Schwichert, Inc., at a fee of \$75.00. This license will expire on March 31, 2005.

A Parade Permit for September 18, 2004 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 subject to approval from MN/DOT.

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The approval for private use of a public street and parking lot for Wesley United Methodist Church on Saturday, September 11, 2004 from 10:00 a.m. to 9:00 p.m. for the purpose of a "block party" contingent upon approval by Qwest for their portion of the City/Qwest parking lot and upon the addition of Qwest as an additional insured on the general liability insurance policy to be obtained by Wesley United Methodist Church for the event with closure approved as follows:

1. Closure of West Lyon Street from the east driveway of the City/Qwest parking lot west to North 4th Street and the west half of the City/Qwest parking lot from 10:00 a.m. to 9:00 p.m. (West Lyon Street remains open up to, and including, the driveway to the City/Qwest parking lot, as well as the east half of the City/Qwest parking lot until 3:00 p.m.)
2. After 3:00 p.m., closure of West Lyon Street from the intersection of North 3rd Street to the intersection of North 4th Street, as well as the entire City/Qwest parking lot. (The alley north of City Hall will remain open at all times.)

The adoption of RESOLUTION NUMBER 2651, SECOND SERIES and that the reading of the same be waived. Resolution Number 2651, Second Series is a resolution Providing for Signage in the City of Marshall. This resolution provides for "Bus Loading & Unloading Only" and "Handicapped Parking Only" signs adjacent to the west of the main entrance of the Marshall Area Senior Center.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 42941 through 43109.

All voted in favor of the motion as amended.

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

Applicant	Location Address	Description of Work	Amount
1. Geske Home Improvement Co.	713 Marguerite Avenue	Reside Dwelling	\$9,600
2. Geske Home Improvement Co.	1000 Country Drive Club	Reside Dwelling	\$3,800
3. Geihl Construction, Inc.	120 McFarland Circle	Dwelling	\$204,000
4. Albert R. Eggermont, Jr.	1225 East College Drive	Install Windows	\$1,000
5. Danny Ray	614 West Main Street	Reroof Dwelling	\$2,000
6. Linda Johnson	223 Rainbow Drive	Basement & Bathroom Remodel	\$2,000
7. Don & Jan Fuhrmann	117 "E" Street	Family Room Addition	\$13,000
8. Minnesota Cabinets, Inc.	1228-B Patricia Court	Deck	\$2,500
9. Donald Coudron	1316 Parkside Drive	Reside Dwelling & Replace Stoop	\$5,000
10. Kim Jergenson	1212 Parkside Drive	Exterior Remodeling	\$30,000
11. Thomas Scholtes	406 South Whitney Street	Reroof & Bathroom Remodel	\$5,000

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12.	Bakke's Home Repair & Construction	502	Donita	Avenue	Install Patio Door and Window	\$1,600
13.	Evelyn Andries	606	Viking	Drive	Porch Addition	\$20,000
14.	Richard Binnebose Construction	107 West	Greeley	Street	Partial Reroof	\$600
15.	Dan Wyffels	108	"G"	Street	Storage Shed	\$1,500
16.	Art-n-Sign, Inc.	1410 East	College	Drive	Install Signs	\$25,900
17.	Tim Blomme	408	Williams	Street	Three-Season Porch	\$2,000
18.	Brian Weedman Carpentry	1208	Horizon	Drive	Reroof	\$4,500
19.	Brian Kruse	904	Cheryl	Avenue	Reroof Dwelling	\$4,100
20.	Leland Raske	1105	Washington	Avenue	Reroof Dwelling	\$3,100
21.	Space Development Co.	407	Williams	Street	Residing and Windows	\$6,000
22.	The Schwan Food Company	800 East	Southview	Drive	Office Partition Remodeling	\$3,300
23.	Steven Berkenpas	508	Elaine	Avenue	Replace Door	\$400
24.	Doug & Helen Devereaux	509	Elaine	Avenue	Finish Garage	\$500
25.	Koch Materials	901 North	7th	Street	Install Fence	\$66,000
26.	Marlys Marczak	412	Maple	Lane	Manufactured Home Installation Permit	

Stores moved, Hilton seconded, that a public hearing be held at 5:30 P.M. on August 2, 2004 to consider the request of the Marshall Area Chamber of Commerce to blockade street/alley parking lots for Sounds of Summer Festival on August 19-22, 2004. All voted in favor of the motion.

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

Reynolds moved, Hilton seconded, the adoption of ORDINANCE NUMBER 518, SECOND SERIES and that the reading of the same be waived. Ordinance Number 518, Second Series is an ordinance Amending the Salaries and Compensations of the Mayor and Council Members effective January 1, 2005. The Mayors wage will be \$616.50 per month and the Council Members wage will be \$411.69 per month. All voted in favor of the motion.

RESOLUTION FOR APPROVAL OF JOBZ AUTHORIZATION AND BUSINESS AND JOBZ SUBSIDY AGREEMENT WITH IOWA TURKEY PRODUCTS, INC.:

Boedigheimer moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2652, SECOND SERIES subject to "written evidence by the Redeveloper that private financing for the Project has been secured" be added to Section 2 and that the reading of the same be waived. Resolution Number 2652, Second Series is a resolution Approving JOBZ Authorization and Business and JOBZ Subsidy Agreement with Iowa Turkey Products, Inc. All voted in favor of the motion.

RESOLUTION CALLING FOR A PUBLIC HEARING AND CONSIDERING GIVING HOST APPROVAL TO THE ISSUANCE OF REVENUE OBLIGATIONS FOR A PROJECT BY PRAIRIE COMMUNITY SERVICES LOCATED IN THE CITY OF MARSHALL, MINNESOTA UNDER MINNESOTA STATUTES, CHAPTER 469:

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Stores moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2653, SECOND SERIES and that the reading of the same be waived. Resolution Number 2653, Second Series is a resolution Calling for a Public Hearing and Considering Giving Host Approval to the Issuance of Revenue Obligations for a Project by Prairie Community Services Located in the City of Marshall, Minnesota Under Minnesota Statutes, Chapter 469. This public hearing will be held on August 16, 2004 at 5:30 P.M. All voted in favor of the motion.

CONSIDER THE REQUEST OF MARSHALL COMMERCIAL PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-UNIT APARTMENT IN A B-2 CENTRAL BUSINESS DISTRICT AT 121 NORTH 3RD STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for a Conditional Use Permit for a two-unit apartment at 121 North 3rd Street. This building is currently occupied by optometrist L. M. Affolter on the ground floor and has one apartment on the second floor. Per the recommendation of the Planning Commission, Stores moved, Reynolds seconded, that a Conditional Use Permit be approved for Marshall Commercial Properties, LLC to construct a two-unit apartment in a B-2 Central Business District at 121 North 3rd Street with the condition that four (4) off-street parking spaces will be provided. All voted in favor of the motion.

REQUEST OF MARSHALL COMMERCIAL PROPERTIES, LLC FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A TWO-UNIT APARTMENT WITH LESS OFF-STREET PARKING SPACES THAN REQUIRED BY ZONING CODE IN A B-2 CENTRAL BUSINESS DISTRICT AT 121 NORTH 3RD STREET:

Per the recommendation of the Planning Commission, Hilton moved, Reynolds seconded, to deny the request of Marshall Commercial Properties, LLC for a Variance Adjustment Permit to construct a two-unit apartment with two off-street parking spaces in lieu of four spaces as required by Zoning Code in a B-2 Central Business District at 121 North 3rd Street. This property includes an area behind the building and the adjacent building, which is accessed from the alley. The area appears large enough for parking four vehicles. All voted in favor of the motion.

REQUEST OF MARSHALL LUMBER COMPANY FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A GARAGE ADDITION ONTO A RETAIL/OFFICE BUILDING WITH A REAR YARD OF LESS THAN REQUIRED BY ZONING CODE IN A B-3 GENERAL BUSINESS DISTRICT AT 800 EAST MAIN STREET (EAST MAIN PLAZA):

Per the recommendation of the Planning Commission, Boedigheimer moved, Stores seconded, the approval of a Variance Adjustment Permit be granted to Marshall Lumber Company to construct a garage addition onto a retail/office building with a rear yard of less than required by zoning code in a B-3 General Business District at 800 East Main Street (East Main Plaza). This variance was approved because of the following hardships: economic loss of revenue (not being able to rent the property if the expansion was not allowed to proceed), landlocked from other expansion possibilities, and that zoning on the west side of the property, or the Dubbledee property, wouldn't allow for the expansion either. All voted in favor of the motion.

REGULAR MEETING – JULY 19, 2004

A Housing and Redevelopment Authority Meeting was scheduled for 6:30P.M. therefore Mayor Byrnes called for a recess at 6:37P.M.

Following the HRA the City Council meeting was reconvened at 6:42 P.M.

CONSIDER AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR A FEASIBILITY STUDY FOR WWTF:

Hilton moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Bonestroo, Rosene, Anderlik and Associates for a Feasibility Study for the WWTF on an hourly basis, not to exceed \$5,200 contingent upon City Attorney development and approval of contract documents. These costs are to be paid from the Wastewater Account Number 602-90581-3311. This contract would provide for the review of the current design of the digester covers, current digester loadings, and recommend options to correct existing problems and provide cost estimates for each option; and to review current design and loadings on our equalization basins, research available options, and recommend the best option and provide estimate for correction of these problems. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE RUNWAY 2/20 EXTENSION PROJECT:

Boedigheimer moved, Stores seconded, that the proper city personnel be authorized to advertise for bids for the Runway 2/20 Extension Project at the Airport subject to MN/DOT funding commitment. These bids are to be received on August 11, 2004. All voted in favor of the motion.

S.A.P. 139-010-12 / PROJECT 2004-004 – T.H. 59 AND CANOGNA PARK DRIVE ROADWAY IMPROVEMENTS – DESIGN AND CONSTRUCTION INSPECTION SERVICES:

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2654, SECOND SERIES and that the reading of the same be waived. Resolution Number 2654, Second Series is a resolution to Request Funding from the Minnesota Department of Transportation Through the Cooperative Agreement Program for S.A.P. 139-010-12 / Project 2004-004 – T.H. 59 and Canoga Park Drive Roadway Improvements. All voted in favor of the motion.

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2655, SECOND SERIES and that the reading of the same be waived. Resolution Number 2655, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for S.A.P. 139-010-12 / Project 2004-004 – T.H. 59 and Canoga Park Drive Roadway Improvements. 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 continuing to work on the Turkey Project and the sale of Parkway Town homes is scheduled to close on August 1st; Fire Relief Association met last week and discussed the city contribution.

REGULAR MEETING – JULY 19, 2004

Stores Library Board met last Monday and there will be a joint meeting on July 27th to discuss the 2005 budget.

Boedigheimer Airport Commission minutes are included in the agenda packet; Senior Citizen Center Commission has received a letter from the Department of Health on the kitchen in the Senior Center – it was the consensus of the council that Glenn Olson, Director of Public Works/City Engineer, would get proposals from consultants to make the necessary repairs on the ventilation in the kitchen at the Senior Center.

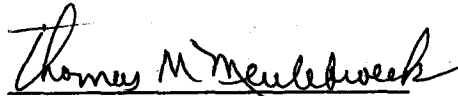
Hilton Human Rights Commission meets next week; Hospital Board June minutes are included in the agenda packet.

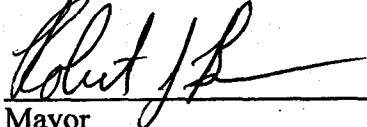
Reynolds Cable Commission met last Tuesday.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a concern with the different parking restrictions in the parking lots; a policy needs to be developed on the interest rate to be charged for assessments; a grant has been approved in the amount of \$120,000 for Marshall Labs; and the city staff was thanked for all of their work on the Iowa Turkey Project.

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


Financial Director/City Clerk


Mayor

REGULAR MEETING – AUGUST 2, 2004

The regular meeting of the Common Council of the City of Marshall was held on August 2, 2004 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 and Boedigheimer. Absent: Stores and Hilton. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Calvin Barnett, Director of General Services/City Assessor; 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 a request for an Off-Sale Non-Intoxicating Beer License and a Tobacco License for NuWay Coop dba Cenux NuMart of Marshall as the first item of new business; and the addition of a Contract for Administrative Services with City of Marshall, Missouri River Energy Services (MRES) and the Western Area Power Administration (WAPA) as item number 7a.

APPROVAL OF THE MINUTES:

Reynolds moved, Doyle seconded, that the minutes of the regular meeting held on July 19, 2004 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 – CONSIDER REQUEST FOR DOWNTOWN STREET / PARKING LOT BLOCKADE FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 19-22, 2004:

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 South Fourth Street from West Main Street to Saratoga. The parking lots and streets are proposed to be closed from approximately 6:30 a.m. on August 19, 2004 to 12:01 a.m. on August 22, 2004. Tracy Veglahn, Marshall Area Chamber of Commerce, was in attendance at the meeting and indicated that they will be using a different layout this year. She also indicated they have the support of the Marshall Businesses and gave a brief update of the schedule of events. Doyle moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Boedigheimer 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 South Fourth Street from West Main Street to Saratoga from approximately 6:30 a.m. on August 19, 2004 to 12:01 on August 22, 2004 be approved 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.
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.

REGULAR MEETING – AUGUST 2, 2004

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.

CONSIDER REQUESTS FROM CHAMBER OF COMMERCE FOR - 1. TEMPORARY ON-SALE BEER LICENSE FOR THE MAIN STREET PARKING LOT FOR THE MONTH OF AUGUST, 2004; 2. TEMPORARY ON-SALE BEER LICENSE FOR LIBERTY PARK ON AUGUST 19, 2004; 3. SPECIAL EVENT PERMIT FOR AUGUST 20 AND 21, 2004:

Boedigheimer moved, Doyle seconded, the approval of a temporary On-Sale Non-Intoxicating Beer License for the Marshall Area Chamber of Commerce for the month of August, 2004 to be used at the Main Street Parking Lot at a fee of \$50.00. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the approval of a temporary On-Sale Non-Intoxicating Beer License for the Marshall Area Chamber of Commerce for August 19, 2004 to be used at Liberty Park at a fee of \$30.00. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the approval of a Special Event Permit for Marshall Area Chamber for Marshall Sounds of Summer Community Festival from August 20, 2004 to August 21, 2004. The City of Marshall is to be listed as an additional insured for this event. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER REQUEST FOR AMERICAN CANCER SOCIETY FOR FIREWORKS PERMIT; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

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

The approval of an application for the American Cancer Society to display fireworks on August 20, 2004 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 following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43110 through 43277.

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 and Value	
1.	Beek Construction	101	"C"	Street	Addition	\$20,000
2.	Eric & Jennifer Klenken	1004	Poplar	Avenue	Interior Remodel	\$500
3.	Joel Schultz	712 North	6th	Street	Install Window	\$500

REGULAR MEETING – AUGUST 2, 2004

4.	Merlyn & Linda Karjala	207	DeSchepper Street	Replace Deck	\$6,600
5.	Sussner Construction, Inc.	601	Jewett Street	Printing Shop	\$718,600
6.	Larry VanMoer	707	Nuese Lane	Deck	\$600
7.	Vlaminck Construction	1111	David Drive	Dwelling	\$230,000
8.	Geihl Construction, Inc.	819	Cullen Circle	Dwelling	\$310,000
9.	R&I Vandendriessche Family Trust	1134	David Drive	Dwelling	\$155,400
10.	Russ Dulek	511 West	Saratoga Street	Re-roofing	\$2,000
11.	Bakke's Home Repair & Construction	1202	Patricia Court	Garage Entry Door	\$500
12.	Sherry Orvis	506	Kossuth Avenue	Reroof	\$2,500
13.	Brian Weedman Carpentry	1305	Greenvew Place	Deck	\$4,000
14.	Beek Construction	602	Kossuth Avenue	Addition	\$16,500
15.	Paul Engels Construction	710 North	6th Street	Porch Addition	\$20,500
16.	Doug Abels	1211	Westwood Drive	Patio Door	\$1,200

WEINER MEMORIAL MEDICAL CENTER – A. CONSIDER APPROVAL OF RESOLUTION OF NAME CHANGE; B. CONSIDER RECOMMENDATION TO PURCHASE REAL ESTATE AT 604 CHARLES AVENUE:

Dick Slieter, CEO Weiner Memorial Medical Center, was in attendance at the meeting to answer any questions on the name change. Per the recommendation of Weiner Medical Center Board and City Attorney Dennis Simpson, Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2656, SECOND SERIES and that the reading of the same be waived. Resolution Number 2656, Second Series is a resolution Approving a Name Change of Weiner Memorial Medical Center. This resolution provides for Weiner Memorial Medical Center to conduct business as "Avera Marshall Regional Medical Center". This can be accomplished by the filing of a Certificate of Assumed Name with the Secretary of State's Office. All voted in favor of the motion.

Per the recommendation of the Hospital Board, Reynolds moved, Doyle seconded, the approval of WMMC to purchase real estate at 604 Charles Avenue in the amount of \$182,000. All voted in favor of the motion, except Sturrock who abstained.

OFF-SALE NON-INTOXICATING BEER LICENSE AND TOBACCO LICENSE FOR NUWAY COOP AT 1406 EAST COLLEGE DRIVE:

Boedigheimer moved, Reynolds seconded, the approval of an Off-Sale Non-Intoxicating Beer License be approved for NuWay Coop dba Cenex NuWay of Marshall, 1406 East College Drive, effective August 3, 2004 at a fee of \$90.00 and the approval of a tobacco license for NuWay Coop dba Cenex NuWay of Marshall, 1406 East College Drive, effective August 3, 2004 at a fee of \$72.00. All voted in favor of the motion.

NORTH AMBULANCE SIX MONTH FINANCIAL REVIEW:

Brennan McAlpin, Manager North Ambulance was in attendance at the meeting to review the financial performance for the first six months of 2004.

CONSIDER REVIEW AND APPROVAL OF THE MARSHALL BIAS/HATE CRIME AND INCIDENT RESPONSE AND PREVENTION PLAN:

Boedigheimer moved, Doyle seconded that the Marshall Bias/Hate Crime and Incident Response and Prevention Plan be referred to the City Attorney for his review and

REGULAR MEETING – AUGUST 2, 2004

recommendation at the next regular City Council meeting on August 16, 2004. All voted in favor of the motion.

AUTHORIZATION TO REPLACE BAND SHELL FLOOR:

During Phase I of the Liberty Park upgrade it was found that the existing band shell floor is in need of replacement. A quote was received from Bladholm Construction, Inc., Marshall, Minnesota in the amount of \$6,006. The Marshall Rotary has offered to pay for ½ of this project. Boedigheimer moved, Sturrock seconded, that Bladholm Construction, Inc., Marshall, Minnesota be authorized to replace the band shell floor in the amount of \$6,006, with ½ being paid by the Marshall Rotary and the other half being paid from the City of Marshall Parks budget. All voted in favor of the motion.

CONTRACT FOR ADMINISTRATIVE SERVICES WITH BETWEEN CITY OF MARSHALL, MISSOURI RIVER ENERGY SERVICES AND THE WESTERN AREA POWER ADMINISTRATION

Brad Roos, General Manager Marshall Municipal Utilities, was in attendance at the meeting to review the contract for administrative services with the Missouri River Energy Services and the Western Area Power Administration. Council member Boedigheimer was concerned about approving this document without have adequate time to review, therefore Sturrock moved, Doyle seconded, that this contract be postponed until the next regular City Council meeting to be held at 5:30 P.M. on August 16, 2004. All voted in favor of the motion.

REVIEW 2003 FINAL AUDIT REPORT – TOM KOOP:

Tom Koop, Larson Allen Weishar (LAWCO), Auditors for the City of Marshall was in attendance at the meeting to present the final draft of the 2003 Financial Audit Report for the City. The City has complied with GASB34 (General Accounting Standards Board Statement Number 34) requirements by completing its inventory on fixed assets, therefore the City was receiving an unqualified opinion on its report. Sturrock moved, Doyle seconded, to approve the 2003 Audited Financial Report as presented by LAWCO. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report

Sturrock Public Improvement /Transportation Committee met on July 13th; the Planning Commission met on July 14th and there is no meeting scheduled for August; and on July 28^h there will be a Joint meeting for the partnering between the City and MMU

Boedigheimer No report

Doyle No report.

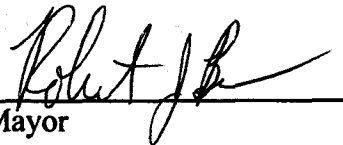
Reynolds There was no quorum for the Cable Commission meeting on July 13th

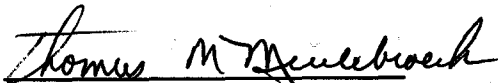
REGULAR MEETING – AUGUST 2, 2004

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a concern with the different parking restrictions in the parking lots; a hole on South 1st Street; the noise ordinance as it relates to jack breaking; there was a Coalition meeting last week – they discussed LGA and Annexation; Bob Byrnes indicated that the sale to Iowa Turkey Products was finalized last week.

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


Mayor


Financial Director/City Clerk

REGULAR MEETING – AUGUST 16, 2004

The regular meeting of the Common Council of the City of Marshall was held on August 16, 2004 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, Boedigheimer and Stores. Absent: Doyle and Reynolds. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Boedigheimer moved, Hilton seconded, that the minutes of the regular meeting held on August 2, 2004 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 – CONSIDER REQUEST BY PRAIRIE COMMUNITY SERVICES (BORROWER) ON THE ISSUANCE OF REVENUE OBLIGATIONS UNDER MINNESOTA STATUTES CHAPTER 469:

This was the date and time set for a public hearing to consider the request by Prairie Community Services for the issuance of revenue obligations under Minnesota Statutes Chapter 469. The City of Morris will be the issuing City for these bonds. Council Member Boedigheimer indicated that the City should be reimbursed for the staff time and all direct costs related to this bond issue. Boedigheimer moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2657, SECOND SERIES and that the reading of the same be waived. Resolution Number 2657, Second Series is a resolution Giving Approval to a Project by Prairie Community Services, Under Minnesota Statutes, Section 469.152 through 469.165 and Approving a Joint Powers Agreement between the 11 communities. Prairie Community Services, a Minnesota Nonprofit corporation engaged in activities for mentally or physically disabled persons and providing social services, is refinancing the costs of acquiring and improving several residential facilities and vehicle acquisitions in 11 communities, including the City of Marshall. All voted in favor of the motion.

REGULAR MEETING – AUGUST 16, 2004

AWARD OF BIDS – SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL/RYAN FIELD 2004 CROSSWIND RUNWAY 2-20 EXTENSION:

Bids were received, opened and read on August 11, 2004 for the Southwest Minnesota Regional Airport – Marshall/Ryan Field 2004 Crosswind Runway 2-20 Extension Project. Bids received, opened and read were from:

Duininck Bros., Inc.	Midwest Contracting	R & G Construction Co.
Prinsburg, Minnesota	Marshall, Minnesota	Marshall, Minnesota
\$1,563,651.76	\$1,446,081.84	\$1,428,742.04

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2658, SECOND SERIES and that the reading of the same be waived. Resolution Number 2658, Second Series is a resolution Providing Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Improvement. This resolution provides for a grant agreement not to exceed \$1,940,000 with the federal share of \$1,777,500; state share of \$48,263; and city share of \$114,237, which will be funded from the Marshall Municipal Liquor Fund. All voted in favor of the motion.

