

REGULAR MEETING – JANUARY 3, 2005

The regular meeting of the Common Council of the City of Marshall was held on January 3, 2005 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: Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: Maes (at Hospital Board Meeting). 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 as presented.

APPROVAL OF THE MINUTES:

Reynolds moved, Linstrom seconded, that the minutes of the regular meeting held on December 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 – CONSIDER APPROVAL OF PRELIMINARY PLAT OF MARSHALL LABS ADDITION:

This was the date and time set for a public hearing to consider the approval of the preliminary plat of Marshall Labs Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that the owner of the property is considering selling approximately the north half of the property. As the property has not been platted before, the property needs to be subdivided prior to sale of the property. Additional utility easements have been provided to accommodate future installations of electrical services to the subdivided properties and MN/DOT has provided a written review of the plat indicating no conflict with their rights-of-ways. Reynolds moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Per the recommendation of the Planning Commission, Doom moved, Reynolds seconded, the approval of the Preliminary Plat or Marshall Labs Addition. All voted in favor of the motion.

AWARD OF BIDS – TOWING AND STORAGE:

Bids were received, opened and read on December 29, 2004 for Towing and Storage Fees for the City of Marshall. The bids received, opened and read were as follows:

| | |
|---|---|
| Steve's 24 Hour Towing | S & S Automotive Performance Center, Inc. |
| Marshall, MN | Marshall, MN |
| Towing Fee - \$45.00 plus tax = \$47.93 | \$19.00 includes tax (\$17.84 plus tax) |
| Outside Storage - \$12.00 per day | Outside Storage - \$10.00 per day |
| Inside Storage - \$15.00 per day | Inside Storage - \$12.00 per day |

The council was provided with a revenue/expense summary from 2000 to 2004 YTD. The expenses exceed the revenue for each year as a result of vehicles not being claimed and the city having to pay this expense. Boedigheimer moved, Reynolds seconded, that the bid for Towing and Storage be awarded to S & S Automotive Performance Center, Inc., Marshall, Minnesota in the amount of \$19.00 for towing; \$10.00 per day for outside storage and \$12.00 per day for inside storage. All voted in favor of the motion.

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CONSENT AGENDA – A. CONSIDER RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES FOR 2005; B. CONSIDER RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR 2005; C. CONSIDER OUT-OF-STATE TRAVEL FOR PUBLIC SAFETY DEPARTMENT; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS; F. 2004 BUILDING PERMIT SUMMARY:

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

The adoption of RESOLUTION NUMBER 2694, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2694, Second Series is a resolution Appointing the Official Depositories for the City of Marshall City Funds for the year 2005.

The adoption of RESOLUTION NUMBER 2695, SECOND SERIES and that the reading of the same be waived. Resolution Number 2695, Second Series is a resolution Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall.

The approval of out-of-state travel for Jody Gladis to attend the World SWAT Symposium in Las Vegas, NV from March 30, 2005 to April 2, 2005. The Brown, Lyon Redwood Drug Taskforce will pay for all travel expenses, except for wages and meal costs.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 44870 through 44986.

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. Gary D. & Marjory A. Becker | 136 | "E" | Street | Exterior Remodel of Barn | \$25,000 |
| 2. Gary D. & Marjory A. Becker | 136 | "E" | Street | Exterior Remodeling-Potting Shed | \$7,000 |
| 3. Bruce & Cindy Robinson | 919 West | Main | Street | Install Windows | \$300 |
| 4. George & Dolores Noyes | 802 South | 1st | Street | Install Window & Reside Dwelling | \$5,500 |
| 5. K-Designers | 406 North | 4th | Street | Reside Dwelling | \$12,700 |
| 6. The Schwan Food Company | 307 West | College | Drive | Office Renovation | \$95,000 |
| 7. The Schwan Food Company | 115 West | College | Drive | Office Renovation | \$85,000 |
| 8. Karl Campbell Construction | 1002 | Paris | Road | Dwelling | \$154,000 |

The council was provided with a 2004 Building Permit Summary for their information.

CONSIDER 2004 AUDIT PROPOSAL WITH LARSON, ALLEN, WISHAR & CO., LLP (LAWCO):

Mike Johnson, City Administrator, reviewed the proposal that was received from Larson, Allen, Wishar & Co., LLP to provide audit services related to the City of Marshall 2004 Financial Statements. Mike also indicated that if the City is interested in moving forward with the GFOA Certificate of Achievement it is the recommendation that this not be considered until the 2005 audit. Boedigheimer moved, Doom seconded, the approval of the proposal received

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from Larson, Allen, Wishar & Co., LLP for the 2004 Audit with the exception of the GFOA Certificate of Achievement. 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

Boedigheimer Lyon County Enterprise Development Commission will meet on January 4th

Doom Marshall Area Transit Committee met on December 22nd – discussed past year increase in usage and they will purchase a new bus in 2006

Linstrom No report

Reynolds Council Personnel Committee met last week and discussed insurance

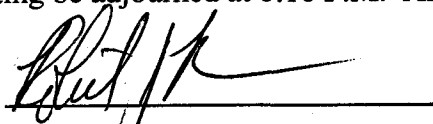
Ritter No report

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: no parking on Camden Drive – maybe this should be a one-way street; the Hospice House sump pumps runs all year; the City parking lot along East College Drive behind the Schwan's Record Retention building does not have any parking restrictions; Ritter suggested adding an additional amount to the towing fee to help increase revenues; the Council Retreat will be held at 5:30 P.M. on January 10th at MMU.

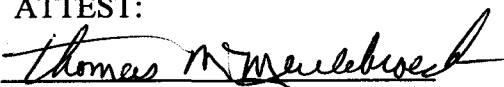
Glenn Olson, Director of Public Works/City Engineer, indicated that all of the new parking signs are complete and they are working to get them all installed.

Reynolds moved, Linstrom seconded, that the meeting be adjourned at 6:10 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL CITY COUNCIL RETREAT

January 10, 2005

A special retreat of the Common Council and City Staff of the City of Marshall was held on January 10, 2005 in the Board Room of the Marshall Municipal Utilities. Mayor Byrnes called the meeting to order at 5:30 P.M. In addition to Byrnes, the following members were present: Hilton, Doom, Linstrom, Reynolds, Boedigheimer, and Ritter. Absent: none. Staff present at the meeting included: Michael Johnson, City Administrator; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; and Calvin Barnett, Director of General Services/City Assessor. Others in attendance included Rae Kruger, Marshall Independent and Craig Rapp (Facilitator) from Springsted, Inc.

The City Council began the retreat on "Strategies For Effective Leadership" with dinner and an overview by Mayor Byrnes.

Craig Rapp of Springsted, Inc. (City's Financial Advisory Firm) was the Facilitator for the evening. He was introduced by Mayor Byrnes and City Administrator Johnson.

Mr. Rapp provided the Council with information on his background and took the Council through a program that covered Roles and Responsibilities, The Governance Process, Leadership and Teamwork, Handling Conflict and Accountability.

Following the conclusion of Mr. Rapp's program, Mayor Byrnes indicated that there would need to be a follow-up planning session for the entire Council to address issues confronting the City. Mayor Byrnes listed the topics that he felt needed to be discussed:

- | | |
|---|--------------------------------|
| 1. Economic Development Position | 6. Housing |
| 2. Mayor Economic Development Projects | 7. Special Assessment Projects |
| 3. Status of Blue Ribbon Task Force | 8. Annexation |
| 4. Status of Downtown Project / Transportation Improvement | 9. Public Facilities |
| 5. Airport Issues | 10. Technology |

Mayor Byrnes suggested that a possible meeting date could be January 31, 2005. He encouraged councilmembers to take a look at this date and to develop a list of their individual projects or concerns.

No further action occurred and the meeting adjourned at 8:50 p.m.



Mayor of the City of Marshall

ATTEST:



City Administrator

REGULAR MEETING – JANUARY 18, 2005

The regular meeting of the Common Council of the City of Marshall was held on January 18, 2005 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, Reynolds, Boedigheimer and Ritter. Absent: Linstrom. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Rob Yant, Director of Public Safety; Kim Jergenson, Engineer Technician; Dale Howe, Building Official; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Maes moved, Doom seconded, that the minutes of the regular meeting held on January 3, 2005 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 – A. CONSIDER APPLICATION FOR EXEMPT PERMIT (LG220) HOLY REDEEMER CHURCH FOR BINGO AND A RAFFLE ON MAY 15, 2005; B. CONSIDER LAWFUL GAMBLING RENEWAL (LG200R) FOR THE MARSHALL BASEBALL ASSOCIATION TO USE AT SAM'S PLACE RESTAURANT, THE GAMBLER, AND THE VARSITY PUB; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

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

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit –LG 220 for Holy Redeemer Church for bingo and a raffle at Holy Redeemer School, 501 South Whitney, Marshall, Minnesota on May 15, 2005 and that the 30-day waiting period be waived for both applications.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Lawful Gambling License Renewal Application for Marshall Baseball Association, 1105 East College Drive, Suite Two, Marshall, Minnesota to be used at Sam's Place Restaurant, 236 West Main Street, Marshall, Minnesota; Gambler, 303 West Main Street, Marshall, Minnesota; and Varsity Pub, 128 West Main Street, Marshall, Minnesota and that the 30-day waiting period be waived.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 44987 through 45146.

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. | Michyl & Karen Dalager | 207 | London Road | Finish Basement | \$7,500 |
| 2. | Anthony D. Hentges | 221 | Athens Avenue | Finish Basement | \$7,000 |
| 3. | Lozinski Construction | 608 | VanBuren Street | Basement Remodel | \$14,000 |
| 4. | Schaefer Woodworks | 1004 | Indiana Jones Avenue | Bathroom Remodel | \$10,000 |
| 5. | Shantele Germundson | 402 | Elaine Avenue | Basement Remodel | \$4,500 |

CONSIDER THE REQUEST OF LINDA RYE FOR A TWO-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR A BEAUTY SHOP BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 102 GEORGE STREET:

Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, that Linda Rye be granted a two-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 102 George Street. At the Planning Commission meeting, the applicant revised the request for a two-year renewal in lieu of the one-year renewal. The applicant is willing to pay any additional fees required to obtain a two-year permit vs. a one-year permit. This permit was approved with the following conditions: that the permit expire in two years and that the hours of business be between 6:00 A.M. and 10:00 P.M. only. All voted in favor of the motion.

PRELIMINARY PLAT OF WILKE-MILLER-BUESING THIRD ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Wilkd-Miller-Buesing Third Addition. The owner of the property is continuing to develop this area for residential use. As the property has not been plated before, the property needs to be subdivided prior to sale of individual lots. Per the recommendation of the Planning Commission, Ritter moved, Doom seconded, the introduction of the preliminary plat of Wilke-Miller-Buesing Third Addition and call for a public hearing to be held at 5:30 P.M. on February 7, 2005. All voted in favor of the motion.

PRELIMINARY PLAT OF UNIVERSITY PARK ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of University Park Addition. The owner of this property is redeveloping the eastern portion of the manufactured home park. As the property has not been plated before, the property needs to be subdivided prior to sale of individual lots. Per the recommendation of the Planning Commission, Doom moved, Maes seconded, the introduction of the preliminary plat of University Park Addition and call for a public hearing to be held at 5:30 P.M. on February 7, 2005. All voted in favor of the motion.

PRESENTATION OF THE 2005 BUDGET BY MARSHALL MUNICIPAL UTILITIES:

Brad Roos, General Manager Marshall Municipal Utilities and Roxy Moon, Finance Officer Marshall Municipal Utilities presented the 2005 Marshall Municipal Utilities Budget. Mike Johnson, City Administrator, requested that MMU provide the City information on improvements they are considering that would require a bond issue.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR PUBLIC SAFETY AND PUBLIC WORKS:

Rob Yant, Director of Public Safety, is requesting authorization to advertise for bids for the purchase of two (2) new police squad units and for the purchase of one (1) new sport utility vehicle for the supervisor's vehicle. Rob is requesting to look at prices to possible not trade in the Expedition and to instead pass it onto the Fire Department, therefore he is requesting the sport utility vehicle to be bid with and without a trade-in. The council members were concerned with the high cost of the Expedition vs. a smaller sport utility vehicle. Council Member Doom wanted to know who writes the specs for these vehicles. It was indicated that Brian Gadd of the Police Department is responsible for the specs and that all of the local dealers are able to bid. Boedigheimer indicated that they should also receive a bid for a smaller sport utility vehicle. Byrnes indicated that the council had this same discussion and a demonstration on size and how the equipment didn't fit well into a small SUV a few years ago. Mayor Byrnes indicated that Rob has made his recommendation based on what is needed for the Police Department. Boedigheimer moved, Doom seconded, that the proper city personnel be authorized to advertise for bids for two (2) new police squad units and for the purchase of one (1) mid size and a smaller sport utility vehicle for the supervisor's vehicle. All voted in favor of the motion, except Byrnes and Reynolds who voted no.

Glenn Olson, Director of Public Works/City Engineer, is requesting authorization to advertise for the purchase of a replacement 4-door Sedan for Building Inspection, a replacement 2-door Sedan for Motor Pool, and a replacement 4-door short box 4WD Pickup for the Engineering Department for survey and inspection. It is the intent to keep the 1998 Ford Supercab Pickup for the Building Inspector and the 1998 Ford Taurus for the Temporary Building Inspector and advertise for a 4-door short box 4WD Pickup to be used for survey and inspection and a 2-door Sedan to be used by the Building Official. Boedigheimer questioned why the need for a larger pickup and if a 1 to 2 year old vehicle would fit the needs of the Building Official. Council Member Maes was concerned with maintenance costs on a used vehicle. Ritter questioned why the need for a 4-door pickup. It was indicated that this pickup is used by the survey and inspection department and all of their equipment is kept in the cab. This vehicle is also used for the part-time help in the summer months and a 4-door vehicle provides more room and provides for easier access. Reynolds moved, Doom seconded, that the proper city officials be authorized to advertise for bids for a 4-door short box 4WD Pickup; a new and used 2-door Sedan for the Building Official; and a new 2-door Sedan for the Motor Pool. All voted in favor of the motion.

CONSIDER AMENDMENT NO. 1 TO MN/DOT GRANT AGREEMENT NO. 83201 FOR THE SOUTHWEST MINNESOTA REGIONAL AIRPORT:

Glenn Olson, Director of Public Works/City Engineer, indicated that Amendment No. 1 to MN/DOT Grant Agreement No. 83201 for the Southwest Minnesota Regional Airport extends the expiration date of the agreement to June 30, 2005. Maes moved, Reynolds seconded, that the proper city personnel be authorized to enter into Amendment No. 1 to MN/DOT Grant Agreement No. 83201 for the Southwest Minnesota Regional Airport to extend the expiration date to June 30, 2005. All voted in favor of the motion.

CONSIDER RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING FOR HEARING ON IMPROVEMENT FOR PROJECT 2005-003 NORTH 6TH STREET RECONSTRUCTION:

Kim Jergenson, Engineer Technician, reviewed the North 6th Street Reconstruction Project 2005-003. This project covers the proposed reconstruction of the existing street, sanitary

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sewer replacement, watermain replacement, storm sewer replacement and miscellaneous items from West Main Street north to Pleasant Avenue and sanitary sewer replacement from Pleasant Avenue to Elm Street. Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2696, SECOND SERIES and that the reading of the same be waived. Resolution Number 2696, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement. The public hearing will be held of February 7, 2005 in the Council Chambers at 5:30 P.M. All voted in favor of the motion.

CONSIDER RESOLUTION FOR AUTHORIZATION TO ACCEPT GRANT AND GRANT AGREEMENT ARTICLES WITH DEPARTMENT OF HOMELAND SECURITY FOR FIRE DEPARTMENT:

Maes moved, Doom seconded, the adoption of RESOLUTION NUMBER 2697, SECOND SERIES and that the reading of the same be waived. Resolution Number 2697, Second Series is a Resolution for Authorization to Accept Grant and Grant Agreement Articles with Department of Homeland Security for Fire Department. The total project cost associated with this grant is \$114,740, of which the Federal share is 90% or \$103,266 and the City share is 10% or \$11,474. The City's share of the project will be paid for by the Marshall Volunteer Firefighters Relief Association with a down payment of \$5,000 in 2005 and the balance of \$6,474 payable in 2006. These funds will be used to purchase the following equipment for the Marshall Volunteer Fire Department:

20 SCBA's (Airpacks)

50 Face Mask Pieces

20 Air Bottles

1 Fill Station to fill the SCBA's

All voted in favor of the motion.

CONSIDER RESOLUTION REALLOCATING BUDGET AMOUNTS FOR 2004:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the budget adjustments for the 2004 budget. Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2698, SECOND SERIES and that the reading of the same be waived. Resolution Number 2698, 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 met last week and are continuing to work on the Parkway Housing Project; Fire Relief Association held their annual meeting last week; Regional Development Commission met this past Thursday.

Boedigheimer Airport Commission minutes from the January 10th meeting are included in the agenda packet; Cable Commission did not have a quorum; M.E.R.I.T. Center met last week; and the Lyon County Enterprise Development will be meeting soon.

Maes Hospital Board minutes from the January 3rd meeting are included in the agenda packet and they met earlier today; Human Rights Commission meets next week; Convention and Visitors Bureau will meet on January 20th.

Reynolds Utilities Commission will meet on January 20th.

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Ritter Housing Commission met but was unable to attend.

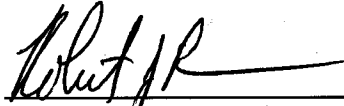
MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Ritter questioned the City of Marshall's bidding and purchasing policy and why the budget reflects a certain brand of equipment. Ritter moved that City Council approval be required on all quotations. Mike Johnson, City Administrator, informed Mr. Ritter that the city follows the state law on the bidding process. He also indicated that a department will decide what is needed for a certain piece of equipment, but they do not specify a certain brand. Mr. Ritter will be provided with a copy of the City of Marshall's purchasing policy. Council Member Boedigheimer along with Glenn Olson, Director of Public Works/City Engineer, and two Wastewater employees traveled to two different locations to view their wastewater facilities. There will be a special meeting on January 31st at 6:00 P.M. and a possible Joint City of Marshall and AVERA Hospital Board meeting on February 28th; Boedigheimer also indicated that the installation of the new traffic lights on Highway 59 has provided a major safety improvement in this area.

REVIEW OF PENDING AGENDA ITEMS:

The appointment of Charter Commission members was added to the pending agenda items.

Reynolds moved, Maes seconded, that the meeting be adjourned at 6:56 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

**SPECIAL CITY COUNCIL RETREAT
JANUARY 31, 2005**

A Special Retreat of the Common Council and City Staff of the City of Marshall was held on January 31, 2005 in the Board Room of the Marshall Municipal Utilities. Mayor Byrnes called the meeting to order at 6:08 P.M. In addition to Byrnes the following members were present: Maes, Doom, Linstrom, Reynolds, Boedigheimer and Ritter. 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.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF MARSHALL LABS ADDITION:

Glenn Olson, Director of Public Works/City Engineer; reviewed the Final Plat for Marshall Labs and is recommending that the final plat be approved contingent upon review and approval of the abstract and title opinion by the City Attorney and payment of all outstanding bills and real estate taxes. The final plat cannot be recorded until such time that the real estate taxes have been paid. Tim Masterman from Marshall Labs and Jim Masterman from general Resources Corporation were both in attendance at the meeting. Tim indicated that the utilities have not been paid. Council Member Boedigheimer questioned the outstanding bills and was informed that this refers only to outstanding bills due to the City of Marshall. Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2699, SECOND SERIES and that the reading of the same be waived. Resolution Number 2699, Second Series is a resolution Approving the Final Plat of Marshall Labs Addition. This resolution was approved contingent upon review and approval of the abstract and title opinion by the City Attorney and payment of all outstanding bills due to the City of Marshall and real estate taxes. All voted in favor of the motion.

REVIEW UPDATES ON CITY WIDE PROJECTS, ACTIVITIES AND POLICIES:

This was the time set for a follow-up discussion and update on various projects, activities and policies of the City of Marshall.

Section 1 – Public Improvements/Special Assessment Projects:

Glenn Olson, Director of Public Works/City Engineer, provided an update proposed projects and the “429” Public Improvement Process. The projects reviewed included:

1. South Hill / East Marshall Street Reconstruction
2. Wilke-Miller-Buesing / University Park
3. Southview Drive Watermain Replacement
4. North 6th Street Reconstruction Project
5. Carr Subdivision 1 (James Carr)
6. North Third Street Reconstruction
7. Mathiowetz Development
8. East Area Sanitary Interceptor Sewer
9. North Riverview Properties Addition
10. Airport Runway 2/20 Extension Project
11. Airport Runway 12/30 Extension Project

SPECIAL CITY COUNCIL RETREAT
JANUARY 31, 2005

Section 2 – Downtown Issues – A. Construction/Transportation; B. Business; C. Planning; D. Parking Issues; and E. Demolition:

Glenn Olson, Director of Public Works/City Engineer, briefly discussed the Downtown Issues and the demolition of Block 11. Glenn indicated that there would be a meeting Tuesday, February 1st to further discuss this issue.

Section 3 – Blue Ribbon Task Force Status:

Council Member Reynolds gave a brief update on the status of the Blue Ribbon Task Force. They are ready to provide the School Board and City Council with an updated report and make recommendations. They also would like to have at least two (2) Community listening Sessions for the purpose of listening to community input and ideas.

Section 4 – Economic Development – A. Staffing Proposal; B. Projects/Financing (TIF) Springsted; C. JOBZ:

There was a brief discussion on the possibility of an Economic/Business Development Specialist position and the funding from various entities for this position. Calvin Barnett, Director of General Services/City Assessor, reviewed the analysis from Springsted's on the TIF Projects; Mike Johnson, City Administrator, gave a brief update on the JOBZ agreement the City has with Runnings and Turkey Valley Farms.

Section 5 – Public Safety:

Rob Yant, Director of Public Safety, spoke briefly on the various safety departments within the City of Marshall.

Section 6 – Housing – A. Parkway Addition; B. Private Development:

Calvin Barnett, Director of General Services/City Assessor, reviewed the housing developments within the City. The City is currently working on another phase in Parkway Addition and there are several private developments being proposed. Council Member Boedigheimer was concerned that the city was in competition with the private sector.

Council Member Maes left at 8:20 P.M.

Section 7 – Annexation – A. Proposed; B. Statutory Process:

Mike Johnson, City Administrator, briefly reviewed the 4 tracts that are being considered for annexation at this time.

City Attorney Simpson excused himself from the meeting at 8:40 P.M.

Section 8 – Airport / Air Service:

Glenn Olson, Director of Public Works/City Engineer, indicated that the city needs to continue with planned runway expansion to allow for larger aircraft and to plan for an estimated \$7 million new secured arrival departure building for scheduled air service. This facility is in the future but a temporary facility will be needed in order for Northwest to provide scheduled air service from Marshall to Minneapolis. Glenn also indicated that although the costs for improvements are high, the federal government provides 95% of the cost.

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Section 9 – Facilities – A. Municipal Building; B. Library; C. Liquor Store; D. Wastewater Treatment Plant:

Mayor Byrnes recommended that discussion on the facilities be held at a later time.

Section 10 – Technology:

Harry Weilage, Director of Community Services, gave an update on the technology updates that have been completed. Mr. Weilage indicated that they are hoping to implement on-line registration for Community Services soon and for permits, licenses and etc. in the near future.

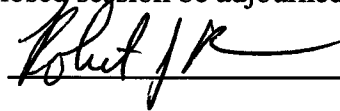
Section 11 – City of Marshall Policies – A. Purchasing Policy; B. Travel Policy:

Calvin Barnett, Director of General Services, City Assessor, reviewed the proposed changes to the purchasing policy. Council Member Boedigheimer suggested that the dollar limit requirement for purchase orders be increased from \$300 to \$500 or \$1,000. The travel policy was also discussed at this time and Council Member Boedigheimer suggested that reimbursement for meals be a per diem rather than having to turn in receipts. It was the consensus that these two items be referred to the City Auditor for their recommendation.

Mayor Byrnes made reference to a letter received from the State of Minnesota, Office of State Auditor, in regard to the City of Marshall's late filing of its Audited Financial Statements for 2003. City Administrator Mike Johnson indicated that he has been in contact with the City Auditors and they will be responding. He also indicated that this a letter that is automatically sent to all cities that have filed late, but that the City of Marshall did request a late filing due to the additional work required because of the GASB reporting.

Ritter moved, Boedigheimer seconded, that the Council go into closed session pursuant to MN Statute 13D.03, Subd. 1. All voted in favor of the motion.

Doom moved, Linstrom seconded, that the closed session be adjourned at 9:50 P.M.



Mayor of the City of Marshall

ATTEST:


Deputy City Clerk

REGULAR MEETING – FEBRUARY 7, 2005

The City Council met in a closed session per MN Statute 3D.05, Subd. 3a at 4:45 P.M. in Room 6 on the Second Floor of the Marshall Municipal Building to conduct the annual evaluation of the City Administrator.

The regular meeting of the Common Council of the City of Marshall was held on February 7, 2005 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: Maes, Doom, Reynolds, Boedigheimer and Ritter. Absent: Linstrom. 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; Kim Jergenson, Senior Engineering Technical and Bob VanMoer, Wastewater Plant 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 with the deletion of item 9B, which is the City Administrators Performance Evaluation.

APPROVAL OF THE MINUTES:

Reynolds moved, Maes seconded, that the minutes of the regular meeting held on January 18, 2005 and the minutes of the special meeting held on January 31, 2005 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

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

This was the date and time set for a public hearing on the Preliminary Plat of Wilke-Miller-Buesing Third Addition. Glenn Olson, Director of Public Works/City Engineer, provided an overview of the preliminary plat for Wilke-Miller-Buesing Third Addition. The owner of the property is continuing to develop this area for residential use. As the property has not been platted before, the property needs to be subdivided prior to sale of individual lots. Maes moved, Reynolds seconded, that the public hearing on the Preliminary Plat of Wilke-Miller-Buesing Third Addition be closed. All voted in favor of the motion.

Doom moved, Maes seconded, the Preliminary Plat of Wilke-Miller-Buesing Third Addition be approved. All voted in favor of the motion.

PUBLIC HEARING – PRELIMINARY PLAT OF UNIVERSITY ADDITION:

This was the date and time set for a public hearing on the Preliminary Plat of University Addition. Glenn Olson, Director of Public Works/City Engineer, provided an overview of the preliminary plat for University Addition. Glenn indicated that this plat includes a part of the homes in the trailer park and that the trailer homes would have to be removed from the area. Glenn addressed the letter from Minnesota Department of Transportation, which per the Lyon County Comprehensive Plan, adopted July 16, 2002; future plans call to remove the existing crossover at Canoga Drive and MN/DOT encourages the use of Saratoga or County Road 67 as their access to Highway 23 and that the access to U. S. Highway 59 will be at the present

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intersection of Boyer Drive. Reynolds moved, Maes seconded, that the public hearing on the Preliminary Plat of University Addition be closed. All voted in favor of the motion.

Doom moved, Boedigheimer seconded, the Preliminary Plat of University Addition be approved. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER NORTH 6TH STREET RECONSTRUCTION PROJECT 2005-003:

This was the date and time set for a public hearing to consider the North 6th Street Reconstruction Project 2005-003. Glenn Olson, Director of Public Works/City Engineer, reviewed the North 6th Street Reconstruction Project 2005-003 which is Street Reconstruction, Sanitary Sewer Replacement, Watermain Replacement, Storm Sewer Replacement and Miscellaneous Items from West Main street North to Pleasant Avenue and Sanitary Sewer Replacement from Pleasant Avenue to Elm Street. Glenn indicated that all the property owners who contribute to the Sanitary Sewer System were sent a notice of public hearing, but that a second letter was sent to the property owners that would not be affected by the Sanitary Sewer and that only the property owners directly connected to the line would be assessed. Glenn also indicated that if sidewalks do not need to be replace, they will not; 50% of the 6 inch watermain will be paid by Marshall Municipal Utilities and 50% will be assessed; 50% of an 8 inch sanitary sewer line will be assessed and since the line will be increased to a 24 inch to 30 inch the additional cost would be paid by the Wastewater Treatment Facility Fund. The total cost of the project is estimated at \$1,400,000 of which 55% is intended to be paid by the Marshall Municipal Utilities, Wastewater Treatment Facility Fund or Storm Water Management Fund and the other 45% would be assessed to the property owners. The project includes the replacement of water and sanitary sewer lines to the property line, which is included in the amount assessed. Any work that needs to be done on the water line or sanitary sewer line from the property line to the home is the homeowner's responsibility. Glenn indicated the next step on the project would be to receive bids and from there another public hearing would be held on May 16, 2005 to consider the amount to be assessed to property owners based on the bids received.

The City Council did not have any concerns or questions on the project; therefore the public hearing was opened to the general public to address their questions and concerns at this time.

Mark Goodenow, 601 West Lyon, questioned if the project included any electrical improvements. Steve Johnson, Marshall Municipal Utilities, responded by stating that they are not planning to bury the electrical system in this area at this time. He further stated that it is the plan to have all electrical lines in the City buried in the next 15 years. Mark was also concerned with storm water run off since he was assessed for storm sewer improvements when the 7th Street Project was done.

Ed VanNevel, 204 North 6th Street, was also concerned with being assessed for a storm sewer assessment since they were assessed for the 1992 improvement. In response to Mr. VanNevel questions on lead water lines and the payment for improvement, he was advised that all lead water line would be replaced and that the cost of the improvement could be added to property taxes over a number of years at a fixed interest rate.

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Ron Labat, 604 West Marshall, was questioning if he was going to be assessed for this project since he was assessed for the previous improvements on Marshall Street. Mr. Labat was informed that he would be assessed for the project only if he was directly affected by the improvement.

Ron Schilling, 423 North 6th Street, was questioning the possibility of the City incorporating into the bidding process the homeowner's responsibility to replace lead water lines and sanitary sewer lines from the property line to the home. Mr. Schilling was advised that the City could assist with the coordinating of the replacement of water and sanitary sewer lines from the property ones to the home but it could not be included in the bids the City would solicit for the project. Mr. Olson did indicate that the City could discuss with the contractor the potential of working with the property owners for the replacement of water and sanitary sewer lines from the property line to the home.

Pan Loyson was questioning the potential of property at 208 North 3rd Street being affected.

Cy Schroeder, 602 West Lyon, questioned the 55% City versus 45% property owner determination. The response to Mr. Schroeder's question was that storm sewer improvements are assessed by the square foot of area benefited; water and sanitary sewer assessed are a fixed dollar amount per connection; street improvements are based on the front footage of the property and there is a special method used for a side yard that is adjacent to an improvement.

Jim Lozinski was questioning as to whether or not the Marshall Junior High School on North 4th Street would be assessed for any of the improvements. The response was that school would be assessed for the improvements that directly affect this property.

In response to Mark Goodenow's question on curb and gutter improvements, he was informed that the adjacent property owners would be assessed for this.

Those in attendance were advised that the street would be widened to a consistent 44 feet and that some parcels would be losing a part of their boulevard.

Ed VanNevel was concerned with the loss of trees as a result of these improvements. Mr. Olson thought that there would be very little impact on the trees in the area of this improvement.

John Zerr, 207 North 6th Street, indicated that there are 8 homes from Main Street to Marshall Street that would receive substantial assessments for the improvements and if this could be considered when the City determines the assessments and the property owner's time frame to pay the assessments along with the interest rate. Mr. Zerr was in support of this well needed project.

Those in attendance were informed that there would be an assessment to the Iowa Turkey Plant for the storm sewer improvement.

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Chad Beens, 414 North 6th Street, was concerned with the amount he would be assessed. Chad was informed that once the bids are received another public hearing would be held to address the amounts assessed to property owners.

Mark Pfeifer, 406 North 6th Street, was concerned as to where the money would come from to pay the improvements not covered by the property owner assessed. Mr. Pfeifer was advised that Marshall Municipal Utilities, Wastewater Treatment Facility Fund or the Storm Water Management Fund would pay the respective assessment.

Lee Yang along with her daughter from 601 6th Street was concerned with the payment of improvements. Glenn Olson discussed the various details of the project with Ms. Yang and her daughter during the recess following this public hearing.

Mr. Olson indicated that the intent is to complete the project by November of 2005, but this all depends on the weather conditions that exist during the construction process. The sanitary sewer phase of the project would be done first since this is placed deeper into the ground, then the water and storm sewer lines would be done together. Mr. Olson informed those at the meeting that there may be some inconveniences with getting to their home and etc during the construction of the project and that there would be some meeting and updates provided to the neighborhood as the project progresses.

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

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2700, SECOND SERIES and that the reading of the same be waived. Resolution Number 2700, Second Series is a Resolution Ordering the Improvement and Preparation of Plans. Resolution Number 2700, Second Series is a resolution for the improvements on North 6th Street between the south line of Main Street and the centerline of Elm Street by proposed reconstruction of the existing street, sanitary sewer replacement, watermain replacement, storm sewer replacement and miscellaneous items from West Main Street north to Pleasant Avenue and sanitary sewer replacement from Pleasant Avenue to Elm Street referred to as Project 2005-003 – North 6th Street Reconstruction Project. All voted in favor of the motion.

Mayor Byrnes called for a recess at 6:50 P.M.

CONSENT AGENDA –A. CONSIDER APPROVAL OF A PLUMBERS LICENSE FOR SUNDAHL DBA SWISH'S PLUMBING & HEATING TO EXPIRE ON MARCH 31, 2005; B. CONSIDER APPROVAL OF A MINNESOTA LAWFUL GAMBLING LICENSE (LG220) FOR BUFFALO RIDGE GOBBLERS OF THE NATIONAL WILD TURKEY FOUNDATION FOR A RAFFLE ON FEBRUARY 25, 2005; C. CONSIDER APPROVAL OF A MINNESOTA LAWFUL GAMBLING LICENSE (LG220) FOR SOUTHWEST MINNESOTA DUCKS UNLIMITED FOR A RAFFLE ON MARCH 17, 2005; D. CONSIDER APPROVAL OF AGREEMENT FOR FIRE PROTECTION SERVICES FOR 2005-2006 AND 2006-2007; E. CONSIDER RENEWAL OF LMCIT GROUP SELF-INSURED ACCIDENT PLAN BASIC COVERAGE AND OPTIONAL MEDICAL BENEFIT FOR CITY VOLUNTEERS; F. CONSIDER REQUEST OF IRISH SOCIETY OF MARSHALL FOR ST. PATRICK'S DAY PARADE ON MARCH 17, 2005;

G. CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR WWTF VEHICLE; H. CONSIDER PROJECT 2004-002 / S.A.P. 139-101-01: WINDSTAR STREET STORM SEWER AND STREET IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION; I. CONSIDER AUTHORIZATION TO CLOSE OUT CONSTRUCTION FUND FOR DOWNTOWN PARK; J. BILLS/PROJECT PAYMENTS; K. BUILDING PERMITS:

Reynolds moved, Maes seconded, that the following consent agenda items be approved, with the exception of the approval of the Agreement for Fire Protection Services for 2005-2006 and 2006-2007 and the authorization to advertise for bids for the WWTF vehicle.

The approval of a Plumbers License for Thomas Sundahl dba Swish's Plumbing & Heating, Currie, Minnesota at a fee of \$75.00 and to expire on March 31, 2005.

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 Buffalo Ridge Gobblers of the National Wild Turkey Foundation for a raffle to be held at the Best Western Marshall Inn on February 25, 2005 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 Southwest Minnesota Ducks Unlimited for a raffle to be held at the Marshall Golf Club on March 17, 2005 and that the 30 day waiting period be waived.

That the Group Self-Insured Accident Plan Basic Coverage and Optional Medical Benefit for City Volunteers be renewed with the League of Minnesota Cities for 2005 at a premium of \$1,847. This coverage provides \$1,000 towards medical claims only and would pay up to 26 weeks of disability income based on the individual's civilian income.

Contingent upon the approval of MN/DOT, the closure of Main Street from 100 East Main Street starting at the Casey's General Store to 5th Street and then North on 5th Street was approved for the St. Patrick's Day Parade on March 17, 2005 from 5:00 P.M. to 6:00 P.M.

That Change Order No. 1 for Project 2004-002/S.A.P. 139-101-01 for the Windstar Street Improvement Project be approved for a decrease in the contract of \$18,803.30 due to an increase or decrease in quantities used for the project. With the change order the final contract amount is \$233,167.65, which includes the authorization for the final payment of \$13,331.29.

That \$903.75 be transferred from the monies received in General Fund Park Shelter Account 101-34172 and charged to account number 101-96520-7140 and record as a transfer in the Construction Fund 421-39224.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 45147 through 45347.

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. | Mark Antony | 105 | Gray | Place | Finishing Basement Bedroom | \$1,500 |
| 2. | Craig & Debra Schafer | 505 | West Marshall | Street | Interior Remodel | \$7,500 |
| 3. | Mike Buysse Construction | 502 | West Saratoga | Street | Exterior Remodel | \$5,000 |
| 4. | Holabird Properties | 1104 | Holabird | Circle | Garage | \$12,000 |
| 5. | Slagel Construction | 611 | DeSchepper | Street | Finish Basement-Additional Work | \$12,000 |
| 6. | M&M Sign, Inc. | 1100 | North Highway 59 | | Install Sign | \$12,000 |
| 7. | Minnesota Cabinets, Inc. | 1420 | East College | Drive | Install Windows & Partition Walls / Space 800 | \$6,000 |
| 8. | Hisken Construction | 609 | West Marshall | Street | Kitchen Remodel | \$12,500 |
| 9. | K-Designers Home Remodeling Center | 618 | West Main | Street | Partial Residing | \$10,000 |
| 10. | Suzanne and Bret Jenkin | 1301 | Ridgeway | Road | Remodeling Kitchen | \$25,000 |
| 11. | Hasslen Construction, Inc. | 1420 | East College | Drive | Interior Remodel / Space 900 | \$16,100 |

The consideration of the agreement with the townships surrounding the City of Marshall for Fire Protection Services for 2005-2006 and 2006-2007 was removed from the consent agenda since there was a concern with property from the townships being annexed into the City of Marshall. Thomas M. Meulebroeck, Financial Director/City Clerk, did indicate that the agreements are adjusted for property annexed from Townships into the City of Marshall. Boedigheimer moved, Reynolds seconded, that the Fire Protection Services Agreements with the townships surrounding the City of Marshall be renewed for 2005-2006 at a rate of \$160.00 per section and for 2006-2007 at a rate of \$165.00 per section. All voted in favor of the motion.

The authorization to advertise for bids for the WWTF vehicle was removed from the consent agenda to discuss the bid option for the vehicle. Bob VanMoer, Wastewater Treatment Facility Superintendent, indicated that the vehicle being replaced is a 1981 Ford Van and they are requesting a new van, which they hope, would last 15 years. Boedigheimer moved, Doom seconded, that the bid options for the Wastewater Treatment Facility vehicle include a new vehicle option and a used vehicle option. All voted in favor of the motion.

CONSIDER MARSHALL COMMUNITY SERVICES ON-LINE REGISTRATION CONTRACT WITH VERSATILE SOLUTIONS, INC.:

Harry Weilage, Director of Community Services, briefly addressed the Consulting & Service Agreement with Versatile Solutions, Inc., for the Marshall Community Services On-Line Registration. Harry introduced Todd Picktorn from the Marshall School District and Darrin Brownlee of Versatile Solutions, Inc. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into a Consulting and Service Agreement with Versatile Solutions, Inc., at a fee of \$16,180 for the On-Line Registration Program and to approve the credit card processing payment option 2 addressed in the agreement. The intent is to begin using

the program immediately with full implementation by the fall of 2005. All voted in favor of the motion.

CONSIDER ENTERING INTO AN AGREEMENT WITH BOLTON & MENK, INC., FOR PROJECT 2001-004 SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION PROJECT AND PROJECT 2002-008 EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION 3) PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the two agreements for Professional Services with Bolton & Menk, Inc., for Project 2001-004, the South Hill Street/East Marshall Street Reconstruction Project and Project 2002-008, the East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project. The South Hill Street/East Marshall Street project includes the street reconstruction, watermain, sanitary sewer, storm sewer and miscellaneous items in the area. The agreement with Bolton & Menk, Inc., is for them to provide Professional Services in the Design and Installation Phase, and to update the feasibility report, preparation of plans and specifications, provide assistance to the City in bidding the project, providing construction inspection service and project administration as requested. Bolton & Menk, Inc., basic services through bidding is not to exceed \$82,600 and the construction phase services are not to exceed \$109,200 for a total agreement cost of \$191,800. The funding to cover the cost of this project will come from Special Assessments, Surface Water Management Utility Fund, Wastewater Treatment Facility Fund and the Marshall Municipal Utilities.

The East Area Sanitary Interceptor Sewer Project 2002-008 which is intended to redirect the sanitary sewage from an existing lift station (Lift Station No. 3) adjacent to Brad's One Stop through a gravity line extending to just East of T.H. 23. Included in this improvement is the replacement of McLaughlin Drive and watermain replacement on Service Drive as requested by the Marshall Municipal Utilities. The agreement with Bolton & Menk, Inc., for the project is for their professional services related to the design and installation phases. The agreement also includes an update of the project plans and specifications, for them to provide assistance to the City on the bidding of the project and to provide construction inspection service and project administration as required. This agreement provides for the basic services through the bidding to not exceed \$9,400 and construction phase service to not exceed \$91,400 for a total of \$100,800. The funding for this project will come from Special Assessments, Surface Water Management Utility Fund, Wastewater Treatment Facility Fund and the Marshall Municipal Utilities.

Upon the review and approval of the City Attorney, Boedigheimer moved, Maes seconded, that the proper city personnel be authorized to enter into an agreement with Bolton & Menk Inc., for the cost of services not to exceed \$191,800 for Project 2001-004 and not to exceed \$100,800 for Project 2002-008. All voted in favor of the motion.

CONSIDER APPROVAL OF WAIVER REQUEST FOR THE CITY'S SMALL CITIES DEVELOPMENT PROGRAM DOWNTOWN REVITALIZATION LOAN:

Per the recommendation of the Marshall Design Committee, Reynolds moved, Ritter seconded, that the Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan be approved as requested by Jeff Gladis of Western Community Action, Inc. The funding for commercial project #C5 located on Main Street in Marshall, Minnesota is not to

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exceed \$35,205 from the current program funds. All voted in favor of the motion, except Maes who abstained.

PERSONNEL COMMITTEE REPORT – CONSIDER APPROVAL OF NON-UNION EMPLOYEE WAGE SCHEDULE/BENEFITS FOR 2005-2006:

Per the recommendation of the Personnel Committee, Reynolds moved, Ritter seconded, to approve the City's non-union personnel wage schedule/benefit package for the next two (2) calendar years as follows:

1. Term of Proposal January 1, 2005 to December 31, 2006 (2 years).
2. Wage Schedule The City of Marshall Wage Schedule shall be adjusted at Step 5 by 2.50% on January 1, 2005 and by 2.50% on January 1, 2006.
3. Health Insurance The City's Personnel Policy on Group Health Insurance shall be amended to provide for monthly premium contributions as follows:

| | | | |
|-------------|--------------------|----------|----------------|
| <u>2005</u> | Single Insurance – | City | \$309.24 |
| | | Employee | \$ <u>5.26</u> |
| | | TOTAL | \$314.50* |

| | | | |
|--|--------------------|----------|------------------|
| | Family Insurance - | City | \$723.70 |
| | | Employee | \$ <u>117.80</u> |
| | | TOTAL | \$841.50* |

2006 Employee contribution for single insurance shall remain at \$5.26/month and employee contribution for family insurance shall increase from 14% to 15% of the monthly premium cost.

* Employer agrees to pay \$10.00/month administrative fee.

4. Other Benefits - All other benefits would remain the same for 2005-2006.
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 meets on Tuesday; Fire Relief Association held their annual meeting last month; Regional Development Commission will meet on Thursday.

Boedigheimer Cable Commission meets on Tuesday; Lyon County Enterprise Development will be making a presentation to the City Council; M.E.R.I.T. Center will meet on Thursday.

Doom Planning Commission meets later this week; Marshall Area Transit continues to discuss a bus storage facility.

Maes Human Rights Commission met two weeks ago; Convention and Visitors Bureau questioned the possibility of including the minutes in the agenda packet.

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Reynolds Utilities Commission will be meeting next week; Council Personnel Committee needs to meet.

Ritter Housing Commission will be meeting next week; EDA meets on Tuesday.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: complimented Glenn on the information provided for the public hearings; there was not enough time to complete the evaluation on City Administrator Mike Johnson, therefore they will continue this prior to the next regular scheduled council meeting.

Boedigheimer moved, Reynolds seconded, that the Council go into closed session pursuant to MN Statute 13D.03, Subd. 3 (b) at 7:30 P.M. All voted in favor of the motion.

It was the consensus of the council to adjourn the meeting at 7:55 P.M.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – FEBRUARY 22, 2005

The regular meeting of the Common Council of the City of Marshall was held on February 22, 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, Linstrom, Reynolds, and Ritter. Absent: Doom and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Thomas M. Meulebroeck, Financial Director/City Clerk; Rob Yant, Director of Public Safety; Kim Jergenson, Engineer Technician; 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 deletion of item 10, which is the Lyon County Enterprise Development Corporation Expansion Proposal for Economic Development.

APPROVAL OF THE MINUTES:

Reynolds moved, Maes seconded, that the minutes of the regular meeting held on February 7, 2005 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 OFF-SALE NON-INTOXICATING BEER AND TOBACCO LICENSES FOR WAL-MART SUPER CENTER #1722; B. CONSIDER APPROVAL OF AN APPLICATION FOR EXEMPT PERMIT (LG220) FOR ROCKY MOUNTAIN ELK FOUNDATION; C. CONSIDER SETTING THE 2005 LOCAL BOARD OF APPEAL AND EQUALIZATION DATE; D. CONSIDER AUTHORIZATION TO HIRE A FULL-TIME POLICE OFFICER AND APPROVE RESOLUTION ON PERA; E. CONSIDER APPROVAL OF OUT-OF-STATE TRAVEL; F. CONSIDER THE REQUEST OF GREGORY S. TAYLOR TO REZONE WILKE-MILLER-BUESING THIRD ADDITION FROM AN A-AGRICULTURAL DISTRICT TO AN R-1 ONE-FAMILY RESIDENCE DISTRICT - INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING; G. CONSIDER THE REQUEST OF TSM MORTGAGE CORPORATION TO REZONE UNIVERSITY PARK ADDITION FROM AN R-5 MANUFACTURED HOME PARK DISTRICT TO AN R-1 (ONE FAMILY RESIDENCE DISTRICT) AND AN R-2 (ONE- TO FOUR-FAMILY RESIDENCE DISTRICT) - INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING; H. PRELIMINARY PLAT OF MIDWEST AG ENTERPRISES ADDITION - INTRODUCE PLAT AND CALL FOR PUBLIC HEARING; I. BILLS/PROJECT PAYMENTS; J. BUILDING PERMITS:

Mayor Byrnes requested that item 2c, which is to consider setting the 2005 Local Board of Appeal and Equalization Date be removed from the consent agenda.

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

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An Off-Sale Non-Intoxicating Beer License and a Tobacco License for Wal-Mart Stores, Inc., dba Wal-Mart Super Center #1722 located at 1221 East Main. These licenses are effective April 13, 2005.

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 Rocky Mountain Elk Foundation for a raffle to be held at the Best Western Marshall Inn on April 2, 2005 and that the 30 day waiting period be waived.

BE IT RESOLVED that Roger Wipperman be a duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund.

Out-of-state travel for Detective Tim Tomasek to attend the Mid-States Organized Crime Information Center Conference in Springfield, MO from March 1st to 3rd, 2005. The only cost to the city will be for his wages.

The introduction of an ordinance to rezone Blocks 1, 2, 3 and 4, Wilke-Miller-Buesing Third Addition from A, Agricultural District, to an R-1, One-Family Residence District and to call for a public hearing to be held at 5:30 P.M. on March 7, 2005.

The introduction of an ordinance to rezone University Park Addition, Block 1, Lots 3, 4, 5 and 6; Block 2, Lot 8; and Block 3, Lot 8 from an R-5 Manufactured Home Park District to an R-2 One to Four Family Residence District; and University Park Addition, Block 1, Lots 1, 2, 7 and 8; Block 2, Lots 1 – 7; and Block 3, Lots 1 – 7 from an R-5 Manufactured Home District to an R-1 One Family Residence District and to call for a public hearing to be held at 5:30 P.M. on March 7, 2005.

The introduction of an ordinance to approval the Preliminary Plat for Midwest Ag Enterprises Addition and call for a public hearing to be held at 5:30 P.M. on March 7, 2005.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 45348 through 45546.

All voted in favor of the motion.

REGULAR MEETING – FEBRUARY 22, 2005

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

| | Applicant | Location Address | Description of Work | Valuation |
|----|-----------------------------|---------------------------|-----------------------------|-----------|
| 1. | Steven Neet | 606 South Saratoga Street | Finish Basement | \$15,000 |
| 2. | The Schwan Food Company | 500 Country Club Drive | Finish Basement | \$13,500 |
| 3. | Bladholm Construction, Inc. | 521 West Main Street | Office Building | \$200,000 |
| 4. | Ralco Products, Inc. | 1600 Hahn Road | Building Remodel | \$20,000 |
| 5. | Kim H. Christensen | 703 Ontario Road | Remodel Entrance and Office | \$5,000 |
| 6. | Space Development Co. | 200 O'Connell Street | Reside Office Building | \$8,000 |
| 7. | Geske Home Improvement Co. | 800 South 2nd Street | Reroof & Skylight | \$5,000 |

Mayor Byrnes informed the Council Members that he would not be able to attend the 2005 Local Board of Appeal and Equalization and wanted to make sure that the President Pro-Tem would be available to conduct the meeting. Reynolds moved, Ritter seconded, that the 2005 Local Board of Appeal and Equalization be held at 5:30 P.M. on Tuesday, April 19, 2005. All voted in favor of the motion.

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

At this time Cheryl McChesney and Linda Baun 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 | Austin Blomme |
| Grade 1 | Maddy Sook |
| Grade 3 | Makayla DeVries |
| Grade 4 | Hannah Pfeiffer |
| Grade 5 | Emily Deschepper |
| Grade 6 | Beanna Ahmann |

ANNUAL FINANCIAL REPORT (2004) FOR NORTH AMBULANCE:

Brennan (Buck) McAplin, Manager of the North Ambulance System, was in attendance at the meeting to present the 2004 annual financial report to the City Council for the North Ambulance operations.

CONSIDER APPROVAL TO PURCHASE CHEMISTRY ANALYZER AT AVERA MARSHALL REGIONAL MEDICAL CENTER:

Sharon Williams and Denise Christoperson from AVERA Marshall Regional Medical Center were in attendance at the meeting to request the approval to purchase a Chemistry Analyzer. Maes moved, Reynolds seconded, AVERA Marshall Regional Medical Center be

REGULAR MEETING – FEBRUARY 22, 2005

authorized to purchase the Roche COBAS Integra Plus Chemistry Analyzer at a cost of \$78,585. All voted in favor of the motion.

The Council was also reminded of the Joint Meeting between AVERA Marshall Regional Medical Center Board and the City Council on Monday, February 28, 2005 at 5:30 P.M. to review their annual audit.

CONSIDER REQUEST OF MARK & JANNA MILBRADT FOR A CONDITIONAL USE FOR A HOME OCCUPATION TO OPERATE A SEWING MACHINE REPAIR BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 401 NORTH 4TH STREET:

Per the recommendation of the Planning Commission, Ritter moved, Maes seconded, Mark & Janna Milbradt be granted a Conditional Use Permit for a home occupation to operate a sewing machine repair business in an R-1 One Family Residence District at 401 North 4th Street with the following conditions:

1. The permit be issued for an initial one-year period.
2. That the hours of business be between 6:00 a.m. to 10:00 p.m. only.

All voted in favor of the motion.

CONSIDER REQUEST OF SHANTELE GERMUNDSON FOR A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO OPERATE A BEAUTY SHOP BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 402 ELAINE AVENUE:

Per the recommendation of the Planning Commission, Linstrom moved, Maes seconded, Shantele Germundson be granted a Conditional Use Permit for a home occupation to operate a beauty shop business in an R-1 One Family Residence District at 402 Elaine Avenue with the following conditions:

1. The permit be issued for an initial one-year period.
2. That the hours of business be between 6:00 a.m. to 10:00 p.m. only.

All voted in favor of the motion.

CONSIDER SUPPLEMENTAL AGREEMENT NO. 1 WITH TKDA FOR RUNWAY 12/30 EXTENSION PROJECT 2004-016:

Mike Johnson, City Administrator, indicated that the City of Marshall has been earmarked by the Minnesota Department of Transportation and the Federal Aviation Administration for money, which will not be used for other projects. This summer MN/DOT and FAA will have a pool of money available because projects were not constructed or projects, which had received grants, used less than the available grant money. The city wouldn't be able to receive this money if it did not have a plan and design for runway expansion, needed land acquisition and other work at the airport. This work needs to be completed and ready to go when MN/DOT and FFA make their decision. If the city anticipates receiving money for the Runway 12/30 Extension Project they still need to pay \$238,000 that is needed up front for this project. City staff indicated that these funds were available in the Liquor Fund. Reynolds moved, Ritter seconded, that the proper city personnel be authorized to enter into Supplemental Agreement No. 1 with TKDA for Runway 12/30 Extension Project 2004-016 and that supplemental funding be taken from the Liquor Fund. This Supplemental Agreement expands the contract to include

REGULAR MEETING – FEBRUARY 22, 2005

preliminary and design engineering, preparation of construction plans and specifications, and assistance through the bidding process. This Supplemental Agreement will be included in the anticipated 2005 federal grant and funded at 95% federal participation. The total amount of the Supplemental Agreement No. 1 is \$238,000 with the local share after approved funding in the amount of \$11,900. All voted in favor of the motion.

CONSIDER APPROVAL OF 2004-005 LABOR AGREEMENTS WITH LAW ENFORCEMENT LABOR SERVICES (LELS) UNION POLICE OFFICERS (LOCAL #190):

Per the recommendation of the Personnel Committee Reynolds moved, Ritter seconded, that 2004-2005 Labor Agreement with Law Enforcement Labor Services (LELS) Union (Police Officers (Local #190) be approved. This agreement would provide for a wage rate increase of 3% effective January 1, for 2004 and January 1, 2005. This agreement also approved the addition of Approved Footwear for Full-Time Patrol Officers at a maximum City cost of \$120.00. All other provisions in the agreement remain the same as the past agreement. All voted in favor of the motion.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

- Community Services Advisory Board – Cindy McKittrick for a 3-year term to expire on 2/28/08
- Community Services Advisory Board – Peter Thor for a 3-year term to expire on 2/28/08
- Community Services Advisory Board – Cheryl Bauer McConnaughey for a 3-year term to expire on 2/28/08
- Cable Commission – Sale Taueva for an unexpired term to expire on 05/31/06
- Cable Commission – Wade McKittrick for an unexpired term to expire on 05/31/05

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes None of his committees have met.

Linstrom Community Services Advisory Board – discussed the Bike Rodeo and they have focus groups working on what services the community wants and needs; Library Board working on strategic planning; Downtown Redevelopment met twice within the last week.

Maes Hospital Board minutes from the 1/18/05 meeting are included in the agenda packet and they also met earlier this evening; Human Rights Commission held a presentation earlier for the winners of the Martin Luther King Poster Contest; Convention and Visitors Bureau met last week.

Reynolds Utilities Commission met last week. Brad Roos, John Glasgow and Mike Reynolds went to Washington DC with concerns on energy transmission.

REGULAR MEETING – FEBRUARY 22, 2005

Ritter Housing Commission not able to attend meeting; EDA not at meeting; recently attended a conference in Mankato for newly elected officials.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included a joint meeting between the City of Marshall and Lyon County needs to be scheduled; there is still some concern with the language of the new signs that have been installed being consistent; and there was some questions about the regulations for flying flags at half staff.

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 6:10 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



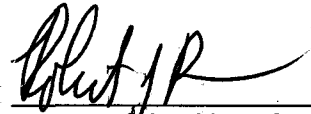
Financial Director/City Clerk

SPECIAL CITY COUNCIL MEETING
February 28, 2005

A special meeting of the Common Council of the City of Marshall was held on February 28, 2005 in the 3rd Floor Conference Room of the Avera Marshall Regional Medical Center. Mayor Byrnes called the meeting to order at 4:45 P.M. In addition to Byrnes, the following council members were present: Hilton, Doom, Linstrom, Reynolds, and Ritter. Absent: Boedigheimer. Staff present at the meeting included: Michael Johnson, City Administrator.

Mayor Byrnes indicated that the purpose of the meeting was to conduct an annual evaluation of the City Administrator. Motion by Councilmember Doom, seconded by Councilmember Linstrom to go into closed session to conduct the evaluation pursuant to MN. Statute 13D.05, Subd. 3a. All voted in favor.

The Council came out of the closed session at 5:19 p.m. Motion by Councilmember Maes, seconded by Councilmember Ritter to adjourn at approximately 5:20 p.m. All in favor.



Mayor of the City of Marshall

ATTEST:



City Administrator

JOINT CITY COUNCIL/WMMC BOARD OF DIRECTORS MEETING
FEBRUARY 28, 2005

A Joint City Council/WMMC dba AVERA Marshall Regional Medical Center Board of Directors meeting of the City of Marshall was held on February 28, 2005 in the Education Rooms (3rd Floor) of the AVERA Marshall Regional Medical Center. The meeting was called to order at 6:00 P.M. by WMMC Board Chairperson, Bill Cole. WMMC Board members in attendance were: Art Olson, Randy Serreyn, Dr. William Kramer, Joe Cool and Mike Rich arrived late. Hospital staff present included: Bill Bumgarner, Sharon Williams, Mary Maertens, Chris Gilb, DeeAnn Holland and Irene Wolf. Mayor Byrnes and the following City Council members were present: Maes, Doom, Linstrom, Reynolds and Ritter. Absent: Boedigheimer. 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.

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, 2004.

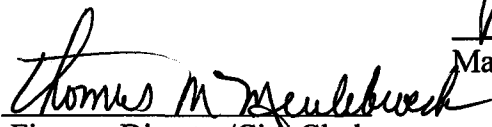
Bill Bumgarner, Interim Hospital Administrator, provided an overview of the past 9 months events and what they are considering into the future with the partnering of Weiner Memorial Medical Center and AVERA. Some of the topics Mr. Bumgarner addressed included physician recruiting; new services opportunities; facility site planning; marketing and business development; benefits of affiliation and its A People Business.

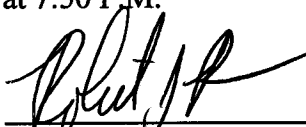
Mayor Byrnes briefly commented on some of the events that have taken place in the last year with WMMC and AVERA partnering and he along with other Council Members commended the WMMC Board and Staff for all their time and work devoted to the partnering.

There was a brief discussion on the status of the Wellness Center and its outlook.

The hospital board did adopt a resolution authorizing use of data in tax statements and the annual charitable organization report and the submitting of the same.

The meeting was declared adjourned at 7:50 P.M.

ATTEST: 
Finance Director/City Clerk


Mayor of the City of Marshall

REGULAR MEETING – MARCH 7, 2005

The regular meeting of the Common Council of the City of Marshall was held on March 7, 2005 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: Doom, Linstrom, Reynolds and Ritter. Absent: Boedigheimer and Maes who was attending the annual meeting of Southwest Minnesota Housing Partnership Board Retreat. 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; Marc Klaith, Fire Chief; Bob VanMoer, Wastewater Treatment 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:

Reynolds moved, Ritter seconded, that the minutes of the regular meeting held on February 22, 2005, the special meeting held on February 28, 2005 and the special joint City Council/Hospital Board meeting held on February 28, 2005 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 REQUEST OF GREGORY S. TAYLOR TO REZONE WILKE-MILLER-BUESING THIRD ADDITION FROM AN A-AGRICULTURAL DISTRICT TO AN 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 Wilke-Miller-Buesing Third Addition from an A-Agricultural District to an R-1 One-Family Residence District. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the city council. This subdivision is located south of Canoga Park Drive and extends Ellis Avenue. Reynolds moved, Linstrom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 523, SECOND SERIES and that the reading of the same be waived. Ordinance Number 523, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones Wilke-Miller-Buesing Third Addition from an A-Agricultural District to an R-1 One-Family Residence District. This ordinance was approved subject to the approval and filing of the Final Plat for Wilke-Miller-Buesing Third Addition. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER REQUEST OF TSM MORTGAGE CORPORATION TO REZONE UNIVERSITY PARK ADDITION FROM AN R-5 MANUFACTURED HOME PARK 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 Paul Schierholz, TSM Mortgage Corporation, to rezone University Park Addition from an R-5 Manufactured Home Park District to an R-1 One-Family Residence District and an R-2 One to

REGULAR MEETING – MARCH 7, 2005

Four-Family Residence District. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the city council. This subdivision is located along the east side of Broadmoor Valley Mobile Home Park. Doom moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of ORDINANCE NUMBER 524, SECOND SERIES and that the reading of the same be waived. Ordinance Number 524, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones University Park Addition from an R-5 Manufactured Home Park District to an R-1 One-Family Residence District and an R-2 One to Four-Family Residence District. This ordinance was approved subject to the approval and filing of the Final Plat for University Park Addition. All voted in favor of the motion.

PUBLIC HEARING - PRELIMINARY PLAT OF MIDWEST AG ENTERPRISES ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat with the City Council. Glenn indicated that the owner of the property is subdividing a portion of the property for sale to an independent party. As the property has not been platted before, the property needs to be subdivided prior to sale of the lot. Linstrom moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Per the recommendation of the Planning Commission Doom moved, Reynolds seconded, the Preliminary Plat of Midwest Ag Enterprises Addition be approved. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER MANDATORY DIRECT DEPOSIT OF PAYROLL FOR CITY EMPLOYEES; B. CONSIDER WAL-MART STORE CURRENCY EXCHANGE AMENDED LICENSE APPLICATION; C. CONSIDER REQUEST OF SMSU RESIDENCE HALL ASSOCIATION FOR STREET CLOSURE FOR STREET DANCE; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

Effective April 1, 2005 all City of Marshall current and future full time and part time employees will be required to utilize direct deposit of their bi-weekly paychecks.

The Amended Currency Exchange License Application for Wal-Mart Stores, Inc., dba Wal-Mart Supercenter to operate a "currency exchange" business at 1221 East Main Street in lieu of the 1101 East Main Street location as previously approved.

The request of SMSU Residence Hall Association for private use of a public street on Birch Street from State Street to the eastern entrance of the CT Parking Lot for the purpose of a street dance on dates to be determined (proposed April 2005) from 4:00 p.m. to 1:00 a.m. with the requirement that proper MUTCD traffic control devices are in place for the event and arrangements have been made and approved by Director of Public Safety Rob Yant.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 45547 through 45712.

REGULAR MEETING – MARCH 7, 2005

All voted in favor of the motion.

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

| | Applicant | Property Address | | Description of Work | Variance |
|----|---------------------------|----------------------|--------|--------------------------|----------|
| 1. | James Lozinski | 401 East Marshall | Street | Reroof & Replace Windows | \$5,000 |
| 2. | Steve Doom | 606 VanBuren | Street | Addition to Dwelling | \$20,000 |
| 3. | Paxton Signs, Inc. | 600 East Main | Street | Install Sign | \$500 |
| 4. | Roadside Developers, Inc. | 604 North Highway 59 | | Office Partitions | \$1,500 |

PROGRESS REPORT FROM MAYOR'S BLUE RIBBON TASK FORCE ON REDEVELOPMENT:

David Werner, Chair of the Mayor's Blue Ribbon Task Force on Redevelopment, gave an update on the redevelopment of East Side Elementary School, Marshall Junior High School and block 100 of East Main Street. They have completed their research and have reached the point where requests for proposals are needed on how to develop these properties. City Administrator Mike Johnson indicated that the city does not own all of the property in the 100 block of East Main Street; therefore they are not ready to seek proposals on this property. Jeff Chapman, Marshall school board member, was in attendance at the meeting and indicated that the school board has not made any decisions on the school properties.

REQUEST FOR VARIANCE ADJUSTMENT PERMIT/SIGN IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Public Schools are requesting a variance adjustment permit to construct an identification sign, including a flashing message board, of 110 SF in lieu of 30 SF as permitted by Zoning Code in an R-1 One Family Residence District at 400 Tiger Drive, the new Marshall Senior High School site. Council Member Doom indicated that the Planning Commission denied this request because zoning did not allow a sign of this size in an R-1 One Family Residence District. Klint Willert, Superintendent Marshall Public Schools, and Bruce Lamprecht from Marshall High School were in attendance at the meeting to present this request to the council. They indicated that the current High School sign is 83 ½ SF and the SMSU sign is 124 ½ SF. They are requesting the identification sign for the new high school to be 110 SF and they indicated that this is sized appropriately for the property. Council Member Linstrom asked what the time frame was for installing this sign. The intent is to have the sign installed by July 15, 2005, which is the date when the high school construction will be complete. Council Member Reynolds indicated that he thought the identification sign at the high school as an exception to the zoning ordinance. Reynolds moved, Linstrom seconded, that a Variance Adjustment Permit be granted to Marshall Public Schools for an identification sign, including a flashing message board, of 110 SF in lieu of 30 SF as permitted by Zoning Code in an R-1 One Family Residence District at 400 Tiger Drive, the new Marshall Senior High School site. Council Member Doom was concerned with other businesses wanting signs larger than allowed by City Code in R-1 One Family Residence Districts. Mr. Doom stated that the ordinance should be changed to allow for a sign of this size at the school. Voting in favor of the motion were: Reynolds, Byrnes and Linstrom. Voting no were: Doom and Ritter.

REGULAR MEETING – MARCH 7, 2005

CONSIDER REQUEST OF ST. STEPHEN'S CHURCH FOR TIME EXTENSION FOR SIDEWALK INSTALLATION:

Glenn Olson, Director of Public Works/City Engineer, indicated that Resolution Number 1270, Second Series Approving the Final Plat of St. Stephen Addition was adopted September 4, 2004. Included as a condition of approval of the final plat was the requirement that sidewalks be constructed along 4th Street, 2nd Street and Stephen Avenue in conjunction with the roadway construction. Subsequent to this approval, 2nd Street was vacated, and thus no sidewalk needs to be installed adjacent to 2nd Street. The sidewalk along 4th Street has been installed. Glenn indicated that he notified St. Stephen Church that they need to install a sidewalk on Stephen Avenue by June 10, 2005 or the City will have them installed and the costs will be assessed to the property. St. Stephen Church is requesting that they have until June 10, 2008 to install the sidewalk along Stephen Avenue. Council Member Doom indicated that they probably need time to raise funds to pay for the sidewalks. Doom moved, Reynolds seconded, that St. Stephen Church be granted an extension of one-year, which would be June 10, 2006, to install sidewalks along Stephen Avenue. All voted in favor of the motion.

RECEIVE FEASIBILITY REPORT FOR SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION PROJECT 2001-004:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the South Hill Street/East Marshall Street Reconstruction Project 2001-004. Dan Sarff of Bolton and Menk was in attendance at the meeting to review the Feasibility Report with the City Council. The Feasibility Report covers the proposed improvements to the watermain, sanitary, storm sewer, street, curb and gutter and sidewalk systems in the following locations:

- Hill Street from East College Drive to Central Avenue
- East Marshall Street from Hill Street to Redwood River
- Park Avenue from East College Drive to a point approximately 400 feet south of East Marshall Street
- "A" Street from East Marshall Street to East Redwood Street
- High Street from East College Drive to East Marshall Street
- Whitney Street from East College Drive to Jean Street
- Charles Avenue from Hill Street to Minnesota Street
- Church Street from "A" Street to Hill Street

All improvements will be assessed according to the current Special Assessment Policy, including the Surface Water Management Utility, Marshall Municipal Utilities and the Wastewater Department. There will be a Public Information meeting on March 15, 2005 in an open house forum starting at 4:30 P.M., with a formal presentation at 6:30 P.M. All of the affected property owners will be notified of this meeting.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2701, SECOND SERIES and that the reading of the same be waived. Resolution Number 2701, Second Series is a resolution Receiving the Feasibility Report and Calling for a Public Hearing on Improvement for South Hill Street/East Marshall Street Reconstruction Project 2001-004. The public hearing will be held at 5:30 P.M. on March 21, 2005 in the Council Chambers of the Marshall Municipal Building. All voted in favor of the motion.

REGULAR MEETING – MARCH 7, 2005

PUBLIC SAFETY – A. AUTHORIZE SUBMITTAL OF 2005 HOMELAND SECURITY GRANT APPLICATION FOR THE SOUTHWEST MINNESOTA CHEMICAL ASSESSMENT TEAM; B. AUTHORIZE SUBMITTAL OF FIRE DEPARTMENT GRANT APPLICATION FOR EXHAUST SYSTEM:

Rob Yant, Director of Public Safety, indicated that the State of Minnesota 2005 Homeland Security Program has \$50,000 allocated for each Chemical Assessment Team (C.A.T.). This is not a competitive grant and the funding will be provided if we meet federal guidelines. HSEM has set a couple of spending guidelines, which will be met in the application. There is no match requirement for the funds, but would significantly expand the limited team annual funding. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to apply for the HSEM 2005 State Homeland Security Grant in the amount of \$50,000. All voted in favor of the motion.

Marc Klaith, Fire Chief, indicated that the Marshall Fire Department is considering the installation of an exhaust system for the apparatus bay area. The station is in need of a system due to the amount of diesel smoke that exhausts when they start the trucks. The preliminary numbers for the system is coming in around \$75,000. The Fire Department is requesting authorization to apply for a grant under the Firefighters Grant Program for the year 2005. This grant required a 5% match, which has changed from the 10% in 2004. This will require the City contribution of \$3,750 if awarded the grant. The fire department would have to budget this amount in the 2006 budget under capital building. Linstrom moved, Reynolds seconded, that the proper city personnel be authorized to apply for a grant under the Firefighters Grant Program for the year 2005. All voted in favor of the motion.

WAYS AND MEANS – A. CONSIDER PRIVATE ACTIVITY TAX-EXEMPT FINANCING GUIDELINES; B. CONSIDER RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING THE ISSUANCE OF REVENUE BONDS FOR THE BENEFIT OF SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION UNDER MINNESOTA STATUTES, SECTION 469.152-469.165:

Mike Johnson, City Administrator, reviewed the request for Private Activity Tax-Exempt Financing Guidelines and the request for the issuance of Revenue Bonds for the Benefit of Southwest Minnesota State University Foundation under Minnesota Statutes, Section 469.152-469.165. Reynolds moved, Linstrom seconded, the approval of the policy for private activity tax-exempt financing guidelines for the City of Marshall. This policy was developed by city staff and Springsted, the City's Financial Advisor, to address the requests for the use of tax-exempt financing. All voted in favor of the motion.

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2702, SECOND SERIES and that the reading of the same be waived. Resolution Number 2702, Second Series is a resolution Calling for a Public Hearing Regarding the Issuance of Revenue Bonds for the Benefit of Southwest Minnesota State University Foundation under Minnesota Statutes, Section 469.152-469.165. The public hearing will be held at 5:30 P.M. on April 4, 2005. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 6:55 P.M.

REGULAR MEETING – MARCH 7, 2005

CONSIDER VEHICLE BID AWARDS – A. PUBLIC SAFETY; B. BUILDING INSPECTION; C. ENGINEERING; D. WWTF; E. MOTOR POOL:

Glenn Olson, Director of Public Works/City Engineer, gave a brief review of how they determine the needs of each department and if it is best to trade-in vehicles or transfer them to another department.

Bids were received, opened and read on February 24, 2005 for two (2) Police Type Squad Car Vehicles / selling two (2) Police Type Vehicles. Bids received, opened and read were as follows:

| | Anton Chevrolet Marshall, MN | Marshall Ford Marshall, MN | Elk River Ford/Dodge/Jeep Elk River, MN |
|--------------------------------------|------------------------------------|----------------------------------|---|
| | 2005 Chevrolet Impala 9C1 | 2005 Crown Victoria | 2005 Crown Victoria Interceptor |
| Proposal A - Base bid | \$35,412.00 | \$41,410.00 | \$40,928.00 |
| Trade-in 2003 Ford Crown Victoria | (5,700.00) | (4,000.00) | (4,000.00) |
| Trade-in 2001 Ford Crown Victoria | <u>(2,700.00)</u> | <u>(2,800.00)</u> | <u>(2,000.00)</u> |
| Net bid | \$27,012.00 | \$34,610.00 | \$34,928.00 |
| Proposal B | \$35,412.00 | No bid | \$40,928.00 |
| Proposal C – Base bid | \$35,412.00 | No bid | \$40,928.00 |
| Trade-in 2003 Ford Crown Victoria | <u>(5,700.00)</u> | | <u>(4,000.00)</u> |
| Net bid | \$29,712.00 | | \$36,928.00 |
| Proposal C – Base bid | \$35,412.00 | No bid | \$40,928.00 |
| Trade-in 2001 Ford Crown Victoria | <u>(2,700.00)</u> | | <u>(2,000.00)</u> |
| Net bid | \$32,712.00 | | \$38,928.00 |
| Proposal D – Base bid | \$17,706.00 | No bid | \$20,464.00 |
| Trade-in 2003 Ford Crown Victoria | <u>(5,700.00)</u> | | <u>(\$4,000.00)</u> |
| Net bid | \$12,006.00 | | \$16,464.00 |
| Proposal D – Base bid | \$17,706.00 | No bid | \$20,464.00 |
| Trace-in 2001 Ford Crown Victoria | <u>(2,700.00)</u> | | <u>(2,000.00)</u> |
| Net bid | \$15,006.00 | | \$18,464.00 |

REGULAR MEETING – MARCH 7, 2005

| | Anton Chevrolet Marshall, MN | Marshall Ford Marshall, MN | Elk River Ford/Dodge/Jeep Elk River, MN |
|------------|------------------------------------|----------------------------------|---|
| | 2005 Chevrolet Impala 9C1 | 2005 Crown Victoria | 2005 Crown Victoria Interceptor |
| Proposal E | \$17,706.00 | No bid | \$20,464.00 |
| Proposal F | No bid | No bid | No bid |

Proposal A – Furnish two (2) Police type squad car vehicles and trade-in of existing vehicles
 Proposal B – Furnish two (2) Police type squad car vehicles with no trade-in
 Proposal C – Furnish two (2) Police type squad car vehicles and trade-in of one existing vehicle
 Proposal D – Furnish one (1) Police type squad car vehicle and trade-in of one existing vehicle
 Proposal E – Furnish one (1) Police type squad car vehicle with no trade-in
 Proposal F – Purchase two (2) trade-in existing vehicles only

Rob Yant, Director of Public Safety, reviewed his recommendation with the council for the purchase of two police vehicles from Anton Chevrolet with the trade-in of two Ford Interceptors. Doom moved, Reynolds seconded, that the bid be awarded to Anton Chevrolet for the purchase of two police vehicles with trade-in and options in the amount of \$28,121.48, which is Proposal A in the amount of \$27,012.00 plus add-on options in the amount of \$1,109.48. All voted in favor of the motion.

Bids were received, opened and read on February 24, 2005 for one (1) Special Services Vehicle / selling one (1) Special Services Vehicle. Bids received, opened and read were as follows:

| | Anton Chevrolet Marshall, MN | Lockwood Motors, Inc Marshall, MN | Marshall Ford Marshall, MN |
|--------------------------|------------------------------------|---|----------------------------------|
| | 2005 Chevrolet Tahoe SSV | 2005 Dodge Durango SLT | 2005 Ford Expedition SSV |
| Proposal A – Base bid | \$29,332.00 | \$26,600.00 | \$26,805.00 |
| Trade-in Ford Expedition | <u>(6,895.00)</u> | <u>(6,000.00)</u> | <u>(3,500.00)</u> |
| Net bid | \$22,437.00 | \$20,600.00 | \$23,305.00 |
| Proposal B | \$29,332.00 | \$26,600.00 | No bid |
| Proposal C | No bid | No bid | No bid |

Proposal A – Furnish one (1) special services vehicle and trade-in of one existing vehicle
 Proposal B – Furnish one (1) special services vehicle with no trade-in

REGULAR MEETING – MARCH 7, 2005

Proposal C – Purchase one (1) trade-in existing vehicle only

Bids were received, opened and read on February 24, 2005 for one (1) Sport Utility Vehicle / selling one (1) Sport Utility Vehicle. Bids received, opened and read were as follows:

| | Lockwood Motors, Inc. Marshall, MN 2005 Dodge Durango SLT | Elk River Ford/Dodge/Jeep Elk River, MN 2005 Ford Expedition SSV | Elk River Ford/Dodge/Jeep Elk River, MN 2005 Dodge Durango SLT |
|--------------------------|---|--|--|
| Proposal A – Base bid | \$23,900.00 | \$25,320.00 | \$24,680.00 |
| Trade-in Ford Expedition | <u>(6,000.00)</u> | <u>(4,000.00)</u> | <u>(4,000.00)</u> |
| Net bid | \$17,900.00 | \$21,320.00 | \$20,680.00 |
| Proposal B | \$23,900.00 | \$25,320.00 | \$24,680.00 |
| Proposal C | No bid | No bid | No bid |

Proposal A – Furnish one (1) sport utility vehicle and trade-in of one existing vehicle

Proposal B – Furnish one (1) sport utility vehicle with no trade-in

Proposal C – Purchase one (1) trade-in existing vehicle only

Rob Yant, Director of Public Safety, is recommending to purchase the Ford Expedition SSV from Marshall Ford and to transfer the current Ford Expedition to the Marshall Fire Department. Ritter moved, Reynolds seconded, that the bid be awarded to Marshall Ford for the purchase of the Ford Expedition SSV in the amount of \$26,805.00 with no trade-in and authorization be granted to transfer the current Ford Expedition to the Marshall Fire Department. All voted in favor of the motion.