Boedigheimer moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2659, SECOND SERIES and that the reading of the same be waived. Resolution Number 2659, Second Series is a resolution Awarding the Contract for the Southwest Minnesota Regional Airport – Marshall/Ryan Field 2004 Crosswind Runway 2-20 Extension Project to R & G Construction, Co., Marshall, Minnesota in the amount of \$1,428,742.04. This resolution was approved contingent upon receipt of the grant money for this project. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER REQUEST OF SOUTH HIGH STREET RESIDENTS FOR A BLOCK PARTY – AUGUST 29, 2004; B. CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION TO BLADHOLM CONSTRUCTION, INC. – DOWNTOWN PARK PROJECT: 2002-006; C. S.P. 139-121-03 / PROJECT 2004-001 – CHANNEL PARKWAY RECONSTRUCTION PROJECT: CONSIDER CHANGE ORDER NO. 1; D. CONSIDER PLUMBERS LICENSE FOR GARY LOHSE DBA PLUMBING & HEATING OF WILLMAR TO EXPIRE ON MARCH 31, 2005; E. CONSIDER GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOUNDATION FOR NOVEMBER 27, 2004; F. CONSIDER TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR OCTOBER 1 TO OCTOBER 3, 2004; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

It was requested that item B. which is to consider Change Order No. 1 (Final) and Acknowledgement of Final Payment Application to Bladholm Construction, Inc., - Downtown Park Project 2002-006 be removed from the consent agenda.

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

The request for private use of the street for the purpose of a block party on South High Street from East College to Marshall Street on August 29, 2004 from 5:30 P.M. to 8:30 P.M.

REGULAR MEETING – AUGUST 16, 2004

The approval of Change Order No. 1 with McLaughlin & Schulz, Inc., for the Channel Parkway Reconstruction Project 2004-001 resulting in a decrease in the contract sum in the amount of \$1,928.00 for a total contract cost of \$1,633,299.11. This change provides for the testing services for aggregate base moisture and aggregate density testing to be provided by the city rather than the contractor.

The approval of a Plumbers License for Gary Lohse dba Plumbing & Heating of Willmar, Willmar, Minnesota. This license will expire on March 31, 2005 and the fee is \$75.00.

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 Minnesota State University, 1501 State Street, Marshall, Minnesota on November 27, 2004 and that the 30 day waiting period be waived.

The approval of a Temporary On-Sale Intoxicating Liquor License for the Southwest Minnesota State University Foundation to be used at the RA Facility and Mattke Field from October 1, 2004 through October 3, 2004. The fee for this license is \$90.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43278 through 43454.

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.	Breitbach Construction Co.	1221 East	Main	Street	Retail Store	\$6,984,500
2.	True Value Home Center	605	Mercedes	Drive	Dwelling	\$225,000
3.	Tutt Construction	200 East	Saratoga	Street	Replace Steps	\$3,000
4.	Sean & Pat Carmody	610 West	Southview	Drive	Replace Steps	\$500
5.	Karen Y. Murphy	605	Elaine	Avenue	Install Door	\$300
6.	Viking Properties of Southwest Minnesota	101 South	Minnesota	Street	Install Window	\$900
7.	Glen Whitesitt	106	Fremont	Street	Replace Windows	\$2,500
8.	Thomas Blomme	111	Maple	Street	Install Window	\$500
9.	True Value Home Center	800 East	Main	Street	Addition	\$8,000
10.	Matthew & Brenda Bormann	1317	Parkside	Drive	Install Window	\$1,500
11.	Quality Roofing	105 West	Maple	Street	Reroof	\$1,200
12.	David & Lori Afdem	1400	Westwood	Drive	Reroof	\$12,000
13.	Lozinski Construction	1101	Hackberry	Drive	Reroof	\$3,500
14.	Teri Finstrom	507 West	Southview	Drive	Reroof	\$1,300

REGULAR MEETING – AUGUST 16, 2004

15.	Babcock Construction	301	George	Street	Reside Dwelling & Install Doors	\$6,000
16.	Space Development Co.	1005	Channel	Parkway	Warehouse	\$155,000
17.	Mark & Jennie Jensen	509	Lawrence	Street	Pergola	\$400
18.	Karla Mettling	224	Athens	Avenue	Finish Basement	\$300

There was discussion at this time on how Change Order No. 1 with Bladholm Construction, Inc., for the Downtown Park Project would be funded. It was indicated that this additional amount would be paid for out of the current year Parks budget. Boedigheimer moved, Sturrock seconded, the approval of Change Order No. 1 (Final) and acknowledgement of final payment application to Bladholm Construction, Inc., for the Downtown Park Project 2002-006. The change order provides for an increase in the amount of \$2,504 for planter hanger brackets and the final payment is in the amount of \$24,959.50. All voted in favor of the motion.

CONTRACT FOR ADMINISTRATIVE SERVICES BETWEEN CITY OF MARSHALL, MISSOURI RIVER ENERGY SERVICES AND THE WESTERN AREA POWER ADMINISTRATION:

Per the recommendation of Marshall Municipal Utilities Board, Boedigheimer moved, Stores seconded, the approval of the Administrative Services between the City of Marshall, Missouri River Energy Services and the Western Area Power Administration. This contract is for a term to expire on December 31, 2020 and can be cancelled by any of the parties based upon a two (2) year notice. All voted in favor of the motion.

CONSIDER REVIEW AND APPROVAL OF THE CITY OF MARSHALL, HUMAN RIGHTS COMMISSION, BIAS/HATE CRIME AND INCIDENT RESPONSE AND PREVENTION PLAN:

Hilton moved, Stores seconded, that the City of Marshall approve the "City of Marshall Human Rights Commission Bias/Hate Crime and Incident Response and Prevention Plan". This plan addresses only the civil response and support following either an incident of bias/hate or incident. All voted in favor of the motion.

S.A.P. 139-030-01 / S.P. 4203-44 & S.P. 4208-46: T.H. 23 & T.H. 59 SIGNAL PROJECTS – CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT COOPERATIVE CONSTRUCTION AGREEMENT NO. 86855:

Glenn Olson, Director of Public Works/City Engineer, indicated that these projects are located at the intersections of T.H. 23 and T.H. 19; T.H. 23 & T.H. 59; T.H. 59 & Susan Drive; and T.H. 59 & Boyer Drive (Canoga Park Drive), and a signal interconnect to the T.H. 59 signal at East Southview Drive. This agreement encumbers up to \$785,858 of State funding, which includes \$70,000 for contingencies. In addition, the State will be furnishing materials (controller cabinets) values at approximately \$19,000. The total estimated construction costs are \$951,367. Wal-Mart has prepaid 50% of the estimated construction costs of the traffic signals to be installed at T.H. 59 & Boyer Drive and T.H. 59 & Susan Drive, which will be used as City participation.

REGULAR MEETING – AUGUST 16, 2004

Sturrock moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2660, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2660, Second Series is a resolution Authorizing Execution of Cooperative Construction Agreement and Amendments for the traffic control signal systems to be located at the intersections of T.H. 23 and T.H. 19; T.H. 23 & T.H. 59; T.H. 59 & Susan Drive; and T.H. 59 & Boyer Drive (Canoga Park Drive), and a signal interconnect to the T.H. 59 signal at East Southview Drive. All voted in favor of the motion.

CONSIDER APPOINTMENT TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Stores moved, Sturrock seconded, that the following appointment be made to the Utilities Commission – Dave Grong for an unexpired term to expire on May 31, 2009. 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 met earlier and approved the hiring of the new director to start on September 27, 2004.

Sturrock Planning Commission has not met; Utilities Commission minutes from the July 27th meeting are included in the agenda packet.

Boedigheimer Airport Commission – not at last meeting but has concerns about the lease with Midwest Aviation; Senior Citizen Center Commission met on July 14th and is working on their budget for Harry.

Hilton Hospital Board met earlier today – discussed name change.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: putting signs at the entrance of town in regard to jack breaking; the sidewalk along Saratoga Street is being removed by Marshall Municipal Utilities and will be replaced when they have completed their project along Saratoga Street; what is the process and cost involved for the City Audit to be submitted for Certificate of Excellence; the bases for the wind generators were to be removed by the previous owners; Council Member Boedigheimer indicated that the M.E.R.I.T. Commission has been working on bylaws and operating procedure; Sturrock was concerned about the RODEO Banner being placed in the Downtown Park; the Legislative and Ordinance Committee recommendations on the parking issue will be brought to the council meeting on September 7, 2004.

REGULAR MEETING – AUGUST 16, 2004

Glenn Olson, Director of Public Works/City Engineer, indicated that city staff will be reviewing alternatives to repair the ventilation in the kitchen at the Senior Center; it was indicated that it will cost between \$25,000 to \$43,000 to prepare plans and specs for the demolition of Block 11 (Varsity Pub Block) – funding for this will come from the 96-97 TIF; City Administrator Mike Johnson and City Attorney Dennis Simpson met with Pete Johnson, Midwest Aviation, on his lease at the Airport.

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

REGULAR MEETING – SEPTEMBER 7, 2004

The regular meeting of the Common Council of the City of Marshall was held on September 7, 2004 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, Reynolds and Stores. Absent: Sturrock and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Stores moved, Reynolds seconded, that the minutes of the regular meeting held on August 16, 2004 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER APPLICATION FOR RENEWAL OF TRANSIENT MERCHANTS LICENSE FOR HOMIER DISTRIBUTING COMPANY FOR TOOL SALE AT THE ARMORY; B. CONSIDER NEW APPLICATION FOR REFUSE HAULERS LICENSE FOR LARRY MAGRATH D.B.A. CURBSIDE VAC; C. CONSIDER EXTENSION OF EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL FOR NORTH RIVERVIEW PROPERTIES ADDITION (FORMERLY NORTHLAND THIRD ADDITION); D. CONSIDER TEMPORARY CONSTRUCTION AGREEMENT WITH RUNNING'S & JR&R PARTNERSHIP; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

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

A Transient Merchants License for Homier Distributing for a tool/houseware sale to be held on November 28, 2004 at the National Guard Armory. The fee for this license is \$300.00.

A Refuse Haulers License for Larry Magrath dba Curbside Vac to expire on March 31, 2005. The fee for this license is \$150.00.

The extension of the effective period of preliminary plat approval for Northland Third Addition to September 20, 2004.

A Temporary Construction Easement Agreement with Running Supply, Inc., and JR&R Partnership. This easement will allow the City of Marshall or its designee the right to enter the property for sloping and grading purposes for proper transition from the public street to the remaining property.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43455 through 43639.

All voted in favor of the motion.

REGULAR MEETING – SEPTEMBER 7, 2004

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

Applicant	Location Address	Description of Work	Valuation
1. Slagel Construction	210 South Whitney Street	Addition	\$44,500
2. Tadd Erickson	505 Donita Avenue	Garage Addition	\$20,000
3. P&R Ventures	503 Mercedes Drive	Dwelling	\$100,000
4. P&R Ventures	505 Impala Court	Dwelling	\$100,000
5. Lozinski Construction	600 Lawrence Street	Reroofing	\$3,200
6. Dan Baun	502 Donita Avenue	Replace Deck	\$4,500
7. Neil Coyle	401 North 7th Street	Install Door	\$200
8. DI Construction	112 South High Street	Reroof	\$3,300
9. Marshall Amateur Hockey Association	512 Fairgrounds Road	Partial Reroof	\$7,500
10. Layle French	1002 Emerald Court	Kitchen Remodeling	\$1,500
11. Babcock Construction	613 South 4th Street	Exterior Remodeling	\$9,000
12. Bill Weber	103 Circle Drive	Deck & Install Door	\$2,500
13. Greg & Lori Matthys	111 "E" Street	Deck	\$1,700
14. Joe Schmidt	307 North 3rd Street	Deck	\$500
15. Krueger Construction	1212 East College Drive	Deck	\$3,800
16. Geihl Construction, Inc.	815 Cullen Circle	Dwelling	\$324,000
17. James Thompson	1105 Hackberry Drive	Install Window & Remodel Porch	\$1,500
18. Cliff & Bobbie Carmody	803 South 4th Street	Exterior Remodeling	\$16,500
19. Taylor's, Inc.	1301 Ellis Avenue	Dwelling	\$150,000
20. Douglas Fraunfelder	611 VanBuren Street	Reroof	\$2,800
21. Lozinski Construction	605 North 4th Street	Reroof	\$2,400

CONSIDER AUTHORIZATION TO HIRE A FULL-TIME POLICE OFFICER FOR PUBLIC SAFETY:

Upon the recommendation of Director of Public Safety Robert Yant, Hilton moved, Stores seconded, that Joshua A. Koenen be employed as a fulltime Police Officer with the City of Marshall at the rate of \$16.31 effective September 20, 2004. The following resolution was adopted: BE IT RESOLVED that Joshua A. Koenen be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

CONSIDER APPROVAL OF AGREEMENT WITH TKDA, INC., FOR AIP 3-27-0056-05 / SP 4201-63 / CITY PROJECT 2004-005 – RUNWAY 2/20 EXTENSION:

Doyle moved, Hilton seconded, that the proper city officials be authorized to enter into Supplemental Agreement No. 1 to the Professional Services Agreement with TKDA, Inc., for construction and post-construction phase services for the Runway 2/20 Extension Project. This Supplemental Agreement no. 1 is for an increase in total reimbursable costs from \$143,830 to \$278,261, an increase of \$134,431, and an increase of the fixed fee from \$16,170 to \$41,739, an

REGULAR MEETING – SEPTEMBER 7, 2004

increase of \$25,569, plus \$15,000 for Post-Construction Phase Services, for a total project cost not to exceed \$335,000. These totals are consistent with previous TKDA estimates and with the federal grant issued by FAA and accepted by the City. This agreement was approved subject to review and approval by the City Attorney. All voted in favor of the motion.

CONSIDER AWARD OF PROPOSALS FOR DESIGN AND DEMOLITION INSPECTION SERVICES WITH BOLTON & MENK, INC.:

Stores moved, Doyle seconded, that the proper city personnel be authorized to enter into a Professional Services Agreement for Design and Demolition Inspection Services with Bolton & Menk, Inc., of Mankato, Minnesota for certain City properties located in Block 11, Original Plat. This project will include development of plans and specifications for the demolition, including informational meetings with Council and the public, bidding, and demolition inspection of the project. The cost of the project for the design and bidding phase will be hourly plus expenses, not to exceed \$18,700, demolition inspection services will be hourly plus expenses, not to exceed \$6,000 for a total project cost not to exceed \$24,700, which will be paid from TIF funds set aside for Downtown Redevelopment. All voted in favor of the motion.

CONSIDER APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MARSHALL, THE SOUTHWEST MINNESOTA HOUSING PARTNERSHIP AND MINNWEST BANK VALLEY REGARDING THE CITY OF MARSHALL SMALL CITIES DEVELOPMENT PROGRAM COMMERCIAL REHABILITATION PROJECT:

Hilton moved, Stores seconded, that the proper city officials be authorized to enter into a Memorandum of Understanding between the City of Marshall, the Southwest Minnesota Housing Partnership and MinnWest Bank Minnesota Valley regarding the City of Marshall Small Cities Development Program Commercial Rehabilitation Program. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that the interest rate for Phase 2 is 1%, which will be retained by the bank. The City of Marshall received 1% interest on loans in Phase I and the bank retained 1% to cover its fees. All voted in favor of the motion.

CONSIDER APPROVAL OF 2005 PARTNERSHIP AGREEMENT WITH MARSHALL MUNICIPAL UTILITIES:

Stores moved, Doyle seconded, the approval of the Partnership Agreement for 2005 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 2005. A summary of the agreement is as follows:

MMU payment in lieu of taxes	\$733,686
Less street lighting charges to be	
Paid to MMU (1)	\$133,500
Less fire protection charges (1)	\$145,000
Net payment to City after charges	
Paid to MMU and transfer	\$455,186

(1) charges based on MMU's audit.
All voted in favor of the motion.

increase of \$25,569, plus \$15,000 for Post-Construction Phase Services, for a total project cost not to exceed \$335,000. These totals are consistent with previous TKDA estimates and with the federal grant issued by FAA and accepted by the City. This agreement was approved subject to review and approval by the City Attorney. All voted in favor of the motion.

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CONSIDER APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MARSHALL, THE SOUTHWEST MINNESOTA HOUSING PARTNERSHIP AND MINNWEST BANK VALLEY REGARDING THE CITY OF MARSHALL SMALL CITIES DEVELOPMENT PROGRAM COMMERCIAL REHABILITATION PROJECT:

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Less fire protection charges (1)	\$145,000
Net payment to City after charges	
Paid to MMU and transfer	\$455,186

(1) charges based on MMU's audit.

All voted in favor of the motion.

CONSIDER RECOMMENDATION FROM MAYOR BYRNES ON APPOINTMENT OF BLUE RIBBON TASK FORCE ON REDEVELOPMENT:

Per the recommendation of Mayor Byrnes, Stores moved, Reynolds seconded, that a fourteen member task force shall be composed of the following:

- One Marshall City Council member appointed by the Mayor
- Two Marshall School Board Members appointed by the Board Chair
- One member of the Marshall Planning Commission appointed by its Chair
- One member of the Marshall Economic Development Authority appointed by its Chair
- One member from the Downtown Leadership Team to be appointed by its Chair
- One member from the Downtown Design Group to be appointed by its Chair
- Seven “at large” members appointed by the Mayor following individual review of applicants and input to the Mayor by City Council members.

(“At large” members must be of voting age, a resident of the School District 413 and a majority of “at large” members residents of the City of Marshall)

All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Reynolds moved, Doyle seconded that the following appointments be made to the various boards and commissions:

- Cable Commission – Michael Leese for a term to expire on May 31, 2007
- Cable Commission – Pam Larsen for a term to expire on May 31, 2007
- Library Board – Karen Sweetland for a term to expire on December 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 No report.

Stores No report.

Doyle No report.

Hilton Human Rights Commission held a meeting but Hilton was not able to attend.

Reynolds Cable Commission will meet next week; Community Services Advisory Board referred the possibility of an outdoor ice rink to their Recreation Sub Committee.

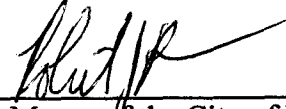
REVIEW OF PENDING AGENDA ITEMS:

On September 8, 2004 the Planning Commission will be reviewing the Draft Area Plans A-F of the Comprehensive Plan for the City of Marshall.

**CONSIDER ACTION TO GO INTO CLOSED MEETING FOR LABOR NEGOTIATION
STRATEGY PER MN. STATUTE 13D.03:**

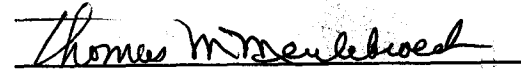
Doyle moved, Stores seconded, that the City Council meeting to into closed session for labor negotiation strategy per MN. Statute 13D.03 at 6:01 P.M. All voted in favor of the motion.

The meeting reconvened at 6:49 P.M. and it was the general consensus to adjourn at 6:50 P.M.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – SEPTEMBER 13, 2004

A special meeting of the Common Council of the City of Marshall was held on September 13, 2004 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:40 P.M. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Reynolds, and Stores. Absent: Boedigheimer. Staff present included: Mike Johnson, City Administrator; and Thomas M. Meulebroeck, Financial Director/City.

The purpose of the Special Meeting was to consider a preliminary budget and tax levy for 2005.

Mike Johnson, City Administrator, reviewed with the council his memo of September 10, 2004 which addresses the ramifications of the States past adjustments to the City's Local Government Aid. Mike also addressed some revenue modifications that the City undertook in late 2003 and early 2004.

On the hand out "2005 Preliminary Property Tax Levy" that was included in the packet of information, Mike hi-lighted the Preliminary 2005 column in comparison to the 2004 budget and the actual amounts for 2001 through 2003 for Minnesota State Aids, the City Property Tax Levies, Special Levies and the detail for each years levy.

Mike identified some growth and development issues such as the airport and channel parkway improvements; the Super Wal-Mart, e-government services, annexations, the new high school, the next phase of Parkway Addition, street improvements and various other projects that may or will be taking place in the City of Marshall.

A brief discussion was held on the development of a CIP to assist with the direction of street improvements.

The council was informed that the change in tax capacity was unknown at this time.

It was the general consensus that the proposed General Fund Levy be increased by an additional \$100,000 for street improvements. The increase would increase the total proposed tax levy change from 2.70% to 6.08%.

RESOLUTION ADOPTING A PRELIMINARY TAX LEVY FOR 2005:

Hilton moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2661, SECOND SERIES and that the reading of the same be waived. Resolution Number 2661, Second Series is a resolution Adopting a Preliminary Levy for the Year 2005. The proposed levy is in the amount of \$3,145,651 of which \$2,609,069 is the General Fund portion of the levy; Debt Service Levy of \$216,175; a Special Levy for the employer's portion of the increase of PERA Contribution for coordinated members including the Library for \$8,000; a Special Levy for 2002 Airport Improvement in the amount of \$201,594; a Special Levy for 2002 Parkway Improvement in the amount of \$28,483; a Special Levy for 2003 Aquatic Center G.O.

SPECIAL MEETING – SEPTEMBER 13, 2004

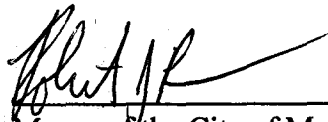
Equipment Certificates in the amount of \$57,330 and proposed 2005 Finance Department G.O. Equipment Certificates of \$25,000. All voted in favor of the motion.

RESOLUTION ADOPTING A PRELIMINARY BUDGET FOR 2005:

Sturrock moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2662, SECOND SERIES and that the reading of the same be waived. Resolution Number 2662, Second Series is a resolution Adopting a Preliminary Budget for the General Fund of the City of Marshall for the year 2005. The preliminary budget for the General Fund provides for revenues of \$8,688,483 and expenditures of \$10,056,275 of which the revenues are supported with a General Fund Tax Levy of \$2,617,069. All voted in favor of the motion.

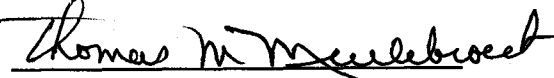
The proposed 2005 budget meeting schedule was reviewed and revised. The next budget workshop session will be held at 5:30 P.M. on October 19, 2004.

Upon motion by Hilton, 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 – SEPTEMBER 20, 2004

The regular meeting of the Common Council of the City of Marshall was held on September 20, 2004 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. Absent: Hilton. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 2e, which is to consider a temporary on-sale non-intoxicating beer license for the Marshall Baseball Association.

APPROVAL OF THE MINUTES:

Reynolds moved, Stores seconded, that the minutes of the regular meeting held on September 7, 2004 and the minutes of the special meeting held on September 13, 2004 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA –A. CONSIDER CONSUMPTION AND DISPLAY LICENSE FOR IT'S NOW OR NEVER DBA THE DAILY GRIND; B. CALL FOR PUBLIC HEARING ON THE TRANSFER OF A LIQUOR LICENSE FROM OREGON GROUP LLC DBA BEST WESTERN MARSHALL INN TO MT BUSINESS CENTER LLC DBA BEST WESTERN MARSHALL INN; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS; E. CONSIDER A TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR THE MARSHALL BASEBALL ASSOCIATION:

Councilmember Boedigheimer request that item B, which is authorization to call for a public hearing on the transfer of a liquor license from Oregon Group LLC dba Best Western Marshall Inn to MT Business Center LLC dba Best Western Marshall Inn be removed from the consent agenda.

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

A Consumption and Display License for It's Now or Never, Inc., dba The Daily Grind, 316 West Main Street, to expire on March 31, 2005 at a fee of \$125.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43640 through 43795.

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

Applicant	Location	Address	Description of Work	Estimation
1. Everstrong Construction	513	Kendall Street	Demolish Dwelling	\$0
2. Everstrong Construction	513	Kendall Street	Modular Dwelling	\$25,000
3. Dulas Construction, Inc.	600 East	Main Street	Retail Store	\$121,500
4. Slagel Construction	1118	Horizon Drive	Addition & Exterior Remodel	\$56,900

REGULAR MEETING – SEPTEMBER 20, 2004

5.	James Calvin	601	Dogwood Avenue	Porch Addition	\$2,800
6.	Gale & Arla Cousins	611	Camden Drive	Close Window	\$300
7.	Babcock Construction	606	Prospect Circle	Reside Dwelling & Install Doors	\$8,000
8.	Babcock Construction	402 West	Saratoga Street	Partial Reroof	\$900
9.	Bladholm Construction, Inc.	201 East	College Drive	Retail Store	\$420,000
10.	DI Construction	128 West	Main Street	Construct Partition	\$200

An On-Sale Non-Intoxicating Beer License for the Marshall Baseball Association to be used on October 2, 2004 at the American Legion Field. The fee for this license is \$30.00

All voted in favor of the motion.