Bids were received, opened and read on February 24, 2005 for a four-door sedan for the Building Inspection Department. Bids received, opened and read were as follows:

| | Proposal A | Proposal B | Proposal C |
|--|-----------------|-------------|------------|
| Anton Chevrolet Marshall, Minnesota 2005 Chevrolet Impala | \$15,314.00 | \$15,314.00 | No bid |
| Trade-in | <u>(500.00)</u> | | |
| Net bid | \$14,814.00 | | |
| Lockwood Motors Inc. Marshall, Minnesota 2004 Oldsmobile Alero 11,018 miles | \$10,500.00 | \$10,500.00 | No bid |
| Trade-in | <u>(500.00)</u> | | |
| Net bid | \$10,000.00 | | |

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| | Proposal A | Proposal B | Proposal C |
|--|-------------------|-------------|------------|
| Lockwood Motors Inc. Marshall, Minnesota 2004 Pontiac Grand Am 14,870 miles | \$10,300.00 | \$10,300.00 | No bid |
| Trade-in | <u>(500.00)</u> | | |
| Net bid | \$9,800.00 | | |
| Lockwood Motors Inc. Marshall, Minnesota 2005 Dodge Stratus SXT | \$12,900.00 | \$12,900.00 | No bid |
| Trade-in | <u>(500.00)</u> | | |
| Net bid | \$12,400.00 | | |
| Tholen Auto Sales Marshall, Minnesota 2005 Buick LaCrosse | \$23,791.00 | No bid | No bid |
| Trade-in | <u>(4,474.00)</u> | | |
| Net bid | \$19,317.00 | | |
| | Proposal A | Proposal B | Proposal C |
| Elk River Ford/Dodge/Jeep Elk River, Minnesota 2005 Ford Taurus SE | \$12,600.30 | \$12,600.30 | No bid |
| Trade-in | <u>(400.00)</u> | | |
| Net bid | \$12,200.30 | | |
| Michael Gruhot Marshall, Minnesota | No bid | No bid | \$1,200.00 |

Proposal A – Furnish one (1) new/current or recent model four-door sedan trade-in of one existing vehicle

Proposal B – Furnish one (1) new/current or recent model four-door sedan with no trade-in

Proposal C – Purchase one (1) existing vehicle only

Reynolds moved, Doom seconded, that the bid be awarded to Anton Chevrolet, Marshall, Minnesota for the purchase of a four-door sedan in the amount of \$15,314.00 plus sales tax to be paid from account number 104-60164-5550 and the authorization to sell the 1992 Chevrolet Lumina to Michael Gruhot for \$1,200.00. All voted in favor of the motion.

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Bids were received, opened and read for a ¾-Ton 4 WD pickup truck for the Engineering Department on February 24, 2005. Bids received, opened and read were as follows:

| | Proposal A | Proposal B | Proposal C |
|---|-----------------|-------------|------------|
| Anton Chevrolet Marshall, Minnesota 2005 Silverado 2500 HD Crew Cab LS 4 x 4 | \$25,214.00 | \$25,214.00 | No bid |
| Trade-in | <u>(800.00)</u> | | |
| Net bid | \$24,414.00 | | |
| Anton Chevrolet Marshall, Minnesota 2005 Silverado 2500 HD Crew Cab Work Truck 4 x 4 | \$24,395.00 | \$24,395.00 | No bid |
| Trade-in | <u>(800.00)</u> | | |
| Net bid | \$23,595.00 | | |
| Lockwood Motors Inc Marshall, Minnesota 2005 Dodge Ram 2500 Quad Cab | \$23,500.00 | \$23,500.00 | No bid |
| Trade-in | <u>(750.00)</u> | | |
| Net bid | 22,750.00 | | |
| Marshall Ford Marshall, Minnesota 2005 Ford F250 Crew | \$23,802.00 | No bid | No bid |
| Trade-in | <u>(900.00)</u> | | |
| Net bid | \$22,902.00 | | |
| Elk River Ford/Dodge/Jeep Elk River, Minnesota 2005 Ford F250 Crew Cab | \$23,439.00 | \$23,439.00 | No bid |
| Trade-in | <u>(400.00)</u> | | |
| Net bid | \$23,039.00 | | |
| Elk River Ford/Dodge/Jeep Elk River, Minnesota 2005 Dodge 2500 4-door Quad Cab | \$22,240.00 | \$22,240.00 | No bid |
| Trade-in | <u>(400.00)</u> | | |
| Net bid | \$21,840.00 | | |

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Proposal A – Furnish one (1) 2005 four-wheel drive ¾-ton 4WD pickup truck and trade-in of one existing vehicle

Proposal B – Furnish one (1) 2005 four-wheel drive ¾-ton 4WD pickup truck with no trade-in

Proposal C – Purchase one (1) existing vehicle only

Reynolds moved, Ritter seconded, that the bid be awarded to Marshall Ford for the purchase of a ¾-ton 4WD pickup truck for the Engineer Department in the amount of \$22,902.00, including trade-in, plus sales tax. Funds for this vehicle will come from reimbursements from Engineering and Inspection fees on various City projects. All voted in favor of the motion.

Bids were received, opened and read for a raised roof cargo van for the Wastewater Treatment Facility on February 24, 2005. Bids received, opened and read were as follows:

| | Proposal A | Proposal B | Proposal C |
|---|------------------|-------------|------------|
| Anton Chevrolet Marshall, Minnesota 2005 Express Van 2500 Cargo | \$21,453.00 | \$21,453.00 | No bid |
| Trade-in | <u>(2300.00)</u> | | |
| Net bid | \$21,153.00 | | |
| Anton Chevrolet Marshall, Minnesota 2005 Express Van 2500 Cargo No Raised Roof | \$15,973.75 | \$15,973.75 | No bid |
| Trade-in | <u>(300.00)</u> | | |
| Net bid | \$15,673.75 | | |
| Elk River Ford/Dodge/Jeep Elk River, Minnesota 2005 E250 Extended Cargo Van | \$22,115.00 | \$22,115.00 | No bid |
| Trade-in | <u>(400.00)</u> | | |
| Net bid | \$21,715.00 | | |

Proposal A – Furnish one (1) new/current or recent model raised roof cargo van and trade-in of existing vehicle

Proposal B – Furnish one (1) new/current or recent model raised roof cargo van with no trade-in

Proposal C – purchase one (1) 1981 Ford Econoline 100 Van trade-in existing vehicle only

Ritter moved, Linstrom seconded, that the bid be awarded to Anton Chevrolet, Marshall, Minnesota for the purchase of a 2005 Chevrolet raised roof cargo van with no trade-in in the amount of \$21,453.00, plus tax, with the additional amount funded from the Wastewater Reserve. The 1981 Ford Econoline 100 Van will be placed on the city auction to be held in May. All voted in favor of the motion.

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Bids were received, opened and read for a four-door sedan for the Motor Pool on February 24, 2005. Bids received, opened and read were as follows:

| | Proposal A | Proposal B | Proposal C |
|--|-------------------|-------------|------------|
| Anton Chevrolet Marshall, Minnesota 2005 Chevrolet Impala | \$15,314.00 | \$15,314.00 | No bid |
| Trade-in | <u>(300.00)</u> | | |
| Net bid | \$15,014.00 | | |
| Lockwood Motors Inc Marshall, Minnesota 2005 Dodge Stratus | \$12,900.00 | \$12,900.00 | No bid |
| Trade-in | <u>(600.00)</u> | | |
| Net bid | \$12,300.00 | | |
| Tholen Auto Sales Marshall, Minnesota 2005 Buick LaCross | \$23,791.00 | No bid | No bid |
| Trade-in | <u>(4,374.00)</u> | | |
| Net bid | \$19,417.00 | | |
| Elk River Ford/Dodge/Jeep Elk River, Minnesota 2005 Ford Taurus SE | \$12,600.30 | \$12,600.30 | No bid |
| Trade-in | <u>(250.00)</u> | | |
| Net bid | \$12,350.30 | | |

Proposal A – Furnish one (1) vehicle and trade-in of one existing vehicle

Proposal B – Furnish one (1) vehicle with no trade-in

Proposal C – Purchase one (1) existing vehicle

Reynolds moved, Ritter seconded, the bid be awarded to Anton Chevrolet, Marshall, Minnesota for the purchase of a 2005 four-door sedan for the Motor Pool in the amount of \$15,014.00 including trade-in, plus sales tax from account number 104-41811-5550. All voted in favor of the motion.

CONSIDER AGREEMENT FOR AIR TRANSPORTATION CONSULTING SERVICES WITH MEAD & HUNT – AIRPORT COMMISSION:

Gary Schmidt, Member of the Commercial Air Service Task Force/Airport Commission, gave a brief update on the status of the task force that has been working with Mead & Hunt and Northwest Airlines on bringing scheduled air service to Marshall. They are waiting on a letter of intent of support from Northwest Airlines. Reynolds moved, Ritter seconded, that the proper city personnel be authorized to enter into an agreement contingent upon a letter of support from Northwest Airlines; the City Attorneys approval; and available funding; with Mead & Hunt for

REGULAR MEETING – MARCH 7, 2005

the 2005 Small Community Air Service Development Program (SCASDP) Grant Application in the amount of \$500,000 to \$600,000. This grant will be used to guarantee airfare revenue to Northwest Airlines, for marketing of scheduled air flights and for fare reductions to customers. The grant cannot be used for buildings or personnel. All voted in favor of the motion.

SUMMARY OF CITY ADMINISTRATOR'S ANNUAL PERFORMANCE EVALUATION:

Based on the City Administrator's performance review, evaluation and results, Byrnes moved moved, Ritter seconded that Mike Johnson, City Administrator by grant a salary increase of 2.5% effective January 1, 2005. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA will meet this Wednesday; Regional Development Commission will meet this Thursday.

Doom Senior Citizen Commission will be meeting on March 16th; Marshall Area Transit met on February 23rd but was not able to attend the meeting.

Linstrom Community Services minutes are included in the agenda packet; Library Board will be meeting this week.

Reynolds Utilities Commission held a retreat and discussed wind energy and wind turbines.

Ritter Housing Commission meets next week.

COUNCIL MEMBER INDIVIDUAL ITEMS:

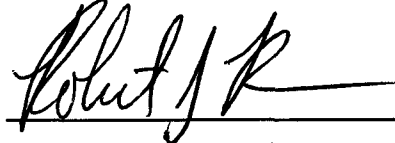
Other items brought forth by the Mayor and Council Members included the Governor being in Marshall on Friday – he will be on the radio from 9 a.m. to 10 a.m., he will tour Runnings Distribution and the Turkey Plant, and there will be a Chamber of Commerce forum held that day. There are questions on the new signs that have been installed in regard to parking. Glenn will review this.

REGULAR MEETING – MARCH 7, 2005

REVIEW OF PENDING AGENDA ITEMS:

Ways and Means Committee needs to schedule a meeting to review the Purchasing Policy.

Upon motion by Reynolds, seconded by Ritter, the meeting was adjourned at 7:50 P.M.
All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – MARCH 21, 2005

The regular meeting of the Common Council of the City of Marshall was held on March 21, 2005 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; Kim Jergenson, Senior Engineering Technician; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that agenda be approved with the deletion of item number 10 which is to consider appointment of proposed task force for commercial air services.

APPROVAL OF THE MINUTES:

Reynolds moved, Linstrom seconded, that the minutes of the regular meeting held on March 7, 2005 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 – SOUTH HILL STREET / EAST MARSHALL STREET RECONSTRUCTION PROJECT 2001-004:

This was the date and time set for a public hearing on the South Hill Street / East Marshall Street Reconstruction Project 2001-004. Glenn Olson, Director of Public Works/City Engineer, gave a brief review of this reconstruction project and then introduced Dan Sarff, Consulting Engineer from Bolten & Menk, who gave a power point presentation on South Hill Street / East Marshall Street Reconstruction Project 2001-004. This is a two-part improvement project with the first part focusing on Hill and Marshall Street. This project includes replacing the storm sewer, watermain, sanitary sewer, curb and gutter, street and sidewalks. The city will pay approximately ½ of the \$1.5 million project and the property owners will be assessed for the other half. Following the presentation input from the public included:

Gary Becker, 111 Park Avenue, spoke on behalf of the residents on Park Avenue. They do not feel that it is necessary to widen Park Avenue and wanted to know why the Storm Water Maintenance Fee account was not paying for the storm water project. Mike Johnson, City Administrator, indicated that this fund would pay for part of the project, but that it was also needed to pay for other projects as well.

Ross Anderson, 117 Park Avenue, read a letter to the council and others in attendance indicating his concerns on the proposed project. He indicated that widening of the streets in this area would disturb the look and aesthetics of the neighborhood and damage the trees in the area.

Joe Amato, 202 Park Avenue, indicated that it was not necessary to widen the streets in this area.

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Vivian Gregoire, 405 East Marshall, indicated that there is a storm sewer intake in the middle of her driveway and requested that it be moved to one side of the other. Glenn Olson indicated that this could be done.

Willard Engel, 301 East Marshall, was concerned with widening all of the streets and if this was really necessary.

Chuck Lonien, 205 South Whitney, was concerned with the alley, which contributes to the water that collects on the streets in the area.

Paul Rehkamp, 200 East Marshall, asked why only one alley in the area was being redone. Mr. Olson indicated that this is the only alley that the property owners petitioned to be repaired.

Don Edblom, 410 South Hill, was concerned with the high cost of the project, why the residents on Hill Street and Marshall Street would have to pay such a high amount and some of the other areas may not be done for several years. He indicated that if he were to sell his house he would not be able to recover the cost of this assessment.

Jim Lozinski, 401 East Marshall, did not think his sidewalk needed to be replaced. He was concerned with the assessment being extremely high that he would not get the value back when he sold his house.

Council Member Boedigheimer indicated that some of these comments were the same reasons that this project was postponed in 2001.

Maes moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion. Council Member Linstrom asked what the policy is on sidewalks. Mr. Olson indicated that sidewalks are required in new residential developments. Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2703, SECOND SERIES and that the reading of the same be waived. Resolution Number 2703, Second Series is a resolution Ordering Improvement and Preparation of Plans for South Hill Street / East Marshall Street Reconstruction project 2001-004. All voted in favor of the motion, except Ritter who voted no.

Mayor Byrnes called for a 5-minute recess at 7:00 P.M.

AWARD OF BIDS – PROJECT 2004-010 LIBERTY PARK PROJECT PHASE II:

Todd Bock, representative of the Marshall Rotary, gave a brief update on the revenue and project costs for the Liberty Park Project. A bid was received on November 3, 2004 for Phase II of the Liberty Project Park from Bladholm Construction, Inc., in the amount of \$71,982.00. At the November 15, 2004 City council meeting, the award of the bid was tabled until March, 2005. Reynolds moved, Boedigheimer seconded, to remove from the table the award of bids for Liberty Park Project Phase II and award this contract

REGULAR MEETING – MARCH 21, 2005

to Bladholm Construction, Inc., in the amount of \$71,982, including Performance and Payment Bonds. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the approval of Change Order No. 1 with Bladholm Construction, Inc., for a decrease in the amount of \$12,913.00 for the Liberty Park Project Phase II, which would revise the contract amount to \$59,069.00. All voted in favor of the motion.

The council took this opportunity to thank the Rotary Clubs of Marshall for all of their work on the Liberty Park Project.

CONSENT AGENDA – A. CONSIDER ANNUAL RENEWAL OF PLUMBERS LICENSES; B. CONSIDER A NEW PLUMBERS LICENSE FOR KEVIN GOSLAR DBA TRIO PLUMBING & HEATING; C. CONSIDER ANNUAL RENEWAL OF REFUSE HAULERS LICENSES; D. CONSIDER ANNUAL RENEWAL OF CONSUMPTION AND DISPLAY LICENSES; E. CONSIDER DEPOSITORY PLEDGE AGREEMENT WITH BREMER BANK, N.A. MARSHALL; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Per the request of Ritter item C, which is to consider annual renewal of Refuse Haulers Licenses was removed from the consent agenda.

Reynolds moved, Doom seconded, that the following consent agenda items were approved.

The annual renewal of Plumbers Licenses for the period April 1, 2005 through March 31, 2006 at a fee of \$75.00 for the following individuals:

Charles DeVos dba Bisbee Plumbing & Heating
Glenn Larson dba Enviro Pump Plus
Gary L. Hansen dba G H Plumbing & Heating
Gary Smidt dba Gary's Plumbing & Heating
Ken Holm dba Heartland Mechanical
Mike Paulson dba Mike's Plumbing & Heating
Stuart Johnson dba Minnetonka Plumbing Co., Inc.
Neil Kroger dba Neil's Plumbing & Heating
Clinton Sixta dba Plumbing & Heating of Willmar
Dallas Sanderson dba Sanderson Mechanical
Dick Winter – Schwan's Sales Enterprises
Darrel Oberloh dba Schwickert, Inc.
Mike Orthaus dba Tri-State Mechanical
Vern Goslar dba Trio Plumbing & Heating
Scott Wood dba Wood's Plumbing & Heating

The approval of a Plumbers License for Kevin Goslar dba Trio Plumbing Heating for the period April 1, 2005 through March 31, 2006 at a fee of \$75.00.

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The annual renewal of the Consumption and Display Licenses for the period April 1, 2005 through March 31, 2006 at a fee of \$125.00 for the following:

Daily Grind
Prairie Event Center
Southwest Minnesota State University

The proper city personnel be authorized to enter into a Depository Pledge Agreement between the City of Marshall and Bremer Bank N. A. Marshall.

The following bills and project payments be authorized for payment:
ACCOUNTS PAYABLE, Voucher No. 45713 through 45853.

All voted in favor of the motion.

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

| | | | | |
|----|--------------------------------------|---------------------------|------------------------------|----------|
| 1. | Paxton Signs, Inc. | 112 South 6th Street | Install Signs | \$5,000 |
| 2. | Marshall Commercial Properties, LLC | 121 North 3rd Street | Interior Remodeling | \$45,000 |
| 3. | MCST Properties | 1407 East College Drive | Remodel Exterior | \$7,500 |
| 4. | Marshall Residential Properties, LLC | 315 Rainbow Drive | Interior/Exterior Remodeling | \$21,000 |
| 5. | Marshall Residential Properties, LLC | 313 Rainbow Drive | Interior/Exterior Remodeling | \$20,000 |
| 6. | James Carr | 1000 East Southview Drive | Retail Remodeling | \$30,000 |
| 7. | Winston Waller Construction, Inc. | 1221 East Main Street | Finish Bank Space | \$45,000 |
| 8. | James Lozinski | 1409 Parkside Drive | Reroof Dwelling | \$1,200 |
| 9. | Patrick & Christina Blomme | 412 South 2nd Street | Exterior Remodel | \$3,200 |

Doom moved, Maes seconded, the approval of the annual renewal of the Refuse Haulers License for the period April 1, 2005 through March 31, 2006 at a fee of \$150.00 for the following:

Southwest Sanitation Inc.,
Curbside Vac
Curry Sanitation Inc.
Ritter's Sanitary Service.

All voted in favor of the motion, except Ritter who abstained.

CONSIDER APPROVAL OF DOOR REPLACEMENT PROJECT FOR LONG-TERM CARE FACILITY AT AVERA MARSHALL REGIONAL MEDICAL CENTER:

Council Member Maes reviewed with the council the door replacement project for the long-term care facility. This project consists of replacement and installation of 104 doors in the “old” existing long-term care building. The replacement of doors includes entry doors for resident rooms, doors for resident restrooms, and doors for storage, utility, shower and mechanical rooms. Only one bid was received from W. L. Hall Company of Eden Prairie, Minnesota in the amount of \$87,147. The bid came in under budget; therefore they are requesting an additional \$4,000 to have the doors painted at the factory. Reynolds moved, Ritter seconded, the approval of the door replacement project for the Long-Term Care Facility at AVERA Marshall Regional Medical Center in the amount of \$87,147 plus and additional \$4,000 to have the doors painted at the factory to W. L. Hall Company, Eden Prairie, Minnesota. All voted in favor of the motion.

AUTHORIZATION TO SUBMIT MERIT CENTER GRANT APPLICATION FOR REGIONAL TRAINING PROGRAM:

Stan Brewers, representative from the MERIT Advisory Board, reviewed the request to amend the 2005 FEMA Fire Fighter Grant application to provide regional fire fighter training through the MERIT Center along with the Marshall Fire Department request for their grant for an exhaust system. This grant would be in the amount of \$101,721 with a 5% match. Boedigheimer moved, Maes seconded, the proper city personnel be authorized to amend the 2005 FEMA Fire Fighter Grant application to include the request for fire fighter training at the MERIT Center. All voted in favor of the motion.

NORTH 3RD STREET BRIDGE REPLACEMENT PROJECT (BRIDGE 42506):

Glenn Olson, Director of Public Works/City Engineer, reviewed the North 3rd Street Bridge Replacement Project (Bridge 42506). The present condition of the bridge has deteriorated allowing the bridge to be included in a project involving MN/DOT bridge bonding and Municipal State Aid. Discussions were held with MN/DOT concerning the safety hazards at the intersection of North 3rd Street, East College Drive and Walnut Street. MN/DOT has recommended the relocation of this intersection. This relocation and revision of the intersection will include a new connection of Walnut to North 3rd Street with an independent connection of North 3rd Street to East College Drive. The westbound traffic lane on East College Drive would be revised to include a right-hand turn lane to access North 3rd Street. This realignment may change traffic patterns; therefore city staff is recommending a public hearing be held to allow any interested parties to provide input. Doom moved, Maes seconded, that a public hearing be held at 5:30 P.M. on Monday, April 4, 2005 for the North 3rd Street Bridge Replacement Project (Bridge 42506). All voted in favor of the motion.

PROJECT 60159 AIR SERVICE STUDY – CONSIDER CHANGE ORDER NO. 1 WITH MEAD & HUNT INC.:

Mike Johnson, City Administrator, reviewed Change Order No. 1 for the Agreement for Air Transportation Consulting Services with Mead & Hunt, Inc., for

REGULAR MEETING – MARCH 21, 2005

Project 60159 Air Service Study in the amount of \$6,000. Mead & Hunt, Inc., is requesting additional compensation due to a calculation error in their bid. Council Member Boedigheimer indicated that when a project is bid and an error is found the city should not be required to pay for the error. Ritter moved, Reynolds seconded, the approval of Change Order No. 1 with Mead & Hunt, Inc., in the amount of \$6,000 for Project 60159 Air Service Study. Council Member Linstrom asked if this amount is negotiable. It was indicated that this change order is separate from the current contract with Mead & Hunt, Inc. There was also a concern if this change order could jeopardize future work with Mead & Hunt, Inc. Voting in favor of the motion were: Ritter, Reynolds and Maes. Voting no were: Boedigheimer, Byrnes, Linstrom and Doom. The motion failed.

CONSIDER RESOLUTION APPROVING MANDATORY DISTRIBUTION AMENDMENT TO VALIC –DEFERRED COMPENSATION PROGRAM:

Thomas M. Meulebroeck, indicated that this is a housekeeping item. This amendment would require the participant to consent to the distribution. Maes moved, Reynolds seconded, BE IT RESOLVED that the proper city personnel be authorized to enter into a Mandatory Distribution Amendment to VALIC – Deferred Compensation Program. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

- Byrnes EDA will meet at noon on Monday to discuss Parkway Housing
- Boedigheimer Lyon County Enterprise Development will hold their annual meeting on Tuesday; M.E.R.I.T. Center minutes are included in the agenda packet.
- Doom Planning Commission will meet on Wednesday; Senior Citizen Center Commission met last Thursday and discussed the cost to upgrade the ventilation and concerns with the shingles.
- Linstrom Community Services Advisory Board is getting ready for the spring/summer sessions; Library Board met this evening; and the Downtown Development will not be meeting this week.
- Maes Hospital Board met earlier today and they are continuing their search for a CEO; Human Rights Commission will meet next week; PrairieNet WAN met a few weeks ago, but was unable to attend; Convention and Visitors Bureau –unable to attend.
- Reynolds Utilities Commission will be meeting this week.
- Ritter Housing Commission met last Monday.

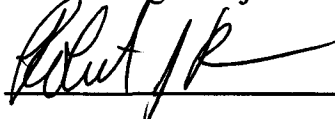
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**COUNCIL MEMBER INDIVIDUAL ITEMS AND REVIEW OF PENDING
AGENDA ITEMS:**

There were no individual items and no concern with pending agenda items.


Glenn Olson, Director of Public Works/City Engineer, indicated that Gregg Swanson is home from IRAQ and back to work.

Maes moved, Reynolds seconded, that the meeting be adjourned at 7:50 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – APRIL 4, 2005

The regular meeting of the Common Council of the City of Marshall was held on April 4, 2005 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: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Senior Engineering Technician; Robert VanMoer, Wastewater Treatment Facility Superintendent; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA;

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

APPROVAL OF THE MINUTES:

Boedigheimer moved, Doom seconded, that the minutes of the regular meeting held on March 21, 2005 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 – SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION PROPOSED STUDENT HOUSING PROJECT AND REQUEST FOR TAX-EXEMPT FINANCING:

This was the date and time set for a public hearing on the Tax-Exempt Financing for the Southwest Minnesota State University Foundation proposed Student Housing Project. David Danaher, SMSU President; Bill Mulso, SMSU Foundation Executive Director; and Bill Toulouse, representative from the Board of Directors; were in attendance at the meeting. Mr. Mulso gave a brief presentation on the proposed student housing project. The SMSU Foundation residence hall will be a \$7 million 140-bed facility build south of Birch Street on Foundation owned property. The project would be financed with approximately \$5.7 million in tax-exempt revenue bonds issued by the City of Marshall and underwritten by Bremer Bank of Marshall. The SMSU Foundation will invest \$1.3 million in this project. The fully furnished facility would be leased to SMSU to be used for student housing on campus. John Utley (Bond Counsel from Kennedy & Graven) was in attendance at the meeting. Mr. Utley indicated that they have prepared the resolution for preliminary approval of the financing for this project. The City will issue tax-exempt bonds to finance this project. In this bond transaction, the City would be the conduit bond user; SMSU Foundation would be the borrower; and Bremer Bank would be the lender. Reynolds moved, Linstrom seconded, the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2704, SECOND SERIES and that the reading of the same be waived. Resolution Number 2704, Second Series is a resolution Relating to the Issuance of Revenue Bonds for the Financing of a Student Housing Development under a Housing Program; Granting Preliminary Approval Thereto, Establishing Compliance with Certain Reimbursement Regulations under the Internal

REGULAR MEETING – APRIL 4, 2005

Revenue Code of 1986, as Amended; and Taking Certain Other Actions with Respect Thereto. All voted in favor of the motion.

PUBLIC HEARING – NORTH 3RD STREET BRIDGE REPLACEMENT PROJECT:

This was the date and time set for a public hearing on the North 3rd Street Bridge Replacement Project. Glenn Olson, Director of Public Works/City Engineer, and Tom Wilson of Erickson Engineering, gave a brief presentation on the reconstruction of North 3rd Street from West Marshall Street to East College Drive. There are three options to consider. Included in this project are two separate segments – the street portion itself and the reconstruction of the North 3rd Street Bridge. MN/DOT is recommending the relocation of the intersection of North 3rd Street, East College Drive and Walnut Street to eliminate the hazards currently at this intersection. This relocation and revision of the intersection will include a new connection of Walnut to North 3rd Street with an independent connection of North 3rd Street to East College Drive. The westbound traffic lane on East College Drive would be revised to include a right-hand turn lane to access North 3rd Street. Erickson Engineering has completed their hydraulic analysis for the bridge and recommend replacement of the in place bridge with three lines of 12-foot x 9-foot precast concrete box culverts. Bridge Bonding Funds and Municipal State Aid Funds would help pay for this project. Following the presentation input from the public included:

Louis Otto, 413 North 3rd Street, was concerned with ice forming at the end of the culvert and the water backing up. Glenn indicated that this would not be a problem.

Steve Smisek, 421 North 3rd Street, had been waiting for this project to happen and was glad to see the flow of traffic in this area would be changed.

Gary Radtke, 411 North 3rd Street, wanted to know how soon this project would be done. Glenn indicated that plans would be completed in a couple of months for construction in 2006.

Brian Hoffman, 417 North 3rd Street, asked if there was an estimate of what the traffic patterns will be after this project is completed. Glenn estimates that ½ of the current users will turn on 3rd street.

Council Member Boedigheimer indicated that the proposed changes would slow down the traffic along North 3rd Street.

Ritter asked if the homeowners would be assessed for any of this project. Glenn indicated that the home owners would be assessed costs for the street as if they were not replacing the bridge and according to the assessment policy for any other work that would be done.

Steve Smisek, 421 North 3rd Street, questioned if this project would change his address from North 3rd Street to Walnut Street.

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Pat Surprenant, 400 East Marshall, was concerned that the street cost would be very high for the reconstruction and if the cost could be assessed differently since this will benefit everyone who uses North 3rd Street. The City of Marshall pays 50% on reconstruction projects and any over sizing is paid 100%.

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

Reynolds moved, Maes seconded, that the proper city personnel be authorized to proceed with the North 3rd Street Bridge Replacement Project. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER ANNUAL RENEWAL OF A PLUMBERS LICENSE FOR THOMAS SUNDAHL DBA SWISH'S PLUMBING & HEATING; B. PROJECT 2004-010: LIBERTY PARK PROJECT PHASE I – ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION; C. PROJECT 2004-011: CITY OVERLAY PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION; D. PROJECT 2004-003: STATE AID OVERLAY PROJECT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION; E. CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION FOR WATERMAIN IMPROVEMENT CONSTRUCTION PROJECTS: 1. PROJECT 2004-007: SUNRISE LANE, 2. PROJECT 2004-008: WASHINGTON AVENUE, 3. PROJECT 2004-009: MARSHALL STREET (LIBERTY PARK), 4. PROJECT 2004-017: EAST THOMAS AVENUE; F. CONSIDER THE REQUEST OF MARK ALMICH FOR A ONE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR A LIVE BAIT BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 705 LAWRENCE STREET; G. CONSIDER THE REQUEST OF TAMARA WATTS FOR A CONDITIONAL USE FOR HOME OCCUPATION TO OPERATE A CLOTHING ALTERATIONS BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 206 DONITA AVENUE; H. CONSIDER THE REQUEST OF ROBERT L. CARR TO REZONE PROPOSED CARR ESTATES SECOND ADDITION FROM AN A-AGRICULTURAL DISTRICT TO AN R-1 ONE-FAMILY RESIDENCE DISTRICT AND AN R-2 ONE- TO FOUR-FAMILY RESIDENCE DISTRICT - INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING; I. CONSIDER RENEWAL OF THE STATE OF MINNESOTA HOMELAND SECURITY GRANT FOR THE SOUTHWEST MINNESOTA CHEMICAL ASSESSMENT TEAM (CAT) FOR 2006 AND 2007; J. BILLS/PROJECT PAYMENTS; K. BUILDING PERMITS:

Reynolds moved, Doom seconded, that the following consent agenda items were approved:

The annual renewal of a plumber's license for Thomas Sundahl dba Swish's Plumbing & Heating through March 31, 2006 at a fee of \$75.00.

The acknowledgement of final payment in the amount of \$5,191 to Bladholm Construction, Inc., for the Liberty Park Project Phase I from account no. 423-70276-5530.

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The approval of Change Order No. 2 which is a contract decrease in the amount of \$7,757.78 and acknowledgement of final payment in the amount of \$7,807.82 to Duininck Bros., Inc., for Project 2004-011, Bituminous Resurfacing on City Streets, from account no. 101-60211-2227. The final payment is contingent upon receipt of all required closeout forms.

The approval of Change Order No. 1, which is a contract decrease in the amount of \$64,754.05 and acknowledgement of final payment in the amount of \$15,993.21 to McLaughlin & Schulz Inc., for Project 2004-003, State Aid Overlay, from account no. 103-62066-2227 contingent upon receipt of all required closeout forms. All voted in favor of the motion.

The approval of Change Order No. 1 which is a contract increase in the amount of \$7,128.23 and acknowledgement of final payment in the amount of \$12,783.66 to Thompson Excavating for Watermain Replacement Project 2004-007, 2004-008, 2004-009, and 2004-017 from account no. 491-62066-5570 contingent upon receipt of all required closeout forms.

Per the recommendation of the Planning Commission, Mark Almich be granted a one-year renewal of a Conditional Use Permit for Home Occupation for a live bait business in an R-1 One-Family Residence District at 705 Lawrence Street with the following conditions:

1. The permit be issued for a one-year period.
2. All water and organic wastes be disposed of in the municipal waste water system or other sanitary method away from the property.
3. That the hours of business be between 6:00 a.m. and 10:00 p.m. only.

Per the recommendation of the Planning Commission, Tamara Watts be granted a Conditional Use for Home Occupation to operate a clothing alterations business in an R-1 One-Family Residence District at 206 Donita Avenue with the following conditions:

1. The permit be issued for an initial one-year period.
2. That the hours of business be between 6:00 a.m. to 10:00 p.m.

The introduction of an ordinance to amend Chapter 86 relating to zoning. This ordinance would rezone the proposed Carr Estates Second Addition (Block 1, Lots 1-13; Block 2, Lots 1-15; Block 3, Lots 1-12; and Block 4, Lots 4-10) from an A Agricultural District to an R-1 One Family Residence District and would rezone the proposed Carr Estates Second Addition Block 4, Lots 1-3) from A – Agricultural to a R-2 One to Four Family Residence District.

The approval to renew the State of Minnesota Homeland Security Emergency Management (HSEM) HazMat Team Grant in the amount of \$45,000 for the period beginning July 1, 2005 and ending June 30, 2007.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 45853 through 45994.

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. | Seth D. Gilbert | 227 | Athens | Avenue | Finish Basement | \$7,500 |
| 2. | Rick Slagel Construction, Inc. | 307 | Lawrence | Street | Kitchen Remodel & Entry Addition | \$4,500 |
| 3. | Rob Falconer | 109 West | Greeley | Street | Repair Porch | \$4,500 |
| 4. | PR Ventures | 615 | Mercedes | Drive | Dwelling | \$150,000 |
| 5. | Carr Properties | 600 | Village | Drive | Storage Shed | \$3,000 |
| 6. | William Ziegenhagen | 705 West | Main | Street | Partial Residing | \$700 |
| 7. | Vlaminck Construction | 701 South | 4th | Street | Replace Doors | \$1,000 |
| 8. | The Schwan Food Company | 115 West | College | Drive | Office Renovation | \$176,100 |
| 9. | Alan M. Greig | 311 | Rainbow | Drive | Remodel Dwelling | \$9,600 |
| 10. | Jonathan Rowe | 202 | George | Street | Basement Remodel | \$1,500 |
| 11. | Chad Rykhus Construction | 401 West | College | Drive | Basement Remodel | \$5,000 |

CONSIDER RESOLUTIONS APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR – A. PROJECT 2001-004 SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION; B. PROJECT 2005-003 NORTH 6TH STREET RECONSTRUCTION PROJECT; C. DEMOLITION PROJECT OF CERTAIN CITY PROPERTIES IN BLOCK 11:

Glenn Olson, Director of Public Works/City Engineer, indicated that the plans for Project 2001-004 South Hill Street/East Marshall Street Reconstruction have been modified by the City's consultant, Bolton & Menk to include watermain, sanitary sewer, storm sewer, street, curb & gutter, and sidewalk systems in the following locations:

South Hill Street from Charles Avenue to Church Street

East Marshall Street from Hill Street to Redwood River

Alley between South High Street and South Whitney Street north of East Marshall Street
Dan Sarff, consultant from Bolton and Menk, gave a power point presentation that included the modifications. Following the presentation input from the public included:

Ross Anderson, 117 Park Avenue, indicated that Park Avenue was a narrow street and he did not see the need for sidewalk along his property.

Dr. Martin, 407 "A" Street, was concerned with the sanitary sewer system and replacing only what is necessary. He also questioned why it is necessary to put sidewalks on both sides of the road.

Mr. Olson indicated that their department handles reconstruction projects the same as new construction areas. Ross Anderson indicated that in new areas there are no houses when the work is done and they have more room for sidewalks on both sides.

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Council Member Boedigheimer stated that he did not see a need for sidewalks on East Marshall Street between Park Avenue and "A" Street.

Carol Martin, 407 "A" Street, indicated that there is not much pedestrian traffic on East Marshall Street between Park Avenue and "A" Street.

Jim Lozinski, 401 East Marshall, wanted to know why it is necessary to change the street width when they are not replacing the sanitary sewer on East Marshall from Whitney Street to Hill Street. Dan Sarff indicated that they want to be consistent in the project area.

Carol Martin questioned why it is necessary tear up Park Street to gain 2' when there is only parking on one side.

Don Edblom thanked Glenn, Dan and the city staff for all of the hard work on this project and was glad that the 400 block of South Hill Street was removed from this project.

LeWayne Carlson, 212 South Whitney, wanted to know why East Marshall Street could not be left the way it is? Glenn indicated that it is necessary to replace the utilities in this area and that he would not recommend leaving the street 60' wide because of long term maintenance.

Council Member Boedigheimer indicated that Park Avenue should be increased to 32' wide and that no sidewalk should be installed on the North side.

Council Member Doom stated that they need to be consist and that the council should consider the recommendation of the Engineer Department to make East Marshall Street 42' wide.

Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2705, SECOND SERIES and that the reading of the same be waived. Resolution Number 2705, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for South Hill Street/East Marshall Street Reconstruction Project 2001-004. This resolution was approved with the following changes – make Park Avenue 32' wide from "A" Street to the river, eliminate the sidewalk on Park Avenue; and to be consistent on East Marshall Street as recommended by the Engineer Department. All voted in favor of the motion.

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

Glenn Olson, Director of Public Works/City Engineer, reviewed the North 6th Street Reconstruction Project 2005-003. This project includes improvements on North 6th Street between the south line of Main Street and the centerline of Elm Street by proposed reconstruction of the existing street, sanitary sewer replacement, watermain replacement, storm sewer replacement and miscellaneous items from West Main Street north to Pleasant Avenue and sanitary sewer replacement from Pleasant Avenue to Elm Street. The estimated cost is

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\$1,399,000. MN/DOT has revised their plans to provide for the 2007 project on Main Street to allow for storm sewer drainage along North 6th Street. There was some concern about the street width and it was indicated that part of this project will be paid by Municipal State Aid. Maes moved, Stores seconded, the adoption of RESOLUTION NUMBER 2706, SECOND SERIES and that the reading of the same be waived. Resolution Number 2706, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for North 6th Street Reconstruction Project 2005-003. Bids will be received at 10:00 a.m. on May 9, 2005. All voted in favor of the motion.

Dan Sarff, Consultant from Bolton & Menk, gave a brief update on the proposed buildings to be removed from Block 11 of the Original Plat. Demolition costs are highly variable and very site specific. Due to this high variability, the estimated construction cost for this demolition project is \$300,000 - \$400,000. Council member Reynolds indicated that Mayor's Blue Ribbon Task Force on Redevelopment had recommended that requests for proposals be received for Block 11 of the Original Plat. Reynolds moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2707, SECOND SERIES and that the reading of the same be waived. Resolution Number 2707, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project 40105 – Demolition of Certain City Properties in Block 11 of the Original Plat of the City of Marshall. Bids will be received at 10:00 a.m. on May 2, 2005. All voted in favor of the motion.

ANNEXATION – A. INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING ON ALL THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE ¼ NE ¼) OF SECTION 9, TOWNSHIP 111 NORTH, RANGE 41 WEST, LYING NORTHERLY OF THE SOUTH LINE OF SAID NE ¼, AND SOUTHWESTERLY OF LOT 1, BLOCK 1, MARSHALL RIGHT-OF-WAY ADDITION, CONTAINING 2.27 ACRES; B. CALL FOR PUBLIC HEARING ON PROPOSED ORDERLY ANNEXATION AGREEMENT WITH LAKE MARSHALL TOWNSHIP:

Reynolds moved, Doom seconded, the introduction of an ordinance and call for a public hearing on all that part of the Southeast Quarter of the Northeast Quarter (SE ¼ NE ¼) of Section 9, Township 111 North, Range 41 West, lying Northerly of the South Line of said NE ¼, and Southwesterly of Lot 1, Block 1, Marshall Right-Of-Way Addition containing 2.27 acres. This public hearing will be held on May 16, 2005 at 5:30 P.M. All voted in favor of the motion.

Reynolds moved, Doom seconded, a public hearing be held on May 16, 2005 at 5:30 P.M. to consider the Orderly Annexation Agreement with Lake Marshall Township for 3 parcels. These parcels are as follows:

Tract No. 1 – a parcel of land located in the Northwest Quarter of Section 15 and Southwest Quarter of Section 15 and the Southwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota being more particularly describes as: all of that property located West of the Trunk Highway 59 right-of-way up to the current City of Marshall city limits containing 13.66 acres more or less.

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Tract No. 2 – a parcel of land located in the Southwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County Minnesota, being more particularly described as: all of that property located East of Trunk Highway 59 right-of-way up to the current City of Marshall city limits containing 8.98 acres more or less.

Tract No. 3 – a parcel of land located in the Northwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota, being more particularly described as follows: all of that property located North and East of the current City of Marshall city limits to the East line of said Northwest Quarter containing 12.31 acres more or less.

All voted in favor of the motion.

PROJECT 2002-008: EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) PROJECT – CONSIDER RESOLUTION RECEIVING FEASIBILITY REPORT (UPDATE) AND CALLING FOR HEARING ON IMPROVEMENT:

Dan Sarff and Andy Carron, consultants from Bolton & Menk, gave a brief update on the East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project 2002-008. This project provides for improvements to the wastewater collection system and reduces flows to the Main Sewer Lift Station by redirecting flows from Lift Station No. 3 to the Trunk Highway 23 sanitary sewer and to make other improvements of street repair, watermain replacement, and construction and minor storm sewer improvements. Reynolds moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2708, SECOND SERIES and that the reading of the same be waived. Resolution Number 2708, Second Series is a resolution Receiving Feasibility Report and Calls for a Public Hearing on Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). This public hearing will be held on April 18, 2005 at 5:30 P.M. All voted in favor of the motion.

PROJECT 2003-003 CANOGA STREET PROJECT – A. CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT; B. CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the proposed improvements consist of a new 8-inch watermain, new sanitary sewer main, new storm sewer, grading, gravel base, asphalt base, asphalt surfacing, curb and gutter, sidewalks, street lighting and all associated items for the construction from Floyd Wild Drive southwestward to Canoga Park Drive in Wilke-Miller-Buesing Second Addition. The roadway will be constructed 42 feet curb to curb, with a 9-ton design to accommodate truck traffic for the adjacent commercial development area. Doom moved, Maes seconded, the adoption of RESOLUTION NUMBER 2709, SECOND SERIES and that the reading of the same be waived. Resolution Number 2709, Second Series is a resolution Ordering Preparation of Report on Improvement for Canoga Street Project 2003-003. All voted in favor of the motion.

Doom moved, Maes seconded, the adoption of RESOLUTION NUMBER 2710, SECOND SERIES and that the reading of the same be waived. Resolution Number 2710,

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Second Series is a resolution Receiving Report and Calling for Hearing on Improvement for Canoga Street Project 2003-003. This public hearing will be held at 5:30 P.M. on April 18, 2005. All voted in favor of the motion.

FINAL PLAT OF CARR SUBDIVISION I – A. RESOLUTION REVOKING RESOLUTION NO. 2677, SECOND SERIES; B. RESOLUTION APPROVING THE FINAL PLAT:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2711 SECOND SERIES and that the reading of the same be waived. Resolution Number 2711, Second Series is a resolution Revoking Resolution Number 2677, 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 November 1, 2004. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2712 SECOND SERIES and that the reading of the same be waived. Resolution Number 2712, Second Series is a resolution Approving the Final Plat of Carr Subdivision I. This resolution was adopted subject to City Attorney review and approval of the abstract of title and title opinion and revision of the dates on the signature page to reference current date. All voted in favor of the motion.

CONSIDER AGREEMENTS WITH INCODE FOR FINANCIAL SOFTWARE PROGRAM:

Thomas M. Meulebroeck, Financial Director/City Clerk, briefly reviewed the two agreements between Tyler Technologies, Inc. – INCODE DIVISION – and the City of Marshall for the upgrade to the City’s financial software. The InVision Migration System Agreement addresses the current financial software applications and the components necessary to operate the software on the SQL server located at the Marshall Municipal Utilities and the System Agreement addresses those financial software applications that the City may potentially add to the system. The total cost of these agreements is \$75,724. Boedigheimer moved, Maes seconded, that the proper city personnel be authorized to enter into the two agreements between Tyler Technologies, Inc. – INCODE DIVISION – and the City of Marshall for the upgrade to the City’s financial software in the amount of \$75,724. 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 and the Fire Relief Association quarterly meeting will be held on Tuesday, April 12th; the Regional Development Commission will meet on Thursday, April 14, 2005.

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Boedigheimer Airport Commission, Cable Commission, Insurance Advisory Commission, Lyon County Enterprise Development, M.E.R.I.T. Center, Ways & Means Committee, Legislative and Ordinance Committee will have meetings in the next couple of weeks.

Doom Planning Commission met last week and their items were discussed earlier in the meeting.

Linstrom Community Services Advisory Board, Library Board and Downtown Redevelopment will be meeting this week or next week.

Maes Human Rights Commission met last week and on Saturday they will have a Training Plan for the Hate, Bias and Crime Response Plan.

Reynolds Utilities Commission will meet on April 26th.

Ritter Housing Commission will meet on April 11th.

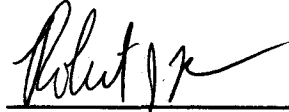
COUNCIL MEMBER INDIVIDUAL:

Other items brought forth by the Mayor and Council Members included: the City of Marshall has received a letter of intent from Northwest Airlines for service at the airport, therefore Mayor Byrnes is recommending that the following individuals be appointed to the Marshall Air Navigator Working Group: Gary Schmidt, Dan Ritter, Marc Klaith, a representative from the Industrial Development Committee of the Chamber of Commerce; a representative from Schwan's, US Bank, ADM and SMSU.

REVIEW OF PENDING AGENDA ITEMS:

The MMUA Lease should be reviewed by the City Council and not the M.E.R.I.T. Center; and the sign ordinance needs to be reviewed by the Ordinance Committee. The Local Board of Appeal and Equalization will be held on April 19th.

Upon motion by Linstrom, seconded by Reynolds, the meeting was adjourned at 8:35 P.M. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

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The regular meeting of the Common Council of the City of Marshall was held on April 18, 2005 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: Doom, Linstrom, Boedigheimer and Ritter. Absent: Maes and Byrnes. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Thomas M. Meulebroeck, Financial Director/City Clerk; Kim Jergenson, Senior Engineering Technician; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

There was discussion on Council Member Boedigheimer's motion on the adoption of Resolution Number 2705, Second Series. He indicated that the minutes were incorrect, therefore President Pro-Tem added agenda item 11a, which is to consider a correction to the minutes of April 4, 2005. At this time Linstrom moved, Doom seconded, that the minutes be approved as corrected (spelling errors only) be approved and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST OF ROBERT L. CARR TO REZONE PROPOSED CARR ESTATES SECOND ADDITION FROM AN A-AGRICULTURAL 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 Robert L. Carr to rezone proposed Carr Estates Second Addition from an A-Agricultural 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. Boedigheimer moved, Linstrom seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Linstrom seconded, the adoption of ORDINANCE NUMBER 525, SECOND SERIES and that the reading of the same be waived. Ordinance Number 525, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for the rezoning of the proposed Carr Estates Second Addition from an A-Agricultural District to an R-1 One Family Residence District and an R-2 One to Four Family Residence District. This ordinance was adopted subject to the approval and filing of the Final Plat of Carr Estates Second Addition. All voted in favor of the motion.

PUBLIC HEARING – PROJECT 2003-003 CANOGA PARK DRIVE AND CANOGA CIRCLE SANITARY SEWER, WATERMAIN, STORM SEWER IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, provided an update on Project 2003-003 Canoga Park Drive and Canoga Circle Sanitary Sewer, Watermain, and Storm Sewer Improvement. The estimated construction cost is \$311,000. Cory Lenz 2627 260th Avenue, questioned if anyone other than the property owners would be assessed and what the time frame is for the special assessment process. Glenn indicated that once the bids have been received there will be a public hearing on the proposed assessment amount and that they would be assessed even if they were not connected at the time of installation. It was indicated that Lyon County would not be granting extension for septic systems after this project has been completed. It was also indicated that the road would be a 9 ton road but that the property owners would only be assessed for a normal residential road. Doom moved, Linstrom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2713, SECOND SERIES and that the reading of the same be waived. Resolution Number 2713, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project 2003-003 Canoga Park Drive and Canoga Circle Sanitary Sewer, Watermain, and Storm Sewer Improvement. All voted in favor of the motion.

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

This was the date and time set for a public hearing on the East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project 2002-008. Andy Kehran, Bolton & Menk, Inc., provided a power point presentation on this project. He reviewed the project, the area that would be affected and the estimated cost. Linstrom moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2714, SECOND SERIES and that the reading of the same be waived. Resolution Number 2714, Second Series is a resolution Ordering Improvement and Preparation of Plans for East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project No. 2002-008. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER RENEWAL OF A LAWFUL GAMBLING LICENSE (LG2000R) FOR AMERICAN LEGION POST 113; B. CONSIDER RENEWAL OF PLUMBERS LICENSES; C. CONSIDER RENEWAL OF A TRANSIENT MERCHANTS LICENSE FOR THE COUNTRY STOP, INC.; D. CONSIDER TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MARSHALL SOFTBALL ASSOCIATION; E. CONSIDER TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MARSHALL BASEBALL ASSOCIATION; F. CONSIDER APPLICATION FOR EXEMPT PERMIT FOR A RAFFLE (LG220) FOR HEALTHY MINDS FOUNDATION; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

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Boedigheimer moved, Doom 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 Minnesota Lawful Gambling Premises Permit Renewal Application –LG 220R for the American Legion Post 113, 412 West Main Street, Marshall, Minnesota.

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

Tony McChesney dba McChesney Mechanical

John Holm dba Holm Brothers Plumbing & Heating

Mike Lund dba Mike's Plumbing & Heating, Inc.

John Jenniges dba Jenniges Plumbing & Heating Inc.

Ronald Sussner dba Frank's Electric Plumbing & Heating Inc.

The renewal of a Transient Merchants License for The Country Stop to be used at the Dairy Queen parking lot on East College Drive for the sale of fresh produce. The fee for this license is \$300.00 and this license will expire on December 31, 2005.

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Softball Association for the period May 9, 2005 through September 9, 2005 at a fee of \$200.00.

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Baseball Association for the period May 14, 2005 through September 14, 2005 at a fee of \$200.00.

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 Healthy Minds Foundation, 1212 East College Drive, Marshall, Minnesota for a raffle to be held on August 27, 2005 and that the 30-day waiting period be waived.

The following bills and project payments be authorized for payment:
ACCOUNTS PAYABLE, Voucher No. 45995 through 46158.

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. | The Country Stop | 1206 East College Drive | Temporary Structure | \$0 |
| 2. | Tom Ogdahl | 301 East Thomas Avenue | Dwelling | \$290,000 |
| 3. | PR Ventures | 506 Windstar Street | Dwelling | \$150,000 |
| 4. | Geske Home Improvement Co. | 612 Soucy Drive | Reside Dwelling, Install Window, Install Doors | \$14,000 |

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| | | | | | | |
|-----|---------------------------|------|-------|-----------------|-------------------------------------|-----------|
| 5. | Merlyn Borth | 115 | "F" | Street | Replace Windows and Reside Dwelling | \$13,500 |
| 6. | Louis & Patricia Wyffels | 701 | East | Main Street | Finish Basement | \$5,000 |
| 7. | Thomas Rieke | 105 | "H" | Street | Replace Stoop | \$700 |
| 8. | Roling Signs | 1400 | East | College Drive | Install Sign | \$13,500 |
| 9. | Pomp's Tire Service, Inc. | 914 | West | Main Street | Install Signs | \$4,600 |
| 10. | Bruce & Linda Saugstad | 508 | | Jaguar Court | Dwelling | \$247,000 |
| 11. | Todd Ellis | 104 | West | James Avenue | Finish Basement | \$7,900 |
| 12. | Ken Ortmann | 1003 | | Woodfern Drive | Residing and Patio Door | \$3,000 |
| 13. | Patrick Foley | 1111 | East | Lyon Street | Addition | \$12,400 |
| 14. | Timothy Jensen | 101 | East | Maple Street | Reroof Dwelling | \$1,700 |
| 15. | Raymond Schmidt | 1006 | | Poplar Street | Window Replacement | \$2,200 |
| 16. | Jeff & Anne Holcomb | 1002 | | Woodfern Drive | Reroof Dwelling | \$5,600 |
| 17. | Lozinski Construction | 206 | | Carrow Circle | Reroof | \$5,000 |
| 18. | Owen Prellwitz | 704 | North | 5th Street | Install Door | \$2,500 |
| 19. | Jeana King | 604 | West | Southview Drive | Garage Remodel | \$1,000 |
| 20. | True Value Home Center | 300 | | Rainbow Drive | Dwelling | \$96,000 |
| 21. | Gale Sanow | 704 | | Oak Street | Install Deck | \$1,100 |
| 22. | The Schwan Food Company | 101 | West | Greeley Street | Remodel Basement Bathroom | \$2,200 |
| 23. | Marshall C&A Properties | 1213 | East | College Drive | Remodel Retail Building | \$7,500 |
| 24. | The Schwan Food Co. | 100 | West | College Drive | Install Sign | \$1,500 |
| 25. | Patrick Schnieder | 404 | West | Saratoga Street | Replace Windows | \$1,700 |
| 26. | Keith & Pamela Holland | 405 | North | 5th Street | Reroof Dwelling | \$1,000 |
| 27. | Paxton Signs | 313 | North | Highway 59 | Install Sign | \$2,500 |

CONSIDER APPROVAL OF MULTI-DEPARTMENT PATIENT MONITORING SYSTEM (AVERA MARSHALL REGIONAL MEDICAL CENTER):

Sharon Williams, VP Finance and Information Services, was in attendance at the meeting to review the request to purchase a Multi-Department Patient Monitoring System for Avera Marshall Regional Medical Center. The RFP requested bids for patient monitoring and telemetry equipment to be used in the Intensive Care Department (ICU), Emergency Department (ED), the Medical/Surgical floor (Med/Surg), Cardiac Rehabilitation (CR), and interface capability with Avera McKennan's eICE. Avera Marshall staff is recommending accepting the Siemens bid in the amount of \$284,155.36, which does not include Cardiac Rehab Telemetry in the amount of \$58,176.89. Also, the bid does not include items such as display panels and other accessories that Avera Marshall may purchase on it's own for less dollars than those included in the bids. Ritter moved, Linstrom seconded, that authorization be granted to Avera Marshall Regional Medical Center to purchase a Multi-Department Patient Monitoring System from Siemens in the amount of \$284,155.36. All voted in favor of the motion.

CONSIDER THE REQUEST OF ALBERT R. EGGERMONT, JR., FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-UNIT APARTMENT IN A B-3 GENERAL BUSINESS DISTRICT AT 302 WEST COLLEGE DRIVE:

Per the recommendation of the Planning Commission, Boedigheimer moved, Doom seconded, that Albert R. Eggermont, Jr., be granted a Conditional Use Permit to

construct a two-unit apartment in a B-3 General Business District at 302 West College Drive with the conditional that there be four off-street parking spaces on the property as required by City Code, and also that the permit expires if the project is not completed and occupied within two years. All voted in favor of the motion.

CONSIDER THE REQUEST OF THE SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION FOR A VARIANCE ADJUSTMENT PERMIT FOR BUILDING HEIGHT OF UP TO 45 FEET IN LIEU OF 35 FEET AS PERMITTED BY CODE IN AN R-4 HIGHER DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT AT 1410 BIRCH STREET:

Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, that Southwest Minnesota State University Foundation be granted a Variance Adjustment Permit for building height of up to 45 feet in lieu of 35 feet as permitted by Code in an R-4 Higher Density Multiple Family Residence District at 1410 Birch Street. Per Glenn Olson, Director of Public Works/City Engineer, indicated that the variance is for roof height only and does not include air conditioner units. All voted in favor of the motion.

CONSIDER AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF A STUDENT HOUSING REVENUE NOTE (SMSU FOUNDATION RESIDENCE HALL PROJECT), SERIES 2005, IN THE PRINCIPAL AMOUNT OF \$5,600,000 FOR THE BENEFIT OF SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION; PAYABLE SOLELY FROM REVENUES PLEDGED PURSUANT TO THE LOAN AGREEMENT, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTE, LOAN AGREEMENT, AND RELATED DOCUMENT; AND PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE NOTE:

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 2715, SECOND SERIES and that the reading of the same be waived. Resolution Number 2715, Second Series is a resolution Authorizing the Issuance, Sale, and Delivery of A Student Housing Revenue Note (SMSU Foundation Residence Hall Project), Series 2005, in the Principal Amount of \$5,600,000 for the Benefit of Southwest Minnesota State University Foundation; Payable Solely from Revenues Pledged Pursuant to the Loan Agreement, Approving the Form of and Authorizing the Execution and Delivery of the Note, Loan Agreement, and Related Document; and Providing for the Security, Rights, and Remedies With Respect to the Note. This resolution is the final action needed by the City Council in order to issue \$5,600,000 in bonds for the Southwest Minnesota State University Foundation Housing Project. All voted in favor of the motion.

A 5-minute recess was called at 6:32 P.M.

EDA RECOMMENDATION ON PROPOSED PARKWAY HOUSING ADDITIONS II, III AND IV – A. PROJECT OVERVIEW AND FINANCING; B. PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC., FOR PARKWAY ADDITION II; C. AGREEMENT WITH THE SOUTHWEST MINNESOTA HOUSING PARTNERSHIP FOR PRE-DEVELOPMENT SERVICES:

Stan Finnestad, Chairman of the Marshall EDA, provided a brief overview of the proposed Parkway Housing Additions II, III and IV. He indicated that this area would provide for an additional 223 lots and that they would be utilizing the same programs as in Phase I. Rick Goodeman, Executive Director of the Southwest Minnesota Housing Partnership, provided an overview and financing related to the proposed Parkway

REGULAR MEETING – APRIL 18, 2005

Housing Additions II, III and IV. Council Member Molly Linstrom indicated that this would help to attract people to Marshall. Mr. Finnestad indicated that they were not competing with the private sector. Steve Linstrom, Vice President of Corporate Relations for Schwan's Food Sales, indicated that they are very supportive of this project. Ritter moved, Linstrom seconded, the approval of the overview and financing related to the proposed Parkway Housing Additions II, III and IV and that the proper city officials be authorized to enter into an agreement with Bolton & Menk, Inc., for Engineering Services for Parkway Addition II. All voted in favor of the motion.

Mike Johnson, City Administrator, indicated that the Contract for Pre-Development Planning Services between the Southwest Minnesota Housing Partnership and the EDA of Marshall was being provided for information only.

CONSIDER APPROVAL OF COMMERCIAL LEASE BETWEEN THE CITY OF MARSHALL AND SCHWAN'S AERIAL MARKETING, LLC FOR THE RED BARON HANGAR:

Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into a Commercial Lease with Schwan's Aerial Marketing, LLC for the Red Baron Hangar. This lease is for 20 years commencing on September 1, 2004 and expiring August 31, 2024, with a possibility of an extension of a 10-year term. The ground/building rent is \$700/month, plus \$300/month for maintenance fees with the tenant paying all building maintenance and utility charges. All lease payment and maintenance fees will be retroactive to September 1, 2004. All voted in favor of the motion.

CONSIDER A CORRECTION TO THE MINUTES OF APRIL 4, 2005:

A discussion was held at this time on Council Member Boedigheimer's motion adopting Resolution Number 2705, Second Series, which is the resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for South Hill Street/East Marshall Street Reconstruction Project 2001-004. This resolution was approved with the following changes – make Park Avenue 32' wide from "A" Street to the river, eliminate the sidewalk on Park Avenue; and to be consistent on East Marshall Street as recommended by the Engineer Department. Council Member Boedigheimer indicated that his motion was to approve the resolution with the following changes - Park Avenue be a 32' wide street from "A" Street to the river, eliminate the sidewalk on Park Avenue; and to be consistent on East Marshall Street as recommended by the Engineer Department except that the residents along the section of East Marshall Street that is 60 feet wide be allowed to decide if they want it to stay 60 feet wide and if they were willing to pay for this.

Glenn Olson, Director of Public Works/City Engineer, indicated that it would cost approximately \$26.00 per lineal foot and that this additional amount would be assessed to the property owners. Willard Engels was concerned with residents in other areas of the city where their street is wider and if they have to pay for the additional width. Mr. Engels also indicated that 7 of the 8 property owners along East Marshall Street want this street to remain 60 feet wide, but he was not sure if they were willing to pay the additional costs.

There was some discussion on what would happen if they left this area of street 60' wide and other residents requested that their streets be different widths than recommended by the Engineer Department.

Boedigheimer moved, Ritter seconded, that the amendment be made to the bid specs to include an alternate bid to leave the section of Marshall Street at 60' wide. All voted in favor of the motion.

REGULAR MEETING – APRIL 18, 2005

MAYOR AND COUNCIL MEMBER REPORTS:

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

Boedigheimer Airport Commission met last Monday, Cable Commission will meet next Tuesday to discuss long range plans.

Doom Planning Commission items were discussed earlier in the meeting; Senior Citizen Center Commission meets next Wednesday.

Linstrom Community Services Advisory Board discussed summer activities; Library Board is working on their strategic planning; Downtown Redevelopment is working on a consensus.

Reynolds Utilities Commission meets next week.

Ritter Housing Commission met last Monday and EDA met last Tuesday and Friday.

Dan Taft and Gary Schmidt, Airport Commission Members, provide an update on the 02-20 Runway Project at the airport and the status of Commercial Air and funding that is available.

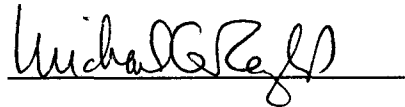
COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Council Members included: setting a policy on street width – this is included as part of new construction and is only a concern with reconstruction projects; the landscaping that Jay Cattoor indicated they would install around their tanks at 815 West Main Street has not been completed.

REVIEW OF PENDING AGENDA ITEMS:

The MMUA Lease should be considered by the City Council and there is no need for this to be reviewed by the MERIT Committee and a Public Improvement Transportation Committee meeting needs to be scheduled.

Upon motion by Boedigheimer, seconded by Ritter, the meeting was adjourned at 7:43 P.M. All voted in favor of the motion.



President Pro-Tem of the City of Marshall

ATTEST:



Financial Director/City Clerk

Minutes of the City of Marshall Local Board of Appeal and Equalization
5:30 p.m. – April 19, 2005

Council Members Present: Reynolds, Boedigheimer, Ritter, Linstrom, Doom, Maes

Council Members Absent: Mayor Byrnes

Staff Present: C Barnett, C Snyder, D Huber

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

The 2005 City of Marshall Local Board of Appeal and Equalization was called to order at 5:30 p.m. by President Pro-Tem Mike Reynolds in the Marshall City Council Chambers. Reynolds outlined the procedure to be followed at the meeting and turned the meeting over to Assessor Calvin Barnett.

Barnett introduced the members of the staff and gave a presentation of the real estate market over the past year. Barnett reviewed the handouts received by the Council prior to the meeting. Reynolds stated the next step in the Board of Appeal and Review process would be to appear at the Lyon County Board on June 13, 2005.

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

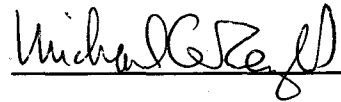
Patrick Foley – 801 West Main Street – Mr. Foley was questioning the value of parcel 27-600-004-0. He stated the value and the taxes are too high. Barnett indicated he would make an appointment and review the property.

Jeff Kogel, Costello Property Management, was representing the RC Square property (Parcel Number 27-598-017-0) located at 1112 Birch Street. This is a Section 8 Affordable housing unit that was built in the 1960's. The building is starting to show its age. The complex had been put up for sale last year at \$1.4 million with no offers. Kogel provided Barnett with income and expense information for the property. Barnett indicated he would review the property and the information, and then meet with Mr. Kogel

Waiyee Wan – 1103 Cheryl Avenue – (Parcel Number 27-211-001-0) Ms. Wan stated they had put a new egress window in the home. The new construction was listed at \$3,000, which is way too high. The overall value for the property is \$105,100, which is also too high for a 30 year old house with cracks in the basement. Barnett indicated the staff would make an appointment with them and review their home and their concerns.

Ms. Katherine Skarin – 105 Whitney Circle (Parcel 27-980-005-0) - Ms. Skarin indicated her home was valued too high with an estimated market value of \$328,700. The home next door to her had been for sale for over a year. Barnett indicated the staff would contact her and set up a time to review the property. Ms. Skarin indicated she had purchased the home seven years ago and the taxes have doubled since that time. This is also the smallest lot on Whitney Circle.

There being no further comments or questions, President Pro-Tem Reynolds recessed the 2005 Local Board of Appeal and Equalization at 6:20 p.m. The 2005 Local Board of Review and Equalization will reconvene on Monday, May 2, 2005. At that time, the Assessor's staff will return recommendations for the people in attendance as well as people who had contacted the office prior to the meeting. MOTION BY RITTER, SECONDED BY MAES, to recess the meeting to May 2, 2005. ALL VOTED IN FAVOR OF THE MOTION.



President Pro-Tem

Attest:



Assessment Technician

County of Lyon/City of Marshall
Joint Meeting
Lyon County Government Center
Marshall, MN 56258

April 26, 2005

Mayor Byrnes called to order the City of Marshall meeting.
Chairman Ritter called to order the Lyon County meeting.

Lyon County members present: Fenske, Goodenow, Nelson, Ritter, Administrator Stomberg, Attorney Maes and Auditor/Treasurer Van Overbeke.

City of Marshall members present: Byrnes, Boedigheimer, Doom, Linstrom, Maes, Reynolds, Ritter, Administrator Johnson, Attorney Simpson.

Other County employees: Anderson, Benson, Hammer, Biren, Dahl, Barker.
Other City employees: Barnett, Meulebroeck, Dubs, Olson, Yant.

Others: Francis Mortier, Tom Regnier, Mike Mortier, Amanda Staples, Rae Kruger.

Addition to the agenda – Marshall Trails Awareness Day, Rental Space, Parking regulations.

Airport Development

Olson gave an update on the airport development. Cooperation between, the county, city, township and landowners is needed. The township road will be re-routed for the extension of the runway; 120 – 160 acres will need to be purchased from 3 property owners. Marshall will become a regional hub for Northwest Airlines.

Trunk Highway No. 23 District 8 Improvements

Olson and Benson gave information on how DOT wants to use District 8 funds in District 3 for the Paynesville bypass. Most of the funds in District 3 are going to continue with Highway 212. Cities and Counties need to contact their legislators and express concern that rural area's will not fair well if the formula is changed and if the state has final say in how the money will be distributed. Cities and Counties need to write letters to all legislators expressing concern over the funding and support for a four lane highway (23) to I-90.

Surface Water Management Utility

County has requested that the fairgrounds receive the same treatment as the City of Marshall uses for their parks. City council and County board need to make a decision on this issue. Discussion on what properties are exempt and

not exempt from the utility fee. This will be discussed at the upcoming public improvement meeting.

Holding Cell at Joint LEC

Dahl and Yant stated that a temporary holding cell is needed at the LEC. Information will be given to the council and board members after a Joint LEC meeting is held.

Property Splits/Recording

Olson gave examples of properties that have been recorded as property splits that are not in conformance with City code or ordinances. Olson would like the City to be able to review documents before they are recorded. Barker stated that when a document is brought into the office it needs to be stamped and documented in the order it is received. The statutes instruct the office what is a recordable document and at this time city codes and ordinances can not stop a document from being recorded. Legislation would need to be changed in order for a City ordinance to stop a document from being recorded. Simpson – the city may have to go through legal process and charge the landowner with civil action.

Economic Development Position

Four years ago the City of Marshall had a Blue Ribbon Task Force to explore the idea of the City having an Economic Development position. The Lyon County Enterprise Corporation has proposed a county-wide economic development position. Boedigheimer handed out a draft job description. The Lyon County Enterprise Corporation believes they could handle the position with the support of the county and all cities. The Lyon County Enterprise Corporation is made up of 15 board members. Concerns by both commissioners and city council members – who would be in control? Where would the funding come from? How do other Cities feel about the service they are receiving now? Would the city still need to do the reporting? Use of TIF, JOBZ and the abatement process. More information is needed by both the County and the City.

Rental Space

Goodenow – The top floor of the Public Works building is still available for rent. Maybe we should look at a joint venture again and place the County Engineer and the City Engineer in the same building. Johnson concerned with the public having to make several stops instead of one for city business.

Parking regulations

Benson inquired about having 30 minute parking along 6th street and having a cross walk. Olson – with the redevelopment of Main Street, we could add additional parking in front of the government center. At this time limited parking is only in front of the Post Office and Library. Yant and Dahl concerned with enforcement issues along 6th street. Boedigheimer – we don't want to go back to parking meters. Discussion on signage to discourage employees from parking on 6th street, but county would need to monitor. Yant and Dahl would abide by

the county board and council members decision. Johnson – we can discuss this at the public improvement meeting next week.

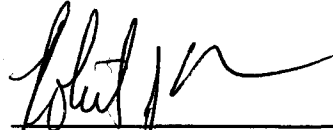
Marshall Trails Awareness Day

Linstrom handed out a press release for the annual Trail Awareness Day on May 14, 2005.

Ritter announced that Ron McLaughlin and Randy Boomgaarden were appointed to the Joint Planning and Zoning Board.

Ritter thanks everyone for coming.

Steven Ritter, Chairman of the Lyon
County Board of Commissioners



Robert Byrnes, Mayor
City of Marshall

Attest: _____
Paula Van Overbeke
Lyon County Auditor/Treasurer

REGULAR MEETING – MAY 2, 2005

The regular meeting of the Common Council of the City of Marshall was held on May 2, 2005 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 in attendance: 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; Calvin Barnett, Director of General Services/City Assessor; Marc Klaith, Fire Chief; Bob VanMoer, Wastewater Superintendent; Sheila Dubs, Assistant to the City Administrator; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes introduced Sheila Dubs, Assistant to the City Administrator, to the Council Members.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item number 11a, which is consideration of a special vehicle permit for Morningside Heights Care Center.

APPROVAL OF THE MINUTES:

Reynolds moved, Boedigheimer seconded, that the minutes of the regular meeting held on April 18, 2005 be approved as filed and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS – REPLACEMENT TANKER TRAILER FOR THE WASTEWATER FACILITY:

The Wastewater Facility sent out request for proposals to several vendors in the upper Midwest for a used stainless transport tanker trailer. Three responses were received, two of which were unable to provide a tanker trailer to meet their needs. The proposal, which meets the specifications, is from Bulk Trailer Equipment Co., Crown Point, Indiana for a 1981 Butler Stainless Steel Transport Tanker, which meets the specifications. Their proposal is for \$15,300 F.O.B. Marshall, less \$3,000 trade-in value for the current transport tanker, for a total trade-in price, not including sales tax of \$12,300. The city will need to pay sales tax in the amount of \$799.50 and they will have to install baffles on the inside of the transport tanker upon delivery to minimize shifting of the weight of the liquid in the tank during operations, which is estimated to be \$1,800. Maes moved, Reynolds seconded, to award the proposal to Bulk Trailer Equipment Co., Crown Point, Indiana for a price of \$12,300 including trade-in, plus sales tax and an estimate of \$1,800 for the baffles for a total of \$14,899.50. This will be paid for from the Wastewater Capital Account Number 602-90581-5550. All voted in favor of the motion.

AWARD OF BIDS – SCBA FOR THE FIRE DEPARTMENT:

Bids were received, opened and read for SCBA's (Self-Contained Breathing Apparatus and Accessories) for the Marshall Fire Department on March 26, 2005. Bids received, opened and read were from:

Alex Air Apparatus, Inc.
Alexandria, Minnesota
Type of SCBA; Draeger
\$110,445.00

Heiman Fire Equipment
Egan, South Dakota
Type of SCBA; ISI
\$119,175.00

MES Minnesota Sales
Truman, Minnesota
Type of SCBA; Scott
\$120,701.00

Metro Fire
Ham Lake, Minnesota
Type of SCBA; MSA
\$96,548.27

This bid is for 24 SCBA units, 24 required spare bottles, 25 additional face pieces and 45 air purifying respirators. The grant also included a self contained fill station with cascade panel, installation included for \$9,200.

The Marshall Fire Department has received a grant from FEMA for \$103,266.00 with a 10% matching funds of \$11,474.00 for a total of \$114,740.00. The matching funds will be paid by the Marshall Fire Department Relief Association. The Fire Department is requesting the Draeger SCBA's over the other units for the following reasons:

1. Better warranty – 3 years on electrical, 10 years on webbing, and 15 years on pneumatics.
2. Mask is less restrictive for breathing undonned from tank pressure.
3. Mask has triple seal around the face.
4. The vision through the mask seems to give better peripheral vision.
5. The PASS device includes a room temperature readout not included by the others.
6. The heads up display is located inside the tank rather than on the outside allowing protection from heat, dust, water and smoke.
7. Back frame has a padded pivoting waste belt, with adjustable back support for better fit of each fire personnel.
8. The frame is slightly lower allowing protection for the tail bone and bottle.
9. A larger hand wheel is provided to ease removal of tanks for refilling of air.
10. The Fire Department currently has 6 Draeger air packs, and has had a good track record for use and maintenance. The current SCBA's from the new fire apparatus will be interchangeable with the new SCBA's.
11. Local industries have already purchased Draeger units. This would make the Fire Department compatible with them in case of a large incident.

Dennis Simpson, City Attorney, indicated that the lowest bid in dollars is not necessarily the "lowest responsible bidder" and if this bid is to be awarded as recommended by the Fire Department they need to list the reasons why. Boedigheimer

REGULAR MEETING – MAY 2, 2005

moved, Ritter seconded, that the bid be awarded to Alex Air Apparatus, Inc., Alexandria, Minnesota for the Draeger SCBA's in the amount of \$110,445.00 for the reasons indicated by the Fire Department. The financing to be determined after the sale of the old SCBA's. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER RENEWAL OF PLUMBERS LICENSE FOR BRUFLAT PLUMBING AND HEATING; B. CONSIDER RESOLUTION RE-APPOINTING ROBERT BYRNES TO THE HOUSING & REDEVELOPMENT AUTHORITY; C. CONSIDER AUTHORIZATION TO DISPOSE OF SURPLUS CITY PROPERTY AT A PUBLIC AUCTION ON MAY 19, 2005; D. CONSIDER RENEWAL OF A SPECIAL VEHICLE PERMIT FOR ROBERT EGLY; E. AUTHORIZATION TO ADVERTISE FOR BIDS FOR REPLACEMENT OF WASTEWATER SCREENING EQUIPMENT; F. AUTHORIZE SUBMITTAL OF GRANT APPLICATION TO HOMELAND SECURITY FOR SEARCH CAMERAL VICTIM LOCATION SYSTEM; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

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

The renewal of a Plumbers License for Rodney Bruflat dba Bruflat Plumbing & Heating through March 31, 2006 at a fee of \$75.00

The adoption of RESOLUTION NUMBER 2716, SECOND SERIES and that the reading of the same be waived. Resolution Number 2716, Second Series is a resolution Approving the Re-Appointment of Commissioner to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution provides for the re-appointment of Robert J. Byrnes for a term of 5 years to expire on May 31, 2010.