Council Member Boedigheimer questioned why the liquor license for MT Business Center LLC dba Best Western Marshall Inn is a transfer and not a new license. He indicated that in August a new beer license was issued for a business that changed ownership. Sturrock moved, Boedigheimer seconded, that a public hearing be held at 5:30 P.M. on October 4, 2004 to consider the transfer of an On-Sale Intoxicating Liquor License from Oregon Group LLC dba Best Western Marshall Inn to MT Business Center LLC dba Best Western Marshall Inn. All voted in favor of the motion.

CONSIDER REQUEST OF SUSAN BROMEN FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO CONDUCT A BEAUTY SHOP BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 202 EAST REDWOOD STREET:

Per the recommendation of the Planning Commission, Doyle moved, Reynolds seconded, the approval of the request of Susan Broman for a five-year renewal of a Conditional Use Permit for a home occupation to conduct a beauty shop business in a R-1 One Family Residence District at 202 East Redwood Street with the following conditions:

1. This permit expires five years from its date of adoption.
2. Business hours shall be between 6:00 A.M. and 10:00 P.M. only.

All voted in favor of the motion.

CONSIDER REQUEST OF JANE BLOMME FOR A ONE-YEAR RENEWAL OF A CONDITIONAL USE FOR HOME OCCUPATION TO CONDUCT A BEAUTY SHOP BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 807 NORTH BRUCE STREET:

Per the recommendation of the Planning Commission, Stores moved, Reynolds seconded, the approval of request of Jane Blomme for a one-year renewal of a Conditional Use Permit for a home occupation to conduct a beauty shop business in a R-1 One Family Residence District at 807 North Bruce Street with the following conditions:

1. This permit expires one year from its date of adoption.
2. Business hours shall be between 6:00 A.M. and 10:00 P.M. only.

All voted in favor of the motion.

CONSIDER A REQUEST OF BRENDA BORMANN FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT AN ADDITION ONTO AN ATTACHED GARAGE WITH A SIDE YARD OF LESS THAN REQUIRED BY CODE IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 1317 PARKSIDE DRIVE:

REGULAR MEETING – SEPTEMBER 20, 2004

Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council and those in attendance at the meeting. Glenn indicated that the request is to construct a 10'-6" wide addition onto an attached garage at 1317 Parkside Drive with a 2-ft. side yard in lieu of 5 ft side yard as required by the Zoning Code in an R-1 One Family Residence District. The Planning Commission has denied this request. Council Member Boedigheimer indicated that if the addition was constructed it would be approximately 22 ft. from the neighbors house. Boedigheimer moved, Doyle seconded, the approval of the request of Brenda Bormann for a Variance Adjustment Permit to construct an addition onto an attached garage with a side yard of 2' in lieu of 5' which is less than required by Code in a R-1 One Family Residence District at 1317 Parkside Drive. All voted in favor of the motion.

CONSIDER THE REQUEST OF GEORGE JACOB FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A WAREHOUSE WITH A REAR YARD OF LESS THAN REQUIRED BY CODE IN AN I-2 GENERAL INDUSTRIAL DISTRICT AT 111-C SOUTH 10TH STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council and those in attendance at the meeting. Glenn indicated that the request is to construct a 7,200 S.F. warehouse at 111-C South 10th Street with a rear yard of 15 ft. in lieu of 25 ft. as required by Zoning Code in an I-2 General Industrial District. This building side is accessible by the private driveway from South 10th Street. George Jacob indicated that this warehouse would be 10 ft wider than the warehouse currently located on this lot and that he wants to keep the front of both buildings lined up. Per the recommendation of the Planning Commission, Sturrock moved, Stores seconded, that the request of George Jacob for a Variance Adjustment Permit to construct a warehouse with a rear yard of less than required by Code in an I-1 General Industrial District at 111-C South 10th Street be denied due to lack of undue hardship. All voted in favor of the motion.

CONSIDER RECOMMENDATIONS FROM INSURANCE ADVISORY COMMITTEE: A. CONSIDER RENEWAL OF HEALTH INSURANCE WITH BLUE CROSS/BLUE SHIELD OF MINNESOTA (ADMINISTER THROUGH APPLETREE INSTITUTE) EFFECTIVE JANUARY 1, 2005; B. CONSIDER RENEWAL OF THE CITY'S PROPERTY, AUTO, LIABILITY, AIRPORT AND BOILER INSURANCE EFFECTIVE JANUARY 1, 2005; C. CONSIDER AUTHORIZATION TO RECEIVE BIDS OR QUOTES ON THE CITY'S LIFE, LONG TERM DISABILITY AND DENTAL INSURANCE:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the renewal of health insurance with Blue Cross/Blue Shield of Minnesota, administered through Appletree Institute. Tom indicated that the City of Marshall is part of a pool and that the rate increases for the pool members ranged from 3 ½% to 18%, with the City of Marshall's increase being 3 ½%. He also indicated that by being a part of this pool that any bidding requirements are taken care of by Appletree Institute. Stores moved, Reynolds seconded, that the health insurance be renewed with Blue Cross/Blue Shield of Minnesota at a 3 ½% increase effective January 1, 2005. The rates for single coverage will go from \$304 per month to \$314.50 per month and family coverage will go from \$813.00 per month to \$841.50 per month. All voted in favor of the motion.

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 Liability insurance coverage for 10-1-04 to 10-1-05. Sheldon indicated that the total premium for all coverage's has increased by \$13,896. Sturrock moved, Stores seconded, that the General Liability, Property, Auto and Liquor Liability be renewed with the League of Minnesota Cities at a cost of \$221,844; that the Airport

REGULAR MEETING – SEPTEMBER 20, 2004

Liability be renewed with ACE USA in the amount of \$4,999; and that the Boiler Coverage be renewed with Hartford Steam Boiler in the amount of \$19,833. All voted in favor of the motion.

Reynolds moved, Sturrock seconded, that the proper city officials be authorized to receive bids or quotes on life, long-term disability and dental insurance. All voted in favor of the motion.

PRESENTATION ON “WASTE TO ENERGY” PROJECT – BRIAN KLETSCHER, REDWOOD COUNTY COMMISSIONER:

At this time Brian Kletscher and John Schueller, Redwood County Commissioners, along with John Mitchell provided a brief presentation of the proposed Material Recovery/Waste to Energy Facility at Lamberton, Minnesota. They provided a power point presentation on the proposed facility and the anticipated costs of this facility. They hope to start the permit process in January, 2005 and construction in the summer of 2006.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF NORTH RIVERVIEW PROPERTIES (FORMERLY NORTHLAND THIRD ADDITION):

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

1. All easements have been provided and approved by MMU and the City.
2. Change Esther Circle to Harriet Circle. All other street names have been revised to comply with City Code of Ordinances. (See additional discussion)
3. All lot dimension have been provided
4. Park land fee has been included in the First Development Contract
5. No building setbacks other than Code requirements
6. Drainage profile has been provided from the subdivision to the drainage structure on North Bruce Street. This profile provides adequate cover for the existing gas main
7. All flood zone issues have been addressed
8. The drainage data and erosion control plan have been provided and approved by the City
9. Restrictions for vehicle access on the north side of the property adjacent to the City's dike have been addressed in a covenant to the property
10. Revised utility and grading plans have been submitted. Design locations for utilities have been reviewed and approved by MMU and the City
11. A First Development Contract has been completed and included with the submission of the final plat.

There was discussion at this time on the street names. Willard Engels indicated that the streets were named after the wives of the property owners. Following this discussion Sturrock moved, Stores seconded, that the part of Harriett Drive between Harriett Drive and Darlene Drive would be changed to Esther Lane. All voted in favor of the motion.

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2663, SECOND SERIES and that the reading of the same be waived. Resolution Number 2663, Second Series is a Resolution Approving the Final Plat of North Riverview Properties contingent upon the City Attorney review and approval of the First Development Contract, abstract of title and title opinion, and payment of all fees according to the First Development Contract for North Riverview Properties. All voted in favor of the motion.

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

CONSIDER APPROVAL TO PURCHASE AN ULTRASOUND MACHINE AT WMMC:

Per the recommendation of the Avera Marshall Regional Medical Center Hospital Board, Doyle moved, Stores seconded, the purchase of the Philips iU22 Ultrasound Machine in the amount of \$166,099 and a 4-year term service contract of \$34,500 for a total five year commitment of \$200,599. All voted in favor of the motion.

CONSIDER REQUIREMENTS NECESSARY FOR APPROVAL OF THE FINAL PLAT OF CARR SUBDIVISION I:

Glenn Olson, Director of Public Works/City Engineer, reviewed the process necessary to approve the Final Plat of Carr Subdivision I. Stores moved, Reynolds seconded, that the executed and unrecorded plat be returned to the owner along with items necessary for approval of the final plat of Carr Subdivision I and that the owner be given 60 days to complete the conditions and return the final plat for approval. The items necessary for approval of the final plat of Carr Subdivision I are as follows:

1. Revise the southwest corner of Block 3 and Outlot D to accommodate the development of Donald Street as a frontage road with no connection of Travis Road to T.H. 23.
2. Revise the utility easements through Block 3 and Block 6 to accommodate revised storm sewer design.
3. Revise the utility easements on Block 8, Lots 1-6, to accommodate revised storm sewer design.
4. Submission of abstract of title and title opinion to City Attorney for review and approval.
5. 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.

All voted in favor of the motion.

REVIEW DRAFT OF SPECIAL ASSESSMENT POLICY:

Following a brief discussion of the draft of Special Assessment Policy it was the consensus of the council that there are several legal concerns that need to be addressed and that this discussion should be continued at a City Council Workshop Session.

CONSIDER APPROVAL OF MN/DOT COOPERATIVE AGREEMENT 87102:

Reynolds moved, Stores seconded, the adoption of RESOLUTION NUMBER 2664, SECOND SERIES and that the reading of the same be waived. Resolution Number 2664, Second Series is a resolution Authorizing Execution of Cooperative Construction Agreement and Amendments. This resolution provides for a lump sum payment of \$168,000 by the State to the City as the State's share of the costs of the access closure at East Southview Drive and frontage road construction at Boyer Drive and Windstar Drive construction and other associated construction. All voted in favor of the motion.

RESOLUTION CALLING FOR A PUBLIC HEARING ON PROPOSED BUSINESS SUBSIDY TO RUNNINGS SUPPLY, INC., AND RUNNINGS DISTRIBUTING, INC.:

Doyle moved, Stores seconded, the adoption of RESOLUTION NUMBER 2665, SECOND SERIES and that the reading of the same be waived. Resolution Number 2665, Second Series is a resolution Calling for a Public Hearing on Proposed Business Subsidies to Runnings Distributing, Inc., and Runnings Supply, Inc. This public hearing will be held at 5:30 P.M. on October 4, 2004. All voted in favor of the motion.

CONSIDER RESOLUTION REALLOCATING BUDGET AMOUNTS FOR FISCAL YEAR ENDED DECEMBER 31, 2004:

Sturrock moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2666, SECOND SERIES and that the reading of the same be waived. Resolution Number 2666, Second Series is a Resolution Reallocating Budget Amounts for Fiscal Year Ended December 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 minutes are included in the agenda packet; Regional Development Commission has not met.
- Stores Charter Commission met on the 13th but there was not a quorum; Insurance Advisory Commission items were considered by the council earlier in the meeting; Library Board the new director will be starting the end of September.
- Sturrock Planning Commission items were considered by the council earlier in the meeting; Utilities Commission meets on September 22nd; Public Improvement/Transportation Committee minutes are included in the agenda packet.
- Boedigheimer Airport Commission met on September 13th, but was unable to attend.
- Doyle Housing Commission August minutes are included in the agenda packet; Marshall Area Transit minutes are included in the agenda packet.
- Reynolds No report.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a thank you to the Marshall Volunteer Fire Department for the Appreciation Night. Council Member Boedigheimer was concerned with the status of a lease between the City of Marshall and Midwest Aviation. Mayor Byrnes indicated that the lease has been forwarded to the City Attorney's Office for review.

REVIEW OF PENDING AGENDA ITEMS:

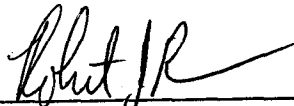
There were questions on the status of the Joint Powers Agreement with Marshall Independent School District No. 413; the FBO Lease with Midwest Aviation; and the MMUA Lease.

Glenn Olson, Director of Public Works/City Engineer, requested that the request from Great Plains Natural Gas Company for street closure from September 18, 2004 to October 8, 2004 be added to the agenda.

Sturrock moved, Reynolds seconded, that the request from Great Plains Natural Gas Company for street closure from September 18, 2004 to October 8, 2004 be added to the agenda and be approved. All voted in favor of the motion.


REGULAR MEETING – SEPTEMBER 20, 2004

Upon motion by Sturrock, 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 – OCTOBER 4, 2004

The regular meeting of the Common Council of the City of Marshall was held on October 4, 2004 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. Council Member Doyle arrived late. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas Meulebroeck, Financial Director/City Clerk; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Government/City Assessor; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 11a, which is a request to have the M.E.R.I.T. By-Laws referred to the Legislative and Ordinance Committee.

APPROVAL OF THE MINUTES:

Reynolds moved, Stores seconded, that the minutes of the regular meeting held on September 20, 2004 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 – TRANSFER OF AN ON-SALE INTOXICATING LIQUOR LICENSE FOR MT BUSINESS DBA BEST WESTERN MARSHALL INN:

This was the date and time set for a public hearing on the transfer of an On-Sale Intoxicating Liquor License from Oregon Group LLC dba Best Western Marshall Inn to MT Business Center LLC, dba Best Western Marshall Inn at 1500 East College Drive, Marshall, Minnesota. Thomas M. Meulebroeck, Financial Director/City Clerk reviewed with the council that on previous On-Sale Intoxicating Liquor License transfers that a fee has not been charged. Dennis Simpson, City Attorney, indicated that a pro-rated fee could be assessed. Dave MacDonald, MT Business Center LLC, was in attendance at the meeting to answer any questions that the council may have. Reynolds moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Sturrock seconded, the approval of the transfer of an On-Sale Intoxicating Liquor License from Oregon Group LLC dba Best Western Marshall Inn to MT Business Center LLC, dba Best Western Marshall Inn at 1500 East College Drive, Marshall, Minnesota and that no additional fee be charged. All voted in favor of the motion.

PUBLIC HEARING – PROPOSED BUSINESS SUBSIDY TO RUNNINGS SUPPLY, INC., AND RUNNINGS DISTRIBUTING, INC:

This was the date and time set for a public hearing on the proposed JOBZ Business Subsidy Agreement with Runnings Supply, Inc., and Runnings Distributing, Inc. Mike Johnson, City Administrator, reviewed these agreements with the council. Runnings Supply, Inc., is proposing to purchase 8.68 acres of land for the City/HRA to construct a new 72,000 square foot

REGULAR MEETING – OCTOBER 4, 2004

building to house a corporate office/warehouse distribution center. They expect to retain 24 FTE jobs during the job zone term and shall provide an average wage and benefit level of at least \$15.57 per hour. Runnings Distributing, Inc. will be a lessee of a portion of the property owned by Runnings Supply, Inc., and will retain 16 FTE jobs during the job zone term and shall provide an average wage and benefit level of at least \$12.08 per hour. Stores moved, Hilton seconded, that the public hearing be closed. All voted in favor of the motion.

Hilton moved, Reynolds seconded, that the proper city personnel be authorized to enter into a JOBZ Business Subsidy Agreement with Runnings Supply, Inc., and with Runnings Distributing, Inc. The purpose of the Business Subsidies is to financially facilitate the relocation of Runnings Supply Inc., and Runnings Distributing, Inc., to increase the tax base of the city, to retain full-time equivalent living wage jobs and to induce spin-off economic development to the City. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY – AUCTION TO BE HELD ON OCTOBER 21, 2004; B. CONSIDER APPLICATION FOR EXEMPT PERMIT LG220 FOR CHRIST UNITED PRESBYTERIAN CHURCH FOR A RAFFLE ON NOVEMBER 28, 2004; C. CONSIDER APPLICATION FOR EXEMPT PERMIT LG220 FOR SMSU FOUNDATION FOR A RAFFLE TO BE HELD ON JANUARY 29, 2005; D. CONSIDER SUNDAY LIQUOR LICENSE FOR MT BUSINESS CENTER LLC DBA BEST WESTERN MARSHALL INN; E. CONSIDER REQUEST OF MARSHALL AREA CHAMBER OF COMMERCE FOR STREET CLOSURE ON OCTOBER 18, 2004; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

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

Authorization to dispose of surplus City property at an auction to be held on October 21, 2004 at 5:30 P.M. at the Street Maintenance Building area at 901 Oak Street.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit –LG 220 for the Christ United Presbyterian Church, 400 West Lyon Street, Marshall, Minnesota for a raffle on November 28, 2004 and that the 30-day waiting period be waived.

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 for a raffle on January 29, 2005 and that the 30-day waiting period be waived.

The approval of a Sunday On-Sale Intoxicating Liquor License for MT Business Center LLC dba Best Western Marshall Inn at 1501 East College Drive, Marshall, Minnesota.

The approval of the request for private use of the street for the purpose of a Business After Hours event on the 200 Block of South “A” Street (“A” Street from Marvin Schwan Memorial Drive to East Saratoga Street) on Monday, October 18, 2004 from 4:00 p.m. to 7:30

REGULAR MEETING – OCTOBER 4, 2004

p.m. with the requirement that the proper MUTCD traffic control devices are in place for the event.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 43796 through 43955.

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.	True Value Home Center	1303 East Fairview Street	Dwelling	\$96,000
2.	Dulas Construction, Inc.	1302 Ellis Avenue	Dwelling	\$123,500
3.	Dennis Lozinski	205 South Whitney Street	Reroof	\$3,000
4.	DI Construction	312 North Whitney Street	Reroof Dwelling	\$2,500
5.	Jason Nielsen	1608 Columbine Drive	Install Windows	\$600
6.	Landwehr Demolition, Inc.	112 South 6th Street	Demolish Plant	\$0
7.	Marshall Church of Christ, Inc.	123 East Main Street	Roof Remodel	\$15,000
8.	George J. Jacob	111-C South 10th Street	Warehouse	\$50,000
9.	Frank & Anita Bauer	510 West Thomas Avenue	Replace Steps	\$900
10.	DI Construction	906 Cheryl Avenue	Install Windows	\$2,000
11.	Patrick Schnieder	404 West Saratoga Street	Window Replacement	\$5,000
12.	Robert L. Carr Co.	1600 East Southview Drive	Remodel Retail	\$20,000
13.	Jeffrey Negaard	505 Hudson Avenue	Reroof Dwelling	\$1,200

CONSIDER APPOINTMENTS TO MAYOR'S BLUE RIBBON TASK FORCE ON REDEVELOPMENT OF THE JUNIOR HIGH SCHOOL, EASTSIDE ELEMENTARY SCHOOL AND THE 100 BLOCK OF EAST MAIN STREET:

Per the recommendation of Mayor Byrnes, Reynolds moved, Hilton seconded, that the following appointments be made to the Mayor's Blue Ribbon Task Force on Redevelopment of the Junior High School, Eastside Elementary School and the 100 Block of East Main Street:

Mike Reynolds	City Council
Ken Noyes	School Board Member
Kathy Reiber	School Board Member
Todd Lendt	Planning Commission
Tracy Welch	Economic Development Authority
Al Grieg	Downtown Leadership Team
Ron Halgerson	Downtown Design Group
Julie Allen	Community at Large
Art Olson	Community at Large
David Werner	Community at Large
Joe Amato	Community at Large
Mark Deutz	Community at Large

REGULAR MEETING – OCTOBER 4, 2004

Tim Swenson

Community at Large

Debi Pack

Community at Large

All voted in favor of the motion.

DISCUSSION WITH TOWNSHIP RESIDENTS ON ANNEXATION CONCERNS:

Mike Johnson, City Administrator, indicated that the City has received a couple of property owner annexation requests and infrastructure request for properties that are either located outside the City limits (but completely surrounded by the City) or which share a common border road between the City limits and the township. Bases on recent development and annexations, the City Council asked City Staff to explore the annexation alternatives for various tracts of land that were either completely surrounded by City limits or significantly abutting the City limits. The tracts of land that were reviewed by City Staff encompass approximately 35-36 acres:

- Tract 1 (13.77 acres) 14 residential properties located west of Highway 59 and currently surrounded by existing City limits.
- Tract 2 (8.99 acres) 3 commercial properties located east of Highway 59 almost completely surrounded by existing City limits.
- Tract 3 (12.31 acres) 1 commercial property and 1 vacant/agricultural property located on Baseline Road and Highway 23.
- Tract 4 (less than 1 acre) 1 residential property completely surrounded by existing City limits.

There were several residents in attendance at the meeting with questions and concerns. Questions and concerns from the residents included in Tract 1 included:

Greg Holland owns 5-acres at the end of Tract 1. He was concerned that the process is moving to fast, that they are not being provided with enough information; that their property tax may increase by 50%; the cost of roadway improvements and zoning issues.

Cory Linz was also concerned about their property tax increasing by 50%, the cost of the special assessments and if the annexation could wait until the utilities are closer to being available in this area.

John Blowers asked if there could be a cap on the assessed value of their property. He also indicated that they could be annexed into the city and pay higher taxes before they are connected to city water and sewer.

Glenn Olson, Director of Public Works/City Engineer, reviewed the assessment policy and indicated that the city can't initiate a special assessment study for the cost of connecting utilities until the properties have been annexed. We can give a typical cost for new customers for water and sewer, but this is not a typical area. Glenn indicated that the property owner can keep their current well but they cannot cross connect with city water. The sewer connection is brought to the property line and the property owner is responsible for hooking up to the system.

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The property is also responsible for removing their septic system and they need to work with the county on this.

Don Klein owns Independent Lumber, which is located in Tract 3. Mr. Klein wanted to know why his property should be annexed by Ordinance of the City Council? He indicated that Annexation by Ordinance of the City Council can occur when the perimeter of the area to be annexed is 60% or more bordered by the City and the area to be annexed is 40 acres or less. He indicated that this area is not bordered 60% by the City.

This was an informational item, therefore no action was taken.

Mayor Byrnes called for a 5-minute recess.

INTRODUCTION OF ORDINANCE AMENDING SEC. 74-122, SEC. 74-124, AND SEC. 74-130 OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL:

Glenn Olson, Director of Public Works/City Engineer, reviewed in detail the revisions that are being recommended to Chapter 74 of the Code of Ordinances of the City of Marshall. These ordinance and signing changes are being recommended to provide:

- Clearer understanding of parking regulations in the downtown
- Reduction of the number and types of regulations of parking
- Ability for more consistent enforcement of parking regulations
- "Snow Emergency Route" signs will be mounted on separate poles from any other parking restriction sign to help alleviate confusion.

Sturrock moved, Doyle seconded, that a public hearing be held at the October 18, 2004 City Council at 5:30 P.M. All voted in favor of the motion.

CONSIDER RESOLUTION PROVIDING FOR SIGNAGE IN THE CITY OF MARSHALL – SECTION 74-121 PARKING HOURS; SECTION 74-124 PARKING RULES IN MUNICIPAL PARKING LOTS:

Glenn Olson, Director of Public Works/City Engineer, reviewed the resolutions restricting parking in various areas of the downtown district. The first resolution addresses temporary parking in the vicinity of the U.S. Post Office and the Marshall Lyon County Library. Two "10-Minute Parking" spaces are recommended in the vicinity of the U.S. Post Office and one "10-Minute Parking" space is recommended in the vicinity of the Library. The second resolution revokes all previous resolutions restricting parking in the municipally owned parking lots in the downtown district and states the new restrictions to parking in the municipally owned parking lots in the downtown district. The recommendation is to keep alternating days in alternating rows in each lot to allow for the use of each lot every day.