Authorization to dispose of surplus City property at an auction to be held on May 19, 2005 at 6:00 P.M. at the Street Maintenance Building area at 901 Oak Street.

The renewal of a Special Vehicle License for Robert Egly to expire on December 31, 2005 at a fee of \$30.00.

Authorization for the proper city personnel to advertise for bids for the replacement of Wastewater Screening Equipment.

Authorization for the Marshall Fire Department to apply for a grant under Homeland Security Commercial Equipment Direct Assistance Program to purchase a Search Camera Victim Location System at a cost of \$13,750.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 46159 through 46350.

All voted in favor of the motion.

REGULAR MEETING – MAY 2, 2005

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

| | Applicant | Location Address | | | | Description of Work | Valuation |
|-----|--------------------------------|------------------|-------|------------|--------|---------------------------------|-----------|
| 1. | The Schwan Food Company | 307 | West | College | Drive | Office Remodeling | \$52,000 |
| 2. | RMA Home Depot Installed Sales | 402 | East | Southview | Drive | Reside Dwelling | \$15,400 |
| 3. | Programmed Land, Inc. | 1302 | | Birch | Street | Reroof Apartment | \$39,800 |
| 4. | Frank & Rita Versaevel | 311 | | Jean | Avenue | Enclose Window | \$1,500 |
| 5. | Kenneth Ristau | 1512 | | Westwood | Drive | Reside & Reroof Dwelling | \$13,000 |
| 6. | Michael & Delores Johnson | 804 | | Lawrence | Court | Finish Garage Interior | \$800 |
| 7. | Roger Gilmore Construction | 403 | South | Whitney | Street | Replace Step & Replace Door | \$1,200 |
| 8. | Paul Claeys | 408 | | Kathryn | Avenue | Remodel Basement | \$4,000 |
| 9. | Aaron Ziemer | 206 | | Athens | Avenue | Deck | \$2,000 |
| 10. | Vlaminck Construction | 402 | | Viking | Drive | Exterior Remodeling | \$20,000 |
| 11. | Francis & Marie Moorse | 110 | | George | Street | Exterior Remodeling | \$7,900 |
| 12. | Rolland & Mary Roseland | 207 | | Carrow | Street | Install Gas Fireplace | \$3,200 |
| 13. | Maria Pribyl | 902 | | Birch | Avenue | Remodel Kitchen | \$500 |
| 14. | Patricia A. Schmidt | 402 | | Walnut | Street | Reside Dwelling | \$2,500 |
| 15. | Betty Henle - c/o Mike Henle | 208 | West | Main | Street | Reroof Retail Building | \$31,800 |
| 16. | Salonek Construction | 802 | | Colt | Street | Reroof Two-Family Dwelling | \$10,000 |
| 17. | Salonek Construction | 117 | | Grimes | Street | Canopy and Replace Steps | \$5,000 |
| 18. | Salonek Construction | 205 | | Sunrise | Lane | Canopy and Replace Steps | \$5,000 |
| 19. | Salonek Construction | 202 | | "B" | Street | Canopy and Replace Steps | \$5,000 |
| 20. | Salonek Construction | 309 | East | Redwood | Street | Canopy | \$5,000 |
| 21. | Salonek Construction | 1101 | | Winchester | Avenue | Reroof Apartment Building | \$10,000 |
| 22. | Salonek Construction | 202 | North | 1st | Street | Replace Windows & Remodel Stack | \$45,000 |
| 23. | Mark Jensen | 509 | | Lawrence | Street | Reside Dwelling | \$7,000 |
| 24. | Scott's Electronics | 1101 | East | College | Drive | Install Sign | \$2,600 |
| 25. | Rosenbaum Sign, | 1221 | East | Main | Street | Install Sign | \$900 |

| | | | | | | |
|-----|------------------------------|------|------------|---------------|---------------------------------|-----------|
| | Inc. | | | | | |
| 26. | REM Southwest Services, Inc. | 622 | Kathryn | Avenue | Bathroom/Basement Remodel | \$5,000 |
| 27. | Myril Thooft | 201 | Rainbow | Drive | Finish Basement | \$8,000 |
| 28. | Keith Peterson | 215 | London | Road | Deck | \$1,000 |
| 29. | Babcock Construction | 806 | Silverbine | Drive | Reside Dwelling & Install Doors | \$6,300 |
| 30. | Brenan Clark | 1115 | East | College Drive | Install Sign | \$800 |
| 31. | PR Ventures | 601 | Cougar | Court | Dwelling | \$150,000 |
| 32. | PR Ventures | 609 | Mercedes | Drive | Dwelling | \$150,000 |

PROJECT 2002-008 – EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2717, SECOND SERIES and that the reading of the same be waived. Resolution Number 2717, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). All voted in favor of the motion.

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

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2718, SECOND SERIES and that the reading of the same be waived. Resolution Number 2718, Second Series is a resolution Approving the Final Plat of Wilke-Miller-Buesing Third Addition. This resolution was approved contingent upon the following:

1. Recording of the utility easement outside of and along the east side of the subdivision.
2. City Attorney review and approval of the abstract of title and title opinion.
3. Payment of all fees according to the First Development Contract for Wilke-Miller-Buesing Third Addition in the amount of \$10,873.55 according to the current "Resolution Approving Specific Fees to be Charged by the City of Marshall" (Resolution Number 2689, Second Series).

All voted in favor of the motion.

PETITION FOR VACATION OF EXCESS STREET RIGHT-OF-WAY ADJACENT TO WAL-MART ADDITION BLOCK ONE, LOTS 2 AND 3 AND CALL FOR PUBLIC HEARING:

The City has received a petition for the vacation of excess street right-of-way from the owner of the majority of the property adjacent to the requested vacation. The petitioner wishes to include this property in a proposed development plan of the adjacent lot. Council Member Boedigheimer was concerned with the costs associated with this request. It was indicated that the owner would be responsible for all of the costs associated with this vacation. Linstrom moved, Reynolds seconded, that a public hearing be held at 5:30 P.M. on May 16, 2005 to consider the petition for vacation of excess street right-of-way in Block One, Lots 2 and 3 of Wal-Mart Addition. All voted in favor of the motion.

WASTEWATER TREATMENT FEASIBILITY REPORT –CONSIDER ACCEPTANCE OF FEASIBILITY REPORT AND AUTHORIZATION FOR PREPARATION OF PLANS AND SPECIFICATIONS FOR EQUALIZATION BASIN RENOVATION AT THE WWTF:

Glenn Olson, Director of Public Works/City Engineer, indicated that Bonestroo, Rosene, Alderlik & Associates, Inc., have prepared the Wastewater Treatment Feasibility Report. A portion of this report concerned the renovation of the City's Equalization Basins. These basins are required for the proper operation of wastewater treatment during periods of excess flows and extraordinary loadings to our treatment system. It is recommended to reconstruct those basins at an estimated cost of \$617,500. Linstrom moved, Reynolds seconded, to Accept the Feasibility Report and Authorized the Preparation of Plans and Specifications for Equalization Basin Renovation at the Wastewater Treatment Facility. All voted in favor of the motion.

Bob VanMoer, Wastewater Treatment Facility Superintendent, gave a brief update on the system that is currently being used at the Wastewater Treatment Facility.

PROJECT 2001-004 SOUTH HILL STREET / EAST MARSHALL STREET RECONSTRUCTION – DISCUSSION CONCERNING PROPOSED STREET WIDTHS:

Per the request of Bolton & Menk, Inc., there was a brief discussion on the different street widths on East Marshall Street from South "A" Street to Hill Street. The street widths vary from 31 feet to 60 feet. Council Member Boedigheimer indicated that the residents who petitioned to leave their street 60 feet wide instead of the 42 feet that is being recommended that they need to pay for the additional expense. The recommendation of staff is to bid this street as two alternatives. One alternative is to leave the street width as they currently are with the exception of the section that is 30' 6" would be increased to 44' 7". The other alternative is to make the entire street 42'.

CONSIDER CALLING FOR A PUBLIC HEARING ON PROPOSED EXTENSION OF TIME TO MEET BUSINESS SUBSIDY GOAL FOR SCHWAN'S SALES ENTERPRISES, INC. (RAZOR PROJECT):

Cal Barnett, Director of General Services/City Assessor reviewed the request of Schwan's Sales Enterprises, Inc., to amend their Business Subsidy Agreement dated May 6, 2002. The purpose of the extension is to allow the company additional time to meet its job and wage goals. Ritter moved, Maes seconded, the adoption of RESOLUTION NUMBER 2719, SECOND SERIES and that the reading of the same be waived. Resolution Number 2719, Second Series is a resolution Calling for a Public Hearing on the Proposed Extension to Meet Business Subsidy Goal for Schwan's Sales Enterprises, Inc. The public hearing will be held at 5:30 P.M. on May 16, 2005. All voted in favor of the motion.

**REVIEW SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM
GRANT APPLICATION TO THE FEDERAL DEPARTMENT OF
TRANSPORTATION:**

The council was informed that the Small Community Air Service Development Program Grant Application prepared by Mead and Hunt has been submitted. Several letters of support from around the region have also been submitted.

**CONSIDERATION OF A SPECIAL VEHICLE PERMIT FOR MORNINGSIDE
HEIGHTS CARE CENTER:**

Maes moved, Ritter seconded, the renewal of two Special Vehicle Permits for Morningside Heights Care Center and that the fee be waived. 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 meeting to discuss acquisition of land for the next phase of Parkway Housing

Boedigheimer No report.

Doom Marshall Area Transit met last week.

Linstrom Community Services minutes are included in the agenda packet; Library Board is holding a planning session; Downtown Redevelopment Committee needs to meet with the council.

Maes No report.

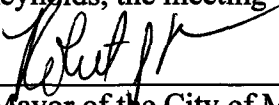
Reynolds Utilities Commission reviewed their annual audit report.

Ritter EDA will be meeting on Tuesday.

REVIEW OF PENDING AGENDA ITEMS:

Boedigheimer questioned if the Joint Powers Agreement between the City and Marshall Independent School District No. 413 has expired or is it about to expire.

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 6:38 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:

Financial Director/City Clerk

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 2, 2005

The continuation of the Local Board of Appeal and Equalization was called to order at 6:38 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Maes, Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: none.

Boedigheimer moved, Linstrom seconded, that the minutes of the Local Board of Appeal and Equalization held on April 19, 2005 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.

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 19, 2005. 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:

27-600-004-0 – Mr. Patrick Foley – 801 West Main Street

Concern: Mr. Foley was questioning the value of his parcel at the rear of 801 West Main Street. He stated the value and the taxes are too high.

Findings: Mr. Foley purchased the 100' x 132' subject lot on October 26, 1999 for \$7,000. Mr. Foley took out a building permit to construct a 1,800 s.f. warehouse building on July 27, 1999, at a cost of \$27,600. The Marshall Swift valuation service was used as a basis to determine current replacement cost for the subject building. It is estimated the current replacement cost is approximately \$34,040. The same tract of land in the present location will sell for \$12,000 or approximately \$40,000 per acre. With depreciation deducted from the replacement cost new, the warehouse's true value is approximately 10% greater than what it is on the tax roll for.

Recommendation: No change

27-598-017-0 - Mr. Jeff Kogel, Costello Property Management
1112 Birch Street (RC Square)

Concern: This is a Section 8 Affordable housing unit that was built in the 1960's. The building is starting to show its age. The complex had been put up for sale last year at \$1.4 million with no offers.

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Findings: Jeff Kogel initially submitted certain information related to an income approach to the valuation of RC Square. He also provided certain other liability and asset information relative to the project. An additional request was made for additional occupancy, income, and expense information which was received April 28, 2005. RC Square is a limited return on investment type of property which is eligible for certain types of Federal and State assistance as the target of the project is to provide housing for low to moderate income families. Some of the projects will target individuals at 50% of average area median income and others may be almost market targeted. The issue for many projects of this nature is that the program that they are specifically involved in may not be receiving annually adequate inflationary increases to reflect current rent and current expenses. As a result, like most shortfalls, the concerns show up at the local level. One of the questions relates to the need for the local level to make up project shortfalls or whether the project should dip into its own reserves at least for a short period of time. Currently, the State Legislature has legislation which it is considering in 2005 which could reduce the class rates for property which are constructed under programs for low to moderate income. The new class rate would be based on the re-establishment of the class 4d classification which existed until several years ago. That rate was .9 versus a homestead at 1.0. Today's legislation, if passed, would lower the class rate to .55. This project is not experiencing significant vacancy, etc., which would tend to indicate a market area driven problem. Jeff Kogel also indicated the property was offered for sale at \$1.4 million without a sale. The property was initially offered at \$1.8 million with a buyer at \$1.4 million, but the Minnesota Housing Finance Agency was unable to deliver on some tax credits for the project if sold, therefore it was not sold.

Recommendation: The Marshall Assessor's office will continue to track the issues and concerns for this particular class of property, but for the time being, and for 2005 Local Board of Review and Equalization, recommends no change.

27-211-001-0 – Ms. Waiyee Wan – 1103 Cheryl Avenue

Concern: Ms. Wan stated they had put a new egress window in the home. The new construction was listed at \$3,000, which is way too high. The overall value for the property is \$105,100, which is also too high for a 30 year old house with cracks in the basement.

Findings: Appraiser Snyder met with Ms. Wan at her home. They discussed the basement condition which Ms. Wan feels would affect the sale price of her home. The previous owner had installed metal braces on the rear wall which can be tightened. There have been no problems with the foundation since she purchased the home in 2000. The new construction for the 2005 assessment was for an escape/rescue window in the basement and improvements done to the kitchen and bath. An adjustment in depreciation has been on the home for many years because of the foundation. After adjusting for other differences, sales indicate a probable sale price of her home from \$108,000 to \$115,000.

Recommendation: No change

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 2, 2005

27-980-005-0 – Katherine Skarin – 105 Whitney Circle

Concern: Ms. Skarin indicated her home was valued too high with an estimated market value of \$328,700. Ms. Skarin indicated she had built the home seven years ago and the taxes have doubled since that time. This is also the smallest lot on Whitney Circle.

Findings: The real estate taxes are as follows:

| Payable Year | | Taxes |
|-----------------|----|-------|
| 1998 | \$ | 510 |
| 1999 | \$ | 4,248 |
| 2000 | \$ | 4,420 |
| 2001 | \$ | 4,456 |
| 2002 | \$ | 3,170 |
| 2003 | \$ | 3,334 |
| 2004 | \$ | 4,236 |
| 2005 | \$ | 4,410 |

Appraiser Snyder inspected the home and went over recent sales of higher valued properties with Mrs. Skarin. They indicate her home should sell for more than the assessed value of \$328,700.

Recommendation: No Change

The following is a list of the property owners who had contacted the City Assessor's Office prior to the Local Board of Appeal and Equalization with concerns.

27-739-028-1 – George Jacob/Charles Hess – 111E South 10th Street

Concern: The current estimated market value significantly exceeds relatively current construction costs.

Findings: Mr. Jacob established on a 50' x 364' tract of land, a rental building having high side walls and containing 5,000 s.f. of area. The building is used for rental storage purposes for motor home type of vehicles. The building has 4 large overhead garage doors with operators, partitions between the rental areas, and is pre-engineered in construction. There is no floor other than gravel within the building. The City Assessor's office reviewed the current replacement cost for the building determining the current replacement to be \$16.00 per square foot, or \$80,000 replacement cost. The original construction cost, as contended by Mr. Jacob, was \$13.00 per square foot. The land value for this tract of land is \$4,200 or \$10,000 per acre. The land is rear and very narrow.

Recommendation: The value should be reduced from current value of \$92,000 to \$84,200.

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Parcels 27-819-023-0, 27-819-024-0 and 27-627-001-0
V P & C Partnership (Robert L. Carr)

Concern: The properties have been cut up by the taking of land by the City for the Corp of Engineers levy project. Mr. Carr asked consideration of that factor.

Findings: Parcel 27-819-024 is a tract containing 15.97 acres of agricultural farm land. The tract of land was split into two parts by the Army Corp of Engineers levy taking which now have significant triangulation problems for farming purposes. Parcel 27-627-001-0 is a tract of land containing 18.8 acres of agricultural farm land. This tract remains for the most part rectangular and suffers the least of three parcels due to the taking by the Corp. 27-819-023-0 is a tract containing 44.26 acres of agricultural farm land and lies north of the Corp's levy project. Irregular land shapes are caused the levy structure, the extension of North Bruce Street, and that part of tract 27-819-024-0 lying north of the City's levy. Also, parcel 27-819-023-0 lying north of the City's levy remains affected by potential flooding and flood plain zoning issues.

Recommendation: Change the proposed values to reflect the triangulation problems identified with cropping of the land.

| Parcel Number | Green Acres | High Value | |
|---------------|-------------|------------|---------------------|
| 27-819-023-0 | \$106,200 | \$199,200 | Original 2005 Value |
| | \$ 99,100 | \$199,200 | Adjusted 2005 Value |
| 27-819-024-0 | \$38,300 | \$63,900 | Original 2005 Value |
| | \$32,500 | \$63,900 | Adjusted 2005 Value |
| 27-627-001-0 | \$45,100 | \$112,800 | Original 2005 Value |
| | \$40,100 | 112,800 | Adjusted 2005 Value |

Parcel 27-603-025-1 - Mr. Milo Pinkerton – Cityside Townhome Project
1400 South 4th Street

Concern: Mr. Pinkerton contacted this office by phone and followed up with a fax. The issue is vacancy and increasing expenses for the Cityside Townhome project. Mr. Pinkerton would like a \$200,000 to \$250,000 decrease to the market value of the Cityside Townhome project.

Findings: For the 2004 assessment year, the city made an adjustment of \$50,000 for concerns related to the subject property. The same issues, as discussed above with the RC Square property, are evident with this property, it being a limited return project. Again, the only variable that seems to be available to the project is to request a property tax reduction substantial enough to give some relief to the higher expenses. As a result of pending legislation, the property taxes could automatically drop for payable 2006. The value per unit of this project is \$34,096. This value is reasonably supported by the recent sale of the Marshall Square Apartments located on Jewett Street. The sale price was \$2,735,000 less \$98,000 of claimed personal property, or \$29,300 per unit.

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Recommendation: Some vacancy does exist in market rental and subsidized housing in Marshall. Generally, reserves are used to bridge short periods of vacancy without requests and concern for property value reductions. If a property experiences a \$20,000 loss in revenue over a period of one year, it is normally not capitalized directly into value. It is considered overall as a part of the holding period as in a discounted cash flow analysis model, which would tend to indicate a far less dramatic change in value as it is not anticipated significant vacancy will exist within the Marshall rental market as Marshall is a growing community and needs housing for low to moderate income individuals. The recommendation is no change.

Parcel 27-206-065-0 – Earl Henspeter – 702 South Bend Avenue

Concern: Mr. Henspeter sent a letter to our office concerning the increase in his estimated market value.

Findings: Appraiser Snyder inspected Mr. Henspeter's property and showed him sales of other homes in his area. Mr. Henspeter had appeared at the 2001 Local Board of Appeal and Equalization and received a reduction in his value because of the garage being too close to the lot line on the right side. This reduction is still in effect. After making adjustments for his narrow lot, sales in the area indicated a sale price of \$121,000 to \$129,000 for his property. The estimated market value of his home is \$116,000.

Recommendation: No Change

Parcel 27-937-031-0 – Terrance & Cindy Verschaetse – 1123 David Drive

Concern: Mrs. Verschaetse called the Assessor's office concerning the estimated market value of her home which is now substantially higher than the private appraisal value done in 2003 when the home was built.

Findings: The Verschaetse's built a new home in 2003. After repeated attempts to inspect the home, a letter was sent informing them of the need for an inspection and the requirements for filing for homestead. After no response, Appraiser Snyder had to estimate the quality of interior features and basement finish. The estimated market value for 2005 was \$320,100. Appraiser Snyder inspected the home and reviewed sales of new homes in the area with Mrs. Verschaetse. After making changes because of the inspection, the indicated the sale price would be from \$307,000 to 320,000.

Recommendation: Estimated market value lowered to \$296,700.

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

Concern: Mr. Tillemans came to the Assessor's office concerned about the increase in his estimated market value from \$70,000 to \$73,900.

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 2, 2005

Findings: Mr. Tillemans appeared at 2002 Local Board of Appeal and Equalization and received a reduction of \$2,800. He also appeared in 2004 requesting a reduction, but the Assessor's office recommended no change. Appraiser Snyder inspected the property, and at the request of Mr. Tillemans remeasured the home. This indicated an error, which lowered the total area from 910 s.f to 884 s.f.

Recommendation: Lower estimated market value from \$73,900 to \$71,900.

Parcel 27-599-066-0 Mr. James Baune – 105 Walker Lane

Concern: Mr. Baune came to the Assessors' office concerned with the estimated market value of \$119,700 for his property because of the location and small basement area.

Findings: Appraiser Snyder met with Mr. Baune and compared his home with other recent sales. After making adjustments for the location and the small basement area, the indicated range of possible sale prices was \$125,500 to \$139,000. Mr. Baune indicated the garage measurements were wrong on the property card. Appraiser Snyder remeasured the attached garage which was in error. This changes the estimated market value of the home by \$700.

Recommendation: Reduce the estimated market value of his home from \$119,700 to \$119,000.

The following constitutes clerical cleanup of the 2005 assessment.

Parcel 27-604-077-0 – Shawn Roberts – 402 East Main Street

| |
|---|
| Should be classified as 201-1 (homestead) for the 2005 assessment |
|---|

Parcel 27-825-047-0 – Ralph Hall - 411 North 6th Street

| |
|---|
| Should be classified as 204-0 (non homestead) for the 2005 assessment |
|---|

Parcel 27-937-031-0 – Terrance and Cynthia Verschaetse – 1123 David Drive

| |
|---|
| Should be classified as 201-1 (homestead) for the 2005 assessment |
|---|

Parcel 27-100-076-0 – Joyce DeAustin – 205 South 6th Street

| |
|---|
| Should be classified as 204-0 (non homestead) for the 2005 assessment |
|---|

Parcel 27-111-013-0 – Don Ginder – 615 West Lyon Street

| |
|---|
| Should be classified as 206-0 (non homestead) for the 2005 assessment |
|---|

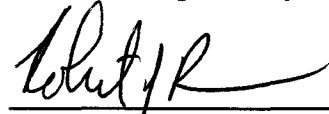
Parcel 27-111-008-0 – Danny Ray – 614 West Main Street

| |
|---|
| Should be classified as 201-1 (homestead) for the 2005 assessment |
|---|

LOCAL BOARD OF APPEAL AND EQUALIZATION
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Reynolds moved, Ritter 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 Maes, 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 16, 2005

The regular meeting of the Common Council of the City of Marshall was held on May 16, 2005 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, and Ritter. Absent: Boedigheimer. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Senior Engineering Technician; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Reynolds moved, Doom seconded, that the minutes of the regular meeting held on May 2, 2005, the Local Board of Appeal and Equalization meeting held on May 2, 2005 and the Special Joint City Council/County Commission meeting held on April 26, 2005 be approved as filed and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – PETITION FOR VACATION OF EXCESS STREET RIGHT-OF-WAY ADJACENT TO WAL-MART ADDITION BLOCK ONE, LOTS 2 AND 3:

This was the date and time set for a public hearing to consider the vacation of excess street right-of-way adjacent to Wal-Mart Addition, Block One, Lots 2 and 3. There were no objections or concerns, therefore Reynolds moved, Maes seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2720, SECOND SERIES and that the reading of the same be waived. Resolution Number 2720, Second Series is a resolution Granting a Petition for Vacation of Excess Street Right-of-Way adjacent to Wal-Mart Addition, Block One, Lots 2 and 3. This resolution was adopted contingent upon the City of Marshall recording a public utility easement over the entire parcel prior to transfer to the petitioned. This easement will be prepared by the City Attorney. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER RESOLUTION ON PROPOSED EXTENSION OF TIME TO MEET BUSINESS SUBSIDY GOAL FOR SCHWAN'S SALES ENTERPRISES, INC., (RAZOR PROJECT):

This was the date and time set for a public hearing to consider an Extension of Time to Meet Business Subsidy Goal for Schwan's Sales Enterprises, Inc., (Razor Project). Cal Barnett, Director of General Services/City Assessor, indicated that due to circumstances beyond the control of Schwan's they were not able to meet the employment target on April 30, 2004; therefore they are requesting an extension of one year. Reynolds moved, Maes seconded, that the public hearing be closed. All voted in favor of the motion.

Maes moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2721, SECOND SERIES and that the reading of the same be waived. Resolution Number 2721, Second Series is a resolution Approving the Extension of Time to Meet Business Subsidy Goals. This resolution provides for an extension of the compliance date for the Razor Project. The benefit date for the Project is April 30, 2002. The benefit is to make a loan to The Schwan Food

Company for the purchase of equipment in the amount of \$266,700. As a requirement of receiving the loan, The Schwan Food Company was required to create 104 new jobs associated with the Razor Project. They were not able to meet this requirement by April 30, 2004; therefore the compliance date was extended to April 30, 2005. All voted in favor of the motion.

**PUBLIC HEARING - A. ADOPTION OF ORDINANCE ON ALL THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE¼NE¼) OF SECTION 9, TOWNSHIP 111 NORTH, RANGE 41 WEST, LYING NORTHERLY OF THE SOUTH LINE OF SAID NE¼, AND SOUTHWESTERLY OF LOT 1, BLOCK 1, MARSHALL RIGHT OF WAY ADDITION, CONTAINING 1.17 ACRES MORE OR LESS;
B. APPROVAL OF ORDERLY ANNEXATION AGREEMENT WITH LAKE MARSHALL TOWNSHIP:**

This was the date and time set for a public hearing on the annexation for all that part of the Southeast Quarter of the Northwest Quarter (SE¼NE¼) of Section 9, Township 111 North, Range 41 West, lying Northerly of the South Line of said NE¼ and Southwesterly of Lot 1, Block 1, Marshall Right of Way Addition. This piece of property is completely (100%) surrounded by land within the municipal corporate limits. The property is owned by Agnes Miller and contains approximately 1.17 acres (property located west of the former Hy-Vee grocery store) and is adjacent to Southview Drive. The property is residentially homesteaded and currently is connected to and receives electric service from the Marshall Municipal Utilities (MMU). According to MMU, the property is not connected to the city's water or sanitary sewer systems. The current estimated market value of this property is \$94,100 (2005 County Assessor's records). Denny Miller, representative of Agnes Miller, asked what the property would be zoned as and what options does the owner have if they do not want the property annexed? When property is annexed into the city limits it is zoned agricultural, but it could be rezoned. It was also indicated that the City Council has the right to consider annexation of all areas that are completely surrounded by land with the municipal corporate limits. Ritter moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

There was a brief discussion on the time frame for installing water and sanitary sewer to this property. Kim Jergenson, Senior Engineering Technician, indicated that the watermain in this area would be replaced this summer and that the sanitary sewer system could be installed at the same time.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 526, SECOND SERIES and that the reading of the same be waived. Ordinance Number 526, Second Series is An Ordinance of the City of Marshall Annexing Land Located in the Township of Lake Marshall, Lyon County, Minnesota to the City of Marshall, Lyon County, Minnesota, Pursuant to Minnesota Statute 414.033, Subd. 2(2), Permitting Annexation by Ordinance. This ordinance provides for all that part of the Southeast Quarter of the Northwest Quarter (SE¼NE¼) of Section 9, Township 111 North, Range 41 West, lying Northerly of the South Line of said NE¼ and Southwesterly of Lot 1, Block 1, Marshall Right of Way Addition to be annexed into the City of Marshall. All voted in favor of the motion.

This was the date and time set for a public hearing on the Orderly Annexation Agreement with Lake Marshall Township for three (3) tracts of land described as follows:

Tract No. 1 is a parcel of land located in the Northwest Quarter of Section 15 and the Southwest Quarter of Section 15 and the Southwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota, being more particularly described as all of that property located west of the Trunk Highway 59 right-of-way up to the current City of Marshall city limits containing approximately 13.66 acres.

Tract No. 2 is a parcel of land located in the Southwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota being more particularly described as all of

REGULAR MEETING – MAY 16, 2005

that property located east of Trunk Highway 59 right-of-way up to the current City of Marshall city limits containing approximately 8.98 acres.

Tract No. 3 is a parcel of land located in the Northwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota being more particularly described as all of that property located north and east of the current City of Marshall city limits to the east line of the said Northwest Quarter containing approximately 12.31 acres.

Craig Holland, 2593 US Hwy 59, indicated that he had attended several township meetings and that the township approved this annexation without the support of the residents in the area.

There were concerns about the increase in property tax and why the county and school tax is different depending on whether or not the property is located in the city limits or not. Cal Barnett, Director of General Services/City Assessor, indicated that this is due to the different classifications.

Corey Linz, 2627 260th Avenue, was concerned about the costs for water, sanitary sewer and street improvements. Mike Johnson, City Administrator, provided a brief overview of how the special assessment policy works. There is a fee to hook up to water and sanitary sewer, but this does not have to be paid until the property is connected to the service.

John Blowers, 2947 235th Avenue, was concerned with the financial impact and asked that the city do whatever they could to help reduce this impact.

The proposed resolution provides for the tax rate of the City to be applied to the area of the Township hereby annexed to be increased in substantially equal proportions over two (2) years to equality with the City's tax rate applicable to other property already within the City. It was asked if this could be increased to 6 years to help with the financial burden.

Reynolds moved, Doom seconded, the public hearing be closed.

Joe Verkinderen from Lake Marshall Township Board indicated that Lake Marshall Township would be in favor of extending the two years to six years.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 2722, SECOND SERIES and that the reading of the same be waived. This motion also provides for the tax rate of the City to be applied to the area of the Township hereby annexed to be increased in substantially equal proportions over five (5) years to equality with the City's tax rate applicable to other property already within the City. Resolution Number 2722, Second Series is a Joint Resolution for Orderly Annexation of the City of Marshall and the Township of Lake Marshall Designating Certain Areas as in need of Orderly Annexation Pursuant to Minnesota Statutes, Section 414.0325. This resolution provides for the following area to be annexed into the City of Marshall:

Tract No. 1 is a parcel of land located in the Northwest Quarter of Section 15 and the Southwest Quarter of Section 15 and the Southwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota, being more particularly described as all of that property located west of the Trunk Highway 59 right-of-way up to the current City of Marshall city limits containing approximately 13.66 acres.

Tract No. 2 is a parcel of land located in the Southwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota being more particularly described as all of that property located east of Trunk Highway 59 right-of-way up to the current City of Marshall city limits containing approximately 8.98 acres.

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Tract No. 3 is a parcel of land located in the Northwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota being more particularly described as all of that property located north and east of the current City of Marshall city limits to the east line of the said Northwest Quarter containing approximately 12.31 acres.

All voted in favor of the motion.

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

RESOLUTION ACCEPTING BID ON PROJECT 40150 – DEMOLITION OF CERTAIN CITY PROPERTIES IN BLOCK 11:

Bids were received, opened and read on May 10, 2005 for Project 40150- Demolition of Certain City Properties in Block 11. Bids received, opened and read were as follows:

Blue Earth Environmental Company
Mankato, Minnesota
\$164,200.00

T & K Kennedy Excavating Inc.
Benson, Minnesota
\$238,400.00

Landwehr Construction, Inc.
St. Cloud, Minnesota
\$251,625.00

Thompson Excavating
Taunton, Minnesota
\$261,600.00

Veit & Company, Inc.
Rogers, Minnesota
\$268,562.00

Dulas Excavating Inc.
Wells, Minnesota
\$373,600.00

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2723, SECOND SERIES and that the reading of the same be waived. Resolution Number 2723, Second Series is a resolution Accepting Bid and Awarding Contract. This resolution provides for the bid to be awarded to Blue Earth Environmental Company, Mankato, Minnesota in the amount of \$164,200 to be paid from account number 483-62066-5530 (TIF 1997A). All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER RESOLUTION ACCEPTING THE GRANT OF PERSONAL PROPERTY FROM WAL-MART FOUNDATION BY THE CITY OF MARSHALL, MINNESOTA; B. CONSIDER AUTHORIZATION TO UTILIZE EXCESS SURPLUS PROPERTY FOR BIKE RODEO PROGRAM; C. CONSIDER REQUEST FROM MARSHALL AREA CHAMBER OF COMMERCE FOR STREET CLOSURE FOR CRAZY DAYS; D. APPROVE GRANT AMENDMENT NO. 1 TO GANG STRIKE FORCE PROGRAM WITH MINNESOTA DEPARTMENT OF PUBLIC SAFETY; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

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

The adoption of RESOLUTION NUMBER 2724, SECOND SERIES and that the reading of the same be waived. Resolution Number 2724, Second Series is a resolution Accepting the Grant of Personal Property from Wal-Mart Foundation by the City of Marshall, Minnesota. This resolution provides for acceptance of \$1,000 from the Wal-Mart Foundation for the purchase of a Lap Top Computer for the City of Marshall Department of Public Safety.

Authorization for the release of two (2) bicycles designated as surplus property to be awarded to two of the 2nd grade bicycle rodeo participants.

A request from the Chamber of Commerce to close Main Street from College Drive to North 5th Street on Thursday, July 21 2005 from 6:00 A.M. to 6:00 P.M. for Crazy Days.

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The proper city personnel be authorized to execute Grant Amendment No. 1 to Gang Strike Force Program with the Minnesota Department of Public Safety. This amendment increases the grant by \$10,000 (from \$10,000 to \$20,000).

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 46351 through 46525.

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. | Vlaminck Construction | 410 | | Legion Field | Road | Addition & Exterior Remodel & Deck | \$25,000 |
| 2. | First Independent Bank | 1419 | East | College | Drive | Repair Ceiling | \$8,000 |
| 3. | Douglas Nawrocki | 108 | | Hill | Street | Partial Reside Dwelling & Replace Window | \$3,400 |
| | | | South | | | | |
| 4. | Clara Porch | 606 | | Soucy | Drive | Porch | \$3,500 |
| 5. | Dick Herrick | 230 | West | Lyon | Street | Install Signs | \$500 |
| 6. | The Schwan Food Company | 115 | West | College | Drive | Stair and Window Remodeling | \$22,500 |
| 7. | True Value Home Center | 1113 | | David | Drive | Finish Basement | \$30,000 |
| 8. | Vlaminck Construction | 1503 | | Westwood | Drive | Reroof & Reside Dwelling | \$10,000 |
| 9. | Vlaminck Construction | 1400 | | Ridgeway | Road | Reroof | \$5,500 |
| 10. | Babcock Construction | 905 | | Silvervine | Drive | Reside Dwelling | \$5,100 |
| 11. | First Lutheran Church | 100 | | Church | Street | Separation and Fire Sprinkler Remodeling | \$49,200 |
| 12. | Quality Roofing | 1501 | | Westwood | Drive | Reroof Dwelling | \$4,200 |
| 13. | Greg Baartman Construction | 807 | | Westmar | Circle | Reside Dwelling & Replace Windows | \$8,000 |
| 14. | Mike Buysse Construction | 711 | North | 4th | Street | Replace Roof | \$3,500 |
| 15. | Mark Driessen | 407 | | Hudson | Avenue | Reroof & Reside Dwelling | \$7,000 |
| 16. | Shelley Marron | 213 | | Rainbow | Drive | Installing Deck | \$3,000 |
| 17. | Babcock Construction | 408 | W | Saratoga | Street | Remodel Apartment | \$22,700 |
| 18. | Al's Enterprises | 302 | West | College | Drive | Apartment Remodel | \$9,000 |
| 19. | Louise & Joyce Eischens | 406 | | Donita | Avenue | Replace Windows & Basement Remodel | \$2,000 |
| 20. | Mark & Paula Jacobs | 209 | East | Lyon | Street | Deck | \$500 |
| 21. | Mary DeAustin | 617 | | Kathryn | Avenue | Reside Dwelling, Replace Windows, Replace Deck and Replace Doors | \$29,400 |
| 22. | Rosenbaum Signs | 500 | North | Highway 59 | | Install Sign | \$29,100 |
| 23. | Todd & Karen Madden | 1005-B | | Travis | Road | Reroof | \$2,000 |
| 24. | William & Lucille Weidauer | 600 | East | Southview | Drive | Partial Reroof | \$3,000 |
| 25. | Debra Picht | 612 | | Soucy | Drive | Deck | \$1,500 |

| | | | | | | |
|-----|----------------|-----|--------|--------|------|---------|
| 26. | Jason Sullivan | 222 | Athens | Avenue | Deck | \$1,000 |
|-----|----------------|-----|--------|--------|------|---------|

REQUEST FOR CONDITIONAL USE PERMIT RENEWAL/HOME OCCUPATION PERMIT FOR ELAINE SANDQUIST:

Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, that Elaine Sandquist be granted a Conditional Use Permit for a home occupation to conduct a beauty shop business at 1100 Cheryl Avenue with the following conditions:

1. The permit be issued for one year.
2. The hours of business be between 6:00 a.m. and 10:00 p.m. only.

All voted in favor of the motion.

REQUEST OF THE CITY OF MARSHALL TO REZONE TECHNOLOGY PARK ADDITION, BLOCKS 2 AND 3 FROM A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO AN R-1 (ONE FAMILY RESIDENCE DISTRICT):

Doom moved, Reynolds seconded, the introduction of an ordinance to rezone Technology Park Addition, Blocks 2 and 3 from a Planned Unit Development (PUD) District to an R-1 One Family Residence District. This request is for the Technology Park Addition located south of Madrid Street across from the U.S. Bank building and Parkway Addition. It is the intent of the City to re-plat the area for single family dwellings similar to those in Parkway Addition. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF UNIVERSITY PARK ADDITION:

Ritter moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2725, SECOND SERIES and that the reading of the same be waived. Resolution Number 2725, Second Series is a resolution Approving the Final Plat of University Park Addition. This resolution was approved contingent upon the following:

1. The owner providing a 7.5 foot public utility easement immediately adjacent to the west side of the subdivision for the City to record coincident with the final plat.
2. City Attorney review and approval of the abstract of title and title opinion.

All voted in favor of the motion.

PROJECT 2003-003 CANOGA PARK DRIVE & CANOGA PARK CIRCLE SANITARY SEWER, WATERMAIN, STORM SEWER AND STREET IMPROVEMENT – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2726, SECOND SERIES and that the reading of the same be waived. Resolution Number 2726, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for Project 2003-003 Canoga Park Drive & Canoga Park Circle Sanitary Sewer, Watermain, Storm Sewer and Street Improvements. Bids for this project will be received on June 8, 2005. All voted in favor of the motion.

PROJECT 2001-004 SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION – A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2727, SECOND SERIES and that the reading of the same be waived. Resolution Number 2727, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of

Proposed Assessment for Project 2001-004 South Hill Street/East Marshall Street Reconstruction. This resolution provides for the assessment to be paid over a 10 year period at an interest rate of 6.2%. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2728, SECOND SERIES and that the reading of the same be waived. Resolution Number 2728, Second Series is a resolution Calling for a Public Hearing on the Proposed Assessment for Project 2001-004 South Hill Street/East Marshall Street Reconstruction. This public hearing will be held on June 6, 2005. All voted in favor of the motion.

PROJECT 2005-003 NORTH 6TH STREET RECONSTRUCTION PROJECT – A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Ritter moved, Maes seconded, the adoption of RESOLUTION NUMBER 2729, SECOND SERIES and that the reading of the same be waived. Resolution Number 2729, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project 2005-003 North 6th Street Reconstruction. This resolution provides for the assessment to be paid over of a 10 year period at an interest rate of 6.2%. All voted in favor of the motion.

Ritter moved, Maes seconded, the adoption of RESOLUTION NUMBER 2730, SECOND SERIES and that the reading of the same be waived. Resolution Number 2730, Second Series is a resolution Calling for a Public Hearing on the Proposed Assessment for Project 2005-003 North 6th Street Reconstruction. This public hearing will be held on June 6, 2005. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING FARM LEASES FOR 2005 – A. LEASE WITH MICHAEL MORTIER; B. LEASE WITH PAUL DEUTZ; C. THREE (3) LEASES WITH WAYNE DEBAERE:

Doom moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2731, SECOND SERIES and that the reading of the same be waived. Resolution Number 2731, Second Series is a resolution Approving Farm Leases between the City of Marshall and Various Tenants. This resolution provides for the approval of the following farm leases:

1. Michael Mortier for 21.5 acres in the amount of \$1,827.50 due May 20, 2005, 1 year lease
2. Paul Deutz for 10.71 acres in the amount of \$856.00 (paid 2-28-05)
3. Wayne DeBaere for 16.45 acres, terms weed control only, no rent, 1 year lease
4. Wayne DeBaere for 160.4 acres, 3 year lease, 110.4 acres tiled in 2005, total rent due \$9,936.00. Total rental due in 2006 and 2007 is \$14,436.00 per year
5. Wayne DeBaere for 83.7 acres in the amount of \$3,104.00 due May 20, 2005, 1 year lease

All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Ritter moved, Linstrom seconded, and was unanimously approved that the following appointments be made to the various boards and commissions and that the proper city personnel re-advertise for one (1) unexpired term on the

REGULAR MEETING – MAY 16, 2005

Housing Commission to expire on May 31, 2007 and two (2) openings on the Senior Citizen Center Commission:

- Airport Commission – Dan Taft for a 3-year term to expire on May 31, 2008
- Airport Commission – Ali Jaffery for a 3-year term to expire on May 31, 2008
- Cable Commission – Wade McKittrick for a 3-year term to expire on May 31, 2008
- Economic Development Authority – David Edens, Jr. for a 6-year term to expire on May 31, 2011
- Hospital Board – Dr. Michael Rich for a 5-year term to expire on May 31, 2010
- Hospital Board – Art Olson for a 5-year term to expire on May 31, 2010
- Housing Commission – Dale Janiszeski for a 5-year term to expire on May 31, 2010
- Human Rights Commission – Cheryl McChesney for a 3-year term to expire on May 31, 2008
- Planning Commission – Brennan (Buck) McAlpin for a 3-year term to expire on May 31, 2008
- Planning Commission – Bret Jenkin for a 3-year term to expire on May 31, 2008
- Police Civil Service – Mike Henle for a 3-year term to expire on May 31, 2008
- Utilities Commission – John Glasgow for a 5-year term to expire on May 31, 2010

MAYOR AND COUNCIL MEMBER REPORTS:

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

| | |
|----------|---|
| Byrnes | <u>EDA</u> is continuing to work on the Parkway Housing Project |
| Doom | <u>Planning Commission</u> items were acted on earlier in the Council meeting and they will have a special meeting on May 25 th ; <u>Marshall Area Transit</u> will meet next week |
| Linstrom | <u>Community Services Advisory Board</u> met last week; <u>Library Board</u> held a retreat. |
| Maes | <u>Hospital Board</u> – met earlier today and the minutes from the last meeting are included in the agenda packet; <u>Human Rights Commission</u> minutes are included in the agenda packet; <u>Police Commission</u> met to certify a list of applicants; <u>Prairie Net WAN</u> will be meeting next week; and the <u>Convention and Visitors Bureau</u> will meet on Wednesday |
| Reynolds | Utilities Commission meets on Wednesday |
| Ritter | <u>Housing Commission</u> met last week and the <u>Marshall Air Navigator Working Group</u> will be meeting this Thursday |

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the status of the Purchase Order Policy; there is a group of high school students that would like to make a presentation on ideas and possible uses for the vacated Wal-Mart building; and Mayor Byrnes suggested that a local sales tax is an idea worth discussing and that this should be added to pending agenda items.

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Upon motion by Reynolds, seconded by Maes, the meeting was adjourned at 7:50 P.M.
All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JUNE 6, 2005

The regular meeting of the Common Council of the City of Marshall was held on June 6, 2005 at the Adult Community Center, 107 South 4th Street, Marshall, Minnesota. 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; Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Senior Engineering Technician; Bob VanMoer, Wastewater Superintendent; Lona Rae Konold, Engineer Secretary; Sheila Dubs, Assistant to the City Administrator, 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, Doom seconded, that the minutes of the regular meeting held on May 16, 2005 be approved as filed and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST OF THE CITY OF MARSHALL TO REZONE TECHNOLOGY PARK ADDITION, BLOCKS 2 AND 3 FROM A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO AN R-1, ONE FAMILY RESIDENCE DISTRICT:

This was the date and time set for a public hearing on the request of the City of Marshall to rezone Technology Park Addition, Blocks 2 and 3 from a Planned Unit Development (PUD) District to an R-1, One Family Residence District. This request is for the Technology Park Addition located south of Madrid Street across from the U.S. Bank building and Parkway Addition. It is the intent of the City to re-plat this area for single family dwellings similar to those in Parkway Addition. Linstrom moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 527, SECOND SERIES and that the reading of the same be waived. Ordinance Number 527, Second Series provides for the Technology Park Addition, Blocks 2 and 3, excluding the property owned by Farmers Co-op Association, be rezoned from a Planned Unit Development (PUD) District to an R-1 One Family Residence District. All voted in favor of the motion.

PUBLIC HEARING – PROJECT 2001-004 SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION – A. CONSIDER RESOLUTION AMENDING “RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. PUBLIC HEARING ON PROPOSED ASSESSMENT; C. CONSIDER RESOLUTION ADOPTING ASSESSMENT; D. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS

OF TAX-EXEMPT BONDS; E. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):

This was the date and time set for a public hearing on Project 2001-004 South Hill Street/East Marshall Street Reconstruction. Dan Sarff, representative from Bolton & Menk, provided an overview of the proposed South Hill Street/East Marshall Street Reconstruction Project 2001-004. Following this presentation the following comments were made by staff and concerned residents:

Dennis Simpson, City Attorney, reviewed the procedure required to protest a special assessment project. A written objection needs to be received by the close of the public hearing and then the property owner has 30 days from the adoption of the assessment roll to appeal the assessment to district court. Dennis indicated that the interest rate has been set at 6.2% with a 10 year payment period. The deferral process was also briefly discussed and it was indicated that if an assessment were deferred it would still accrue interest.

Joe Cool, 117 South High Street, asked why the alley needed bituminous surfacing. Glenn Olson, Director of Public Works/City Engineer, indicated that if a storm sewer is installed in the alley then the alley would have to be bituminous surfaced so that gravel would not enter the storm sewer system.

Dan Schrunk 306 East Marshall Street, indicated that there was not a problem with the storm sewer system in this area until after the construction and expansion of the hospital and Hill Street Place. He was also concerned about installing bituminous surfacing before the street has a chance to settle. Dan then questioned the additional 16% that is being added to the project and if Bolton and Menk gets this 16%. Glenn Olson indicated that Bolton and Menk was hired on a per hour basis up to a maximum amount. The 16% is added to all city projects to cover engineer and administration costs. Mr. Schrunk indicated that according to State Law special assessments cannot exceed the increase in the property's market value and that the city must provide expert testimony, which means having an appraisal completed on each parcel of property.

Dennis Simpson, City Attorney, was following common practice in not having individual appraisals done, which would have cost between \$3,000 and \$5,000. This cost would then have to be added onto the project.

Nancy Boumann, 107 South High Street, did not see the need for bituminous surfacing on the alley.

Attorney Kevin Stroup was in attendance at the meeting representing several residents in the area. Mr. Stroup indicated that if this project were to continue the property owners would continue the protest process and go to district court. Mr. Stroup indicated that this should be assessed city wide. He also criticized the city's payment plan for special assessments. The city is only paying 4.2% but is charging the residents 6.2%, which is inappropriate and excessive.

Ray Henricksen, 310 South Hill Street, asked how this type of project was funded on previous projects. Glenn Olson indicated that there have not been very many reconstruction projects such as this. He indicated that watermain and sanitary sewer replacement is being

REGULAR MEETING – JUNE 6, 2005

assessed at 50% which is consistent with past projects; street improvements are assessed at 50% for reconstruction according to the Special Assessment Policy; and the Surface Water Management Fund pays for 50% of the storm water project.

Jim Lozinski, 401 East Marshall Street, indicated that he is being overcharged for his driveway apron because they used the wrong square footage according to his calculations.

Greg Dobrenski, 202 South Whitney Street, is in favor of the project, but there are too many inconsistencies.

Richard Dorman, 204 South Whitney Street, questioned why the alley had to have bituminous surfacing and why they had to pay 100%. City policy states that if a storm sewer is installed in an alley that the alley needs to have bituminous surfacing to prevent gravel from entering the storm sewer and all new projects are assessed at 100%.

James Carr, representing 401 South Hill Street, asked why the fee for sanitary sewer was so high. Glenn indicated that 401 South Hill Street was assessed as a multi-family housing unit.

Tom Winn, 120 South High Street, wanted to know how the city could proceed with this project when there were so many objections.

Robert Whitcomb, 309 "A" Street, suggested that the project be funded from General Fund and not as a special assessment project.

Joyce Blowers, 500 Charles Avenue, asked what the monthly sewer fee is used for. Part of this fee is used to finance reconstruction of sanitary sewer projects at 50% and to pay the cost of over sizing.

Mark Ingelin, 402 East Marshall Street, asked for a precedent on this large of an assessment. Glenn Olson indicated that assessments for new projects vary between \$15,000 and \$20,000. Replacement projects also include the cost for removal of existing infrastructure before new infrastructure can be installed.

Pat Suppenant, 400 East Marshall Street, indicated that the easy way out would to not do the project, but he felt that the storm water project should be done.

William Hezlep, 104 East Marshall Street, indicated that they should only repair what is necessary but why does all of the sidewalk and curb and gutter need to be replaced.

The following residents have provided a written objection to the South Hill Street/East Marshall Street Project 2001-004:

| | |
|--------------------------|--------------------------|
| Jerry Fifield | 204 South Hill Street |
| William and Charles Hess | 302 East Marshall Street |
| Willard Engel | 301 East Marshall Street |
| Mark Ingelin | 402 East Marshall Street |
| Richard and JoAnn Dorman | 204 South Whitney Street |

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| | |
|-----------------------------------|--------------------------|
| Jim and Vivian Gregoire | 405 East Marshall Street |
| Tom and Karen Winn | 120 South High Street |
| Pat and Mary Surprenant | 400 East Marshall Street |
| Mark and Lorinda Peters | 302 South Hill Street |
| LeWayne Carlson | 210 South Whitney Street |
| Ross Anderson and Pamela Sanders | 117 Park Avenue |
| Jim and Emily Lozinski | 401 East Marshall Street |
| Barbara Moore | 408 Charles Avenue |
| Greg and Janet Dobrenski | 202 South Whitney Street |
| J. Corey Butler and Barbara Hawes | 306 South Hill Street |
| Daniel and Susan Schrunck | 306 East Marshall Street |
| Ray and Julie Henriksen | 310 South Hill Street |
| Kristine Henspeter | 109 South Hill Street |
| Barbara Moore | 408 Charles Avenue |
| Avera Marshall Regional Med Ctr | 300 South Bruce Street |
| Carole Martin | 407 "A" Street |
| Violet Johnson | 300 East Marshall Street |
| Michael Martin | 302 South Whitney Street |
| Joyce Blowers | 500 Charles Avenue |
| C. Leonard Ho | 206 South Hill Street |
| James Carr | 401 South Hill Street |
| Steve and Juli Sanders | 308 East Marshall Street |
| John Gutner | 100 East Marshall Street |
| William Hezlep | 104 East Marshall Street |
| Vincent and Marcy Pellegrino | 118 Park Avenue |
| Nancy Boumann | 107 South High Street |
| Lavern Eick | 105 South High Street |
| Charles Durocher | 103 South High Street |
| Christine Wagenfuehr | 103 South High Street |
| Scott Kuecker | 102 South Whitney Street |
| Francile Bue | 100 South Whitney Street |
| Charles Lutz | 104 South Whitney Street |
| Howard Broman | 108 South Whitney Street |

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

Maes moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2732, SECOND SERIES and that the reading of the same be waived. Resolution Number 2732, Second Series is a resolution Amending Resolution Number 2727, Second Series "Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment". All voted in favor of the motion.

Linstrom indicated that only 8 people were in favor of the alley project and Maes was concerned with going forward with the whole project when there were so many objections.

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Don Edblom, 410 South Hill Street, suggested that a letter including the breakdown be sent to the affected property owners.

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

Boedigheimer moved, Ritter seconded, that the public hearing be continued to the next regular City Council meeting on June 20, 2005 at 5:30 P.M at the Adult Community Center and that all affected property owners receive a breakdown of their proposed special assessment. All voted in favor of the motion.

Mayor Byrnes called for a recess at 7:56 P.M.

**PUBLIC HEARING – PROJECT 2005-003 NORTH 6TH STREET RECONSTRUCTION –
A. PUBLIC HEARING ON PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION
ADOPTING ASSESSMENT; C. CONSIDER RESOLUTION DECLARING OFFICIAL
INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE
PROCEEDS OF TAX-EXEMPT BONDS; D. CONSIDER RESOLUTION ACCEPTING
BID (AWARD CONTRACT):**

This was the date and time set for a public hearing on Project 2005-003 North 6th Street Reconstruction. Glenn Olson, Director of Public Works/City Engineer, provided a brief overview of the proposed North 6th Reconstruction Project 2005-003. Following this presentation the following comments were made by staff and concerned residents.

Dennis Simpson, City Attorney, reviewed the procedure required to protest a special assessment project. A written objection needs to be received by the close of the public hearing and then the property owner has 30 days from the adoption of the assessment roll to appeal the assessment to district court. Dennis indicated that the interest rate has been set at 6.2% with a 10 year payment period. The deferral process was also briefly discussed and it was indicated that if an assessment were deferred it would still accrue interest.

Kathleen Marron spoke on behalf of her father Richard Marron who lives on 404 North 6th Street. Ms. Marron indicated that the assessments were too high and there is no way that the values of the homes will increase by the amount of the assessment. Such an assessment does not meet state law, which requires that assessment reflect benefits and are also reflected in increased value to the property. Ms. Marron indicated that the procedure that the city is proposing would not stand up in court.

Sandy Craner, 510 West Redwood Street, indicated that the project needs to be done, but did not think that the streets needed to be made wider.

Russ Labat, representative of the Marshall Independent, questioned why the bids were higher than the estimate and stated that the engineer costs that are being added to the project are a duplication of service.

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Al Greig asked about participation from MN/DOT for this project and if part of the 2.8 million for the West Main Project could be used for the 6th Street project.

Ron Schilling, 422 and 423 North 6th Street, stated that as a property owner and a former council member in another community that the city needs to consider other sources of financing. Mr. Schilling indicated that as an assessor, he believes that assessments can lower property values rather than increase them.

Mark Goodenow, 601 West Lyon Street, spoke on behalf of the property at 425 North 6th Street. This property was recently purchased for \$39,000 and the proposed assessment is \$13,000.

Edward VanNevel, 204 North 6th Street, is being assessed \$13,000 and indicated that he only wants to drive on the street not buy the street.

Ron Labat, 604 West Marshall Street, asked if written responses would be sent to the property owners who sent written protests. He indicated that he has water pooling at the end of his driveway. He also asked if the 16% engineering fee would be reduced from the engineering budget if the project was not done.

Norm Greggerson indicated that the property owners should only be charged the same interest rate that the city is paying on the bonds.

Linda Erb owns the duplex at 417 North 6th Street. She indicated that they rent to low-income single families and estimated that they would have to increase the rent by 20% to cover the cost of the assessments.

Larry Pratt, 420 North 6th Street, asked how the assessment is determined. Glenn Olson, Director of Public Works/City Engineer, indicated that watermain and sanitary sewer is a per lot cost; street construction is by the linear foot; storm sewer is by the square foot and driveways are per driveway.

Kim Peterson, 501 North 6th Street, was concerned what happens if they are unable to pay for the assessment.

Dennis Simpson, City Attorney, indicated that if they meet certain requirements they could have the assessment deferred with interest accruing on the deferred assessment.

The following residents have provided a written objection to the North 6th Street Reconstruction Project 2005-003:

| | |
|--------------------|----------------------------------|
| John Martinson | 410 North 6 th Street |
| Richard Marron | 404 North 6 th Street |
| Ron Labat | 604 West Marshall Street |
| Raymond Buysse | 411 North 5 th Street |
| Joseph Bot | 401 – 405 West Main Street |
| John and Dawn Zerr | 207 North 6 th Street |

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| | |
|----------------------------------|--|
| Cheryl Hoflock | 402 North 6 th Street |
| Sandra Craner | 510 West Redwood Street |
| Darin Diebold | 425 North 6 th Street |
| Edward VanNevel | 200 North 6 th Street |
| Teresa Kerkvliet | 205 North 6 th Street |
| Mark Goodenow | 601 and 603 West Lyon Street; 604 West Main Street |
| Robert Percy | 603 North 6 th Street |
| Sandra Craner | 510 West Redwood Street |
| David Gau | 609 West Marshall Street |
| Darin Diebold | 425 North 6 th Street |
| Linda Erb | 417 North 6 th Street |
| Kim Petersen | 501 North 6 th Street |
| Mildred Hall | 411 North 6 th Street |
| Jeff and Sheila Drum | 407 North 6 th Street |
| Susan and Chad Beens | 414 North 6 th Street |
| Kristin Neet-Holien | 412 North 6 th Street |
| James Carrow | 600 West Redwood Street |
| Hugh and Linda Curtler | 421 North 6 th Street |
| Eon Schilling | 423 North 6 th Street |
| Donna Schilling | 422 North 6 th Street |
| Kathy Felcyn for Mary Nelson | 416 North 6 th Street |
| Larry Pratt | 420 North 6 th Street |
| Crystal Cleveland | 305 North 6 th Street |
| Vernon Garbe | 421 North 5 th Street |
| Gary Vincent | 423 North 5 th Street |
| Marlin Paradis | 413 North 5 th Street |
| Douglas Mosch | 600 West Main Street |
| Terry Sorbel | 507 West Marshall Street |
| Ray Buysse | 411 North 5 th Street |
| Robert Martinson | 408 North 6 th Street |
| Celeste Wherry | 413 North 6 th Street |
| Mark and Donna Prevost | 415 North 6 th Street |
| Ralph and Mildred Hall | 411 North 6 th Street |
| Kim Peterson | 501 North 6 th Street |
| Robert Martinson for Mary Nelson | 416 North 6 th Street |
| Brian Stimpson | 508 Pleasant Avenue |
| Kris Salhus | 603 West Marshall Street |
| John McDonald and Randy Wartner | 615 West Redwood Street |
| John McDonald, Randy Warnter | |
| And Dan Fozvick | 600 West Lyon Street |
| Marshall Independent | 508 West Main Street |

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

REGULAR MEETING – JUNE 6, 2005

Boedigheimer moved, Ritter seconded, that the public hearing be continued to the next regular City Council meeting on June 20, 2005 at 7:00 P.M at the Adult Community Center and that all affected property owners receive a breakdown of their proposed special assessment. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 9:25 P.M.

AWARD OF BID – PROJECT 2005-001 BITUMINOUS RESURFACING ON VARIOUS CITY STREETS:

Bids were received, opened and read on May 25, 2005 for Project 2005-001 Bituminous Resurfacing on various City Streets. Bids received, opened and read were as follows:

Duininck Bros, Inc.
Prinsburg, Minnesota
\$171,195.60

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$157,269.78

Ritter moved, Linstrom seconded, that the bid for Project 2005-001 Bituminous Resurfacing on various City Streets be awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$157,269.78. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER A TEMPORARY ON-SALE BEER LICENSE FOR THE MARSHALL AREA CHAMBER OF COMMERCE FOR AGFEST 2005; B. CONSIDER A TRANSIENT MERCHANT LICENSE FOR TNT FIREWORKS FOR A TENT SALE AT THE WAL-MART PARKING LOT; C. CONSIDER A FIREWORKS PERMIT FOR JULY 4, 2005 AT INDEPENDENCE PARK FOR COMMUNITY SERVICES; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

A Temporary On-Sale Beer License for the Marshall Area Chamber of Commerce for AgFest 2005 to be held at the Lyon County Fairgrounds on August 3, 2005 from 5:00 p.m. to 11:00 p.m. at a fee of \$30.00.

A Transient Merchant License be approved for TNT Fireworks for a tent sale at the Wal-Mart parking lot located at 1221 East Main Street. The fee for this license is \$300.00 and this license will expire on December 31, 2005.

The approval of an application for Community Services to buy fireworks for display purposes on July 4, 2005 at Independence Park. Community Services will be making arrangements with the Marshall Volunteer Fire Department for the fireworks display.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 46526 through 46761.

All voted in favor of the motion.

REGULAR MEETING – JUNE 6, 2005

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. | Horty Elving Construction Services, Inc. | 1410 | Birch | Street | Apartment Building | \$3,900,000 |
| 2. | Sussner Construction, Inc. | 1201 | Susan | Drive | Restaurant | \$877,400 |
| 3. | Joshua & Sheri Sternke | 1303 | East | Fairview Street | Finish Basement | \$3,500 |
| 4. | Mike Slagel Construction | 304 | | Carrow Street | Replace Windows | \$6,500 |
| 5. | Mike Slagel Construction | 304 | | Carrow Street | Reside Dwelling | \$8,500 |
| 6. | Geoff & Victoria Cunfer | 400 | 5th | Street | Reroof Dwelling | \$4,400 |
| 7. | Josh & Kelly Hawkinson | 227 | North | London Road | Utility Shed & Finish Basement | \$5,000 |
| 8. | Lozinski Construction | 311 | North | Hill Street | Reroof | \$5,000 |
| 9. | Michael Berglind | 203 | | Donita Avenue | Reroof Dwelling | \$2,000 |
| 10. | Dulas Construction, Inc. | 1142 | | David Drive | Dwelling | \$175,000 |
| 11. | Jeffrey Hoover | 110 | | Kathryn Avenue | Reroof Dwelling | \$3,000 |
| 12. | CAB Quality Construction | 101 | | Marlene Street | Reroof Dwelling | \$5,300 |
| 13. | Four Seasons Energy Efficient Roof | 400 | | Jewett Street | Reroof Dwelling | \$84,700 |
| 14. | Vlaminck Construction | 1504 | | Pinehurst Road | Reroof Dwelling | \$2,000 |
| 15. | Cathy Behrens | 902 | North | 4th Street | Reside Dwelling | \$10,000 |
| 16. | Clarence Possail | 1221 | | Patricia Court | Finish Garage | \$1,200 |
| 17. | Robert Koska | 800 | | Cheryl Avenue | Utility Shed | \$500 |
| 18. | Paxton Signs, Inc. | 1407 | East | College Drive | Install Sign | \$1,500 |
| 19. | D&G Excavating | 1203 | East | College Drive | Demolish Retail Store | \$0 |
| 20. | Robert L. Carr Co. | 401 | South | Saratoga Street | Middle School Building Remodeling and Addition | \$2,382,900 |
| 21. | Robert L. Carr Co. | 1300 | East | Lyon Street | Alteration to School | \$300,300 |
| 22. | Hiller Development Co. | 1608 | | T-Bird Road | Four-Unit Condominium | \$375,000 |
| 23. | Florence Persoon | 409 | South | Whitney Street | Reroof Dwelling & Replace Door | \$1,000 |
| 24. | Debra DeYonge | 505 | | Lynd Street | Repair Roof & Repair Bathroom | \$3,500 |
| 25. | Minnesota Cabinets, Inc. | 1504 | | Westwood Drive | Addition | \$75,000 |
| 26. | Leslie & Mary Kvam | 500 | | Elaine Avenue | Reroof Dwelling | \$2,000 |
| 27. | Gus & Kari Condezo | 221 | | Oslo Avenue | Deck | \$2,000 |

REGULAR MEETING – JUNE 6, 2005

| | | | | | | | |
|-----|----------------------------|------|-------|-------------|--------|------------------------------|-----------|
| 28. | Robert L. Carr | 1700 | | T-Bird | Road | Four-Unit Apartment | \$200,000 |
| 29. | Mailboxes & Parcel Depot | 1000 | East | Southview | Drive | Install Sign | \$2,500 |
| 30. | Terry & Mary B. Nordstrom | 210 | | Carrow | Circle | Replace Deck & Replace Steps | \$7,000 |
| 31. | Thomas J. Blomme | 500 | South | 1st | Street | Reroof Dwelling | \$1,200 |
| 32. | Paul & Jenna Puetz | 409 | | Elaine | Avenue | Partial Residing | \$600 |
| 33. | Chris & Mindy Moede | 613 | West | Lyon | Street | Reroof Dwelling | \$2,200 |
| 34. | DI Construction | 615 | West | Thomas | Avenue | Install Egress Window | \$1,000 |
| 35. | Clinton Carver | 506 | | Carlson | Street | Garage | \$13,000 |
| 36. | Space Development Co. | 1507 | | Lake | Road | Warehouse & Office | \$190,000 |
| 37. | Space Development Co. | 1104 | West | Main | Street | Warehouse Addition | \$129,000 |
| 38. | Seth & Melanie Gilbert | 227 | | Athens | Avenue | Deck | \$1,500 |
| 39. | Dean & Sharron Christensen | 616 | | Kendall | Street | Reroof Dwelling | \$800 |
| 40. | Geihl Construction, Inc. | 800 | | DeSchep per | Street | Remodel Basement | \$14,000 |

PROJECT – 2002-008 EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) – A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). This project provides for improvements to the wastewater collection system and reduces flows to the Main Sewer Lift Station by redirecting flows from Lift Station No. 3 to the Trunk Highway 23 sanitary sewer and to make other improvements of street repair. Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2733, SECOND SERIES and that the reading of the same be waived. Resolution Number 2733, Second Series is a resolution Declaring Cost to be assessed and Ordering Preparation of Proposed Assessment for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). This resolution provides for the assessment to be paid over of a 10 year period at an interest rate of 6.2%. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded the adoption of RESOLUTION NUMBER 2734, SECOND SERIES and that the reading of the same be waived. Resolution Number 2734, Second Series is a resolution Calling for a Public Hearing on the Proposed Assessment for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). This public hearing will be held on July 18, 2005. All voted in favor of the motion.

PRELIMINARY PLAT OF PARKWAY ADDITION II – INTRODUCE PLAT AND CALL FOR PUBLIC HEARING:

Doom moved, Reynolds seconded, the introduction of the Preliminary Plat for Parkway Addition II and to call for a public hearing to be held at the next regular meeting on June 20, 2005, subject to the requirements of the Engineers Report and revision of the subdivision ordinance requiring 75-foot minimum lot frontage in an R-1 One Family Residence District. All voted in favor of the motion.

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

Reynolds moved, Maes seconded, the introduction of an Ordinance Amending Chapter 78, Article III – Surface Water Management Utility in the City of Marshall, Minnesota. This ordinance would revise the ordinance to allow the exemption of the property at the Fairgrounds classified as vacant. This recommendation results in an annual decrease of the SWMU fees in the amount of \$197.40. All voted in favor of the motion.

REQUEST FROM THE CITY OF TRACY TO PURCHASE SEASON AQUATIC CENTER PASSES AT THE SAME RATE AS MARSHALL RESIDENTS:

Due to the fact that the Tracy pool will be closed for another season due to repairs they are requesting that Tracy residents be allowed to purchase Season Aquatic Center passes at the same rates as Marshall Residents. This is the same request that they made for the 2004 season. Boedigheimer moved, Ritter seconded, that Tracy residents be allowed to purchase Season Aquatic Center passes at the same rate as Marshall Residents. 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.

Boedigheimer No report.

Doom Planning Commission – items were discussed earlier in the meeting.

Linstrom No report.

Maes Hospital Board met earlier and extended an offer to a candidate for the position of CEO.

Reynolds No report.

Ritter No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: City staff needs direction on how to prepare for the continuation of the public hearing on the improvement projects. The consensus of the council was to have a special City Council workshop on Monday June 13th to discuss the special assessment policy.

REVIEW OF PENDING AGENDA ITEMS:

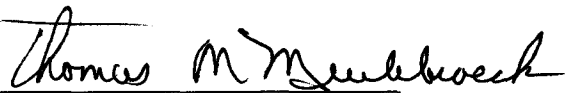
The MMUA Lease date needs to be changed from May, 2005 to a future date and a Legislative and Ordinance Committee meeting needs to be scheduled.

REGULAR MEETING – JUNE 6, 2005

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 10:10 P.M.
All voted in favor of the motion.



Mayor of the City of Marshall



Financial Director/City Clerk

JOINT CITY COUNCIL / ECONOMIC DEVELOPMENT AUTHORITY
JUNE 13, 2005

A Joint City Council / Economic Development Authority meeting was held on June 13, 2005 in the Board Room of Marshall Municipal Utilities. The meeting was called to order by Mayor Byrnes and EDA Chairman Finnestad at 5:40 P.M. In addition to the Mayor the following members were present: Maes, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: Doom. In addition to Chairman Finnestad the following EDA members were present: Robert Kaufman, Tracy Welch and David Edens. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Calvin Barnett, Director of General Services/City Assessor; Thomas M. Meulebroeck, Finance Director/City Clerk; and Sheila Dubs, Assistant to the City Administrator. Others in attendance included: Brad Roos, Mike Dulas, Deb Boulton, Tracy Veglahn, Steve Linstrom and Steve Strautz.

The purpose of this special joint meeting was to discuss the proposed Economic Development position and the local sales tax option for Regional projects in Marshall.

DISCUSS CREATION OF PROPOSED ECONOMIC DEVELOPMENT POSITION:

Mike Johnson, City Administrator, addressed the "RFP" for the Economic Development Position. The draft budget for the first year includes revenues sources of \$25,000 from the Marshall Industries Foundation and \$55,000 from both the Marshall Municipal Utilities and the City's Economic Development Authority. Mike Dulas, President of Marshall Industries Foundation, indicated that the Economic Development position is a high priority of the committee. Sheila Dubs, Assistant to the City Administrator, reviewed the information of the Economic Development position that she had gathered from 21 Greater Minnesota Regional Cities. Boedigheimer addressed the presentations and responses they have had in reference to the Economic Development position being an employee of the Lyon County Enterprise Corporation. A lengthy discussion was held as to whether or not the position should be an employee of the City or a non-profit.

Maes moved, Reynolds seconded, that the city staff be directed to move forward with the recommendation of the Economic Development Association and Marshall Industries Foundation for the Economic Development position being an employee of the City. All voted in favor of the motion, except Boedigheimer who voted no.

Boedigheimer moved, Ritter seconded, that city staff reconsider as to where the Economic Development position fits within the City structure as to a Division Head, a Department Head or an employee within a department. All voted in favor of the motion.

DISCUSSION ON LOCAL SALES TAX OPTION AS A FINANCING OPTION FOR REGIONAL PROJECTS IN MARSHALL:

A discussion was held on the potential of a local sales tax being implemented in the City of Marshall. The handouts from the Minnesota House of Representatives Research Department of Local Sales Tax in Minnesota and the local option sales tax were reviewed. For the city to move forward on the local sales tax concept a decision will need to be made to determine the %

JOINT CITY COUNCIL / ECONOMIC DEVELOPMENT AUTHORITY
JUNE 13, 2005

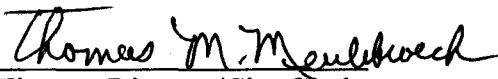
to impose, the identification of projects the tax would fund and what the schedule of events would be for the concept to move forward.

Reynolds moved, Maes seconded, that the meeting be adjourned at 7:50 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST



Finance Director/City Clerk

SPECIAL CITY COUNCIL MEETING
JUNE 13, 2005

A special meeting of the Common Council of the City of Marshall was held on June 13, 2005 in the Board Room of Marshall Municipal Utilities. Mayor Byrnes called the meeting to order at 7:25 P.M. In addition to Byrnes, the following council members were present: Maes, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: Doom. City Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Calvin Barnett, Director of General Services/City Assessor; Sheila Dubs, Assistant to the City Administrator; and Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: Brad Roos, Pat Supernant and Mark Ingelin.

The purpose of this special meeting was to discuss financing alternatives for Special Assessments as a follow up to the public hearing held on June 13, 2005 for South Hill Street/East Marshall Street Reconstruction Project 2001-004 and for North 6th Street Reconstruction Project 2005-003.

DISCUSSION ON FINANCING ALTERNATIVES FOR SPECIAL ASSESSMENTS:

Sheila Dubs, Assistant to the City Administrator, reviewed with the council information she had received from eleven (11) communities she had surveyed on reconstruction projects with special assessments. Sheila's report basically indicated that there are some similarities between communities for special assessments on reconstruction projects but there is no consistency.

Glenn Olson, Director of Public Works/City Engineer, briefly addressed the proposed assessment rolls for Project 2001-004 and 2005-003, which was done according to the City of Marshall's Special Assessment Policy. In order for the City to bond for the public improvement project, the City at a minimum, must assess 20% of the total improvement project. A concern was expressed with the thought that if the assessment roll was adopted with 20% being assessed to property owners, if the assessments are appealed, and if the amount assessed were to drop below the 20%, what happens to the potential of bonding for the improvement project? Glenn provided and discussed in detail the breakdown of cost using the following scenarios:

1. The assessments according to the City's Special Assessment Policy have been included on the proposed assessment hearing notices.
2. The assessments according to the City's Special Assessment Police with the proposed assessments on the hearing notice using market value implications of 25% and 10%.
3. Assessments revising utility/property owners share to 75%/25%.
4. Assessments revising utility/property owners share to 75%/25% with 25% and 10% market value implications.
5. Assessments revising the utility/property owners share to 75%/25% and forcing maximum assessments to 20% of the total project costs.
6. Assessments for utilities as per the City's Special Assessment Policy, special assessments of a maximum of 20% of total project, assessing 25% of driveways, and AdValorem Taxes paying all remaining amounts.

Linstrom moved, Reynolds seconded, that the proposed assessments for South Hill Street/East Marshall Street Reconstruction Project 2001-004 and North 6th Street Reconstruction Project 2005-003 be revised whereby the utilities will pick up 75% of the cost of the project and

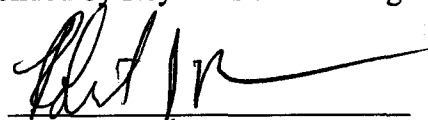
SPECIAL CITY COUNCIL MEETING
JUNE 13, 2005

25% of the cost will be the property owners share and the maximum assessed for the total project be set at 22%. All voted in favor of the motion.

There was a brief discussion on the status of the improvement to the alley from East College Drive to Marshall Street between South Whitney Street and South High Street; the width of the North 6th Street Reconstruction Project and the width of East Marshall Street.


Boedigheimer moved, Maes seconded that the assessments for the alley for East College Drive to Marshall Street and between South Whitney Street and South High Street be removed from the proposed assessment roll for the South Hill Street/East Marshall Street Reconstruction Project. All voted in favor of the motion.

Upon motion made by Maes and 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

The regular meeting of the Common Council of the City of Marshall was held on June 20, 2005 at the Adult Community Center, 107 South 4th Street, Marshall, Minnesota. 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; Kim Jergenson, Senior Engineering Technician; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that item no. 7, which is to adopt an Ordinance Amending Chapter 78, Article III – Surface Water Management Utility in the City of Marshall, Minnesota be tabled until the regular meeting to be held on July 5, 2005.

APPROVAL OF THE MINUTES:

Reynolds moved, Linstrom seconded, that the minutes of the regular meeting held on June 6, 2005, the Joint EDA/City Council meeting held on June 13, 2005 and the special city council meeting held on June 13, 2005 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – PROJECT 2001-004 SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION – A. CONTINUATION OF PUBLIC HEARING ON PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for the continuation of the public hearing on Project 2001-004 South Hill Street/East Marshall Street Reconstruction. Glenn Olson, Director of Public Works/City Engineer reviewed the changes that were made to the Special Assessment Policy. The utilities / property owner participation was revised from 50% / 50% to 75% / 25% and the maximum special assessments assessed to property owners would be 22% of the total project cost. It was indicated that all driveway assessments were redone according to current driveway widths. Dan Sarff, Bolton & Menk, indicated that the driveway and sidewalk assessment would be reviewed. Dennis Simpson, City Attorney, briefly reviewed the process the council used to redo the breakdown of cost of special assessments. The following comments were made by staff and concerned residents:

Dr. Paul Martin, 407 “A” Street, thanked everyone and wanted to know if the entire sanitary sewer was being replaced.

Lorinda Peters, 302 South Hill Street, indicated that his assessment decreased from \$10,433 to \$4,710, but she felt that the assessment should be distributed more equally.

Ray Henrikson, 310 South Hill Street, thanked the staff for the extra work involved in this project. Ray was concerned with the how the boulevard would be graded along the sidewalk. He was concerned with the possibility of mature trees being removed or if there damaged who pays for them. He asked about additional damage being done to streets by the heavy equipment needed to complete this project. It was indicated that pictures and video would be taken before the project starts so they can determine in the streets have been damaged during the project. He indicated that he did not get an itemized list of his assessment. Glenn Olson indicated that this information is available in the City Engineer's office. Ray also asked if a second notice of appeal is required for this public hearing. It was indicated that a second notice of appeal is not necessary, but that if anyone wants to submit a second notice of appeal they will accept them.