Tracy Veglahn, Marshall Area Chamber of Commerce, indicated the only concern is from the bar owners. Matt Schnoor, Varsity Pub, was in attendance and indicated a concern with the potential of the bars requesting a 2 a.m. closing time and there is restricted parking in the lots after 2:00 a.m. It was indicated that the restrictions would be in alternating rows in each parking lot.

REGULAR MEETING – OCTOBER 4, 2004

Boedigheimer moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2667, SECOND SERIES and that the reading of the same be waived. Resolution Number 2667, Second Series is a resolution Providing for Signage in the City of Marshall. This resolution would provide for Two "10-Minute Parking" spaces in the vicinity of the U.S. Post Office and one "10-Minute Parking" space in the vicinity of the Library. All voted in favor of the motion.

Boedigheimer moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2668, SECOND SERIES and that the reading of the same be waived. Resolution Number 2668, Second Series is a resolution Revoking Resolutions Restricting Parking in the Municipally Owned Parking Lots in the Downtown District and Providing for Signage Restricting Parking in the Municipally Owned Parking Lots in the Downtown District. This resolution provides for "No Parking 2 AM – 7 AM November 1 – May 1" in the city owned parking lots in the downtown district. These signs shall be installed with alternating days (Mon-Wed-Fri / Tues-Thurs-Sat) in alternating rows in each parking lot. All voted in favor of the motion.

CONSIDER ENTERING INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH ERICKSON ENGINEERING FOR REPLACEMENT OF BRIDGE 42506 ON NORTH 3RD STREET OVER THE REDWOOD RIVER:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Engineering Agreement with Erickson Engineering Company of Bloomington, Minnesota provides for engineering services for preliminary design, final design and construction administration for the replacement of Bridge 42506 on 3rd Street at East College Drive. Recent testing by MN/DOT has determined the bridge to be deficient and should be replaced. In order to secure funding from MN/DOT for the replacement, the plans and specifications for the replacement must be complete prior to being eligible for placement on the list of MN/DOT funded projects. To accomplish this MN/DOT requirement, Glenn is recommending approval of this contract in three phases:

Phase I – Preliminary Design will provide the City with two alternatives with probable costs for replacement structures at the site. The alternatives will involve one showing replacement at the current site and one at a site south of the existing location with relocation of the 3rd Street/East College Drive/Walnut Street intersection. The cost of Phase I shall be on a cost-plus basis not to exceed \$7,580.00.

Phase II – Final Design will include the development of all plans and specifications to City and MN/DOT requirements including all items through the bidding phase. This phase will be on a cost-plus basis, not to exceed \$40,150.00.

Phase III – Construction Administration includes all inspection and project related documentation necessary through final project acceptance by MN/DOT. This phase will be on a cost-plus basis, not to exceed \$44,800.

REGULAR MEETING – OCTOBER 4, 2004

Reynolds moved, Stores seconded, that the proper city personnel be authorized to enter into an a Professional Engineering Services Agreement with Erickson Engineering Company of Bloomington, Minnesota for the replacement of North 3rd Street Bridge 42506. All voted in favor of the motion.

PROJECT 2004-010 LIBERTY PARK BAND SHELL PROJECT – CONSIDER CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2 WITH BLADHOLM CONSTRUCTION, INC:

Doyle moved, Hilton seconded, the approval of Change Order No. 1 with Bladholm Construction Inc., for the Liberty Park Band shell Project 2004-010 in the amount of \$970.00. This change order is for the addition of a Performance and Payment Bond. This additional cost will be paid from funds donated by the Rotary Clubs of Marshall. All voted in favor of the motion.

Doyle moved, Hilton seconded, the approval of Change Order No. 2 with Bladholm Construction Inc., for the Liberty Park Band shell Project 2004-010 in the amount of \$9,320.00. This change order is for the replacement of the band shell deck, removal and disposal of the wooden risers, and band equipment storage sped concrete slaps. One-half of the added cost of the replacement of the band shell deck, \$3,003.00 will be funded by the Rotary Clubs of Marshall. The remaining additional cost, \$6,317.00, will be paid from funds transferred from the Parks Account Number 101-70276-5520. All voted in favor of the motion.

Be it noted that Shelly Hilton left at 7:45 p.m.

CONSIDER RFP REQUEST FROM THE MARSHALL INDUSTRIAL DEVELOPMENT COMMITTEE:

The Marshall Area Chamber of Commerce Industrial Development Committee and the Marshall Industries Foundation have created the Request for Proposal to find out which organizations in the community have the desire to respond with a business plan that can be advanced to assist the City of Marshall in obtaining the stated objective in the RFP. That objective is to create a full-time professional economic development effort that advances Marshall, Minnesota as a regional hub. Particular focus shall be on the efforts that advance business, population and economic growth. Mayor Byrnes and Council Member Reynolds will be representatives from the City Council in this process.

MERIT CENTER BYLAWS:

Boedigheimer moved, Stores seconded, that the proposed By-Laws of the M.E.R.I.T. Center be referred to the Legislative and Ordinance Committee for review. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

Byrnes No report.

REGULAR MEETING – OCTOBER 4, 2004

Stores No report.

Sturrock Planning Commission meets on October 13th and the Utilities Commission meets on October 15th to review the rate study.

Boedigheimer Airport Commission minutes are included in the agenda packet; Senior Citizen Center Commission meets on October 13th; Lyon County Enterprise Development met – but was not able to attend meeting; and the M.E.R.I.T. Center met on September 29th.

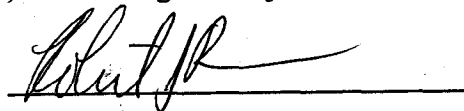
Doyle Marshall Area Transit met last week and continue to discuss the needs for a bus garage.

Reynolds Cable Commission meets next week and Community Services Advisory Board meets on October 6th.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

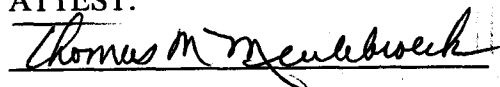
Other items brought forth by the Mayor and Council Members included: wishing the Mayor a Happy Birthday.

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



Mayor of the City of Marshall

ATTEST:



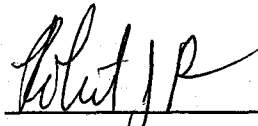
Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 4, 2004

A special meeting of the Common Council of the City of Marshall was held on October 4, 2004 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 4:34 P.M. In addition to Byrnes the following members were present: Boedigheimer, Hilton and Reynolds. Absent: Doyle, Stores and Sturrock. Staff present included: Mike Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Calvin Barnett, Director of General Services/City Assessor; Dennis Simpson, City Attorney; Bob VanMoer, Wastewater Treatment Superintendent; Brad Roos, Marshall Municipal Utilities Manager; Doreen Peterson, Payroll/Accounting Clerk; and Thomas M. Meulebroeck, Financial Director/City.

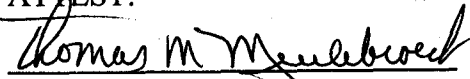
The purpose of this special meeting was to allow Glenn Olson, Director of Public Works/City Engineer, to review, address concerns and questions on the proposed Special Assessment Policy.

The meeting was declared adjourned at 5:25 P.M.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – OCTOBER 18, 2004

The regular meeting of the Common Council of the City of Marshall was held on October 18, 2004 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: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Calvin Barnett, Director of General Services/City Assessor; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 16a, which is to consider authorization to advertise for bids for Liberty Park Project Phase II.

APPROVAL OF THE MINUTES:

Reynolds moved, Hilton seconded, that the minutes of the special meeting held on October 4, 2004 and the minutes of the regular meeting held on October 4, 2004 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 – ORDINANCE AMENDING SEC. 74-122, SEC. 74-124, AND SEC 74-130 OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL:

This was the date and time set for a public hearing on the revisions to Chapter 74 of the Code of Ordinances of the City of Marshall. Glenn Olson, Director of Public Works/City Engineer, indicated that the ordinance and signing changes are recommended to provide: a clearer understanding of parking regulations in the downtown; a reduction of the number and types of regulations of parking; and the ability for more consistent enforcement of parking regulations. He also indicated that the "Snow Emergency Route" signs will be mounted on separate poles from any other parking restriction sign to help alleviate confusion. The snow emergency routes and winter parking regulations shall be in effect from November 1 to May 1 of each year. Steve Mohwinkel, 310 West Redwood, was concerned with there being no parking on North 4th Street and West Redwood Street and that he would not be able to park on the street. Glenn indicated that the parking restriction on West Redwood Street was only on one side of the street not both. Sturrock suggested that the restriction end earlier than May 1st. Doyle moved, Sturrock seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Sturrock seconded, that the snow emergency routes and winter parking regulations shall be in effect from November 1 to April 1 of each year. All voted in favor of the motion.

Stores moved, Doyle seconded that Section 74-124, Parking rules in municipal parking lots, include the hours parking is restricted along with signs that indicated every other row and every other day be posted. All voted in favor of the motion.

Sturrock moved, Hilton seconded, the adoption of ORDINANCE NUMBER 519, SECOND SERIES and that the reading of the same be waived. Ordinance Number 519, Second Series is an ordinance Amending Sec. 74-122, Sec., 74-124 and Sec. 74-130 if the Code of Ordinances of the City of Marshall. This ordinance provides for weather emergency, snow emergency, street repair, street cleaning; parking rules in municipal parking lots; and snow emergency routes, winter parking regulations, and other parking regulations. All voted in favor of the motion.

Hilton moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2669, SECOND SERIES and that the reading of the same be waived. Resolution Number 2669, Second Series is a resolution Revoking Resolution Number 2385, Second Series which is a Resolution Providing for Signage in the City of Marshall. All voted in favor of the motion.

AWARD OF BIDS – CONSTRUCTION OF FOUR (4) FULL-TRAFFIC ACTUATED SIGNAL SYSTEMS AND INTERCONNECT – S.A.P. 139-030-01 / S.P. 42033-44 AND S.P. 4208-46:

Bids were received, opened and read for the construction of four (4) full-traffic actuated signal systems and interconnect – S.A.P. 139-030-01 / S.P. 4203-44 and S.P. 4208-46. Bids received, opened and read were from:

Design Electric, Inc.
St. Cloud, Minnesota
\$816,777.00

Duncan Concrete, Inc.
Browerville, Minnesota
\$905,146.38

Mankato Electric, Inc.
Mankato, Minnesota
\$905,559.29

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2670, SECOND SERIES and that the reading of the same be waived. Resolution Number 2670, Second Series is a resolution Awarding the Contract for the construction of four (4) full-traffic actuated signal systems and interconnect – S.A.P. 139-030-01 / S.P. 4203-44 and S.P. 4208-46 to Design Electric, Inc., St. Cloud, Minnesota in the amount of \$816,777.00 subject to review and concurrence by the Minnesota Department of Transportation and legal counsel review. All voted in favor of the motion.

AWARD OF BIDS – BOYER DRIVE PROJECT – S.A.P. 139-010-12 / S.P. 4208-47 PROJECT 2004-004:

Bids were received, opened and read for the Boyer Drive Project – S.A.P. 139-010-12 / S.P. 4208-47 Project 2004-004. Bids received, opened and read were as from:

R & G Construction Co.
Marshall, Minnesota
\$413,402.74

Duininck Bros., Inc.
Prinsburg, Minnesota
\$463,155.24

Boedigheimer moved, Sturrock seconded, the adoption of RESOLUTION NUMBER 2671, SECOND SERIES and that the reading of the same be waived. Resolution Number 2671, Second Series is a Resolution Awarding the Contract for the

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Boyer Drive Project – S.A.P. 139-010-12 / S.P. 4208-47 Project 2004-004 to R & G Construction Co., Marshall, Minnesota in the amount of \$413,402.74. All voted in favor of the motion.

CONSENT AGENDA – A. REQUEST FOR STREET CLOSURE OF SUSAN DRIVE (FORMERLY EAST SOUTHVIEW DRIVE) FROM SHOKO ENTRANCE TO THE WAL-MART ENTRANCE; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

Council Member Sturrock requested that item A, which is a request for street closure of Susan Drive (formerly East Southview Drive) from Shopko entrance to the Wal-Mart entrance be removed from the consent agenda.

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

The following bills and project payments be authorized for payment:
ACCOUNTS PAYABLE, Voucher No. 43956 through 44105.

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	Estimated Cost
1. Schwan's Development Corporation	114 & 114½ South 5th Street	Demolish Two-Family Dwelling	\$0
2. Hans & Diana Huck	606 Mercedes Drive	Deck	\$2,500
3. Dorothy Ling	1103 Cheryl Avenue	Install Window	\$500
4. Mark Antony	105 Gray Place	Install Windows	\$1,000
5. Babcock Construction	618 Soucy Drive	Addition & Exterior Remodeling	\$19,700
6. George J. Jacob Construction	300 "A" Street	Install Window	\$600
7. Delmar Koel	608 Viking Drive	Four-Season Sunroom	\$20,000
8. John C. Hansen	1112 Skyline Drive	Addition	\$25,000
9. Danny Ray	614 West Main Street	Reside Dwelling	\$1,400
10. DeVries Construction, Inc.	715 Scott Street	Dwelling	\$180,000
11. Gary D. Huso	402 South 5th Street	Reside Dwelling	\$5,300
12. Bernie Heck Construction	901 Boxelder Avenue	Reroof	\$4,500
13. Gwenn Johnson	620 South 4th Street	Replace Steps	\$1,700
14. Evelyn Demuth	623 South 4th Street	Reroof	\$2,700
15. Quality Roofing	811 Boxelder Avenue	Repair Roof	\$800
16. Paula Curry	113 "F" Street	Install Window	\$1,100
17. Mike Dulas	507 Jewett Street	Office Building	\$492,000
18. Jason & Kimberly Holm	226 Oslo Avenue	Finish Basement	\$9,000
19. Western Mental Health Center	1212 East College Drive	Sign	\$5,000

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There was a discussion on the Council authorizing the City Administrator and/or Director of Public Works the authority to grant street closures as they relate to construction activities of minor events (block parties, etc.) with acknowledgement of these approvals at the next Council meeting. Sturrock moved, Stores seconded, the approval of the Street Closure of Susan Drive (formerly East Southview Drive) from Monday, October 11, 2004 until complete on or before Saturday, October 23, 2004. Glenn Olson was asked to bring a proposed ordinance change to the next meeting. All voted in favor of the motion.

CONSIDER THE REQUEST OF DJR & ASSOCIATES TO CONSTRUCT A SELF-STORAGE WAREHOUSE IN A B-3 GENERAL BUSINESS DISTRICT AT 1210 WEST MAIN STREET:

Per the recommendation of the Planning Commission Stores moved, Doyle seconded, the approval of DJR & Associates to construct a self-storage warehouse in a B-3 General Business District at 1210 West Main Street. All voted in favor of the motion.

CONSIDER REQUEST OF THE NORTH RIVER PROPERTIES, LLC TO REZONE NORTH RIVERVIEW PROPERTIES FROM A (AGRICULTURAL) DISTRICT AND R-1 ONE-FAMILY RESIDENCE DISTRICT TO AN R-1 ONE-FAMILY RESIDENCE DISTRICT AND AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT.

Doyle moved, Sturrock seconded, the introduction of an ordinance and call for a public hearing to consider the request of the North River Properties, LLC to rezone North Riverview Properties from A (Agricultural) District and R-1 One-Family Residence District to an R-1 One-Family Residence District and an R-2 One to Four Family Residence District. The public hearing will be held at 5:30 P.M. on November 1, 2004. All voted in favor of the motion.

CONSIDER RESOLUTION RECEIVING THE PLANNING COMMISSION'S RECOMMENDATION AND SETTING A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY'S 1996 COMPREHENSIVE PLAN:

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2672, SECOND SERIES and that the reading of the same be waived. Resolution Number 2672, Second Series is a resolution Receiving the Planning Commission's Recommendation and Setting a Public Hearing on the Comprehensive Plan. This public hearing will be at 5:30 P.M. on November 1, 2004. All voted in favor of the motion.

MEMORANDUM OF AGREEMENT BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND THE CITY OF MARSHAL FOR MALSR MAINTENANCE:

Reynolds moved, Hilton seconded, that the proper city personnel be authorized to enter into a Memorandum of Agreement with the Federal Aviation Administration for MALSR Maintenance. This agreement provides for the following changes:

1. The MALSR maintenance requirements will follow Advisory Circular 150/5320-26. The non-fed maintenance technicians will no longer use the FAA orders 6850.5C and 6650.5C.

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2. The non-fed technician no longer has to be FAA approved.
 3. Part III of the OMM covered the procedures to be used during the investigation of an aircraft accident. The procedures have been simplified and the onus of certain decisions has been moved to the FAA.
 4. The FAA will no longer conduct ground inspections on the equipment
- All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 1 WITH WANZEK CONSTRUCTION – PROJECT 70200 MARSHALL AQUATIC CENTER:

Reynolds moved, Doyle seconded, the approval of Change Order No. 1 with Wanzek Construction Project 70200, Marshall Aquatic Center, in the amount of \$1,311.22. This change order provides for a contract increase in the line items including replacing of existing equipment room door, modification to heater venting, insulation of wall between mechanical room and bathhouse above block. The change order contract decrease line item includes the cost for 150,000 gallons of water and associated chemicals and heating due to filter backwash malfunction. All voted in favor of the motion.

CONSIDER PROPOSAL FOR CONSTRUCTION TESTING SERVICES WITH AMERICAN ENGINEERING TESTING, INC., - AIP 3-27-0056-05 / SP 4201-63 / CITY PROJECT 2004-005 – RUNWAY 2/20 EXTENSION:

Doyle moved, Hilton seconded, that the proper city personnel be authorized to enter into an agreement with American Engineering Testing, Inc., for construction services for Project 2004-005 Runway 2/20 Extension in the amount of \$17,464. All voted in favor of the motion.

MEMORANDUM OF UNDERSTANDING FOR SARATOGA STREET (CR67):

Glenn Olson, Director of Public Works/City Engineer, reviewed the Memorandum of Understanding for Highway Jurisdictional Change for South Saratoga Street from T.H. 23 south to the city limits line. The memorandum addressed not only the jurisdictional change but also outlines the cost participation for reconstruction of this section of roadway, as well as maintenance of this section of roadway for two years from the date of the agreement. This was an information item only, therefore no action was taken.

CONSIDER RESOLUTION ADOPTING THE CITY OF MARSHALL SPECIAL ASSESSMENT POLICY:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed Special Assessment Policy for the City of Marshall. There was discussion on whether or not the homestead should be included as an asset when determining eligibility for deferral of assessments for Senior Citizens or Retired Disabled. There was also considerable discussion on Street Overlays being assessed to the property owners and what percent would be assessed. Boedigheimer moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2673, SECOND SERIES and that the reading of the same be waived. Resolution Number 2673, Second Series is a resolution Establishing and Providing for the City of Marshall Special Assessment Policy. This policy will be

changed to indicate that the homestead not be included as an asset when determining eligibility for deferral of assessments for Senior Citizens or Retired Disabled. Sturrock moved, Stores seconded, the motion be amended to delete the section on Street Overlays being assessed to the property owners and what percent would be assessed. All voted in favor of the amendment, except Boedigheimer who voted no. All voted in favor of the motion as amended.

Be it noted that Council Member Hilton left at 7:10 P.M.

CONSIDER RESOLUTION FOR SIGNAGE IN THE CITY OF MARSHALL (CARR ESTATES, NORTH RIVERVIEW PROPERTIES & WILKE-MILLER-BUESING SECOND ADDITION):

Sturrock moved, Stores seconded, the adoption of RESOLUTION NUMBER 2674, SECOND SERIES and that the reading of the same be waived. Resolution Number 2674, Second Series is a resolution Providing for Control Signage in the City of Marshall. This resolution provides for the installation of stop signs in the following subdivisions: Carr Estates, North Riverview Properties and Wilke-Miller-Buesing Second Addition. All voted in favor of the motion.

CONSIDER THE CLOSING OF 1994 GENERAL OBLIGATION IMPROVEMENT DEBT SERVICE FUNDS:

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that the bonds and interest for the General Obligation Improvement Bonds of 1994A are paid in full. Mr. Meulebroeck indicated there is currently \$27,650.82 in the fund and that historically when the bonds and interest are paid in full on a G. O. Improvement Bond the remaining monies are transferred to the "429" Capital Projects Revolving Fund. Council Member Boedigheimer indicated that there were other Debt Service Funds operating at a negative balance and suggested that these funds be transferred to these funds. Boedigheimer moved, Doyle seconded, that the closing of the 1994 General Obligation Improvement Debt Service Funds be postponed until the next regular meeting to be held on November 1, 2004 to allow time to provide the council with any Debt Service Funds operating at a negative balance. All voted in favor of the motion.

CONSIDER AMENDMENT TO SERVICES AGREEMENT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION FOR SAFETY PROGRAM:

Doyle moved, Stores seconded, that the proper city personnel be authorized to enter into an Amendment to Services Agreement with Minnesota Municipal Utilities Association for Safety Program. This agreement is from October 1, 2004 through September 30, 2005 at a cost of \$16,108.09. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR LIBERTY PARK PROJECT PHASE II:

Boedigheimer moved, Reynolds seconded, that the proper city personnel be authorized to advertise for bids for Liberty Park Project Phase II. Phase II includes the installation of the main entrance, paver bricks and miscellaneous construction for the completion of the project. The construction cost of Phase II improvements is estimated at

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\$71,600 and will be paid from construction dollars being provided by the Rotary Clubs and other donations. These bids are to be received at 2:00 P.M. on October 19, 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 No report.

Stores Library Board met on October 11, 2004 - their new director was in attendance and they discussed the roof at the library.

Sturrock Planning Commission met on October 13th and the Utilities Commission met on October 20th.

Boedigheimer Airport Commission minutes are included in the agenda packet; Senior Citizen Commission is concerned with the ventilation problem at the center; Lyon County Enterprise Development Commission held a training session; and the M.E.R.I.T. Center will be having an open house / fund raiser on Saturday, October 30th from 11:00 a.m. to 2:00 p.m.

Doyle Housing Commission minutes are included in the agenda packet.

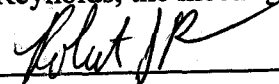
Reynolds Cable Commission - not able to attend; Community Services Advisory Board discussed a second sheet of indoor ice.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Doyle indicated that he had attended the League of Minnesota Cities in Duluth and the information was very good; the lights by the bridge on East College Drive look good; the Ad-Hoc Committee in regard to the City Attorney position is recommending that there be no changes; and the budget meetings have been scheduled.

City Attorney Dennis Simpson indicated that the sale of the Runnings property closed today and that the sale of the property to Mathew & Laurel Steen for Victory Engines will close soon.

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

SPECIAL MEETING – OCTOBER 19, 2004

A special meeting of the Common Council of the City of Marshall was held on October 19, 2004 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:34 P.M. In addition to Byrnes the following members were present: Doyle, Sturrock (excused at 7:55), Reynolds, Boedigheimer and Stores. Absent: Hilton. Staff present included: Glenn Olson, Director of Public Works/City Engineer; Calvin Barnett, Director of General Services/City Assessor; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services and Thomas M. Meulebroeck, Financial Director/City.

The purpose of the special meeting was to allow the Division Heads to present their requested revenues, expenditures and capital outlay for budget 2005. Rob Yant, Director of Public Safety, addressed the budget requests for the Public Safety Department, Ambulance Building, Chemical Assessment Training, Emergency Management Services and Animal Control. Rob discussed the need to re-implement the K-9 program and also establishing a plan to replace civil defense sirens potentially 1 per year.

A 5-minute recess was taken at 6:40 P.M.

Glenn Olson, Director of Public Works/City Engineer, addressed the budget requests for the City Engineers Office, Building Inspection and Zoning, Street Department, Airport, Public Ways Maintenance and Street Lighting. Glenn suggested the City consider a franchise fee for Garbage Haulers, primarily due to their wear and tear on city streets.

A 5-minute recess was taken at 7:55 P.M. at which time David Sturrock excused himself.

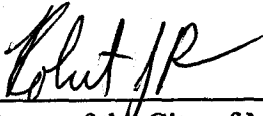
Harry Weilage, Director of Community Services, highlighted budget requests for the Senior Center, Aquatic Center, Park Maintenance, Municipal Band, Ice Arena, Community Services Administration, Youth Development, Community Services General, Community Education, Recreation and Cable. Harry indicated that the Senior Center budget included the increase in hours from 14 to 20 per week for the secretary and \$60,000 for ventilation and roof repairs; the school will be discontinuing Drivers Education Training Program, a program Community Services may consider. Kick ball, Fall softball and dodge ball have been added as Recreational activities in the fall; the reduction in 2004 revenues at the Aquatic Center were due to a cooler summer and not related to the YMCA offerings; plans are to increase the wage for officials; and plans are to set the hours for the Cable Coordinator position and the programmer position at 25 hours per week and it was suggested that the Cable consider ways to improve the sound system within the City Council Chambers.

Calvin Barnett, Director of General Government Services, addressed the budgets for the Finance/Clerk's Office; City Assessing and Municipal Building. Improvements for City Hall were discussed. The Council discussed whether or not they wanted to make an investment in improvements to City Hall and that the City needs to review the study that was done on the Municipal Building by Group II Architects.

SPECIAL MEETING – OCTOBER 19, 2004

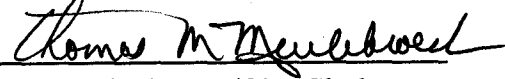
It was the general consensus of the City Council that the Special City Council Workshop Meeting scheduled for October 25, 2004 begin at 5:15 P.M.

Upon motion by Stores and seconded by Reynolds the meeting was declared adjourned at 9:00 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 25, 2004

A special meeting of the Common Council of the City of Marshall was held on October 25, 2004 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:25 P.M. In addition to Byrnes the following members were present: Doyle, Sturrock, Reynolds, Boedigheimer and Hilton. Absent: Stores. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services and Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this special meeting was to allow outside entities to present their 2005 budget appropriation requests from the City; to allow Marc Klaith, Fire Chief, to present the 2005 Fire Department budget and for Thomas M. Meulebroeck to review the 2005 General Fund Budgeted Revenue requests.

Ellayne Conyers, Director of the Lyon County Historical Society, was requesting \$10,500, which is an additional \$500 over 2004's appropriation. Ellayne addressed a grant that the Historical Society recently received. She indicated that they had made an offer to purchase the building that they are currently housed in. The rent for their location will be increasing from \$800 to \$850 per month.

On behalf of the Marshall Area Fine Arts Council (MAFAC), Bob Mann, Treasurer addressed the activities and membership of the organization. MAFAC is requesting \$3,000 for 2005. Their annual budget is \$50,000 of which approximately 15% is for salary.

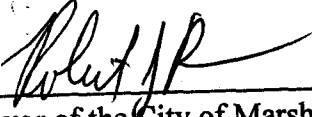
Wendy Lee, Director of the Marshall Lyon County Library, and Victoria Cunfer, Chairperson of the Library Board, were requesting a 3% increase in appropriation from the City for 2005. The request would increase the City's appropriation for the Library from \$379,660 in 2004 to \$391,050 in 2005. The Library has had to use some of their reserves to satisfy the needs of the Library operations.

Fire Chief Marc Klaith, addressed the Fire Department revenue, expenditures and capital expenditures for 2005. The significance of each of the capital expenditure requests was discussed. A brief discussion was held in regard to the utilizing of retired volunteered fireman for assisting the fire department during the absence of some members who are serving in Iraq. It was indicated that there is not a problem with liability insurance, but if these members were used they would have to be individually added to the workers compensation insurance. Marc did indicate that the City of Marshall Volunteer Fire Department has mutual aid agreements with the departments in the surround communities to assist if need be.

SPECIAL MEETING – OCTOBER 25, 2004

Thomas M. Meulebroeck briefly reviewed the General Fund Budgeted Revenues for 2005 and identified any known potential increase or decrease.

Upon motion by Sturrock, second by Hilton, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – NOVEMBER 1, 2004

The regular meeting of the Common Council of the City of Marshall was held on November 1, 2004 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; Dennis Simpson, 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.

Mayor Byrnes welcomed SMSU students and Marshall High School students who were in attendance at the meeting.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Reynolds moved, Sturrock seconded, that the minutes of the regular meeting held on October 18, 2004 and the minutes of the special meetings held on October 19, 2004 and October 25, 2004 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 – CONSIDER THE REQUEST OF NORTH RIVERVIEW PROPERTIES, LLC TO REZONE NORTH RIVERVIEW PROPERTIES FROM AN A (AGRICULTURAL) DISTRICT AND R-1 ONE 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 a public hearing to consider the request of North Riverview Properties, from an A (agricultural) District and R-1 One 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, reviewed this request with the City Council. Doyle moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Stores moved, Doyle seconded, the adoption of ORDINANCE NUMBER 520, SECOND SERIES and that the reading of the same be waived. Ordinance Number 520, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for the North Riverview Properties to be rezoned from an A (agricultural) District and R-1 One 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.

PUBLIC HEARING – CONSIDER RECOMMENDATIONS FROM THE PLANNING COMMISSION ON AMENDMENTS TO THE CITY OF MARSHALL'S 1996 COMPREHENSIVE PLAN:

This was the date and time set for a public hearing on the Amendments to the City of Marshall's 1996 Comprehensive Plan. Diana Bilings, representative of Dahlgren, Sardlow and Uban (DSU), was in attendance at the meeting to review the proposals to upgrade portions of the city's 1996 Comprehensive Plan. Diana reviewed the following six different study areas:

REGULAR MEETING – NOVEMBER 1, 2004

Area A – area located northwest of downtown, bordered by Channel Parkway, West Main Street and BNSF Railroad this area is being considered for affordable housing with mostly single family residences and some multi-family residences or retain some industrial/commercial lots within that area.

Area B – Downtown Public Parking Analysis -the property in the 100 Block of Main Street that the city owns; the existing Middle School parking lot; multi family housing that is for sale could be purchased and converted to parking and parallel parking on nearby streets could be converted to angle parking. Each of these plans have their limits and costs associated with them.

Area C – Future Airport Runway expansion – the city needs to make sure there is no residential or commercial construction in this area.

Area D, E & F are possible areas of new growth such as the new high school area, the area near the Super Wal-Mart development and along Minnesota Highway 23 near the Klein Addition. Residential development is best near the new high school; a mix with some need for commercial development is likely for the area along Minnesota Highway 23 and continued retail development is appropriate for the area along U.S. Highway 59.

Bill Ziegenhagen, owner of Marshall Small Engine, plans to build a warehouse for storage and is concerned that this area remained zoned for industrial. He felt that a warehouse would make a good buffer between residences and other commercial property. George Jacob was concerned with the placement of a road in Area A. It was indicated that the drawing is only a concept and that an actual road placement has not be finalized. Council Member Boedigheimer was concerned with using this area for residential and not having a place for a Technology Park if the need should arise in 2 or 3 years.

There was a concern with the downtown parking issue. It was indicated that restaurants and apartment buildings are required to install and maintain their own parking lots, so why doesn't the downtown business need to provide and maintain their own parking lots. There is a need to identify possible locations for parking lots and who should have to pay for them.

Sturrock moved, Reynolds seconded, that this public hearing be continued until the next regular City Council meeting scheduled for 5:30 P.M. on November 15, 2004 to allow the Council Members time to review the information that was presented before the make a recommendation on the update to the 1996 Comprehensive Plan. All voted in favor of the motion.

Mayor Byrnes took this opportunity to thank Diane for her presentation and the City Staff and Committees for all of their work on this update.

A 5-minute recess was called at this time.

APPROVAL OF CONSENT AGENDA – A. CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SW MN STATE UNIVERSITY FOUNDATION FOR RAFFLE TO BE HELD ON JANUARY 28, 2005; B. CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PICK UP OF GARBAGE AND TRASH FOR VARIOUS CITY LOCATIONS; C. CALL FOR SPECIAL CITY COUNCIL MEETING TO CANVAS THE RETURNS FROM THE NOVEMBER 2, 2004 GENERAL ELECTION; D. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

REGULAR MEETING – NOVEMBER 1, 2004

Mayor Byrnes requested that item C, which is the request to call for a Special City Council meeting to canvas the returns from the November 2, 2004 General Election, be removed from the consent agenda.

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

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit –LG 220 for the Southwest Minnesota State University Foundation for a raffle to be held at the Best Western Marshall Inn, 1500 East College Drive, Marshall, Minnesota on January 28, 2005 and that the 30-day waiting period be waived.

That the proper city personnel be authorized to advertise for bids for the pick-up of garbage and trash for various City locations. These bids are to be received at 4:00 P.M. on December 3, 2004.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 44106 through 44261.

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. St. Aubin Drywall	1674 Superior Road	Interior Remodel	\$50,000
2. Sussner Construction, Inc.	501 South Whitney Street	Replace Doors	\$7,000
3. Minnesota Cabinets, Inc.	208 Carrow Circle	Dwelling	\$350,000
4. Space Development Co.	200 South 11th Street	Addition to Manufacturing Building	\$136,000
5. DJR & Associates	1210 West Main Street	Warehouse	\$93,400
6. Karen Pochardt	1408 Parkside Drive	Install Door	\$1,100
7. Thomas Werner	1110 West Main Street	Shop Addition	\$22,000
8. George J. Jacob Construction	620 Kathryn Avenue	Garage Remodel	\$1,500
9. Irene Timm	705 Marguerite Avenue	Reroof Porch	\$3,200
10. Craig Stibbe	403 North 3rd Street	Bathroom Remodel	\$1,800
11. Rule 36 Ltd. Partnership of Duluth III	1230 Birch Street	Remodel Bathrooms	\$25,000
12. Roger Altheide	1215 Prospect Road	Garage Addition & Reroof Dwelling	\$20,000
13. True Value Home Center	506 Mercedes Drive	Dwelling	\$190,000
14. Doom & Cuypers, Inc.	1501 State Street	Concession Stand Remodel / RA Facility	\$46,600

There was discussion at this time on calling for a Special City Council meeting to canvas the returns from the November 2, 2004 General Election. The recommendation was to hold this meeting along with the budget workshop to be held on November 8, 2004. It was the general consensus of the council that this budget workshop meeting not be held and that there be a Special City Council meeting held on Friday, November 5, 2005 at 7:30 a.m. to canvas the returns from the November 2, 2004 General Election.

CLOSE OUT OF DEBT SERVICE FUND FOR GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1994A (FUND 375):

At the October 18, 2004 the request to close the Debt Service Fund for General Obligation Improvement Bonds Series 1994A was postponed to the City Council meeting on November 1, 2004. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that there was one (1) Debt Service Fund with a deficit fund balance of \$691.06 as of 12/31/03. The payments in this Debt Service Fund are reimbursed from Tax Increments received from various districts. The monies have been transferred to cover this deficit. Tom also, indicated that there are no other Debt Service Funds with a negative balance; therefore he is requesting that Fund 375 be closed out. Boedigheimer moved, Sturrock seconded, that the remaining monies in the Debt Service Fund 375 be closed out to the "429" Capital Projects Revolving. All voted in favor of the motion.

FINAL PLAT OF CARR SUBDIVISION I – A. CONSIDER RESOLUTION REVOKING RESOLUTION NUMBER 2552, SECOND SERIES (APPROVING THE FINAL PLAT OF CARR SUBDIVISION I AND FIRST DEVELOPMENT CONTRACT); B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF CARR SUBDIVISION I:

Glenn Olson, Director of Public Works/City Engineer, is recommending the following:

1. Approval of Resolution Revoking Resolution Number 2552, Second Series adopted by the City Council on June 16, 2003, which includes the revocation of the First Development Contract of Carr Subdivision I, dated June 16, 2003.
2. Review and approval of the Resolution Approving the Final Plat of Carr Subdivision I subject to the following:
 - a. A 20-ft. utility easement on the west border of Block 8, Lot 1 be revised to accommodate revised storm sewer design.
 - b. A 83-ft. wide roadway and utility easement be placed across the southern border of Outlot D parallel with the north right-of-way line of T.H. 23 to accommodate future changes to Travis Road and Donald Street intersection.
 - c. A 10-ft. utility easement on the west border of Block 3, Lot 1 be included in the final plat to accommodate revised storm sewer design.
 - d. Payment of all fees according to the First Development Contract of Carr Subdivision I and according to the current "Resolution Approving Specific Fees to be Charges by the City of Marshall" (Resolution Number 2571, Second Series).
 - e. Revision of the dates on the signature page to reference current date.

Stores moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2676, SECOND SERIES and that the reading of the same be waived. Resolution Number 2676, Second Series is a resolution Revoking Resolution Number 2552, Second Series – "Resolution Approving the Final Plat of Carr Subdivision I". This resolution revokes the Final Plat of Carr Subdivision I and the First Development Contract that was adopted on June 16, 2003. All voted in favor of the motion.

Boedigheimer moved, Stores seconded, the adoption of RESOLUTION NUMBER 2677, SECOND SERIES and that the reading of the same be waived. Resolution Number 2677, Second Series is a resolution Approving the Final Plat of Carr Subdivision I. This resolution was adopted subject to the completion of the items a through e which were reviewed by Glenn Olson. All voted in favor of the motion.

MARSHALL AREA SENIOR CITIZEN CENTER – A. AGREEMENT WITH MARSHALL AREA SENIOR CENTER, INC., FOR SENIOR CENTER RENTAL; B. LEASE AGREEMENT WITH NUTRITION SERVICES, INC., FOR SENIOR CENTER NUTRITION PROGRAM; C. HVAC EVALUATION AND SERVICES AGREEMENT:

Doyle moved, Stores seconded, 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, 2005 through December 31, 2005 at a cost of \$550.00 per month. All voted in favor of the motion.

Discussion was held at this time on the number of meals that are being prepared at the Senior Center and that the Senior Center was not designed for this type of use. Because of the additional meals there is a problem with the makeup air and exhaust ventilation. It was suggested that maybe this service could be provided by the hospital. It was the general consensus of the council that this is a service that needs to be provided. Boedigheimer moved, Hilton seconded, that the proper city personnel be authorized to enter into an agreement with Nutrition Services Inc., for the Senior Nutrition Program. This agreement is for the period January 1, 2005 through December 31, 2005 and provides for the City to be reimbursed 20 cents per meal prepared at the Marshall Senior Center. All voted in favor of the motion.

The Minnesota Department of Health conducted a Food and Beverage Establishment Inspection Report and the following orders were issued:

Provide sufficient tempered makeup air and exhaust ventilation to keep rooms free of excessive heat, steam condensation, vapors, obnoxious and disagreeable odors, smoke and fumes. They indicated that a commercial ventilation contractor be hired to increase the extraction of the ventilator for the kitchen exhaust hood, and re-balance the make up air. Boedigheimer moved, Reynolds seconded, to not approve the request for Professional Services Proposal and Agreement for HVAC Evaluation and Services for Marshall Area Senior Center, but a committee be developed to work with the Senior Center Commission to resolve this issue. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report.

Stores No report.

Sturrock Utilities Commission met on October 20th and are working with economic development, the minutes from the September 22nd meeting are included in the agenda packet – they discussed an electric rate increase.

Boedigheimer Airport Commission will meet on November 8th; Senior Citizen Center Commission minutes are included in the agenda packet; M.E.R.I.T. Center held an open house on October 30th.

Doyle Housing Commission meets on November 8th; Marshall Area Transit minutes from August and September are included in the agenda packet.

REGULAR MEETING -- NOVEMBER 1, 2004

Hilton Human Rights Commission met on October 25th but was unable to attend.

Reynolds No report.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the cement pads under the wind generators along North 7th Street are considered part of the property and are not the responsibility of the previous owners to remove; the Legislative and Ordinance Committee have reviewed the By-Laws of the M.E.R.I.T. Center, City Attorney Simpson will review and it was requested that this be included on the agenda for the special meeting on November 5th; the Blue Ribbon Task Force met last week; and the City Council needs to hold a retreat session in early January.

REVIEW OF PENDING AGENDA ITEMS:

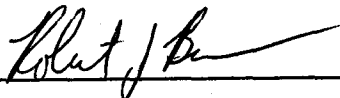
The preliminary draft for the MMUA Lease can move forward now that the Director has returned from Russia.

It was the general consensus of the council that the Special Budget meeting for November 8th be cancelled and that they meet on November 22nd and on November 29th if needed.

Glenn Olson, Director of Public Works/City Engineer gave an update on construction projects:

1. Runnings has purchased property in the Industrial Park
2. Channel Parkway completion date is November 1st, but construction is not complete. They will be incurring a penalty as per the contract.
3. Windstar is near completion -- only minor clean up items left.
4. State Aid streets and Scott Street are complete.
5. The Water main replacement projects are being finalized.
6. City overlay is complete
7. Liberty Park Phase I is complete and Phase II will be bid for construction next year.
8. Carr Estates and Doom Industrial Park are complete
9. Work on Canoga Park Drive and Ellis Street is complete.

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 5, 2004

A special meeting of the Common Council of the City of Marshall was held on November 5, 2004 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 7:30 A.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Reynolds and Boedigheimer. Absent: Stores. Staff present included: Mike Johnson, City Administrator; Dennis Simpson, City Attorney; Rob Yant, Director of Public Safety Thomas M. Meulebroeck, Finance Director/City Clerk.

The purpose of this special meeting was to canvas the ballots of the General Election held on November 2, 2004 and to consider the introduction of an ordinance on the M.E.R.I.T. Board.

Election returns as filed by the election judges for the General Election held on November 2, 2004 were provided by the Finance Director/City Clerk Thomas M. Meulebroeck. The summary of the votes cast for the Mayor and Council Members were as follows for said election:

	Ward I	Ward II	Ward III	Total
Number of Registered Voters	2,258	2,575	2,408	7,241
New Registrations Election Day	603	448	471	1,522
TOTAL	2,861	3,023	2,879	8,763
Total Voted	1,934	2,310	2,088	6,332
% Voted	67.60%	76.41%	72.53%	72.26%
Mayor				
Robert Byrnes	1,674	2,074	1,799	5,547
Write-Ins	18	31	27	76
Blanks	242	205	262	709
TOTAL	1,934	2,310	2,088	6,332
City Council				
James Goldenstein	241			241
Molly Linstrom	876			876
Charlie Sanow	573			573
John Doyle		784		784
Larry Doom		1,397		1,397
Dan Stores			487	487
Dan Ritter			892	892
Darin Hansen			76	76
Ross Larson			181	181
Kevin Deboer			263	263
Write-Ins	5	6	2	13
Blanks	239	123	190	552
TOTAL	1,934	2,310	2,088	6,332

SPECIAL MEETING – NOVEMBER 5, 2004

Write-ins for council members by ward included:

Ward I

George Mitchell
Greg Cattoor
Charles Clapp
Dan Hermann
Larry Doom

Ward II

Dan Sussner
Todd Bach
Charles Ehlers
Richard Bragg
Tom Meulebroeck
Ross Larson

Ward III

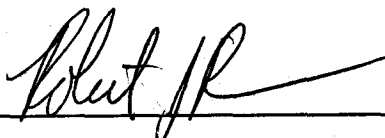
Bill McDummet
Mark Lucker

Doyle moved, Sturrock seconded, that Robert Byrnes be declared duly elected as Mayor; Molly Linstrom be declared duly elected as council member for Ward 1; Larry Doom be declared duly elected as council member for Ward 2; and Dan Ritter be declared duly elected as council member for Ward 3 of the City of Marshall and that the term for all of these elected positions expire on December 1, 2008. All voted in favor of the motion.

Rob Yant, Director of Public Safety and Dennis Simpson reviewed the proposed ordinance establishing the M.E.R.I.T. Center Board. Mr. Simpson indicated that this ordinance was patterned after other ordinances adopted by the City to establish boards. A request was made to specifically identify the local National Guard Unit under Section 2-362, Subdivision B.6.

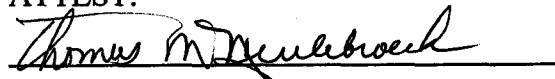
Doyle moved, Boedigheimer seconded, to introduce an ordinance creating Division 12 – Minnesota Emergency Response and Industrial Training (M.E.R.I.T.) Center Board and creating the corresponding provisions to the code of ordinances to the City of Marshall with the local National Guard Unit being identified. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – NOVEMBER 15, 2004

The regular meeting of the Common Council of the City of Marshall was held on November 15, 2004 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. Absent: Hilton. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General 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 item no. 6, which is the Mayor's Proclamation Welcoming Foreign Exchange Students for 2004/2005, be considered after the approval of the minutes.

APPROVAL OF THE MINUTES:

Doyle moved, Sturrock seconded, that the minutes of the regular meeting held on November 1, 2004 be approved as corrected and that the minutes of the special meeting held on November 5, 2004 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

MAYOR'S PROCLAMATION WELCOMING FOREIGN EXCHANGE STUDENTS FOR 2004/2005:

Mayor Byrnes took this opportunity to read a Proclamation Welcoming the Foreign Exchange Students for 2004/2005. Mayor Byrnes introduced each of the students and presented them with a copy of the Proclamation and a City of Marshall pin.

CONTINUATION OF PUBLIC HEARING TO CONSIDER RECOMMENDATIONS FROM THE PLANNING COMMISSION ON AMENDMENTS TO THE CITY OF MARSHALL'S 1996 COMPREHENSIVE PLAN:

This was the date and time for the continuation of a public hearing to consider recommendations from the Planning Commission on amendments to the City of Marshall's 1996 Comprehensive Plan. Glenn Olson, Director of Public Works/City Engineer, briefly reviewed Study Area A. Council Member Boedigheimer indicated that there is currently construction going on in Study Area A. George Jacob was concerned with his property being divided into three different sections. Mr. Jacob indicated that when he purchased this property it was all zoned industrial. Doyle moved, Stores seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2678, SECOND SERIES and that the reading of the same be waived. Resolution Number 2678, Second Series is a resolution Adopting Amendments to the City's 1996 Comprehensive Plan for

REGULAR MEETING – NOVEMBER 15, 2004

the City of Marshall. This resolution approves the Amendments to the 1996 Comprehensive Plan as recommended for Study Area B, Study Area C, Study Area D, E, F and Study Area A as amended. Study Area a is amended as follows: The property along West Main Street from Tenth Street to the Railroad right-of-way is to be Commercial; the McKigney Property is to be Residential and the property between these two areas known as the Jacobs Property, Right-A-Way Addition, Moose Addition and the Ziegenhagen Property is to be Industrial. All voted in favor of the motion.

CONSIDER AWARD OF BIDS FOR PROJECT 2004-010 LIBERTY PARK PHASE II:

Bids were received, opened and read for Project 2004-010 Liberty Park Phase II at 2:00 P.M. on November 3, 2004. Bids received, opened and read were as follows:

Bladholm Construction Inc.

Marshall, Minnesota

\$71,102

Plus \$880 for Performance and Payment Bond

\$23.00 per hour for additional grading and excavation

Quinn Horvath, representative from the Rotary Club, indicated that Phase II includes the playground equipment water, fountain, paving and additional items. He also indicated that they are approximately \$31,000 short, but they are confident that they will be able to raise the additional money by spring. The bids can be held for 60 days but that can be extended if the contractor agrees. Boedigheimer moved, Reynolds seconded, that the bid for Project 2004-010 Liberty Park Phase II be tabled until March, 2005. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA A. CONSIDER PLUMBER'S LICENSE FOR GARY HANSON DBA G.H. PLUMBING AND HEATING; B. CALL FOR A PUBLIC HEARING ON A NEW ON-SALE LIQUOR LICENSE FOR SCHWAN'S RESTAURANTS LLC AT 100 WEST COLLEGE DRIVE; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

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

A Plumbers License for Gary Hansen dba G.H. Plumbing & Heating to expire on March 31, 2005. The fee for this license is \$75.00.