Greg Dobrenski, 202 South Whitney Street, was concerned with the water problem in the alley and that a petition was submitted several years ago to have a storm sewer installed in the alley. He also indicated that he did not know why the bituminous surfacing in the alley needs to be the same as the street. Glenn Olson indicated that with new construction the property needs to drain to the public right-of-way. He also discussed the possibility of a retaining wall at the end of the alley. Mayor Byrnes indicated that this alley project could be done later as a separate project.

Dan Schrunk, 306 East Marshall Street, checked with other cities on their process for special assessments and found out that each city handles special assessments different.

The following residents have provided a written objection to the South Hill Street/East Marshall Street Project 2001-004:

| | |
|------------------------|--------------------------|
| Leonard & Alice Ho | 206 South Hill Street |
| Mark & Lorinda Peters | 302 South Hill Street |
| James & Emily Lozinski | 401 East Marshall Street |
| James Carr | 401 South Hill Street |
| Ray & Julie Henriksen | 310 South Hill Street |
| Terrence Flynn | 200 South Whitney Street |
| Richard & JoAnn Dorman | 204 South Whitney Street |

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

Glenn Olson indicated that it has been determined that the sanitary sewer connections for 117 Park and 120 South Street are not on these streets, therefore these would be deleted from the project.

Mayor Byrnes thanked the staff for all of their work in preparing a new assessment roll based on the revisions made to the assessment policy.

Boedigheimer was concerned that if they bond for the project and because of the number of appeals they fall below the 20% mark the city could end paying the bonds off in 2 to 3 years because they no longer qualify to be bonded.

Mike Johnson, City Administrator, reviewed the hand out from the bond counsel on the estimated costs of bonding for these projects.

Mayor Byrnes indicated to the council and those in attendance at the meeting that the council could adopt the assessment roll, postpone the adoption of the assessment roll or drop the project and that if the council wanted to consider awarding of the contract for the South Hill Street / East Marshall Street Project it would have to be added to the agenda.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2735, SECOND SERIES and that the reading of the same be waived. Resolution Number 2735, Second Series is a resolution Adopting the Assessment for Project 2001-004 South Hill Street / East Marshall Street Reconstruction Project. This resolution was adopted with the deletion of the Sanitary Sewer for connections for 117 Park and 120 South Street. All voted in favor, except Ritter who voted no.

The residents who have filed appeals have 30 days to file their appeal in district court, therefore Dennis Simpson, City Attorney, indicated that it was necessary to wait the 30 days before awarding the contract.

Mayor Byrnes called for a 5-minute recess at 6:50 P.M.

After the recess Mayor Byrnes requested a clarification on the vote for the adopting of the assessments for South Hill Street / East Marshall Street Reconstruction Project, therefore Mayor Byrnes called for a vote on the motion. All voted in favor of the motion, except Ritter who abstained.

PRELIMINARY PLAT OF PARKWAY ADDITION II – A. CONSIDER PETITION REQUESTING VACATION OF THE TECHNOLOGY PARK ADDITION LYING SOUTH OF THE SOUTH LINE OF MADRID STREET; B. PUBLIC HEARING ON PRELIMINARY PLAT; C. CONSIDER APPROVAL OF THE PRELIMINARY PLAT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition that was received for the vacation of streets, public grounds, lot and block designations, and easements that has been submitted from the sole owner of all properties in the Technology Park Addition lying south of the south line of Madrid Street. Boedigheimer moved, Ritter seconded, that the Petition Requesting Vacation of the Technology Park Addition lying south of the south line of Madrid Street be accepted. All voted in favor of the motion.

This was the date and time set for a public hearing on the Preliminary Plat of Parkway Addition II. There was a brief discussion on the lot width and whether or not

the lot width could be changed on the final plat. Doom moved, Linstrom seconded, the public hearing be closed. All voted in favor of the motion.

Doom moved, Maes seconded, the approval of the Preliminary Plat of Parkway Addition II subject to the completion of the requirements of the Engineer's Report and revision of the subdivision ordinance requiring 75-foot minimum lot frontage in an R-1 One-Family Residence District. All voted in favor of the motion.

**PUBLIC HEARING – PROJECT 2005-003 NORTH 6TH STREET
RECONSTRUCTION PROJECT – A. CONTINUATION OF THE PUBLIC
HEARING ON THE PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING
ASSESSMENT:**

This was the date and time set for the continuation of the public hearing on Project 2005-003 North 6th Street Reconstruction. Glenn Olson, Director of Public Works/City Engineer reviewed the changes that were made to the Special Assessment Policy. The utilities / property owner participation was revised from 50% / 50% to 75% / 25% and the maximum special assessments assessed to property owners would be 22% of the total project cost. It was indicated that all driveway assessments were redone according to current driveway widths. Dennis Simpson, City Attorney, briefly reviewed the process the council used to redo the breakdown of cost of special assessments. The following comments were made by staff and concerned residents:

Sandy Craner, 510 West Redwood, stated that the assessment was not decreased enough and that it is illegal to assess more than the property would benefit; that this is a city project and everyone in the city would benefit; this project is not a new service, but only an update; it is not necessary to make the street wider and they will lose mature trees. She also indicated that a wider street would mean more traffic and that only a few residents would be paying for a project that benefits the whole city.

John McDonald and Randy Wartner; owners of 600 West Lyon Street, 615 West Redwood and 511 West Redwood; asked if everyone would pay for the watermain assessment or if only those properties that are connected to the watermain. Glenn Olson indicated that only the properties that are directly connected to the watermain are being assessed 25% of a 6" watermain and the connection to the home. Mr. McDonald also questioned the assessment for street and storm sewer. The street is being torn up for all three utilities and this cost is included with the assessment for each utility. The remaining cost of the street is assessed to the adjacent properties based on the number of feet. The storm sewer assessment is based on square footage of the property that drains into the storm sewer. They asked who is paying for the street portion of this project. Municipal State Aid funds are being used for part of 6th Street and the property owners are paying 22% of the remaining after the sanitary sewer, storm sewer and watermain over sizing is deleted. The cost per foot is the same for everyone.

Mark Goodenow, 601 West Lyon Street, questioned the expense to issue bonds and what the 16% administration and engineer fee is for. Mike Johnson, City Administrator, indicated that the 2% interest rate is used to cover the related issuance

costs of the bonds. Glenn Olson, Director of Public Works/City Engineer, indicated that the 16% administration and engineer fee is an average cost that is added to all projects.

Nancy Pratt, 420 North 6th Street, was confused with how the interest is charged on the assessment. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that they have until October 15th to pay the assessment with no interest added.

Pat Suppenant, 400 East Marshall, indicated that he was comfortable with his reduced assessment. He indicated that paying only 22% may sound good; it is the actual dollars that may not be so good.

Ed VanNevel, 204 North 6th Street, is concerned with those living on social security and having to pay this assessment. He indicated that the city spent a lot of money to get the turkey plant and now they want the residents along 6th Street to pay for a special assessment that the turkey plant will also benefit from.

Russ Labat, representative from the Marshall Independent at 508 West Main Street, wanted the city to be more specific on the 16% administration and engineer fee. He was also concerned with the time frame if they are going to wait another 30 days for the appeal period will the project be completed this year. He indicated that it has taken 10 years to get to this point, so why not wait another year.

Sandy Craner, 510 West Redwood, ask how many objections has the city received. Glenn Olson indicated that they have received objections equal to 55% of the value of the project. She also suggested that if they do not widen the street the additional savings could be used to fund the entire project and asked if the sanitary sewer could be levied to everyone who will use the sanitary sewer system.

Bob Martinson, 408 North 6th Street, asked if there was a need to widen the street or if the money need to widening the street could be used to help with the rest of the project. Glenn Olson indicated that the city standard is 42' and the Municipal State Street required minimum is 44'.

The following residents have provided a written objection to the North 6th Street Reconstruction Project 2005-003:

| | |
|----------------------|---|
| Chad Beens | 414 North 6 th Street |
| Frances Brenning | 405 North 6 th Street |
| Hugh & Linda Curtler | 421 North 6 th Street |
| Donna Schilling | 423 North 6 th Street and 422 North 6 th Street |
| Larry & Nancy Pratt | 420 North 6 th Street |
| Sandra Craner | 510 West Redwood Street |
| Robert Martinson | 408 North 6 th Street |
| Jeff & Sheila Drum | 407 North 6 th Street |
| Richard Marron | 404 North 6 th Street |
| Mary Nelson | 416 North 6 th Street |

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

Mayor Byrnes indicated to the council and those in attendance at the meeting that the council could adopt the assessment roll, postpone the adoption of the assessment roll or drop the project and that if the council wanted to consider awarding of the contract for the North 6th Street Reconstruction Project it would have to be added to the agenda.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2736, SECOND SERIES and that the reading of the same be waived. Resolution Number 2736, Second Series is a resolution Adopting the Assessment for Project 2005-003 North 6th Street Reconstruction. All voted in favor, except Ritter who voted no.

Reynolds moved to add to the agenda the awarding of the bid for Project 2005-003 North 6th Street Reconstruction. The motion died due to a lack of the second.

Boedigheimer moved, Doom seconded, that they wait the 30 days before awarding the bid for this project. The residents who have filed appeals have 30 days to file their appeal in district court, therefore Dennis Simpson, City Attorney, indicated that it was necessary to wait the 30 days before awarding the contract. All voted in favor of the motion, except Ritter who voted no.

Mayor Byrnes called for a 5-minute recess at 8:30 P.M.

CONSIDER AWARD OF BIDS FOR BIOGUARD INFLUENT CLEANING SYSTEM FOR THE WASTEWATER TREATMENT FACILITY:

Bids were received, opened and read on June 13, 2005 for Bioguard Influent Cleaning System for the Wastewater Treatment Facility. Bids received, opened and read were as follows:

| | |
|------------------------|------------------------|
| KHC Construction | Carr R.L. |
| 703 Ontario Road | 1601 US Hwy 59 |
| Marshall, Minnesota | Marshall, Minnesota |
| Proposal A - \$153,700 | Proposal A - \$166,700 |
| Proposal B - \$148,200 | Proposal B - \$165,700 |

Proposal A – Bidder furnishes and installs one (1) Bioguard Influent Cleaning System
Proposal B – Bidder furnishes and installs one (1) Bioguard Influent Cleaning System with trade-in of existing Channel Monster Grinder System

Boedigheimer moved, Reynolds seconded, that the bid be awarded to KHC Construction, Marshall, Minnesota in the amount of \$148,200 for the installation of one (1) Bioguard Influent Cleaning System with the trade-in of the existing Channel Monster Grinder System. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER APPROVAL OF eICU EQUIPMENT PURCHASE & PROJECT COMMITMENT AT AVERA MARSHALL REGIONAL MEDICAL CENTER; B. CONSIDER AUTHORIZATION TO HIRE A FULL-TIME POLICE OFFICER AND APPROVE RESOLUTION ON PERA; C. DECLARE THE “MARSHALL SOUNDS OF SUMMER” A COMMUNITY FESTIVAL; D. CONSIDER SPECIAL VEHICLE PERMIT FOR LESLIE FAWCETT; E. CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR LYON COUNTY CHAPTER OF PHEASANTS FOREVER FOR RAFFLES ON SEPTEMBER 15, 2005 AND MARCH 18, 2006; F. CONSIDER REQUEST FOR STREET CLOSURE FROM SOUTHWEST MINNESOTA STATE UNIVERSITY FOR HOMECOMING DAY PARADE; G. CONSIDER APPROVAL OF MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE BUILDING LEASE FOR 2005-2006; H. BILLS/PROJECT PAYMENTS; I. BUILDING PERMITS:

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

The approval of Avera Marshall Regional Medical Center for the eICU Equipment Purchase and Project Commitment in the amount of \$105,765 for the one time start up cost and annual operating cost of \$62,722 for two beds at a rate of \$31,361 per bed.

BE IT RESOLVED that Chad Earl Dietz 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.

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 approval of a Special Vehicle License for Leslie Fawcett at a fee of \$30.00. This license will expire on December 31, 2005.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit –LG 220 for the Lyon County Pheasants Forever for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive, Marshall, Minnesota on September 15, 2005 and for a raffle to be held at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on March 18, 2006 and that the 30 day waiting period be waived.

That the request from Southwest Minnesota State University to close East Main Street from Lyon Street to 5th Street for SMSU's Homecoming Parade be approved for Saturday, September 24, 2005. The parade will start at 10:00 A.M. and end at approximately 12:15 p.m.

The proper city personnel be authorized to execute the 2005-2006 Building Lease Agreement with Minnesota West Community and Technical College. The leased space at the Municipal Building is being reduced from 2,940 sq. ft. to 2,601 sp. ft., a reduction of 339 sp. Ft. or 11.5%. The annual rent will decrease from \$24,750 to \$23,100 a reduction of \$1,650 or 6.7%. However, the annual rent rate was increased from \$7.68/sp. ft. to \$8.015/sq. ft. Language was added to the lease to allow the Lessor (City) definitive termination language upon six (6) months written notice to the Lessor.

The following bills and project payments be authorized for payment:
ACCOUNTS PAYABLE, Voucher No. 46762 through 46951.

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. | JB Carpentry | 201 | | Rainbow | Drive | Deck | \$5,000 |
| 2. | Jason Rokeh | 111 | | "G" | Street | Reroof Dwelling | \$1,000 |
| 3. | Duane Sumerfelt | 1417 | East | College | Drive | Refinish Front Wall | \$14,400 |
| 4. | Joseph VanWie | 113 | West | James | Avenue | Reside Dwelling & Replace Doors | \$11,000 |
| 5. | Randy Felton | 904 | | Columbine | Drive | Reroof and Reside Dwelling | \$4,100 |
| 6. | Karen Schuch | 1003 | | Hackberry | Drive | Reroof Garage | \$700 |
| 7. | Sussner Construction, Inc. | 208 | West | Main | Street | Entry Remodel | \$3,000 |
| 8. | James Marshall | 601 | | Parkside | Drive | Breezeway | \$1,500 |
| 9. | Dean and Cindy Bader | 813 | | DeSchepper | Street | Utility Shed | \$3,000 |
| 10. | William & Pamela Pavot | 715 | | Marguerite | Avenue | Partial Finish Basement | \$8,500 |
| 11. | Weiner Memorial Medical Center | 300 | South | Bruce | Street | Sign | \$4,500 |
| 12. | John McDonald & Darren Struck | 210 | | Legion Field | Road | Basement Remodel | \$5,000 |
| 13. | NAPA Auto Parts | 1000 | East | Southview | Drive | Install Sign | \$15,000 |
| 14. | Peggy Ashling | 200 | | Robert | Street | Replace Entry Stoop | \$500 |
| 15. | Rick Slagel Construction, Inc. | 412 | | Mason | Street | Reroof Dwelling | \$4,500 |
| 16. | Jeff & Judy Greenwood | 107 | | Church | Street | Kitchen Remodeling | \$5,000 |
| 17. | Sussner Construction, Inc. | 1420 | East | College | Drive | Interior Remodel / Space 704 | \$78,000 |

| | | | | | | | |
|-----|------------------------|-----|-------|--------|--------|--|-----------|
| 18. | Dale and Amy MacArthur | 205 | East | Thomas | Avenue | Dwelling | \$182,600 |
| 19. | Stacey Town | 310 | South | First | Street | Interior Remodel | \$3,000 |
| 20. | Babcock Construction | 509 | | Donita | Avenue | Reroof / Reside / New Doors / Egress Windows / New Front Steps | \$11,600 |

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

It was the general consensus of the council that this item be tabled until the next regular meeting to be held on July 5, 2005.

CONSIDER REQUEST FROM SOUTHWEST MINNESOTA PARTNERSHIP TO RETAIN HUD SECTION 8 RENT CERTIFICATES FOR RC SQUARE APARTMENTS:

Rich Goodemann, SWMHP, reviewed the request to retain HUD Section 8 Rent Certificates for RC Square Apartments. SWMHP is requesting the City of Marshall to participate in the following manner:

1. The City of Marshall grant a 10% reduction of the City's portion of its share of property taxes for a period of three years through the use of tax abatement.
2. The City of Marshall to provide a loan of \$20,000 through its SCDP program in the form of a 0% deferred loan for a term of 17 years.
3. The City of Marshall reduce its building permit fee by 15%.
4. The City of Marshall to "fast track" its approval process.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2737, SECOND SERIES and that the reading of the same be waived. Resolution Number 2737, Second Series is a resolution of the Marshall City Council for the Support and Commitment of a Housing Development Project. This resolution provides for the four items requested by SWMHP. All voted in favor of the motion.

DISCUSSION ON MN/DOT HIGHWAY #59 RECONSTRUCTION PLAN LAYOUT (CITY STAFF AND DOWNTOWN LEADERSHIP TEAM):

Glenn Olson, Director of Public Works/City Engineer, provided an overview of the initial layout plan that was received from Mn/DOT, a summary of the various street section concepts that were developed by Dahlgren, Shardlow & Uban (DSU) for Main Street and an overview of the most recent layout plan option that was received from Mn/DOT in response to a request from the Downtown Leadership Team. The most significant difference between the two layout plans from Mn/DOT is a "raised median" between 4th Street and College Drive. In the raised median proposal, turning movements onto 3rd Street from Main Street and from 3rd Street onto Main Street would be restricted and would result in the elimination of a traffic signal at this intersection. Based on conversations with Mn/DOT officials either layout option would be acceptable to them.

Al Greig, Chairman of the Downtown Leadership Team, provided an overview of the pros and cons of the options provided by Mn/DOT. Mr. Greig indicated that there are several issues that need to be discussed before a final decision can be made on the reconstruction of Highway #59. Kelly Wyatt from the Daily Grind and LeRoy Affolter also voiced their concerns with the two options. Lon Wright, Music Street, Inc., provided his concerns in a memo to the city council. Mn/DOT will be providing an overview of the two layouts from their agency's perspective. Mayor Byrnes indicated that there are a lot of issues to discuss. Council Member Ritter was concerned with the possibility that a new street sweeper would need to be purchased to clean along the center median. Following this input and when the final layout plans are ready the City Council will be required to hold a public hearing and adopt a resolution approving the final layout plans.

CONSIDER THE REQUEST OF DUANE ANDERSON FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR AN ACCOUNTING AND BUSINESS CONSULTING BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 1303 WESTWOOD DRIVE:

Per the recommendation of the Planning Commission, Doom moved, Maes seconded, that Duane J. Anderson be granted a five-year renewal of a Conditional Use Permit for a home occupation for an accounting and business consulting business in an R-1 One-Family Residence District at 1303 Westwood Drive with the conditions that the permit be issued for a five-year period and that the hours of business be between 6:00 a.m. and 10:00 p.m. only. All voted in favor of the motion.

PRELIMINARY PLAT OF NORTH RIVERVIEW PROPERTIES FIRST ADDITION – A. VACATION OF A PORTION OF NORTH RIVERVIEW PROPERTIES; B. INTRODUCE NORTH RIVERVIEW PROPERTIES FIRST ADDITION; C. CALL FOR PUBLIC HEARING:

A petition for vacation of streets, public grounds, lot and block designations, and easements has been submitted from the owner of all properties in the North Riverview Properties subdivision. Doom moved, Maes seconded, the receipt of a petition for the vacation of streets, public grounds, lot and block designations, and easements in the North Riverview Properties subdivision. All voted in favor of the motion.

Doom moved, Maes seconded, the introduction of the preliminary plat of North Riverview Properties First Addition and that a public hearing be held at 5:30 P.M. on July 5, 2005 in the Council Chambers of the City of Marshall Municipal Building. All voted in favor of the motion.

PRELIMINARY PLAT OF CARR ESTATES SECOND ADDITION – A. INTRODUCE PLAT; B. CALL FOR PUBLIC HEARING:

Maes moved, Doom seconded, the introduction of the preliminary plat of Carr Estates Second Addition and that a public hearing be held at 5:30 P.M. on July 5, 2005 in the Council Chambers of the City of Marshall Municipal Building. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF MIDWEST AG ENTERPRISES ADDITION:

Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2738, SECOND SERIES and that the reading of the same be waived. Resolution Number 2738, Second Series is a resolution Approving the Final Plat of Midwest Ag Enterprises Addition. This resolution was adopted contingent upon approval of the abstract and title opinion or other property ownership documentation as required by the City Attorney. All voted in favor of the motion.

PROJECT 2003-003 CANOGA PARK DRIVE AND CANOGA PARK CIRCLE PROJECT – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Doom moved, Maes seconded, the adoption of RESOLUTION NUMBER 2739, SECOND SERIES and that the reading of the same be waived. Resolution Number 2739, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project 2003-003 Canoga Park Drive and Canoga Park Circle. This resolution provides for the assessment to be paid over a 10 year period at an interest rate of 6.2%. All voted in favor of the motion.

Doom moved, Maes seconded, the adoption of RESOLUTION NUMBER 2740, SECOND SERIES and that the reading of the same be waived. Resolution Number 2740, Second Series is a resolution Calling for a Public Hearing on the Proposed Assessment for Project 2003-003 Canoga Park Drive and Canoga Park Circle. This public hearing will be held on July 18, 2005 in the Council Chambers of the City of Marshall Municipal Building. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR PROJECT 2004-016 – RUNWAY 12/30 EXTENSION.

Boedigheimer moved, Maes seconded, the proper city personnel be authorized to call for bids on Runway 12/30 Extension Project at the Southwest Minnesota Regional Airport – Marshall/Ryan Field. These bids are to be received on July 29, 2005. All voted in favor of the motion.

CONSIDER AMENDMENTS TO AIRPORT LEASES – A. AMENDMENT NO. 1 TO THE COMMERCIAL LEASE FOR THE ARRIVAL/DEPARTURE BUILDING; B. AMENDMENT NO. 1 TO THE COMMERCIAL LEASE FOR SCHWAN'S AIRPORT HANGAR NO. 1:

Dan Taft, President Marshall Airport Commission, reviewed the recommendation of the Airport Commission to eliminate the ground rent portions of the commercial leases for the Arrival/Departure Building and Schwan's Airport Hangar No. 1 at the Southwest Minnesota Regional Airport. Schwan's Shared Services LLC and Schwan's Sales Enterprises Inc., requested the elimination of the ground rent because of total contributions they made to the city for the construction of the Arrival/Departure Building and Schwan's Airport Hangar No. 1 as well as previous history of paying for ground rent only when the building was owned by the renter. The ground rent portion of these two

facilities was also not consistent with other leases at the airport. Boedigheimer moved, Ritter seconded, the proper city personnel be authorized to enter into Amendment No. 1 to the Commercial Lease for the Arrival/Departure Building and Amendment No. 1 to the Commercial Lease for Schwan's Airport Hangar No. 1. These amendments eliminate the ground rent portion of the contract, retroactive to the inception date of the contract, subject to City Attorney review and approval. All voted in favor of the motion.

CONSIDER APPROVAL OF WAIVER REQUEST FOR THE CITY'S SMALL CITIES DEVELOPMENT PROGRAM DOWNTOWN REVITALIZATION LOAN:

Mike Reynolds, Council Liaison Marshall Design Committee, reviewed a Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan for Commercial Project #C-9. In addition to funding from the current SCDP project, the waiver is for funding not to exceed \$28,745 from current program funds. Council Member Boedigheimer asked what business is #C-9. Commercial Project #C-9 is the Fabric Plus business. Boedigheimer moved, Reynolds seconded, the approval of a Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan for Commercial Project #C-9. All voted in favor of the motion.

CONSIDER INTRODUCTION OF ORDINANCES – A. AMENDING THE MINIMUM REQUIRED LOT WIDTHS IN AN R-1 DISTRICT – SEC. 86-97(e)(6); B. AMENDING SEC. 74-130 (c)(6) OF THE CODE OF ORDINANCES:

The Legislative and Ordinance Committee is recommending changes to Sec. 86-97, "R-1 One Family Residence District" as follows:

1. Include certain uses as conditional uses.
2. Provide clarification of wording between divisions of the code.
3. Define occupation of one-family dwellings.
4. Restrict certain uses in residential districts.
5. Reduce minimum width regulations at the building setback line from 75 feet to 65 feet.
6. Reduces the minimum lot area requirements from 8,250 square feet to 8,000 square feet.
7. Other related clarifying wording.

Council Member Boedigheimer expressed his concern with reducing the minimum width regulations at the building setback line from 75 feet to 65 feet. Boedigheimer moved, Reynolds seconded, the introduction of an ordinance Amending Section 86-97, R-1 One Family Residence District of the Code of Ordinances of the City of Marshall and call for a public hearing to be held at the regular meeting on July 5, 2005. All voted in favor of the motion.

Upon review by city staff and the Public Improvement/Transportation Committee, it was determined that Sec. 74-130 (c)(6) should be revised as follows:

1. Delete the year round restriction to parking and retain the snow emergency route restrictions certain sections during the winter months.

Reynolds moved, Ritter seconded, the introduction of an ordinance Amending Sec. 74-130 of the Code of Ordinances of the City of Marshall and call for a public hearing to be held at the regular meeting on July 5, 2005. All voted in favor of the motion.

CONSIDER PURCHASE ORDER POLICY – WAYS AND MEANS COMMITTEE:

Per the recommendation of the Ways and Means Committee Reynolds moved, Linstrom seconded, the approval of the revised Purchase Order Policy. The revised Purchase Order Policy provides for dollar amount required for a purchase order be increased from \$300 to \$500. 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 items were discussed earlier in the meeting.

Boedigheimer No report.

Doom Planning Commission and Public Improvement/Transportation items were discussed earlier in the meeting.

Linstrom No report.

Maes Hospital Board has offered the CEO Position to Bruce Roesler after Jeffrey Tarrant rescinded his verbal acceptance.

Reynolds No report.

Ritter Air Navigation Task Force will be meeting on Thursday.

COUNCIL MEMBER INDIVIDUAL ITEMS:


Other items brought forth by the Mayor and Council Members included: a city wide smoking ban in public places.

REVIEW OF PENDING AGENDA ITEMS:

A Special City Council meeting needs to be scheduled to review the 2004 Audit. The city has closed on the purchase of the Mathiowetz property.

REGULAR MEETING – JUNE 20, 2005

Upon motion by Boedigheimer, seconded by Ritter, the meeting was adjourned at 10:10 p.m. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JULY 5, 2005

The regular meeting of the Common Council of the City of Marshall was held on July 5, 2005 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; Harry Weilage, Director of Community Services; Robert VanMoer, Wastewater Superintendent; Dale Howe, Building Official; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with item no. 10, which is Board and Commission Members Recognition, being scheduled after item no. 2, which is to schedule a special city council meeting.

APPROVAL OF THE MINUTES:

Linstrom moved, Reynolds seconded, that the minutes of the regular meeting held on June 20, 2005 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

SCHEDULE SPECIAL CITY COUNCIL MEETING:

Reynolds moved, Maes seconded, that a special city council meeting be scheduled for 5:30 P.M. on Monday, July 25, 2005 in the Council Chambers. All voted in favor of the motion.

BOARD AND COMMISSION MEMBERS RECOGNITION:

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

Mary Lou Blasing (Mary Lou Hartun), Planning Commission, 1999-2005
Molly Linstrom, Community Services Advisory Board, 2003-2004

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

Matt Sederstrom, Airport Commission, 2003-2005
Karen Meyer, Cable Commission, 2001-2004
Doug Binsfeld, Cable Commission, 2003-2004
Karla Olson, Cable Commission, 2003-2004
Donna VanKeulen, Community Services Advisory Board, 2002-2004
David Stenstrom, Community Services Advisory Board, 2003-2005
Mike Dulas, Economic Development Authority, 1999-2005
Shirley Anderson-Porisch, Senior Citizen Center Commission, 1999-2005
Michael Fossum, Housing Commission, 2004-2005
Victoria Cunfer, Library Board, 2002-2005
Terry Brand (Terry Peterson), Senior Citizen Center Commission, 2000-2005

PUBLIC HEARING – NORTH RIVERVIEW PROPERTIES FIRST ADDITION –A. PUBLIC HEARING ON PRELIMINARY PLAT; B. CONSIDER APPROVAL OF THE PRELIMINARY PLAT OF NORTH RIVERVIEW PROPERTIES FIRST ADDITION; C. PUBLIC HEARING TO CONSIDER PETITION FOR VACATION OF STREETS, PUBLIC GROUNDS, LOT AND BLOCK DESIGNATIONS, AND EASEMENTS:

This was the date and time set for a public hearing to consider the Preliminary Plat of North Riverview Properties. Glenn Olson, Director of Public Works/City Engineer, indicated that the U. S. Army Corps of Engineers approved the release of property acquired for the Marshall Flood Project subject to the: a. retention or a levee provided extending a least 15 feet from the toe of the levee for project maintenance; and b. the City must maintain ownership and access through 6th Street to provide access to the northerly landlocked parcel. It is the intent of the City to offer the developable property to the adjacent owners at a cost to be determined by the City Assessor. A purchase agreement will be available before the final plat is approved. Maes moved, Boedigheimer seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the approval of the Preliminary Plat of North Riverview Properties First Addition with the condition that there be a purchase agreement for the property owned by the City and is adjacent to the Northwest corner of Lots 1, 2, and 3 of the North Riverview Properties Subdivision prior to the approval of the final plat. All voted in favor of the motion.

Doom moved, Reynolds seconded, that the public hearing on the petition and adoption of the resolution for vacation of streets, public grounds, lot and block designations and easements in the North Riverview Properties Subdivision be rescheduled to the July 25, 2005 special City Council meeting. All voted in favor of the motion.

PUBLIC HEARING – PRELIMINARY PLAT CARR ESTATES SECOND ADDITION:

This was the date and time set for a public hearing to consider the Preliminary Plat of Carr Estates Second Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the two conditions as recommended by the Planning Commission: the owner must have a utility easement dedicated 7 ½' outside of the east boundary of the subdivision; and the naming of the street across from the intersection needs to be consistent with the name of the street on the other side because they do not want to change names of the street at opposite sides of the intersection. The name of the street will be changed to Thunderbird Road. Reynolds moved, Linstrom seconded, the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the approval of the Preliminary Plat of Carr Estates Second Addition with the following two conditions as recommended by the Planning Commission.

1. The owner must have a utility easement dedicated 7 ½' outside of the east boundary of the subdivision.
2. The naming of the street across from the intersection needs to be consistent with the name of the street on the other side because they do not want to change names of the street at opposite sides of the intersection. The name of the street will be changed to Thunderbird Road.

All voted in favor of the motion.

PUBLIC HEARING – CONSIDER ADOPTION OF ORDINANCES – A. AMENDING SECTION 86-97 OF THE CITY CODE OF ORDINANCES AND B. AMENDING SECTION 74-130 (c)(6) OF THE CODE OF ORDINANCES:

This was the date and time set for a public hearing on Amending Section 74-130 (c)(6) of the Code of Ordinances. Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed changes to the ordinance. There was also a brief discussion on the request from SMSU that a portion of Birch and State Street be opened for permit parking. Reynolds moved, Doom seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of ORDINANCE NUMBER 528, SECOND SERIES and that the reading of the same be waived. Ordinance Number 528, Second Series is an ordinance Amending Section 74-130 of the Code of Ordinances of the City of Marshall. This ordinance provides:

(c) Other Parking Regulations – No vehicle shall be parked or left standing on any portion of the following streets between 2:00 a.m. and 6:00 a.m. year round:

(6) The northwest side of Fourth Street from West Marshall Street to West Saratoga Street and the southeast side of Fourth Street from West Redwood Street to West Saratoga Street.

All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, that the request from SMSU for a portion of Birch and State Street be opened for permit parking be referred to the Legislative and Ordinance Committee and a recommendation be brought back to the council at the regular meeting on August 1, 2005. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed changes to Section 86-97, "R-1 One Family Residence District" of the Code of Ordinances to the City of Marshall. The changes included:

1. Certain uses as conditional uses.
2. Provide clarification of wording between divisions of the code.
3. Define occupation of one-family dwellings.
4. Restrict certain uses in residential districts.
5. Reduce minimum width regulations at the building setback line from 75 feet to 65 feet.
6. Reduces the minimum of lot area requirements from 8,250 square feet to 8,000 square feet.
7. Other related clarifying wording.

Stan Finnestad, Chairman of the EDA, indicated that there are 70' lots in Parkway Addition and they are proposing to use 70' lots in the next phase of Parkway Addition. Council Member Boedigheimer was concerned with 65' lots being too small and he was also concerned with 70' lots. He indicated that just because the lots in Parkway are not up to code it is not a good reason to change the code. Glenn Olson, Director of Public Works/City Engineer, indicated that the MN Housing Partnership is recommending 55' lots. Council Member Doom indicated that the lots width should be at least 75'. Jack Dempsey, 503 Elaine Avenue, indicated that the lots should be increased to at least 80'. Council Member Ritter questioned the conditional use section of the code.

Linstrom moved, Ritter seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the approval of the proposed changes to Section 86-97, "R-1 One Family Residence District" with minimum width regulations at the building setback line stay at 75'. Voting in favor of the motion were Boedigheimer and Doom. Voting no were: Maes, Linstrom, Byrnes, Reynolds and Ritter. The motion failed.

Ritter moved, Reynolds seconded, that the minimum width regulations at the building setback line be set at 70' and the adoption of ORDINANCE NUMBER 529, SECOND SERIES and that the reading of the same be waived. Ordinance Number 529, Second Series is an ordinance Amending Section 86-97, One Family Residence District of the Code of Ordinances of the City Provide clarification of wording between divisions of the code.

1. Define occupation of one-family dwellings.
2. Restrict certain uses in residential districts.
3. Reduce minimum width regulations at the building setback line from 75 feet to 70 feet.
4. Reduces the minimum of lot area requirements from 8,250 square feet to 8,000 square feet.
5. Other related clarifying wording.

All voted in favor of the motion, except Boedigheimer and Doom who voted no.

PUBLIC HEARING TO CONSIDER PETITION FOR VACATION OF STREETS, PUBLIC GROUNDS, LOT AND BUILDING DESIGNATIONS, AND EASEMENTS IN TECHNOLOGY PARK ADDITION:

Reynolds moved, Linstrom seconded, that this public hearing to consider a petition for vacation of streets, public grounds, lot and building designations, and easements in Technology Park Addition be rescheduled for 5:30 P.M. on July 25, 2005. All voted in favor of the motion.

CONSIDER AWARD OF PROPOSAL FOR PROFESSIONAL SERVICES FOR WWTF EQ BASIN IMPROVEMENTS:

Proposals were received on June 20, 2005 for Professional Services for WWTF EQ Basin Improvements. Proposals received, opened and read were as follows:

Bolton & Menk Inc.
\$55,400 plus additional fee for
Soil Boring & Testing Services

Bonestroo Rosene Anderlik & Associates
\$62,700 (\$4,000 allowance included for Soil
Boring & Testing Services)

Short Elliott Hendrickson Inc.
\$115,800 plus additional fee for
Soil Boring & Testing Services

Glenn Olson, Director of Public Works/City Engineer, indicated that after review of each of the proposals submitted, the professional expertise in wastewater design and development, the relative knowledge of Marshall's Wastewater Facility, and the relative costs submitted by each of the proposing firms, the recommendation is to enter into an agreement with Bonestroo Rosene Anderlik and Associates in the amount of \$62,700. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Bonestroo Rosene Anderlik and Associates for the Professional Services for the WWTF EQ Basin Improvement for a total hourly cost plus expenses not to exceed \$62,700, including soil boring and testing services. Funds for this portion of the project are to be taken from Project 2005-007, account number 608-62066-3312. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER APPROVAL OF PLUMBER’S LICENSE FOR LAKE COUNTRY MECHANICAL, INC. B. CONSIDER RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE CITY OF MARSHALL AND MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR CHEMICAL ASSESSMENT TEAM (C.A.T.); C. CONSIDER AUTHORIZATION TO ENTER INTO A FEDERAL EQUITABLE SHARING AGREEMENT BETWEEN THE FEDERAL GOVERNMENT AND THE CITY OF MARSHALL; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

The approval of a Plumbers License for Jeffrey Roguske dba Lake Country Mechanical Inc., at a fee of \$75.00. This license will expire on March 31, 2006.

The adoption of RESOLUTION NUMBER 2741, SECOND SERIES and that the reading of the same be waived. Resolution Number 2741, Second Series is a resolution Authorizing Execution of an Agreement between the City of Marshall and Minnesota Department of Public Safety for Chemical Assessment Team (C.A.T.). This resolution provides for funding in the amount of \$45,000 for 2006 and 2007.

The proper city personnel be authorized to enter into a Federal Equitable Sharing Agreement between the Federal Government and the City of Marshall/Marshall Police Department on behalf of the Brown, Lyon and Redwood Drug Taskforce. This agreement will expire on September 30, 2008

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 46952 through 47133.

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 Sign Co. | 400 | Tiger | Drive | | Sign | \$21,600 |
| 2. | Kesteloot Construction, Inc. | 408 | Charles | Avenue | | Install Window and Interior Remodeling | \$3,000 |
| 3. | True Value Home Center | 610 | Mercedes | Drive | | Dwelling | \$198,000 |
| 4. | Brent & Margo Wherry | 611 | West | Southview | Drive | Replace Steps | \$500 |
| 5. | Darin Diebold | 425 | North | 6th | Street | Replace Windows | \$1,700 |
| 6. | Matt Schneringer | 225 | Athens | Avenue | | Deck | \$3,000 |
| 7. | Bruce Remme | 1004 | Woodfern | Drive | | Family Room Addition | \$40,000 |
| 8. | Brian Erickson | 708 | Oak | Street | | Reroof Dwelling | \$2,200 |
| 9. | KHC Construction | 703 | North | Ontario | Road | Installing New Door | \$3,300 |
| 10. | Geihl Construction, Inc. | 823 | Cullen | Circle | | Sunroom Addition | \$17,000 |
| 11. | Babcock Construction | 604 | West | Main | Street | Exterior Remodeling | \$6,300 |
| 12. | Chad Rykhus Construction | 603 | North | Elm | Street | Deck | \$1,000 |
| 13. | Steven & Mary Beth Johnson | 215 | North | High | Street | Replace Windows & Install Door | \$5,000 |

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| | | | | | | | |
|-----|--------------------------------------|------|-------|---------|--------|-------------------------------------|----------|
| 14. | Kesteloot Construction, Inc. | 105 | West | Thomas | Avenue | Reroof Dwelling | \$5,700 |
| 15. | Geske Home Improvement Co. | 1206 | | Horizon | Drive | Reside Dwelling & Replace Doors | \$12,000 |
| 16. | Kesteloot Construction, Inc. | 1104 | | David | Drive | Garage Addition | \$19,800 |
| 17. | Ron McKenzie | 605 | South | Bruce | Street | Closet | \$900 |
| 18. | George J. Jacob Construction | 1409 | | Carlson | Street | Garage | \$3,500 |
| 19. | Larry Magrath | 408 | South | Hill | Street | Interior Remodel | \$500 |
| 20. | Bakke's Home Repair & Construction | 502 | | Donita | Avenue | Install Patio Door & Install Window | \$3,000 |
| 21. | Blue Earth Environmental Co. | 109 | North | First | Street | Demolish Retail Building | \$0 |
| 22. | Blue Earth Environmental Co. | 112 | West | Main | Street | Demolish Retail Building | \$0 |
| 23. | Blue Earth Environmental Co. | 122 | West | Main | Street | Demolish Retail Building | \$0 |
| 24. | Blue Earth Environmental Co. | 105 | West | Lyon | Street | Demolish Retail Building | \$0 |
| 25. | Marshall Commercial Properties, Inc. | 120 | North | Third | Street | Install Signs | \$300 |

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

Reynolds moved, Ritter seconded, the adoption of ORDINANCE NUMBER 530, SECOND SERIES and that the reading of the same be waived. Ordinance Number 530, Second Series is an ordinance Amending Section 78-138 of the Code of Ordinances of the City of Marshall. This ordinance provides for the Lyon County Fairgrounds property classified by the City as vacant to be exempt from the surface water management fee from this date forward. All voted in favor of the motion.