A public hearing be held at 5:30 P.M. on December 6, 2004 to consider the application for a new On-Sale Liquor License for Schwan's Restaurants LLC at 100 West College Drive, Marshall, Minnesota.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 44262 through 44462.

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. Bladholm Construction Inc.	304 West Lyon Street	Interior Remodel	\$3,500
2. Sussner Construction, Inc.	601 Jewett Street	Sign	\$3,000
3. Kevin Goslar	300 West Southview Drive	Addition	\$16,000
4. D&G Excavating, Inc.	208 Carrow Circle	Demolish Dwelling	\$0
5. Tutt Construction	106 McFarland Circle	Dwelling	\$270,000
6. Matt & Brenda Bormann	1317 Parkside Drive	Garage Addition	\$11,000
7. Thomas E. Greve, Sr.	508 Donita Avenue	Replace Windows & Doors	\$4,000
8. Lois Whitcomb	309 North "A" Street	Deck	\$7,400
9. David & Sara Kraft	400 Sunrise Lane	Basement Remodel & Install Windows	\$10,000
10. Taylor's, Inc.	1206 Canoga Drive Park	Dwelling	\$175,000
11. Avera-Marshall Regional Medical Center	300 South Bruce Street	Remodel Entrance	\$15,000
12. Paxton Signs, Inc.	201 East College Drive	Sign	\$5,000
13. Gary Rudolf	512 Jaguar Court	Dwelling	\$250,000
14. Terwisscha Construction, Inc.	112 South 6th Street	Addition to Processing Plant	\$3,700,000
15. Mike Buysse Construction	106½ North 1st Street	Reroof	\$2,500
16. Timothy & Malinda Landgraff	506 Genesis Avenue	Utility Shed	\$500

CONSIDER ADOPTION OF ORDINANCE CREATING DIVISION 12 – MINNESOTA EMERGENCY RESPONSE AND INDUSTRIAL TRAINING (MERIT) CENTER BOARD AND CORRESPONDING PROVISIONS OF THE CODE OF ORDINANCES:

Boedigheimer moved, Sturrock seconded, the adoption of ORDINANCE NUMBER 521, SECOND SERIES and that the reading of the same be waived. Ordinance Number 521, Second Series is an ordinance Creating Division 12 – Minnesota Emergency Response and Industrial Training (MERIT) Center Board and Creating the Corresponding Provisions to the Code of Ordinances to the City of Marshall. All voted in favor of the motion.

CONSIDER THE REQUEST OF BRUCE GROW FOR A THREE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO CONDUCT A LIVE BAIT BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 207 NORTH 7TH STREET:

Per the recommendation of the Planning Commission, Stores moved, Doyle seconded, the request of Bruce Grow for a three-year renewal of a Conditional Use Permit for a home occupation to conduct a live bait business in an R-1 One Family Residence District at 207 North 7th Street be approved with the following conditions:

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1. That all water and organic wastes be disposed of in the municipal wastewater system or other approved sanitary method away from the property.
2. That the hours of business be restricted from 6:00 a.m. to 10:00 p.m.
3. The permit expires in three years.

All voted in favor of the motion.

CONSIDER THE REQUEST OF DEANNA SANDERSON FOR A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO CONDUCT AN EMBROIDERY BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 509 CENTRAL AVENUE:

Per the recommendation of the Planning Commission, Sturrock moved, Boedigheimer seconded, the approval of the request of Deanna Sanderson for a Conditional Use Permit for a home occupation to conduct an embroidery business in a R-1 One Family Residence District at 509 Central Avenue with the following conditions:

1. The permit be issued for an initial one-year period.
2. Business hours shall be between 6:00 A.M. and 10:00 P.M. only.

All voted in favor of the motion.

CONSIDER URBAN DESIGN SERVICES AGREEMENT WITH DAHLGREN, SHARDLOW AND UBAN (DSU) FOR DOWNTOWN VISION 2010:

Mike Johnson, City Administrator, reviewed the proposal from Dahlgren, Shardlow and Uban (DSU) to assist the City of Marshall with facilitating the design process and preparation of alternatives for selected areas within the City's downtown. Council Member Boedigheimer was concerned with using TIF money for non-TIF area. Mr. Johnson indicated that the funds to finance this project would be proceeds from the 1996 and 1997 bonds and not TIF funds. Doyle moved, Stores seconded, that the proper city personnel be authorized to enter into an Urban Design Services Agreement with Dahlgren, Shardlow and Uban (DSU) for Downtown Vision 2010. The estimated cost for all three phases of this project is \$47,722, with reimbursables of \$4,000, for a total of \$51,722. All voted in favor of the motion.

CONSIDER APPROVAL OF PROCEDURAL GUIDELINES FOR MARSHALL'S SMALL CITIES DEVELOPMENT PROGRAM: A. RESIDENTIAL OWNER OCCUPIED HOUSING REHABILITATION PROGRAM; B. RESIDENTIAL REHABILITATION PROGRAM; C. COMMERCIAL REHABILITATION PROGRAM:

Mike Johnson, City Administrator, reviewed this grant and indicated that there were three (3) changes from the previous grant:

1. All three policies have been written with 0% deferred loans for seven (7) years. Previous grant was for five (5) years.
2. The Project Funding HUD Section 8 Income Guideline of the "Owner Occupied" (pp7) has been changed from 40% Deferred Loan to 60% Deferred Loan and from 60% Other Funds to 40% Other Funds.
3. The lead laws for the "Owner Occupied" (pp 11), and "Rental Rehabilitation" (pp 10), guidelines have been updated

The city was satisfied with Phase I; therefore they are requesting approval for Phase 2. The grant money will come to the City and then be transferred to Southwest Minnesota Housing to

REGULAR MEETING – NOVEMBER 15, 2004

administer the program. Reynolds moved, Stores seconded, that the proper city personnel be authorized to enter into an agreement for Procedural Guidelines for Marshall's Small Cities Development Program for Residential Owner Occupied Housing Rehabilitation Program; Residential Rehabilitation Program and Commercial Rehabilitation Program. All voted in favor of the motion.

CONSIDER RESOLUTION AMENDING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL FOR 2005:

Discussion was held at this time on the resolution amending specific fees to be charged by the City of Marshall for 2005. The fees charged for Tows and Administration Fee is to be deleted from this resolution. The fee for towing is set by the towing operator and the administration fee is set by City Ordinance. There was a concern with the fee that is being charged for funeral escorts being too high. It was suggested that the fee be lowered and only 1 car be used for a funeral escort. Boedigheimer moved, Sturrock seconded, that the Resolution Amending Specific Fees to be Charged by the City of Marshall for 2005 be postponed until the next regular meeting. All voted in favor of the motion.

CONSIDER RESOLUTION AMENDING RESOLUTION NUMBER 1035, SECOND SERIES AND ASSESSING CERTAIN PARCELS FOR PAYMENT:

Boedigheimer moved, Doyle seconded, the adoption of RESOLUTION NUMBER 2679, SECOND SERIES and that the reading of the same be waived. Resolution Number 2679, Second Series is a resolution Amending Resolution Number 1035, Second Series and Assessing Certain Parcels for Payment. This resolution provides for a deferred assessment for a storm sewer project on agricultural property that ownership has now been transferred and the property include in the development for Super Wal-Mart be billed directly to the property owner. The assessment in the amount of \$1,739.23 is due to the City of Marshall by December 16, 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 met last week and discussed the Turkey Valley Farms, the next phase of Parkway Housing and the Governor being in Marshall on February 25th; Regional Development Commission met last Thursday and are in the process of reorganizing duties.

Stores Charter Commission met on Wednesday.

Sturrock Planning Commission met on November 10th and the Utilities Commission will meet on November 17th.

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Boedigheimer Airport Commission met on November 8th; Lyon County Enterprise Development met on Wednesday; M.E.R.I.T. Center minutes are included in the agenda packet; Legislative & Ordinance Committee items were discussed earlier in the meeting.

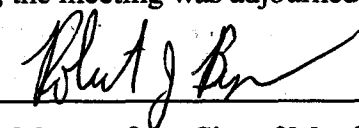
Doyle Housing Commission minutes are included in the agenda packet; Marshall Area Transit has not met.

Reynolds Cable Commission has not met; Community Services Advisory Board discussed their budget.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: need to schedule interviews for boards and commissions; new Council Member appointments need to be made to the boards and commissions; the evaluation forms on Mike Johnson need to be completed and returned; there was a brief presentation and thank you to John Doyle for 10 years of service; Dave Sturrock for 4 years of service and Dan Stores for 4 years of service; sympathy was expressed on the death of Randy Rickard and he was recognized for his 31 years of service on the Marshall Volunteer Fire Department; and the budget meeting scheduled for November 22, 2004 will start at 5:00 P.M. at the Arrival Departure Building at the Marshall Municipal Airport.

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



Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 22, 2004

A special meeting of the Common Council of the City of Marshall was held on November 22, 2004 in the Conference Room of the Southwest Minnesota Regional Airport – Marshall/Ryan Field Arrival/Departure 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, Reynolds and Boedigheimer. Absent: Stores. Newly elected Council Members in attendance were: Dan Ritter and Larry Doom. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; Bob VanMoer, Wastewater Superintendent and Thomas M. Meulebroeck, Financial Director/City Clerk. Rae Krueger from the Independent was also in attendance.

The purpose of this special meeting was to continue the review and discussion of the 2005 budget requests.

Thomas M. Meulebroeck, Financial Director/city Clerk, provided an overview of the 2005 budget requests for the Municipal State Aid Fund, Capital Equipment Fund, Insurance Reserve Fund, Special Revenue Funds, Debt Service Funds and Capital Project Funds. The proposed 2005 budgets for Wastewater Treatment Facility Fund, Municipal Liquor Store Fund and Surface Water Management Fund were briefly reviewed.

Mike Johnson, City Administrator, reviewed the expenditures for the 2005 budgets for Mayor & Council, Human Rights Commission, Administration, Legal, Community Development, Safety Committee, Data Processing, Duplication, Motor Pool and Transit. The General Fund 2005 Budgeted revenues were also briefly discussed.

Harry Weilage, Director of Community Services, provided a handout and discussion on the Marshall Community Services 2004 expenditure budget summary through November 16, 2004.


As of November 19, 2004, the General Fund proposed 2005 budgeted expenditures exceed the revenues by \$448,943, therefore city staff was directed to develop a list of potential reductions in expenditures with approximately \$200,000 from the capital expenditures and that this be reviewed and considered at the next special meeting of the City Council to be held at 5:30 P.M. on November 29, 2004.

The meeting was declared adjourned at 7:00 P.M.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 29, 2004

A special meeting of the Common Council of the City of Marshall was held on November 29, 2004 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:46 P.M. In addition to Byrnes the following members were present: Hilton, Doyle, Sturrock, Reynolds and Boedigheimer. Absent: Stores. Newly elected Council Members in attendance were: Molly Linstrom, Dan Ritter and Larry Doom. Staff present included: Michael Johnson, City Administrator; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; Glenn Olson, Director of Public Works/City Engineer; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jim VanHyfte, Municipal Liquor Store Manager.

The purpose of this special meeting was to continue the discussion on the proposed 2005 City of Marshall budget requests.

Jim VanHyfte, Manager of the Municipal Liquor Store, reviewed the operations of the Liquor Store and indicated that it is ranked 8th in the State in operating income. Jim also reviewed the proposed 2005 liquor store revenues and expenditures. Cal Barnett, Director of General Government Services/City Assessor, reviewed the requested \$200,000 Municipal Liquor Store capital expenditures for a 1,200 sq. ft. expansion at 1305 East College Drive. Mr. Barnett indicated that the proposed expansion would provide additional retail area, new fixtures, redecorated retail area, a new check out area, a relocated office and added cooler area. The Municipal Liquor Store structure options discussed were to leave it as is, to sell the operation, to remodel and increase the size or to relocate.

Glenn Olson, Director of Public Works/City Engineer, and Bob VanMoer, Wastewater Treatment Plant Superintendent, addressed the 2005 proposed Wastewater Treatment Facility Plant budget. Springsted's had prepared three (3) scenarios with different increases in revenue projections and the amount to set aside in the Capital Expenditure Reserve. Bob reviewed the schedule capital expenditures for 2005 through 2009. It was the recommendation of city staff and the concurrence of the City Council that the scenario prepared by Springsted that provides for a cash position equal to six months of expenditures within 5 years (by 2009) by increasing rates at a projected 3.85% each year for the years 2005 – 2009 and that 1/3 of the annual depreciation be funded annually be approved for the public hearing to establish the 2005 Wastewater rates. This scenario will be reviewed on an annual basis.

At this time, the City Council continued their review and discussion on the balancing of the 2005 proposed General Fund Budget, which currently has expenditures in excess of revenues, by \$448,943. Mike Johnson provided a list dated November 24, 2004 of suggested budget adjustments totaling \$363,537 that was prepared by city staff. With these suggested adjustments the expenditures exceed revenues by \$85,406. As a part of the \$363,537 reduction, Mike addressed the capital expenditures that were being cut.

SPECIAL MEETING – NOVEMBER 29, 2004

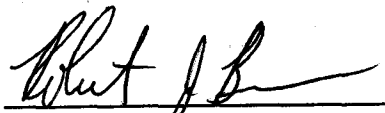
Glenn Olson briefly addressed the process of special assessing for street overlays. Mr. Olson indicated that he would not recommend assessing more than 50% of the cost or using a fixed rate at \$5.00 per front foot as an example.

Suggestions to balance the 2005 General Fund Budget were to utilize some of the past years increase in fund balance from revenues exceeding expenditures or to reduce the Capital Equipment Fund Reserve.

Mike Johnson provided a list, as of November 29, 2004, of proposed 2005 General Fund budgeted revenue and expenditures adjustments. Based on this list the city council agreed to increase the transfer from the Municipal Liquor Store Fund to General Fund by \$25,000 and to reduce various operating and capital expenditures by \$60,406 to get a balanced 2005 General Fund Budget of revenues and expenditures equal to \$8,748,106.

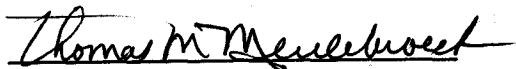
Mayor Byrnes concluded the meeting by informing the city council that the city has a reserve for Ditch 62; that there is a reserve within the Municipal State Aid Fund for improvements to North 4th Street; that the city officials need to meet with the local legislators to discuss city issues; and that the city council members, including the past and future, be commended along with city staff for the many hours devoted to the budgeting process.

Upon motion by Doyle, 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 – DECEMBER 6, 2004

The regular meeting of the Common Council of the City of Marshall was held on December 6, 2004 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, Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, 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 agenda item number 14, which is selection of President Pro-Tem by Council, be moved to after the Oath of Office has been administered.

Mayor Robert Byrnes turned the meeting over to President Pro-Tem Reynolds.

Reynolds called upon Thomas M. Meulebroeck, Financial Director/City Clerk, to administer the Oath of Office to Robert Byrnes, re-elected Mayor; and to newly elected Council Members Molly Linstrom, Larry Doom and Dan Ritter.

At this President Pro-Tem Reynolds turned the meeting back over Mayor Byrnes.

SELECTION OF PRESIDENT PRO-TEM BY COUNCIL:

Council Member Mike Reynolds was nominated as the President Pro-Tem, therefore Doom moved, Hilton seconded, that nominations cease and that a unanimous ballot be cast for Mike Reynolds as the President Pro-Tem for the City Council. All voted in favor of the motion.

APPROVAL OF MINUTES:

Reynolds moved, Boedigheimer seconded, that the minutes of the regular meeting held on November 15, 2004 be approved as corrected and that the minutes of the special meetings held on November 22, 2004 and November 29, 2004 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA –A. CONSIDER APPROVAL OF RESOLUTION FOR THE APPOINTMENT OF MOLLY LINSTROM, LARRY DOOM AND DAN RITTER TO THE HOUSING AND REDEVELOPMENT AUTHORITY COMMITTEE; B. CONSIDER APPROVAL OF REQUEST FOR OUT-OF-STATE TRAVEL REQUEST FOR ENGINEERING AND WASTEWATER; C. CONSIDER ANNUAL RENEWAL OF LICENSES FOR: ON-SALE INTOXICATING LIQUOR, ON-SALE INTOXICATING SUNDAY LIQUOR, OFF-SALE BEER, ON-SALE BEER, AND TRANSIENT MERCHANTS; D. CALL FOR PUBLIC HEARING TO CONSIDER A NEW ON-SALE INTOXICATING LIQUOR LICENSE FOR LANDMARK BISTRO LLC DBA LANDMARK BISTRO; E. CALL FOR PUBLIC HEARING REGARDING FY 2005 WASTEWATER USER RATES; F. CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR OFF-ROAD UTILITY VEHICLE FOR AIRPORT; G. CONSIDER EXTENSION OF EFFECTIVE PERIOD OF BID FOR 2004-010 – LIBERTY PARK PROJECT PHASE II; H. CONSIDER CURRENCY EXCHANGE LICENSE APPLICATION BY WAL-MART STORES, INC. DBA WAL-MART STORE #1722; I. BILLS/PROJECT PAYMENTS; J. BUILDING PERMITS:

REGULAR MEETING -- DECEMBER 6, 2004

Council Member Boedigheimer requested that item B, which is the request for out-of-state travel for Engineering and Wastewater, be removed from the consent agenda. Mayor Byrnes requested that item C, which is the annual renewal of license for on-sale intoxicating liquor, on-sale intoxicating Sunday liquor, off-sale beer, on-sale beer and transient merchants, be removed from the consent agenda.

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

The adoption of RESOLUTION NUMBER 2680, SECOND SERIES be approved. Resolution Number 2680, Second Series is a Resolution Approving the Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution provides for Dan Ritter, Molly Linstrom and Larry Doom to be appointed to the Housing and Redevelopment Authority for 5 year terms expiring December 6, 2009.

A public hearing be held at 5:30 P.M. on December 20, 2004 to consider the application for a new On-Sale Intoxicating Liquor License for Landmark Bistro LLC dba Landmark Bistro at 100 West College Drive, Marshall, Minnesota.

A public hearing be held at 5:30 P.M. on December 20, 2004 to consider the proposed Wastewater User Rates for 2005.

The proper city personnel be authorized to advertise for bids for an off-road utility vehicle for the Airport.

The acknowledgement and acceptance of Bladholm Construction, Inc., offer to extend their bid prices for the Project 2004-010, Liberty Park Project Phase II to April, 2005.

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 be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 44463 through 44669.

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. Koch Materials Company	901 North	7th	Street	Reside Office Building	\$4,500
2. True Value Home Center	510	Jaguar	Court	Dwelling	\$350,000
3. Neil J. & Karen Peterson	611	DeSchepper	Street	Finish Basement	\$6,000
4. DI Construction	506 West	Lyon	Street	Handicap Ramp	\$4,000
5. Remodel Office	128 West	Main	Street	Remodel Office	\$5,000
6. Brenan & Laura Clark	229	Rainbow	Drive	Interior Remodel	\$2,300
7. Michael Tillemans Construction	404 North	"A"	Street	Replace Decks	\$5,000
8. Welu Construction	1300	Charles	Avenue	Basement Remodel	\$2,500
9. Karl Campbell Construction	904 North	4 th	Street	Dwelling Addition	\$37,800
10. Marshall Properties	408	Legion Field	Road	Demolish Garage	\$0
11. Infinity Financial LLC	402	Village	Drive	Sign	\$600

REGULAR MEETING -- DECEMBER 6, 2004

12.	American, Ltd.	412 North	4 th	Street	Replace Windows & Reside Dwelling	\$25,000
13.	Schwan's Sales Enterprises	115 West	College	Drive	Install Windows	\$40,400
14.	Dulas Construction, Inc.	1300	Ellis	Avenue	Dwelling	\$119,000
15.	Group II Architects, P.A. - Agent	911	Michigan	Road	Warehouse & Offices	\$2,550,000
16.	Hisken Construction, Inc.	302 South	4 th	Street	Addition	\$90,000
17.	Byron & Donna Anderson	225	Rainbow	Drive	Finish Basement	\$3,000
18.	Geske Home Improvement Co.	108	Circle	Drive	Reside Dwelling	\$11,600
19.	Lyon County	510	Fairgrounds	Road	Construct Salt Shed	\$24,000

Council Member Boedigheimer questioned the number of trips, the number of employees and the cost of the request for out-of-state travel for Engineering and Wastewater. Bob VanMoer, Wastewater Superintendent, indicated that two Wastewater employees along with Glenn Olson, Director of Public Works/City Engineer, would be traveling to Three Rivers, Michigan and to Yorkville, Illinois to find out more about the operation and maintenance of an aerobic system developed by Thermal Process Systems. Thermal Process Systems has a retrofit installation at a municipal wastewater treatment plant similar to Marshall in Three Rivers, Michigan, which has been in operation for the last three years, and a new installation in Yorkville, Illinois. Bob also provided a brief update on the project that is taking place at the Wastewater Treatment Facility. Reynolds moved, Hilton seconded, that out-of-state travel be approved for two Wastewater employees, Glenn Olson, Director of Public Works/City Engineer and possibly a council member who is on the Public Improvement and Transportation Committee to travel to Three Rivers, Michigan and to Yorkville, Illinois. All voted in favor of the motion.

There was discussion on the alcohol compliance checks that were completed in 2004. Reynolds moved, Hilton seconded, that the On-Sale Liquor and On-Sale Sunday Liquor license applications be tabled to allow time to review the information on the compliance checks; and the approval of the following Off-Sale Non-Intoxicating Beer Licenses; On-Sale Non-Intoxicating Beer Licenses; and Transient Merchant License. All voted in favor of the motion.

OFF-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$90.00 per year)

Ampride West
Cattoor Oil/Phillipps 66
Cenux Numart of Marshall

Casey's General Store
Freedom Valu Center/Erickson Oil

ON-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$250.00 per year)

Pizza Hut

Prairie Event Center

TRANSIENT MERCHANTS LICENSE APPLICATIONS (\$300.00 per year)

Pacesetter Corporation of America

CONSIDER RESOLUTION AMENDING SPECIFIC FEES FOR 2005:

There was discussion at this time on the fee for funeral escort which is part of the City's fee schedule. Rob Yant, Director of Public Safety, indicated that the Funeral Directors are requesting a lower fee of \$50.00. They are also requesting that they not be responsible for the

billing of this service. Mr. Yant is recommending that there be a \$50.00 charge for funeral escorts of 1 to 2 officers and that \$150.00 be charged for 4 to 5 officers. Council Member Boedigheimer was concerned with the City doing the billing for this service and City Attorney Dennis Simpson suggested that the wording for the \$150.00 charge be changed to 3 or more officers. Boedigheimer moved, Hilton seconded, that these changes be made for funeral escorts and that the adoption of the fee resolution be tabled until December 20, 2004. All voted in favor of the motion.

CONSIDER RESOLUTION FOR DONATION TO THE MARSHALL VOLUNTEER FIRE DEPARTMENT:

Boedigheimer moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2681, SECOND SERIES and that the reading of the same be waived. Resolution Number 2681, Second Series is a resolution Accepting Personal Property from Dale R. Bisbee by the City of Marshall, Minnesota. This resolution accepts a cash donation in the amount of \$10,000 by Dale R. Bisbee in memory of Lyall and Theola Bisbee to be used for a Thermal Imaging Camera for the Marshall Volunteer Fire Department. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO HIRE A FULL-TIME POLICE OFFICER AND APPROVE RESOLUTION ON PERA:

Upon the recommendation of Director of Public Safety Robert Yant, Hilton moved, Reynolds seconded, that Jared R. Lange be employed as a fulltime Police Officer with the City of Marshall at the rate of \$16.31 effective December 27, 2004. The following resolution was adopted: BE IT RESOLVED that Jared R. Lange be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

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:

Doom moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2682, SECOND SERIES and that the reading of the same be waived. Resolution Number 2682, 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 provides for the receipt of a grant in the amount of \$75,000 for the calendar year 2005. There is a required match of \$25,000, but this is paid from the dues that the six member departments (Brown County S.O., New Ulm P.D., Lyon County S.O., Marshall P.D., Redwood County S.O., and Redwood Falls P.D.) They each pay \$6,000 towards the operation of the taskforce, plus \$1,000 for the operation of the Emergency Response Unit (ERU). All voted in favor of the motion.

CONSIDER ACCEPTANCE OF THE SAFE AND SOBER TRAFFIC SAFETY AWARD FOR THE PERIOD DECEMBER 1, 2004 TO JUNE 30, 2005:

Hilton moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2683, SECOND SERIES and that the reading of the same be waived. Resolution Number 2683, Second Series is a resolution Authorizing Acceptance of a Traffic Safety Award. This resolution

provides for the receipt of a mini-grant in the amount of \$2,000 and is to be used for the period December 1, 2004 to June 30, 2005. This grant is for the overtime and promotional materials for the Marshall Police Department in recognition of their traffic safety efforts. All voted in favor of the motion.

CONSIDER ACCEPTANCE OF THE GANG STRIKE FORCE 2005 AWARD FOR THE PERIOD JULY 1, 2004 TO JUNE 30, 2005:

Hilton moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2684, SECOND SERIES and that the reading of the same be waived. Resolution Number 2684, Second Series is a resolution Authorizing Acceptance of a Gang Strike Force 2005 Award. This resolution provides for the receipt of a grant in the amount of \$10,000 for the period July 1, 2004 through June 30, 2005. All voted in favor of the motion.

CONSIDER WASTEWATER DISCHARGE PERMIT FOR ARCHER DANIELS MIDLAND (ADM):

Hilton moved, Reynolds seconded, that the proper city personnel be authorized to enter into a Wastewater Discharge Permit with Archer Daniels Midland, ADM. This permit replaces the Wastewater Discharge Permit currently in place with Minnesota Corn Processors (MCP). All voted in favor of the motion.

CONSIDER RESOLUTION REVOKING RESOLUTIONS RESTRICTING PARKING IN THE MUNICIPALLY-OWNED PARKING LOTS IN THE DOWNTOWN DISTRICT AND RESOLUTION PROVIDING FOR SIGNAGE RESTRICTING PARKING IN THE MUNICIPALLY-OWNED PARKING LOTS IN THE DOWNTOWN DISTRICT:

Reynolds moved, Hilton seconded, the adoption of RESOLUTION NUMBER 2685, SECOND SERIES and that the reading of the same be waived. Resolution Number 2685, Second Series is a resolution Revoking Resolutions Restricting Parking in the Municipally Owned Parking Lots in the Downtown District and Resolution Providing for Signage Restricting Parking in the Municipally Owned Parking Lots in the Downtown District. This resolution revokes all previous resolutions restricting parking in the municipally owned parking lots in the downtown district and authorizes the installation of signs restricting parking in the municipally owned parking lots in the downtown district as follows: "NO PARKING 2 AM - 7 AM NOV 1 - APR 1" with the signs installed with alternating days (MON-WED-FRI / TUES-THURS-SAT) in alternating rows in each parking lot. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR 2005 CITY OVERLAY PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed list for the 2005 City Overlay Project. Reynolds moved, Hilton seconded, that the proper city personnel be authorized to advertise for bids for the 2005 City Overlay Project contingent upon the 2005 budget being approved. All voted in favor of the motion.

CONSIDER INTRODUCTION OF ORDINANCE AMENDING CHAPTER 78, ARTICLE III - SURFACE WATER MANAGEMENT UTILITY IN THE CITY OF MARSHALL:

Hilton moved, Reynolds seconded, the introduction of an ordinance Amending Chapter 78, Article III - Surface Water Management Utility. This ordinance will provide for the changes necessary to allow Marshall Municipal Utilities to bill the Surface Water Management Utility on a monthly basis. All voted in favor of the motion.

SURFACE WATER MANAGEMENT UTILITY – REVIEW PROPOSED RATES:

Discussion was held on the proposed monthly Surface Water Management Utility rates. These rates are being changed from quarterly to monthly as a result of Marshall Municipal Utilities changes to their software-billing program. Beginning January 1, 2005 the SWMU fees will be included on the MMU monthly billing statement. Boedigheimer moved, Reynolds seconded, that approval of the proposed monthly SWMU rates be tabled until the December 20, 2004 meeting. All voted in favor of the motion.

SURFACE WATER MANAGEMENT UTILITY – CONSIDER ENTERING INTO BILLING AND COLLECTION AGREEMENT WITH MARSHALL MUNICIPAL UTILITIES:

Doom moved, Hilton seconded, that the proper city personnel be authorized to enter into a Surface Water Management Billing and Collection Agreement effective January 1, 2005 with Marshall Municipal Utilities. This agreement includes billing, collections, prepayment, payment distribution, penalty and collection remedies. All voted in favor of the motion.

CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENTS CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT – PROJECT 2001-004 HILL & EAST MARSHALL; PROJECT 2002-008 EAST AREA SANITARY SEWER INTERCEPTOR; PROJECT 2005-002 NORTH 6TH STREET PROJECT; PROJECT 2005-003 SOUTHVIEW WATERMAIN PROJECT:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed these projects and the “429” Special Assessment Process for the benefit of the new members. Linstrom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2686, SECOND SERIES and that the reading of the same be waived. Resolution Number 2686, Second Series is a resolution Ordering Preparation of Report on Improvements for Project 2001-004 South Hill Street & East Marshall Street Reconstruction; Project 2002-008 East Area Sanitary Interceptor Sewer; Project 2005-002 Southview Drive Watermain Replacement; and Project 2005-003 North 6th Street Reconstruction. All voted in favor of the motion.

CONSIDER SUPPLEMENTAL AGREEMENT NO. 1 WITH SEH – TRUNK HIGHWAY 59 SIGNALS:

Boedigheimer moved, Linstrom seconded, the proper city personnel be authorized to enter into Supplemental Agreement No. 1 for additional work to be completed by Design Electric to provide new conduit installations across the north and south legs of T.H. 59 at Susan Drive in the amount of \$8,740. Costs will be split according to Cooperative Construction No. 86855 for the signal work at this intersection. All voted in favor of the motion.

APPOINTMENT OF CITY ATTORNEY AND APPROVAL OF MEMORANDUM OF UNDERSTANDING:

Mayor Byrnes recommended that Dennis Simpson be appointed as City Attorney for a two year term from December 6, 2004 to December 3, 2006. Council Member Boedigheimer moved, Doom seconded, that Dennis Simpson be appointed as City Attorney and the approval of the Memorandum of Understanding. All voted in favor of the motion.

APPOINTMENT OF COUNCIL MEMBERS TO BOARDS, COMMISSIONS, AND COMMITTEES:

Mayor Byrnes made the following appointments of the Council members to the various boards, commissions and committees:

Personnel Committee: Mike Reynolds, Shelly Hilton and Dan Ritter

Ways and Means Committee: Molly Linstrom, Mike Reynolds and Mike Boedigheimer

Legislative and Ordinance Committee: Molly Linstrom, Mike Boedigheimer and Larry Doom

REGULAR MEETING – DECEMBER 6, 2004

Public Improvement/Transportation Committee: Larry Doom, Dan Ritter and Shelly Hilton
Airport Commission: Mike Boedigheimer
Cable Television Commission: Mike Boedigheimer
Charter Commission: Mike Reynolds
Community Services Advisory Board: Molly Linstrom
Economic Development Authority: Bob Byrnes and Dan Ritter
Hospital Board: Shelly Hilton
Housing Commission: Dan Ritter
Human Rights Commission: Shelly Hilton
Insurance Advisory Commission: Mike Boedigheimer
Library Board: Molly Linstrom
Planning Commission: Larry Doom
Police Commission: Shelly Hilton
Senior Citizen Center Commission: Larry Doom
Utilities Commission: Mike Reynolds
Downtown Redevelopment: Molly Linstrom
PrairieNet WAN: Shelly Hilton
Convention & Visitors Bureau: Shelly Hilton
Fire Relief Association: Bob Byrnes
Lyon County Enterprise Development: Mike Boedigheimer
Lyon County Ice Facility: Larry Doom, Dan Ritter and Molly Linstrom
Marshall Area Transit: Larry Doom
M.E.R.I.T. Fire Training Center: Mike Boedigheimer
Regional Development Commission: Bob Byrnes
Blue Ribbon Task Force: Mike Reynolds

City Council-County Board/Library Agreement & Operations: Molly Linstrom and Mike Reynolds
Joint Law Enforcement Committee: Shelly Hilton and Dan Ritter
Lyon County Historical Society: Molly Linstrom and Mike Boedigheimer

Each of these committees needs to meet by the end of January, 2005 to select a chairperson and review their responsibility as a committee.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes Charter Commission needs to review the terms of their members.

Boedigheimer Airport Commission meets on December 13th; Senior Citizen Center Commission has not met; M.E.R.I.T. Center met on December 2nd.

Reynolds Community Services Board met last week and discussed budget cuts.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: there will be a special council meeting on December 13th at 5:30 P.M. to meet with Senator Dennis Frederickson and Representative Marty Seifert; there will be a City Council retreat on January 10th; there will be a Coalition meeting in St. Paul on January 12th; and Mayor Byrnes indicated that there are two

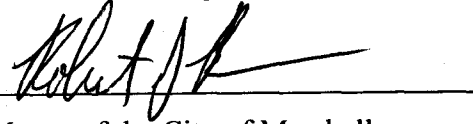
REGULAR MEETING – DECEMBER 6, 2004

applications for a Towing and Storage License and there needs to be discussion on how to handle this with the city towing operation.

REVIEW OF PENDING AGENDA ITEMS:

The Truth and Taxation meeting will be held on Wednesday, December 8, 2004 at 5:30 P.M.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 8, 2004

The Truth and Taxation Public Hearing was held on Wednesday, December 8, 2004 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:35 P.M. by Mayor Byrnes. In addition to Byrnes the following council members were in attendance at the meeting: Hilton, Doom, Reynolds and Ritter. Absent: Linstrom and Boedigheimer. Staff in attendance at the meeting included: Mike Johnson, City Administrator; Thomas M. Meulebroeck, Finance Director/City Clerk; and Calvin Barnett, Director of General Services. There were no residents or anyone from the press in attendance.

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 2005. 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 20, 2004 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 2004 Accomplishments:

- * City's 1996 Comprehensive Plan was Updated
- * Replacement of Filtration/Boiler/Heating Equipment at Aquatic Center - (\$235,000)
- * Completed GASB 34 and Fixed Asset Accounting Program
- * Received Federal/State Funding (\$1,825,736) for Runway 2/20 Extension and ALP Update/Environmental Assessment for Runway 12/30 Extension Projects
- * Awarded Federal Appropriation (\$1,000,000) for Runway 12/30 Extension Project
- * Implemented "2nd" Small Cities Grant for Downtown Business Improvements, Residential-Rental Rehabilitation and Residential Rehabilitation
- * Construction of Improvement to Liberty Park in conjunction with Marshall Rotary Clubs
- * Channel Parkway was Reconstructed with Federal/State Funding (\$1,635,227)
- * MnDOT Funding (\$962,598) was obtained for US Highway #59/Boyer Drive/Susan Drive Improvement and Four (4) New Traffic Signals (Highways #59, #23, and #19)
- * New Super Wal-Mart Center Development
- * Two (2) New "JOBZ" Projects - (Iowa Turkey Products, Inc., and Runnings Supply, Inc.)
- * Implemented Surface Water Management Utility for Storm Water Improvements
- * Fire Department Received a FEMA Grant (\$103,000) for New Air Tanks/Packs and a Donation (\$10,000) for a New Thermal Imaging Camera
- * Mayor's Blue Ribbon Task Force on Redevelopment was Appointed and Downtown Vision 2010 Initiated with Downtown Task Force/Redevelopment Committee
- * Library Board Selected New Library Director

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 8, 2004

- * New Special Assessment Policy Adopted by City Council
- * Municipal Building Technology Upgrade
- * PrairieNet WAN Funding for "Area" Cluster - (Tracy, Minneota, Ghent and MnWest)
- * Police Department Secured State Funding (\$187,000 for "CAT" Team, Drug Task Force, Gang Strike Force, and Safe & Sober Programs

Following the review of the 2004 Accomplishments, Mike reviewed the 2005 Issues Confronting the City of Marshall:

- * Special Assessment Projects for Hill/East Marshall Streets Area, North 6th Street and East Area Sanitary Sewer Interceptor
- * Wastewater Treatment Plant Facility Improvements (EQ Basin, Digester Covers, Clarifier Covers and Bar Screen Replacement - \$2,200,000)
- * Installation of Four (4) New Traffic Signals - (Highways #59, #23 and #19)
- * Affordable Housing - Parkway Addition II
- * Creation of Economic Development Position and Position Funding
- * Construction of Runway 2/20 Extension
- * Completion of Airport ALP Update/Environmental Assessment in Order to Initiate Engineering Design/Land Acquisition for Runway 12/30 Extension
- * Industrial Parkland Expansion
- * Liquor Store Expansion, Remodeling or Alternate Location Study
- * Demolition of City Owned Buildings in Block 11, Original Plat (Former Corner Bar Block)
- * Report from Mayor's Blue Ribbon Task Force on Redevelopment and Downtown Planning on Vision 2010
- * Budgetary Funding (LGA/Property Taxes) - vs. - City Services/Priorities in a Growth Environment
- * Construction of Highway Improvements and Traffic Signals for New High School "Opening" in September 2005
- * New Residential Subdivision Platting and Public Improvements
- * Annexation of Residential and Commercial Properties Adjacent to Highways #59 and #23

Mike reviewed the Building Permit Summary by the number of residential units from 1994 through year to date November, 2004; the 2005 proposed general fund budget, which is balanced with revenues and expenditures equal to \$8,748,106; the general fund revenues and other financing sources and expenditures and transfers out for 1994 - 2005; and the changes in fund balance between revenues and expenditures for fiscal years 1994 through budgeted 2005.

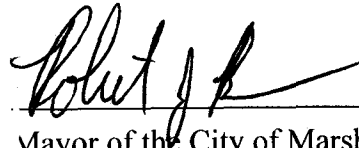
Other items that were briefly reviewed included: the 2005 General Fund Capital Outlay; information on how property taxes are determined; property tax class rates for the State of Minnesota; the City of Marshall Tax Capacity comparisons for the period 1996 through

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 8, 2004

estimated 2005; the State Aids and Property Tax Levy from 1999 through 2005; the proposed 2005 Marshall Property Tax Levy; the comparison of Marshall's Property Tax Levy from 1995 through 2005; a break down of total tax capacity rate paid by Marshall City residents from 1984 to 2005; the history of local Tax Capacity Rates from 1994 through 2005; and a comparison of 2004 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 Christensen, Administrator Assistant; for their efforts in preparing the budget presentation.

Upon motion made by Reynolds and seconded by Hilton, the meeting was adjourned at 6:05 P.M. All voted in favor of the motion



Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

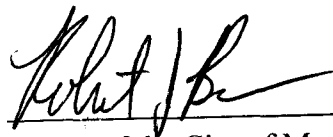
SPECIAL MEETING – DECEMBER 13, 2004

A special meeting of the Common Council of the City of Marshall was held on December 13, 2004 in the Cottonwood Room 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, Doom, Reynolds, Boedigheimer and Ritter. Absent: Linstrom. Staff present included: Michael Johnson, City Administrator; Rob Yant, Director of Public Safety; and Thomas M. Meulebroeck, Financial Director/City Clerk. Others present at the meeting included: Senator Dennis Frederickson; Representative Marty Seifert; Audrey Koopman, Tracy Administrator; Greg Isaackson, Cottonwood Administrator-Clerk-Treasurer; and Janet Arvizu, Tracy Council Member.

The purpose of this special meeting was for the City Council and City staff as well as representatives from Tracy, and Cottonwood to meet with Senator Dennis Frederickson and Representative Marty Seifert to discuss City Legislative concerns. The concerns that were discussed at this meeting include:

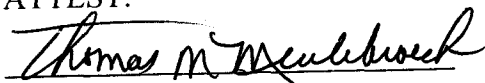
1. LGA/Property Tax
2. Transportation – increase in gas tax
3. Economic Development and State Bonding
4. Environment
5. Annexation
6. The potential of a prison being constructed in Tracy
7. The budget forecast with Health and Human Services part of the budget increasing 20%
8. The effects on local hospitals, when clients have no resources to pay for services, the rising cost of health insurance, Medicaid and etc.
9. Public Safety issues as it relates to funding of Drug and/or Gang Strike Forces and funding of chemical assessment teams
10. Reverse auctions
11. Liquor and wine being sold in grocery stores
12. What to do with meth houses

The meeting was declared adjourned at 6:35 P.M.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – DECEMBER 20, 2004

The regular meeting of the Common Council of the City of Marshall was held on December 20, 2004 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: Maes, Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Bob VanMoer, Wastewater Treatment Facility Superintendent; and Jane DeVries, Deputy City Clerk. Harry Weilage, Director of Community Services 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 with the addition of item number 15a, which is to consider a resolution revoking an On-Sale Intoxicating Liquor License and a Sunday On-Sale Intoxicating Liquor License for Naomi's.

APPROVAL OF THE MINUTES:

Reynolds moved, Maes seconded, that the minutes of the regular meeting held on December 6, 2004 be approved as corrected and that the minutes of the Truth-in-Taxation meeting held on December 8, 2004 and the special meeting held on December 13, 2004 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 INTOXICATING LIQUOR LICENSE FOR LANDMARK BISTRO LLC DBA LANDMARK BISTRO AND CONSIDER APPROVAL OF A SUNDAY ON-SALE LIQUOR LICENSE:

This was the date and time set for a public hearing for a new On-Sale Intoxicating Liquor License for Landmark Bistro LLC dba Landmark Bistro. Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed this application and indicated that they meet the requirements for an On-Sale Intoxicating Liquor License. Reynolds moved, Maes seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the approval of an On-Sale Intoxicating Liquor License at a fee of \$4,200 for 2005 and an On-Sale Intoxicating Sunday Liquor License at a fee of \$240 for 2005 for Landmark Bistro LLC dba Landmark Bistro at 100 West College Drive. All voted in favor of the motion.

PUBLIC HEARING – WASTEWATER USER RATES FOR FY 2005:

This was the date and time set for a public hearing on the Wastewater user rates for the year 2005. The proposed rates have been calculated based on a financial analysis of the Wastewater Utility Fund prepared by Springsted's Incorporated. Springsted's have looked at the Wastewater Treatment Facility Budget and a five-year project of the Wastewater Utility Fund. It was determined that a 3.85% increase in each of the next five years will keep the fund stable.

REGULAR MEETING – DECEMBER 20, 2004

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

Reynolds moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2687, SECOND SERIES and that the reading of the same be waived. Resolution Number 2687, Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 2005. All voted in favor of the motion.

AWARD OF BIDS FOR GARBAGE AND REFUSE HAULING FOR A 2-YEAR PERIOD FROM JANUARY 1, 2005 THROUGH DECEMBER 31, 2006:

The following bids were received, opened and read on December 3, 2004 for the pickup of garbage and junk at numerous City of Marshall locations for the 2-year period January 1, 2005 through December 31, 2006.

UNIT BID SCHEDULE OF UNIT PRICES PER LOCATION

<u>LOCATION</u>	<u>JOB DESCRIPTION</u>	Curry Sanitation Inc.	Ritter's Sanitary Service	Southwest Sanitation Service
1. Wastewater Treatment Plant	Twice per week, two (2) one-yard containers	\$ 3,188.00	\$ 3,825.00	\$ 3,867.16
	Twice per week, one (1) one and one-half yard containers	Included Above	Included Above	Included Above
2. Municipal Airport	Once a week, one (1) one yard container	\$ 600.00	\$ 720.00	\$ 690.00
	Twice a week, one (1) three yard container	\$ 1,125.00	\$ 1,350.00	\$ 1,325.48
3. Street Department Shops	Once per week, one (1) one yard container	\$ 600.00	\$ 720.00	\$ 802.48
4. Main Street between College Drive and 5th St. & 3 rd St. between Main St. & Lyon St.	Ten (10) sidewalk containers, once (1) per week. Pickup before 6:00 A.M.	\$ 750.00	\$ 900.00	\$ 998.16
5. Municipal Liquor Store	Two (2) times per week, one (1) one and one-half yard container	\$ 1,313.00	\$ 1,575.00	\$ 1,757.40
6. Municipal Building	Five (5) days per week two (2) 30 gallon containers	\$ 375.00	\$ 450.00	\$ 504.30

REGULAR MEETING - DECEMBER 20, 2004

7. Senior Citizen Center Building	Two (2) times per week, one (1) one yard container	\$ 1,200.00	\$ 1,440.00	\$ 1,576.29
Sub Total		\$ 9,151.00	\$10,980.00	\$11,521.27
Sales Tax		\$ 1,555.67	\$ 1,866.6	\$ 1,958.62
TOTAL BID ALTERNATES		\$10,706.67	\$12,846.60	\$13,479.89

PROVIDE THE FEE PER CONTAINER FOR THE FOLLOWING "ON CALL SAME DAY SERVICE" FOR THE FOLLOWING LOCATIONS:

		<u>Per Container Fee</u>		
A. One (1) yard container:				
A (1) Municipal Airport	\$15.21	\$10.00	\$ 8.52	
B. One and one-half (1 ½) yard container:				
B (1) Fire Station	\$15.21	\$15.00	\$6.00	
C. Three (3) yard container:				
C (1) Legion Field Park	\$23.40	\$25.00	\$19.25	
C (2) Justice Park	\$23.40	\$25.00	\$19.36	
C (3) Softball Complex	\$23.40	\$25.00	\$20.06	
C (4) Swimming Pool	\$23.40	\$25.00	\$19.88	
C (5) Independence Park - Baseball Complex	\$23.40	\$25.00	\$21.06	
C (6) Park Maintenance Shop	\$23.40	\$25.00	\$15.08	
D. Six (6) yard container:				
D (1) Independence Park	\$46.80	\$50.00	\$39.08	

FEE FOR ALTERNATE BID FOR RECYCLING:

1. Wastewater Treatment Plant	On Call	NC	NC	NC
2. Municipal Building	On Call	NC	NC	NC
3. Independence Park (Baseball Complex)	On Call	NC	NC	NC
4. Legion Park (Baseball Complex)	On Call	NC	NC	NC
5. Municipal Liquor Store	Recyclable corrugated cardboard 4 times/week	NC	NC	NC
6. Swimming Pool	On Call	NC	NC	NC

REGULAR MEETING – DECEMBER 20, 2004

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed these bids and is recommending that the bid be awarded to Curry Sanitation Inc., in the amount of \$10,706.67. Council Member Doom questioned the per container bid of Southwest Sanitation Inc., being lower than that of Curry Sanitation Inc. Mr. Doom was informed that the per location bid and the alternate per container bid are tied together into one contract and Curry Sanitation Inc., was the low bidder. Boedigheimer moved, Reynolds seconded, the bid for the pickup of garbage and junk at numerous City of Marshall locations for the 2 year period beginning January 1, 2005 be awarded to Curry Sanitation Inc., in the amount of \$10,706.67 plus the per container fee of \$15.21 for a one yard container; \$15.21 for a one and one-half yard container; \$23.40 for a 3 yard container; \$46.80 for a six yard container; and that there be no charge for the pickup of recycling items. All voted in favor of the motion, except Ritter who abstained.