Mayor Byrnes called for a 5 minute recess at 6:37 P.M.

INFORMATIONAL PRESENTATION BY MN/DOT ON HIGHWAY #59 RECONSTRUCTION PLAN LAYOUT:

Due to the State shutdown, representatives from Mn/DOT were not in attendance at the meeting to present an overview on the proposed Highway #59 Reconstruction Plan Layouts for a project that is scheduled to occur in 2007. Glenn Olson, Director of Public Works/City Engineer, gave an overview of the two plans that have been provided by Mn/DOT at this time. Al Greig, Chairman of the Downtown Leadership Team, reviewed the concerns they have in regard to the proposal which includes the median from 4th Street to East College Drive. They are concerned with: traffic flow; safety, the median being a barrier to cross the street; costs; parades; snow removal from Main Street; and the winds causing the area of the median to fill up with snow during the day.

Steve Linstrom, corporate spokesman for Schwan Food Co., indicated that the status quo in downtown Marshall is not enough and the nature of downtown must change. Schwans is in favor of the median for downtown.

Other comments included:

1. Council Member Boedigheimer asked about moving the through town traffic / reroute Highway 59.

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2. Kelly Wyatt of the Daily Grind indicated that the downtown business support Schwans and a vision for a vibrant downtown.
3. LeRoy Affolter indicated that Highway 68 also goes through downtown and he was concerned with a pedestrian safety if there are not lights at the 3rd Street crossing. Glenn Olson indicated that there maybe could be pedestrian lights.
4. Council Member Linstrom asked about a bike path in this area.
5. Kathy Lozinski, Forever Sara, indicated that by setting items in front of their stores that it makes them more inviting to the public. Mn/DOT does have a policy of placing items on the right of way.

At 7:40 P.M. Mayor Byrnes called for discussion on the Highway #59 Reconstruction Plan to end and for a 5 minute recess.

CONSIDER COMMERCIAL MARKET RESEARCH AGREEMENT WITH DAHLGREN, SHARDLOW & UBAN:

Continuing discussions of community development has lead to a Commercial Development Contract with DSU. In early discussions of downtown redevelopment, anchor stores, a women's shoe store and other retail gaps were discussed at length. This contract addressed the gaps, and affirms the strengths, that Marshall has in community Development. Maes moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement for Commercial Market Research with Dahlgren, Shardlow & Uban contingent upon participation by the Marshall Area Chamber of Commerce, Southwest Minnesota State University and the Schwan Food Company with the city's share of \$4,250 being paid out of the Mayor and Council contingency account. Greg Gregerson suggested that this agreement be postponed until such time that the city as finished acquiring all of the property in Block 11. Michael Johnson, City Administrator, indicated that the property in Block 11 is being acquired when it becomes available and that there is not an established date as to when the city could possibly own all of the property from Block 11. All voted in favor of the motion, except Doom who voted no.

MARSHALL-LYON COUNTY LIBRARY ANNUAL REPORT – WENDY LEE, LIBRARY DIRECTOR:

Wendy Lee, Library Director, was in attendance at the meeting to provide the council and others in attendance an update of the activities of the library.

CONSIDER RECEIPT OF “GREEN SPACE” PETITION ON EAST SIDE SCHOOL PROPERTY:

Carol Johnson, 305 North Elm Street, had requested the opportunity to appear before the City Council to present the petition that the neighborhood has for the future of the East Side School Property. Ms. Johnson briefly reviewed the East Side Grade School's neighborhood to keep and maintain the “field” located behind the elementary building as a “green space”. She indicated that this area is currently being used by the neighborhood as a recreation area and they would this area to remain as a “green space”. The city has no rights to the final decision on this property. This property is owned by the school district which has requested Requests for Proposals for this property. Ms. Johnson will also make this same presentation to the school board.

CONSIDER RECOMMENDATION FROM THE PUBLIC IMPROVEMENT / TRANSPORTATION COMMITTEE ON MARSHALL AREA TRANSIT STORAGE FACILITY PROJECT AND PRESENTATION BY JEANETTE AGUIRRE – WESCAP TRANSPORTATION DIRECTOR:

Jeanette Aguirre, WESCAP Transportation Director, briefly reviewed their request for a Marshall Area Transit Storage Facility and the process that is necessary to apply for a grant from the Minnesota Department of Transportation for funding of this facility. This grant application needs to be submitted by August 31, 2005. Council Member Boedigheimer indicated that there is a facility within the City of Marshall that could possibly meet the needs of the Transit Storage Facility, therefore Boedigheimer moved, Doom seconded, that consideration for this storage facility be postponed for two weeks while the appropriate staff reviews this option. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO REQUEST FOR PROPOSALS FOR PROFESSIONAL DESIGN AND CONSTRUCTION FOR DIGESTER IMPROVEMENTS FOR WWTF:

Bonestroo Rosene Anderlik & Associates completed a Feasibility Report for Digester Improvements at the Wastewater Treatment Facility. The anaerobic digester covers are in need of replacement due to severe corrosion. The current digesters are operating at maximum capacity, with phosphorus removal limits pending, the capacity will not be sufficient to properly handle the excess solids capacity generated by this treatment process. The feasibility report looked at several options to address the problems. The recommendation from the report is to convert the existing anaerobic digesters into an aerobic digester system. Information was obtained from Thermal Process Systems (TPS) on a system using newer technology called the ThermoAer Process. This process is a second generation ATTAD Process that provides a Class A biosolids, is efficient, increases treatment capacity, and eliminates most odors. The consultant and city staff toured two ThermoAer installations with the conclusion that TPS provided a sound, reliable process which would fit well at the Marshall Treatment Facility. TPS has a patented system that creates a sole source supplier situation. Ritter moved, Doom seconded, that the proper city personnel be authorized to request proposals for Professional Design and Construction for Digester Improvements for WWTF. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO REQUEST FOR QUALIFICATIONS FOR INTERIM AND PERMANENT SCHEDULED AIR SERVICE FACILITY:

Ritter moved, Boedigheimer seconded, that the proper city personnel be authorized to Request for Qualifications for design, engineering, and construction phase services for interim and permanent Scheduled Air Service Facilities for the Southwest Minnesota Regional Airport. All voted in favor of the motion.

PROJECT 2002-008 EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) – A. CONSIDER RESOLUTION AMENDING RESOLUTION NUMBER 2733, SECOND SERIES – RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION AMENDING RESOLUTION NUMBER 2734, SECOND SERIES – RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2742, SECOND SERIES and that the reading of the same be waived. Resolution Number 2742, Second Series is a resolution Amending Resolution Number 2733, Second Series – Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment. This resolution provides

REGULAR MEETING – JULY 5, 2005

for the assessment to be paid over of a 10 year period at an interest rate of 6.2%. All voted in favor of the motion.

Reynolds moved, Maes seconded the adoption of RESOLUTION NUMBER 2743, SECOND SERIES and that the reading of the same be waived. Resolution Number 2743, Second Series is a resolution Amending Resolution Number 2734, Second Series Calling for a Public Hearing on the Proposed Assessment for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). This public hearing will be held on July 25, 2005 at 5:30 P.M. All voted in favor of the motion.

PROJECT 2003-003 CANOGA PARK DRIVE AND CANOGA PARK CIRCLE IMPROVEMENT – CONSIDER RESOLUTION AMENDING RESOLUTION NUMBER 2740, SECOND SERIES CALLING FOR HEARING ON PROPOSED ASSESSMENT:

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2744, SECOND SERIES and that the reading of the same be waived. Resolution Number 2744, Second Series is a resolution Amending Resolution Number 2740, Second Series and Calling for Hearing on Proposed Assessment. This public hearing will be held on July 25, 2005 at 5:30 P.M. All voted in favor of the motion.

PROJECT 2005-002 SOUTHVUE DRIVE WATERMAIN REPLACEMENT PROJECT – RESOLUTION RECEIVING REPORT AND CALLING FOR A PUBLIC HEARING ON IMPROVEMENT:

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2745, SECOND SERIES and that the reading of the same be waived. Resolution Number 2745, Second Series is a resolution Receiving the Report and Calling for a Public Hearing for Southview Drive Watermain Replacement Project 2005-002. This public hearing will be held on August 1, 2005 at 5:30 P.M. All voted in favor of the motion.

CONSIDER REVISED SPECIAL ASSESSMENT POLICY:

Reynolds moved, Ritter seconded, that the approval of the revised Special Assessment Policy be tabled to July 18, 2005 Council meeting to allow time for Springsted's to review the proposed changes. All voted in favor of the motion.

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

Reynolds moved, Maes seconded, the introduction of an ordinance Amending the salaries and Compensation of the Mayor and Council Members. This ordinance provides for salaries of the mayor and council members to be increased by 2.5% effective January 1, 2006. All voted in favor of the motion.

CONSIDER RECOMMENDATION FROM PERSONNEL COMMITTEE TO APPROVE 2005 LABOR AGREEMENT WITH LAW ENFORCEMENT SERVICES (LELS) UNION FOR POLICE SUPERVISORS (LOCAL #245):

Per the recommendation of the Planning Commission, Reynolds moved, Ritter seconded, the approval of the 2005 Labor Agreement with Law Enforcement Labor Services (LELS) Union for Police Supervisors (Local #245). This agreement provides for an increase in wages by 3.25% for 2005 and the addition of "Approved Footwear – 1 (Maximum City Cost - \$120.00). All voted in favor of the motion.

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CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Reynolds moved, Doom seconded, that Abdu Mahi Noor be appointed to the Public Housing Commission for a term to expire on May 31, 2007. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA has not met; Fire Relief Association will hold their quarterly meeting next week; Regional Development Commission will be having their annual meeting.

Boedigheimer No report.

Doom No report.

Linstrom No report.

Maes No report.

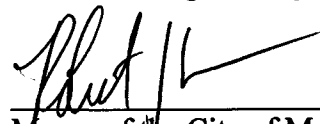
Reynolds No report.

Ritter No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the firework display on July 4th was a success and there were some questions on whether or not it is necessary for the train to blow the whistle at the railroad crossings.

Upon motion by Doom, seconded by Linstrom, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL CITY COUNCIL MEETING
JULY 13, 2005

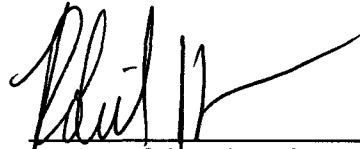
A special meeting of the Common Council of the City of Marshall was held on July 13, 2005 in the Cottonwood Room of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:30 P.M. In addition to Byrnes, the following council members were present: Doom, Reynolds, Boedigheimer and Ritter. Absent: Maes and Linstrom. City Staff present included: Michael Johnson, City Administrator; and Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: Tom Koop, Auditor from Larson Allen Weishair & Company; and Rae Kruger, Marshall Independent.

The purpose of this special meeting was to receive an overview of the 2004 Audit Report prepared by Larson Allen Weishair.

Per revised Government Auditing Standards, Tom Koop addressed the comments and observations in their June 27, 2005 letter as it relates to journal entries made within the finance department; the recording of capital assets per GASB34; the preparation of a schedule of grants; and indepartmental communication, work flow and staffing.

Tom Koop also reviewed and identified various items in the 12-31-04 Financial Statements that he thought were of importance to the City Council. To give a better understanding of the information in the report various graphs were presented and discussed. Overall Mr. Koop indicated that the City of Marshall has good financial stability. Boedigheimer moved, Reynolds seconded, to approve the 2004 Audited Financial Report as presented by LAWCO. All voted in favor of the motion.

Upon motion by Doom, 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 18, 2005

The regular meeting of the Common Council of the City of Marshall was held on July 18, 2005 in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Maes, Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Dennis Simpson, City Attorney; Calvin Barnett, Director of General Services/City Assessor; Thomas M. Meulebroeck, Financial Director/City Clerk; and Kim Jergenson, Senior Engineering Technician.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the deletion of item no. 7 which is the consideration of an agreement for the Schwan Food Company to install sample facility on public right-of-way; the addition if item no. 10a, which is Change Order No. 1 for Project 40150 Block 11 Building Demolition; and the addition of item no. 10b, which is to consider authorization for the Financial Director/City Clerk Thomas M. Meulebroeck to attend the Division Head meetings.

APPROVAL OF THE MINUTES:

Reynolds moved, Doom seconded, that the minutes of the regular meeting held on July 5, 2005 and the minutes of the special meeting held on July 13, 2005 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 STREET CLOSURE REQUEST FROM MARSHALL AREA CHAMBER OF COMMERCE FOR STREET CLOSURE FOR BUSINESS AFTER HOURS EVENT – AUGUST 8, 2005; B. SOUNDS OF SUMMER; 1. CONSIDER STREET CLOSURES FROM MARSHALL AREA CHAMBER OF COMMERCE FOR SOUNDS OF SUMMER FESTIVAL; 2. CONSIDER CALLING FOR A PUBLIC HEARING ON CHAMBER OF COMMERCE REQUEST TO BLOCKADE STREET/ALLEY PARKING LOTS FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 25-28, 2005; C. CONSIDER PLUMBERS LICENSE FOR ROBERT VANDERLINDEN DBA COUNTRYSIDE PLUMBING; D. CONSIDER TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR VFW POST 742 – LYON COUNTY FAIRGROUNDS; E. BILLS/PROJECT PAYMENTS; F BUILDING PERMITS:

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

Per the request of the Marshall Area Chamber of Commerce for Wilson O'Brien Realty and Purdential Insurance to host the Business After Hours event, authorization was granted to close Greeley Street from West College Drive to Hamden Street on Monday, August 8, 2005 from 4:30 P.M. to 7:30 P.M. with the requirement that proper MUTCD traffic control devices are in place for the event and the requirement for general liability insurance is eliminated.

Authorization to close "C" Street from Saratoga Street to East Main Street and Main Street from "C" Street to North 6th Street from 12:30 P.M. to 3:00 P.M. for the Sounds of Summer Parade on Saturday, August 28, 2005 contingent upon Mn/DOT approval.

Authorization was granted for the street closure by Liberty Park on Marshall Street southeast of the Freedom entrance to North First Street and the closing of North First Street from West Redwood Street to West Marshall Street, contingent upon the Chamber of Commerce contacting adjacent property owners of the closures as follows:

REGULAR MEETING – JULY 18, 2005

1. Wednesday – August 24th – 4 p.m. to 9 p.m.
2. Thursday – August 25th – 4 p.m. to 9 p.m.
3. Sunday – August 28th – 8 a.m. to 9 p.m.

Call for a public hearing to be held at 5:30 P.M. on August 1, 2005 to consider the request of the Marshall Area Chamber of Commerce to blockade street/alley parking lots for Sounds of Summer Festival on August 25 – 28, 2005 as follows:

Request 1:

Property: The entire Main Street parking lot between downtown retail businesses and the Senior Center lot, section 17 and 1.
Purpose: Set up for Open Air Concerts on Friday and Saturday
Begin: Friday, August 26, 2005 at 7:00 A.M.
End: Sunday, August 28, 2005 at 5:00 P.M.

Request 2:

Property: South 4th Street between Saratoga Street and Main Street
Purpose: Safety and to limit access to staging area during Open Air Concerts
Begin: Friday, August 26, 2005 at 5:00 P.M.
End: Saturday, August 27, 2005 at 12:01 A.M.

Begin: Saturday, August 27, 2005 at 5:00 P.M.
End: Sunday, August 28, 2005 at 12:01 A.M.

A Plumbers License be granted to Robert VanderLinden dba Countryside Plumbing at a fee of \$75.00. This license will expire on March 31, 2006.

A Temporary On-Sale Non-Intoxicating Beer License be granted to the Mongeau-Tholen VFW Post 742 for the month of August, 2005 for use at the Lyon County Fairgrounds. The fee for this license is \$50.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 47134 through 47282.

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. | Neil Coyle | 304 | "A" | Street | | Reroof | \$1,500 |
| 2. | French Construction | 705 | North | 4th | Street | Replace Steps | \$2,100 |
| 3. | Kenneth Sikorski | 615 | | Elaine | Avenue | Reside Dwelling | \$4,000 |
| 4. | Kathy Lofgren | 501 | North | Minnesota | Street | Install Windows & Replace Deck | \$7,000 |
| 5. | Mary Boerboom | 611 | West | James | Street | Reside & Install Windows | \$3,000 |
| 6. | Jeannie Drown | 406 | West | Thomas | Avenue | Utility Shed & Deck | \$6,000 |
| 7. | Hasslen Construction Co. | 340 | | O'Connell | Street | Library Renovation - Phase II | \$1,197,600 |

REGULAR MEETING – JULY 18, 2005

| | | | | | | |
|----|----------------------------|------|-----------|-----------------|---|-------------|
| 7. | Hasslen Construction Co. | 340 | O'Connell | Street | Library Renovation - Phase II | \$1,197,600 |
| 8. | French Construction | 419 | West | College Drive | Reroof | \$3,300 |
| 9. | Bladholm Construction, Inc | 400 | West | Erie Road | Replace Wall Panels | \$180,000 |
| 10 | Stan & Connie Stensrud | 107 | | Marlene Street | Reroof | \$3,000 |
| 11 | Minnesota Cabinets | 1504 | | Westwood Street | Second Story Addition to Dwelling | \$10,000 |
| 12 | Wayne & Marcia Ivers | 1144 | | David Drive | Dwelling | \$238,000 |
| 13 | Elaine Nyquist | 307 | West | Main Street | Exterior Remodeling, Reroof, & Install Toilet | \$51,300 |

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

Boedigheimer moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 531, SECOND SERIES and that the reading of the same be waived. Ordinance Number 531, Second Series is an Ordinance Amending the Salaries and Compensation of the Mayor and Councilpersons for the City of Marshall. This ordinance provides for the salary for the Mayor to be \$631.91 per month and the Councilperson to be \$421.98 per month effective January 1, 2006. Cal Barnett reviewed the comparison of 13 other similar communities wage rates taken from the 2004 League of Minnesota Cities Salary Survey. All voted in favor of the motion, except Ritter who voted no.

CONSIDER RECOMMENDATION FROM PI/T COMMITTEE ON MARSHALL AREA TRANSIT STORAGE FACILITY PROJECT AND PRESENTATION BY JEANETTE AGUIRRE – WESCAP TRANSPORTATION DIRECTOR:

Jeanette briefly addressed the potential of utilizing the building owned by Gary Becker at the intersection of Highway 68 West and Channel Parkway for the transit buses. Jeanette indicated that Mr. Becker is not interested in selling the building but he would be interested in leasing the building. The rate of \$2,500 per month that was quoted to Jeanette is more than what could be absorbed by the grant. Jeanette was recommending that the application be submitted for a transit storage facility with the understanding that there may be amendments with the building and its location. Jeanette indicated that an environmental assessment will need to be done. The previous discussions were that the grant would support up to 80% of a \$400,000 facility. The projected cost for the proposed facility is approximately \$600,000, which would require the city to fund \$280,000. The ownership of the facility would have to be with the contractor which is WCA. The council expressed some concerns with the city cost for this facility and the potential ownership of it. Boedigheimer moved, Doom seconded, the proper personnel be authorized to submit the grant application for a transit facility with the stipulation that the Director of Public Works/City Engineer and the Director of General Government Services work with Jeanette to determine by November 1, 2005 if the alternative facility at the intersection of Highway 68 and Channel Parkway is a workable location. All voted in favor of the motion, except Maes who abstained.

COALITION OF GREATER MINNESOTA CITIES (CGMC) 2005 LEGISLATIVE REPORT – KARI THURLOW OF FLAHERTY AND HOOD:

Kari Thurflow of Flaherty and Hood was in attendance at the meeting to provide the Council Members an overview of the 2005 Legislative Session. Kari addressed the Coalitions goals, the Governors, the House of Representatives and Senates position and actions at the end of

the regular session on Property Taxes/Local Government Aid (LGA); Annexation; Economic Development; Environment and Transportation.

**LYON COUNTY ENTERPRISE DEVELOPMENT CORPORATION (LCEDC)
PRESENTATION – CHRISTINE HARRIS:**

Christine Harris, Facilitator of the Lyon County Enterprise Development Corporation (LCEDC) was in attendance at the meeting to provide an update on the activities of the LCEDC.

**CONSIDER RESOLUTION ORDERING THE ABATEMENT FOR DISEASED ELM
TREE REMOVAL – 509 LYND STREET:**

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2746, SECOND SERIES and that the reading of the same be waived. Resolution Number 2746, 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 509 Lynd Street and to have the cost assessed against this parcel. The owner has signed an Agreement of Assessment and Waiver of Irregularity and Appeal. Brian Gniffke of Cottonwood, Minnesota was authorized to remove the tree at a cost of \$744.44 as per his proposal. All voted in favor of the motion.

DISCUSS THE SALE OF PROPERTY TO FISHER DEVELOPMENT:

Cal addressed the potential sale of property located between the U.S. Bank property and the easterly right-of-way of the Channel Parkway to Curt Fisher as recommended by the Marshall Economic Authority. The property consisting of approximately 26.5 acres is being recommended to sell for \$1.00 with the understanding that Mr. Fisher and U.S. Bank would not be requesting any additional assistance at a future date for additional improvements to the campus. Before the sale is finalized an agreement will be entered into between Mr. Fisher and the City for the on going use of the property for the softball complex parking. Cal indicated that he hopes to have a survey of this property available for the July 25, 2005 City Council meeting. Ritter moved, Reynolds seconded, that the proper city personnel continue to negotiate the sale of property to Curt Fisher. All voted in favor of the motion.

CONSIDER APPOINTMENT TO THE LIBRARY BOARD:

Per the recommendation of Mayor Byrnes, Ritter moved, Doom seconded, that Jane Malo be appointed to the Marshall Lyon County Library Board for an unexpired term to expire on December 31, 2007. All voted in favor of the motion.

**CONSIDER CHANGE ORDER NO. 1 FOR PROJECT 40150 BLOCK 11 BUILDING
DEMOLITION:**

Per the recommendation of Bolton & Menk, Inc., Linstrom moved, Reynolds seconded, to approve Change Order No. 1 with Blue Earth Environmental in the amount of \$8,850 for Project 40150, which is the Block 11 Building Demolition Project. This change order is a result of items not being included in the original project scope which is a common occurrence in demolition projects for everything to not be know prior to the bidding. This change order increases the contract to \$173,050 which is to be paid from account 483-62066-5520. All voted in favor of the motion.

**CONSIDER AUTHORIZATION FOR THE FINANCIAL DIRECTOR/CITY CLERK TO
ATTEND DIVISION HEAD MEETINGS:**

REGULAR MEETING – JULY 18, 2005

Per the recommendation of the City of Marshall's Auditors, Larson Allen Weisher & Co., Ritter moved, Doom seconded, that the Finance Director/City Clerk be required to attend Division Head meetings. A concern was expressed with the City's organizational structure and who attends these meetings and if this is the appropriate action at this time. A response was made that the action should not affect the City's organizational structure. Cal Barnett suggested that maybe the City Administrator would like input into this action. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

- Byrnes EDA has addressed the potential expansion of US Bank and the Parkway Addition Development; Regional Development Commission will hold their annual meeting on Thursday, July 21, 2005 at SMSU
- Boedigheimer Airport Commission did meet but the minutes are not in the agenda packet; Cable Commission met on July 12, 2005; and M.E.R.I.T. will be meeting on Thursday, July 21, 2005.
- Doom Planning Commission meeting was scheduled for July 12, 2005 but they did not have a quorum; therefore the meeting was rescheduled for Wednesday, July 20, 2005; Adult Community Center Commission met on July 17, 2005 and addressed concerns with the roof and the ventilation system and also concerns with discussions on the closure or moving of the current Adult Community Center.
- Linstrom Community Services Advisory Board has no meeting until August, 2005; Library Board has elected Karen Sweetland as Chairperson and they are reviewing the strategic plan and they are trying to get back to the 2002 level of funding by the City and County, they also discussed concerns with the Library remaining at its current location.
- Maes Hospital Board minutes of the last meeting are in the agenda packet. Since Shelly arrived late the minutes do not reflect her being there; Human Rights Commission was not able to be at the last meeting and will not be able to attend the next meeting; Convention and Visitors Bureau – due to conflicts with work schedules Shelly is finding it difficult to attend their meetings.
- Reynolds Utilities Commission – the next meeting is scheduled for July 21st and he will not be able to attend.
- Ritter Air Navigation Commission met on Friday July 15th and the EDA had met last week.

COUNCIL MEMBER INDIVIDUAL ITEMS:

It was suggested that the City's Hays Pay Plan be updated since the last time it was updated was in 1993. It was indicated that the Council has not seen the points for the Assistant to the City Administrator position and with the proposed Economic Development Position they would like to see the points for that position. Concerns with the Planning Commission not having a quorum for their meeting was addressed. The location of the sign that used to be at

REGULAR MEETING – JULY 18, 2005


Liberty Park for Bank Concerts was questioned. It was indicated that the Coalition of Greater Minnesota Cities has through legislation had monies set aside for infrastructure.

PENDING AGENDA ITEMS:

On the pending agenda items it was requested that the MMUA Lease be completed by the August 18, 2005 City Council meeting.

Thomas M. Meulebroeck, Financial Director/City Clerk, informed the City Council that as a result of recent meetings held at the Lyon County Commissioners Board Room in reference to Federal and State requirements on election equipment there may be some interest coming forth from adjacent townships wanting to work with the City for future elections.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – JULY 25, 2005

A special meeting of the Common Council of the City of Marshall was held on July 25, 2005 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:30 P.M. In addition to Byrnes, the following council members were present: Maes, Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: none. City Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Senior Engineering Technician; Robert VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

PUBLIC HEARING CANOGA PARK DRIVE AND CANOGA PARK CIRCLE IMPROVEMENT PROJECT 2003-003 – A. HEARING ON PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING ASSESSMENT; C. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; D. RESOLUTION ACCEPTING BID (AWARD CONTRACT):

This was the date and time set for a public hearing on the Canoga Park Drive and Canoga Park Circle Improvement Project 2003-003. Glenn Olson, Director of Public Works/City Engineer, briefly reviewed this project with the council and those in attendance at the meeting. Corey Linz, 2627 260th Avenue, objected to his special assessment of about \$18,000 for the road improvement. Mr. Linz was in favor of the water and sewer assessment but felt that the street improvement would not benefit him. Glenn also indicated that they have received a written protest from the Lyon Main Partnership, the original petitioners for the improvement project. Mr. Linz also asked if the annexation of this area has been completed. Mike Johnson, City Administrator, indicated that the annexation was completed as of July 13, 2005. Reynolds moved, Linstrom seconded, that this public hearing be continued to the regular meeting to be held at 5:30 P.M. on August 1, 2005 and that discussions be held with the Lyon Main Partnership on their objection and also with Mr. Linz. All voted in favor of the motion.

PUBLIC HEARING EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) PROJECT 2002-008 – A. HEARING ON PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING ASSESSMENT; C. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; D. RESOLUTION ACCEPTING BID (AWARDING CONTRACT):

This was the date and time set for a public hearing on the East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project 2002-008. Andy Kehren from Bolton & Menk, provided a power point presentation of the East Area Interceptor Sewer Improvement Project. He briefly reviewed the project and the costs for this project. Glenn Olson, Director of Public Works/City Engineer, indicated that the city needed to acquire property in order to complete this project. Comments on this project included:

1. Dennis Simpson, City Attorney, can the sanitary sewer project be completed on the university property with directional bore? It was indicated that it cannot be done this way.

2. Council Member Boedigheimer suggested eliminating McLaughlin Road and putting an easement along this area for sanitary sewer and water main. Mr. Olson indicated that there is a need for additional parking along McLaughlin Road.
3. Steve Krueger, owner of Travelers Lodge, indicated that 98% of the parking in this area is college students.
4. Bill Mulso, representative from the SMSU Foundation, indicated that their new facility was designed using McLaughlin Road as an entrance into the parking lot.
5. Adrian Goldberg, United SW Bank, indicated that they always have flooding on McLaughlin Road and that the university should provide parking without using the street. Glenn indicated that the university is required to provide off street parking.
6. Council Member Boedigheimer indicated that he is 100% in favor of this project, excluding the street portion.
7. Mr. Olson indicated that the assessment to property owners would not change by deleting the street work on McLaughlin Road, because of the way the assessment is calculated with a maximum of 20 – 22% of the total project.
8. Adrian Goldberg asked if McLaughlin Road could be sold to the university. Mr. Olson indicated that this is a dedicated public road and it could be vacated.
9. Steve Krueger asked if his property value would go up as a result of this project. Cal Barnett, Director of General Services/City Assessor, indicated that he was unable to answer his question.
10. Tom Bjerke, asked about the city acquiring property from the north side of McLaughlin Road.

Reynolds moved, Maes seconded, that this public hearing be continued to the August 15, 2005 City Council meeting. Ritter asked Mr. Barnett if this project would increase the property value. Mr. Barnett indicated that the property value would increase but he did not know how much. All voted in favor of the motion.

PUBLIC HEARING PARKWAY ADDITION II – A. PUBLIC HEARING ON VACATION OF STREETS, PUBLIC GROUNDS, LOT AND BLOCK DESIGNATIONS, AND EASEMENTS IN TECHNOLOGY PARK ADDITION; B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF PARKWAY ADDITION II; C. CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

This was the date and time set for a public hearing on the vacation of streets, public grounds, lot and block designations and easements in the Technology Park Addition. Glenn Olson, Director of Public Works/City Engineer reviewed this request and indicated that this vacation is for all properties in Technology Park Addition lying south of the south line of Madrid Street. Doom moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

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Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2747, SECOND SERIES and that the reading of the same be waived. Resolution Number 2747, Second Series is a resolution Granting a Petition for Vacation of Streets, Public Grounds, Lot and Block Designations, and Easement in the City of Marshall. This resolution provides for the vacation of all properties in Technology Park Addition lying south of the south line of Madrid Street. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2748, SECOND SERIES and that the reading of the same be waived. Resolution Number 2748, Second Series is a resolution Approving the Final Plat of Parkway Addition II. This resolution was approved contingent upon the City Attorney's review of the abstract of title. It was indicated that there are protective covenants as required by the EDA for Parkway Addition II. All voted in favor of the motion, except Boedigheimer who voted no.

Ritter moved, Reynolds seconded, that consideration for a resolution approving the plans and specifications and authorizing advertisement for bids for Parkway Addition II Improvement Project 40137 be tabled until August 1, 2005. All voted in favor of the motion.

**PUBLIC HEARING NORTH RIVERVIEW PROPERTIES FIRST ADDITION –
A. PUBLIC HEARING ON VACATION OF STREETS, PUBLIC GROUNDS,
LOT AND BLOCK DESIGNATIONS, AND EASEMENTS; B. CONSIDER
APPROVAL OF LAND SALE; C. CONSIDER RESOLUTION APPROVING THE
FINAL PLAT OF NORTH RIVERVIEW PROPERTIES FIRST ADDITION:**

This was the date and time set for a public hearing on the vacation of streets, public grounds, lot and block designations and easements in North Riverview Properties First Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed this request with the council and others in attendance. Reynolds moved, Linstrom seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2749, SECOND SERIES and that the reading of the same be waived. Resolution Number 2749, Second Series is a resolution Granting a Petition for Vacation of Streets, Public Grounds, Lot and Block Designations, and Easements in the City of Marshall. This resolution provides for the vacation for a portion of North Riverview First Addition. All voted in favor of the motion.

Cal Barnett, Director of General Services/City Assessor, addressed the sale of property from the City of Marshall to North Riverview Properties, LLC for a total price of \$1,200. Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2750, SECOND SERIES and that the reading of the same be waived. Resolution Number 2750, Second Series is a resolution authorizing the sale of property from the City of Marshall to North Riverview Properties, LLC in the amount of \$1,200 and authorization for the proper city personnel to execute the Warranty Deed for the sale of this property. All voted in favor of the motion except Boedigheimer and Ritter.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2751, SECOND SERIES and that the reading of the same be waived. Resolution Number 2751, Second Series is a resolution Approving the Final Plat of North Riverview Properties First Addition. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess.

**AWARD OF BIDS NORTH 6TH STREET IMPROVEMENT PROJECT 2005-003 –
A. REPORT ON SPECIAL ASSESSMENT APPEALS; B. RESOLUTION
DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF
EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS;
RESOLUTION ACCEPTING THE BID (AWARDING CONTRACT):**

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the North 6th Street Improvement Project 2005-003. Glenn indicated that there were 32 perfected appeals for a total of \$229,278.43. This represents 47.54% of the assessed amount to property owners and 10.46% of the total project cost. Dennis Simpson reviewed the bond requirements and indicated that per the city's bond counsel the city meets the 20% legal special assessment requirements at this time and could issue bonds for this project. Mike Johnson, City Administrator, reviewed the following items:

Interest rates are at a 40 year low

Construction costs will continue to escalate if projects are deferred

10.5% of the North 6th Street projects are being appealed

The % of assessments being appealed versus total assessments for North 6th Street are \$229,278.43 out of \$482,250 or 47.5 %

Staff is recommending hiring an appraisal firm to conduct "spot" appraisals for the appeal process.

Staff is recommending award of construction and initiate bonding process for this project.

Mr. Olson indicated that the low bidder would not consider his bid for this project after the 90 days have passed without an increase for material costs. Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2752, SECOND SERIES and that the reading of the same be waived. Resolution Number 2752, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds. All voted in favor of the motion, except Ritter who voted no.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2753, SECOND SERIES and that the reading of the same be waived. Resolution Number 2753, Second Series is a resolution Accepting Bid (Award Contract). This resolution provides for the contract to be awarded to Duininck Bros., Inc., Prinsburg, Minnesota in the amount of \$1,799,709.79 for the North 6th Street Reconstruction Project 2005-003. All voted in favor of the motion, except Ritter who voted no.

AWARD OF BIDS SOUTH HILL STREET/EAST MARSHALL STREET IMPROVEMENT PROJECT 2001-004 – A. REPORT ON SPECIAL ASSESSMENT APPEALS; B. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; C. RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the South Hill Street/East Marshall Street Improvement Project 2001-004. Glenn indicated that there were 10 perfected appeals for a total of \$85,176.59. This represents 27.73% of the assessed amount to property owners and 6.1% of the total project cost. Dennis Simpson reviewed the bond requirements and indicated that per the city's bond counsel the city meets the 20% legal special assessment requirements at this time and could issue bonds for this project. Mike Johnson, City Administrator, reviewed the following items:

Interest rates are at a 40 year low

Construction costs will continue to escalate if projects are deferred

6.1% of the South Hill Street/East Marshall Street projects are being appealed

The % of assessments being appealed versus total assessments for South Hill Street/East Marshall Street are \$85,176.59 out of \$307,152.00 or 27.7 %

Staff is recommending hiring an appraisal firm to conduct "spot" appraisals for the appeal process.

Staff is recommending award of construction and initiate bonding process for this project.

Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2754, SECOND SERIES and that the reading of the same be waived. Resolution Number 2754, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds. All voted in favor of the motion, except Ritter who abstained.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2755, SECOND SERIES and that the reading of the same be waived. Resolution Number 2755, Second Series is a resolution Accepting Bid (Award Contract). This resolution provides for the contract to be awarded to Quam Construction Company, Willmar, Minnesota in the amount of \$1,221,292.90 for the South Hill Street/East Marshall Street Reconstruction Project 2001-004. All voted in favor of the motion, except Ritter who abstained.

PROPOSED LAND ACQUISITION RECOMMENDATION BY WMMC (DBA AVERA MARSHALL REGIONAL MEDICAL CENTER):

Avera Marshall Regional Medical Center is in the process of developing a long-term plan for its campus associated with anticipated growth. Recently, BWBR Architects provided a Facility Master Plan which contained possible solutions to address Avera Marshall's growth needs. Based on these assessments, future expansion is necessary to the north of the medical center. The targeted area includes properties bordering the South side of Charles Avenue between South Bruce Street and Hill Street; the East side of South Minnesota Street between Charles Avenue and East College Drive; and the West

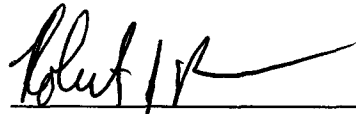
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side of South Bruce Street between Charles Avenue and East College Drive. Avera Marshall currently owns 4 properties adjacent to the medical center and an additional 14 properties would need to be acquired to have ownership of the above “targeted area”. Art Olson, Chairman for the Hospital Board, was in attendance at the meeting to request “blanket approval” for the purchase of these homes. Dennis Simpson, City Attorney, indicated that the Hospital Board shall not make any contracts involving any expenditures of more than \$75,000 for any single item of purchase, addition or improvement without first obtaining the consent of the council. Ritter moved, Reynolds seconded, that this request by WMMC dba Avera Marshall Regional Medical Center be tabled until the regular City Council meeting on August 1, 2005. All voted in favor of the motion.

CONSIDER CALLING FOR A PUBLIC HEARING ON PROPOSED GRANT OF BUSINESS SUBSIDY TO ENVISAGE PROPERTIES, LLC:

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2756, SECOND SERIES and that the reading of the same be waived. Resolution Number 2756, Second Series is a resolution Calling for a Public Hearing on a Proposed Contract for Private Development with US Bank and Envisage Properties, LLC, Including Business Subsidies and Sale of Land. This public hearing will be held