AWARD OF BIDS – OFF-ROAD UTILITY VEHICLE FOR AIRPORT DEPARTMENT:

Bids were received, opened and read on December 15, 2004 for an Off-Road Utility vehicle for the Airport Department. The bids received, opened and read were as follows:

Action Sports	Action Sports	D & M Implement
Marshall, Minnesota	Marshall, Minnesota	Marshall, Minnesota
\$9,148.30	\$9,436.95	\$10,117.50
Does not meet minimum specs	Meets specs	Does not meet minimum specs

Reynolds moved, Maes seconded, that the bid for an Off-Road Utility Vehicle for the Airport be awarded to Action Sports, Marshall, Minnesota in the amount of \$9,436.95. All voted in favor of the motion, except Doom who abstained.

Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2688, SECOND SERIES and that the reading of the same be waived. Resolution Number 2688, Second Series is a resolution providing Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Improvement. This resolution provides for the proper city personnel to execute a Grant Agreement with the State of Minnesota for the Off-Road Utility Vehicle for the Airport Department. All voted in favor of the motion.

CONSENT AGENDA – A. CHANGE 2005 CITY COUNCIL MEETING DATES; B. REQUEST FOR ALLEY CLOSURE – D & G EXCAVATING, INC.; C. REMOVAL OF STOP SIGNS ON MARVIN SCHWAN MEMORIAL DRIVE AT SOUTH 1ST STREET; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

That the three City Council meetings that fall on holidays in 2005 be changed as follows:

<u>Monday holidays</u>		<u>New meeting date</u>
January 17, 2005	Martin Luther King	January 18, 2005
February 21, 2005	President's Day	February 22, 2005
July 4, 2005	4 th of July	July 5, 2005
September 5, 2005	Labor Day	September 6, 2005

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The approval of an alley closure from West College Drive to approximately 100 feet Northwest of the Atlantic Hotel from 8:00 A.M. on Monday, December 20, 2004 to 5:00 P.M. on Tuesday, December 21, 2004 for D & G Excavating, Inc., to install a storm sewer line from the Atlantic hotel to the City storm sewer system. This closure was approved with the following conditions:

1. Contractor providing barricades for the alley closure.
2. Contractor to notify adjacent businesses for closure and deliver access prior to closure.
3. No frozen material in the backfill.
4. Surface replacement must be cold mix asphalt or concrete.

The adoption of RESOLUTION NUMBER 2688-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2688-A, Second Series is a resolution Providing for the Removal of Stop Signs in the City of Marshall. This resolution provides for the removal of two (2) stop signs on Marvin Schwan Memorial Drive at South 1st Street.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 44670 through 44869.

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. Dale Scholten	203 East Main Street	Exterior Remodeling	\$700
2. Mike Buysse Construction	106½ North 1st Street	Exterior Remodeling	\$5,000
3. Michael & Joyce Paulson	102½ North 1st Street	Reside Dwelling	\$1,500
4. Scenic Sign Corp.	1221 East Main Street	Install Business Signs	\$28,700
5. Ronald & Kathleen Christensen	500 East Main Street	Deck	\$1,000

ORDINANCE AMENDING CHAPTER 78, ARTICLE III – SURFACE WATER MANAGEMENT UTILITY IN THE CITY OF MARSHALL, MINNESOTA:

Linstrom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 522, SECOND SERIES and that the reading of the same be waived. Ordinance Number 522, Second Series is an ordinance Amending Sections 78-116 to 78-142 of the Code of Ordinances of the City of Marshall. This ordinance provides changes to reflect monthly billings, monthly minimums, and collection procedures according to MMU's collection policy. All voted in favor of the motion.

REGULAR MEETING – DECEMBER 20, 2004

SURFACE WATER MANAGEMENT UTILITY – PROPOSED RATES:

Linstrom moved, Reynolds seconded, the approval of changing the SWMU quarterly rates to monthly rates. This is required to allow for Marshall Municipal Utilities to bill the SWMU fees on their monthly billing statement. All voted in favor of the motion.

CONSIDER RESOLUTION AMENDING SPECIFIC FEES FOR 2005:

Council Member Doom questioned the why the fee for some equipment is by the hour and some includes an operator. Mr. Doom was informed that that these fees are established for other governmental agencies and certain equipment requires special training to operate. Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2689, SECOND SERIES and that the reading of the same be waived. Rob Yant, Director of Public Safety, reviewed the two different rates for funeral escorts. Council Member Ritter indicated that there should not be a fee for 1 to 2 officers. Pat McFarland indicated that there should not be a fee for this service at all. Quinn Horvath, Rehkamp- Horvath Funeral Home, indicated that the current system of charging \$150.00 is not working and was not sure if funeral flags would help. Mr. Yant indicated that there was approximately \$3,000 generated from the funeral fees in 2004 and based on a \$50 and \$150 charge about \$6,000 would be generated in 2005. Ritter moved, Doom seconded, the amend the motion that there be no fee for funeral escorts of 1 to 2 officers and that for 3 or more officers the fee be set at \$150. Voting in favor of the amendment included: Ritter, Doom, Boedigheimer and Byrnes. Voting no were: Maes, Linstrom and Reynolds. Voting in favor the motion as amended were: Ritter, Doom, Boedigheimer and Byrnes. Voting no were: Maes, Linstrom and Reynolds.

RESOLUTION OF APPRECIATION:

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2690, SECOND SERIES and that the reading of the same be waived. Resolution Number 2690, Second Series is a resolution expressing the City of Marshall's Appreciation to Lowell "Curly" Rademacher, Sergeant for the Public Safety Department. Mayor Byrnes read the resolution. Lowell took this opportunity to thank everyone for their help and support for the past 35 plus years. All voted in favor of the motion.

REQUEST FOR CONDITIONAL USE PERMIT – DAY CARE FACILITY:

Per the recommendation of the Planning Commission, Ritter moved, Reynolds seconded, the approval of the request of Dustin Hinckley of Discovery Center Preschool and Day Care for a Conditional Use Permit for a Daycare Facility in a B-2 Central Business District at 202 North 4th Street with the following conditions:

1. The use be limited to serving no more than 60 individuals
2. The use be licensed by the State of Minnesota
3. The permit is not transferable to any other person or entity
4. The permit expires within 2 years of the date of approval if the business is not in operation.

This location is the Wesley United Methodist Church. The day care intends to use the lower level near the Lyon Street entrance and the children will be dropped off in the alley. All voted in favor of the motion.

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REQUEST FOR VARIANCE ADJUSTMENT PERMIT – REAR YARD 400 JEWETT:

Per the recommendation of the Planning Commission, Maes moved, Linstrom seconded, the approval of a Variance Adjustment Permit for Harold Teasdale, Marshall Senior Housing, at 400 Jewett for a 75' rear yard in lieu of the required 100' rear yard as required by Zoning Code in an R-4 Higher Density Multiple Family Residence District. This request is for an existing condition and is for the existing building only. All voted in favor of the motion.

PRELIMINARY PLAT – MARSHALL LABS ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Marshall Labs Addition. Per the recommendation of the Planning Commission, Doom moved, Maes seconded, the introduction of the preliminary plat of Marshall Labs Addition and called for a public hearing to be held at 5:30 P.M. on January 3, 2005. This Preliminary Plat was approved with the condition that additional utility easements to accommodate future installations of electrical service to the subdivided properties. All voted in favor of the motion.

AVERA MARSHALL REGIONAL MEDICAL CENTER – CONSIDER PURCHASE OF REPLACEMENT FAN COIL UNITS AND CONSIDER CHANGE ORDER TO LONG-TERM CARE CONSTRUCTION PROJECT:

Maes moved, Ritter seconded, the approval of AVERA Marshall Regional Medical Center to purchase replacement fan coil units for the Morningside Heights Care Center in the amount of \$139,619 from Bisbee Plumbing and Heating and the approval of a Change Order in the amount of \$186,704. This change order provides for the demolition, drywall, wardrobe cabinets and bathroom doors for the existing 38 resident rooms. All voted in favor of the motion.

**CONSIDER RECOMMENDATIONS FROM INSURANCE ADVISORY COMMITTEE -
A. CONSIDER LIFE INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2005;
B. CONSIDER LONG-TERM DISABILITY INSURANCE RENEWAL RATES
EFFECTIVE JANUARY 1, 2005; C. CONSIDER RENEWAL OF EMPLOYEE
ADMINISTRATION FEE FOR DENTAL INSURANCE WITH FORTIS; D. CONSIDER
THE 2005 DENTAL INSURANCE PREMIUMS FOR THE CITY AND MMU; E.
CONSIDER WORKERS COMPENSATION INSURANCE RENEWAL EFFECTIVE
JANUARY 1, 2005:**

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the insurance renewals and recommendations from the Insurance Advisory Committee. Boedigheimer moved, Maes seconded, that the life insurance coverage be awarded to MII Life effective 1-1-05 contingent upon receiving written verification that they mirror the coverage's provided by Madison National Life. The rates for life insurance through MII Life are \$.18 basic life and \$.02 Basic AD & D and \$.98 per unit for dependent coverage. All voted in favor of the motion.

Maes moved, Boedigheimer seconded, that the long-term disability coverage be renewed with Madison National Life effective 1-1-05. The rate for long-term disability is .425% of covered payroll for basic coverage which pays 60% of base wages and the supplemental coverage for the Municipal Utility employees only at a rate of .31% of covered payroll which pays out to 85% of wages. All voted in favor of the motion.

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Boedigheimer moved, Maes seconded, that the dental insurance coverage be awarded to Delta Dental effective 1-1-05. The proposals received from Delta Dental of Minneosta for both Utility and City employees combined either meet or exceeds the current coverage's that the Utilities has with Fortis or the City has for a self-insured plan. The monthly premium for single coverage is \$25.35 and for family coverage is \$68.20. All voted in favor of the motion.

With the award of the dental insurance to Delta Dental there is no need for the City of Marshall to renew the Employee Administration fee for dental insurance with Fortis.

Boedigheimer moved, Maes seconded, that the workers compensation insurance be renewed with the League of Minnesota Cities Insurance Trust for 2005. This renewal includes a \$2,500 deductible credit and a 3% managed care credit. All voted in favor of the motion.

CONSIDER ANNUAL RENEWAL OF LICENSES FOR TOBACCO, OFF-SALE NON-INTOXICATING BEER LICENSE, ON-SALE INTOXICATING LIQUOR LICENSE, SUNDAY ON-SALE INTOXICATING LIQUOR LICENSE; AND TRANSIENT MERCHANTS LICENSE:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the annual renewal for Tobacco, Off-Sale Non-Intoxicating Beer License, On-Sale Intoxicating Liquor License, Sunday On-Sale Intoxicating Liquor License and Transient Merchants License. Tom indicated that the request is to approve these license contingent upon receive of the insurance certificates and the appropriate fees being paid. Rob Yant, Director of Public Safety, reviewed the compliance checks and requested that their be a fine associated with a liquor violation. The Legislative and Ordinance Committee needs to review this and make a recommendation for the 2006 License renewals.

Boedigheimer moved, Ritter seconded, and it was unanimously approved that the following Tobacco Licenses be approved at a fee of \$72.00.

American Legion	Ampride Main
Ampride West	Casey's General Store
Cattoor Oil/Phillipps 66	County Fair
Eagles Club	Freedom Value Center
Gambler	Hy-Vee Food Store
Hy-Vee Gas Station	KC's Pawn & Gun Shop
K Mart	Marshall Golf Club
Marshall Liquor Store	Pappy's
Sam's Place	Super America
Cenex Numart of Marshall	Travelers Lodge
Varsity Pub	Wal Mart
Wooden Nickel	Ultimate Express

Ritter moved, Maes seconded, and it was unanimously approved that the following Off-Sale Non-Intoxicating Beer Licenses be approved at a fee of \$90.00.

Hy-Vee Food Store
Hy-Vee Gas Station
La Mexicana

REGULAR MEETING – DECEMBER 20, 2004

Ritter moved, Doom seconded, and it was unanimously approved that the following On-Sale Intoxicating Liquor Licenses be approved at a fee of \$4,200.

American Legion	Applebee's Neighborhood Grill & Bar
Best Western/Marshall Inn	Eagles Club
Gambler	Hitching Post Eatery and Saloon
Mariachi Fiesta	Marshall Bowl
Marshall Golf Club	Pappy's
Sam's Place	Varsity Pub
Wooden Nickel	

Linstrom moved, Maes seconded, and it was unanimously approved that the following Sunday On-Sale Intoxicating Liquor Licenses be approved at a fee of \$240.00.

American Legion	Applebee's Neighborhood Grill & Bar
Best Western/Marshall Inn	Eagles Club
Gambler	Hitching Post Eatery and Saloon
Mariachi Fiesta	Marshall Bowl
Marshall Golf Club	Pappy's
Sam's Place	Varsity Pub
Wooden Nickel	

Maes moved, Linstrom seconded, and it was unanimously approved that the following Transient Merchants Licenses be approved at a fee of \$300.00.

Precision Hearing Instruments dba Miracle Ear
T.A.P. Enterprises Inc.
Hometown Super Saver

CONSIDER A RESOLUTION REVOKING AN ON-SALE INTOXICATING LIQUOR LICENSE AND A SUNDAY ON-SALE INTOXICATING LIQUOR LICENSE FOR NAOMI'S:

Dennis Simpson, City Attorney, reviewed the Notice of License Revocation received from the Minnesota Department of Revenue in regard to Nordin Holdings Inc., dba Naomi's Steakhouse overdue tax liability. According to Minnesota Law the City of Marshall is required to revoke the On-Sale Intoxicating Liquor License and Sunday On-Sale Liquor License for Naomi's Steakhouse by January 8, 2005. Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2691, SECOND SERIES and that the reading of the same be waived. Resolution Number 2691, Second Series is a resolution Revoking On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License for Nordin Holdings, Inc., dba Naomi's Steakhouse. This resolution is effective immediately upon its adoption by the Council at 6:45 P.M. All voted in favor of the motion.

A 5-minute recess was taken at this time.

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CONSIDER TOWING AND STORAGE LICENSES FOR STEVE'S 24-HOUR TOWING AND S & S AUTO PERFORMANCE CENTER, INC:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the two applications for Towing and Storage Licenses for 2005 and indicated that both applicants meet the necessary requirements. Mike Johnson, City Administrator, indicated that this is the first time that the City has had more than one application for a Towing and Storage License. Mike indicated that the city could request proposals to get the best rate for the City. Doom moved, Linstrom seconded, the approval of the Towing and Storage Licenses for Steve's 24-Hour Towing and S & S Auto Performance Center, Inc., in the amount of \$180.00 each. All voted in favor of the motion.

Ritter moved, Reynolds seconded, that the City receive proposals on the fees for towing and storage. These proposals are to be received at 10:00 A.M. on December 29, 2004. Council Member Boedigheimer questioned why the City does not get proposals for gas that is purchased when the County pumps are not available. Council Member Boedigheimer was informed that when the County pumps are not available gas is purchased based upon the stations that are open and where the City of Marshall has charge accounts. All voted in favor of the motion.

CONSIDER ANNUAL RENEWAL OF TRANSPORTATION AGREEMENT FOR 2005 WITH WESTERN COMMUNITY ACTION FOR TRANSIT OPERATIONS:

Reynolds moved, Linstrom seconded, that the proper city personnel be authorized to enter into an agreement between Western Community Action, Inc., and the City of Marshall for transit operations within the City of Marshall for the period January 1, 2005 through December 31, 2005. All voted in favor of the motion.

RESOLUTION FOR PROPOSED 2005 BUDGET – APPROVAL OF PROPOSED 2005 PROPERTY TAX LEVY AND ADOPTION OF 2005 PROPOSED BUDGET:

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2692, SECOND SERIES and that the reading of the same be waived. Resolution Number 2692, Second Series is a resolution Approving 2004 Tax Levy, Collectible in 2005. This resolution provides for a total levy of \$3,145,651 which includes the General Fund Levy of \$2,218,019; Library Fund Levy \$391,050; 1996 Debt Service – Storm Sewer Improvement Bonds \$216,175; Debt Service 2002 "A" Airport Improvement Bonds \$201,594; Debt Service 2002 "B" Parkway Improvement Bonds \$28,483; Debt Service 2004 Aquatics Center Certificates \$57,330; Debt Service 2005 Finance Department Equipment Certificates \$25,000 and PERA Employer Contribution \$8,000. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2693, SECOND SERIES and that the reading of the same be waived. Resolution Number 2693, Second Series is a resolution Adoption a Budget for 2005. This resolution provides for General Fund revenues of \$8,748,106 and expenditures of \$8,748,106 and of which the revenues will be supported with a tax levy of \$2,609,069. Council Member Maes was concerned about making up the revenue due to the change in the fees charged for funeral escorts. Mike Johnson, City Administrator, indicated that the revenues and expenditures in the General Fund Budget are based on their best estimates and that there may be more revenues in other areas and less

REGULAR MEETING - DECEMBER 20, 2004

expenditures in certain areas that could make up the lost revenue from funeral escorts. All voted in favor of the motion.

CONSIDER APPROVAL OF WASTEWATER DISCHARGE PERMIT FOR IOWA TURKEY PRODUCTS, INC., DBA TURKEY VALLEY FARMS:

Reynolds moved, Maes seconded, that the proper city personnel be authorized to enter into a Wastewater Discharge Permit for Iowa Turkey Products, Inc., dba Turkey Valley Farms. All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 1 - BOYER DRIVE PROJECT 2004-004:

Linstrom moved, Boedigheimer seconded, the approval of Change Order No. 1 with R & G Construction for the Boyer Drive Project 2004-004 in the amount of \$650.00. This change order provides for the furnishing and installation of temporary paint striping and arrows on Boyer Drive. The additional contract amount is to be paid for from Municipal State Aid Account #103-62066-5570. All voted in favor of the motion.

MEMORANDUM OF UNDERSTANDING FOR HIGHWAY JURISDICTIONAL CHANGE - SARATOGA STREET (COUNTY ROAD 67):

Doom moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into a Memorandum of Understanding for Highway Jurisdictional Change for South Saratoga Street from T.H. 23 south to the city limits line with Lyon County. This memorandum addresses the jurisdictional change, the cost participation for reconstruction of this section of roadway, and maintenance of this section of roadway for two years from the date of the agreement. This is only a Memorandum of Understanding that will be utilized to develop the project design, construction estimates, and responsibility splits for the costs of the project. These costs will be included in a future contract to be entered into at a later date for prior commitment to actual construction. All voted in favor of the motion.

SOUTHWEST REGIONAL AIRPORT - MARSHALL/RYAN FIELD - APPROVAL OF FIXED BASED OPERATOR'S (FBO) LEASE WITH SOUTHWEST AVIATION, INC., DBA MIDWEST AVIATION AND CONSIDER MODIFICATION TO MONITORING EQUIPMENT SITE LEASE WITH THE STATE OF MINNESOTA:

Mike Johnson, City Administrator, reviewed the Fixed Based Operator's (FBO) Agreement with Southwest Aviation, Inc., dba Midwest Aviation. Under the new lease Midwest Aviation will be paying \$3,679 per month or \$44,148 annually for the use of the airport facilities and buildings. In addition to the new amounts, Midwest Aviation will reimburse the City retroactively for the differences on the FBO portion of the lease and the initiation of payment on the new hangar beginning in November, 2004. The amount of these retroactive payments totals \$13,878. Although payment on the new hangar is effectively starting in November, 2004, the twenty (20) year amortization schedule includes accrued interest from April 1, 2002 to present. Ritter moved, Boedigheimer seconded, that approval of this lease be tabled for 60 days to allow time for a sub committee to review this agreement. Council Member Maes indicated that the Airport Commission was the sub committee that reviewed this lease and made a recommendation to the Council. Council Member Ritter indicated that he spoke to three Airport

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Commission members and one Council Member and they indicated that they did not think this lease was in the best interest of the city. Council Member Boedigheimer indicated that the Airport Commission was not 100% in favor of the lease but approved it as is in order to complete it at this time. Voting in favor of the motion were Ritter and Boedigheimer. Voting no were: Maes, Doom, Linstrom, Byrnes and Reynolds.

Reynolds moved, Maes seconded, the approval of the Fixed Based Operator's (FBO) Lease with Southwest Aviation, Inc., dba Midwest Aviation effective January 1, 2004. All voted in favor of the motion, except Ritter and Boedigheimer who voted no.

Reynolds moved, Maes seconded, the approval of a Monitoring Equipment Site Lease with the State of Minnesota. This lease was originally approved on June 21, 2004 for the installation of monitoring equipment for the benefit of Minnesota Pollution Control Agency. The new lease provides for changes recommended by the Federal Aviation Administration. This lease is effective from January 1, 2005 through December 31, 2009 at a rate of \$500 per quarter. All voted in favor of the motion.

REVIEW STATE OF MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT BUSINESS AND COMMUNITY DEVELOPMENT DIVISION GRANT AGREEMENT FOR THE IOWA TURKEY PRODUCTS, INC., PROJECT:

This agreement is being provided as an informational item only, as the resolution, which authorized the submittal of the grant application to the State of Minnesota, authorized the Mayor and City Administrator to execute the grant agreement and any amendments thereto on behalf of the City of Marshall. The grant contained within the agreement is for \$500,000 to the City of Marshall to be loaned to Iowa Turkey Products, Inc.

AUTHORIZATION TO APPROVE AMENDMENTS TO THE CGMC BYLAWS:

Reynolds moved, Maes seconded, the approval of the Amendments to the Coalition of Greater Minnesota Cities (CGMC) Bylaws be approved and the Mayor be authorized to sign the ballot on behalf of the City of Marshall. All voted in favor of the motion.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Doom moved, Reynolds seconded, that the following appointment be made:
Cheryl Bauer McConnaghey be appointed to the Community Services Board for a term to expire on 2-28-05
Victoria Cunfer be reappointed to the Library board for a term to expire on 12-31-07
Karen Sweetland, be appointed to the Library Board for a term to expire on 12-31-07
All voted in favor of the motion.

STAFF UPDATE ON SCHEDULE FOR DOWNTOWN PLANNING PROCESS:

Harry Weilage, Director of Community Services, gave a brief update on the schedule for the Downtown Planning Process. City Staff and DSU have developed a flow chart that can be used to address the proposed schedule and activities associated with the planning process.

MAYOR AND COUNCIL MEMBER REPORTS:

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

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- Byrnes EDA met last week – they are continuing to work on Phase II of Parkway Housing, they discussed a CRIF loan
- Boedigheimer Airport Commission minutes are included in the agenda packet; Cable Commission meeting was cancelled; Insurance Advisory Commission met on December 17th and the Lyon County Enterprise Development will meet on December 21st.
- Doom Planning Commission. – not able to attend; Marshall Area Transit will be meeting on December 22nd.
- Linstrom Community Services Advisory Board discussed green space and bike trails; Library Board – not able to attend.
- Maes Hospital Board met earlier in the evening and the Human Rights Commission will meet next week.
- Reynolds Utilities Commission discussed budget issues.
- Ritter Attended the EDA meeting with Mayor Byrnes

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

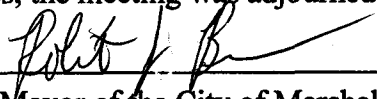
Other items brought forth by the Mayor and Council Members included: Gary Smidt, Brad Snell and representatives from Mead & Hunt will be meeting with Northwest Airlines; there was a concern with the sidewalk at the corner of Main and College being blocked off for such a long period of time. Glenn Olson, Director of Public Works/City Engineer, indicated that the permit for this area is from MN/DOT due to the fact that it is along two highways. There was also a concern with there not being a centerline on Bruce Street.

REVIEW OF PENDING AGENDA ITEMS:

There were no comments on the pending agenda items.

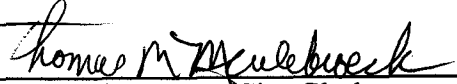
Mike Johnson expressed condolences on behalf of the council and staff to Molly Linstrom on the loss of her mother.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk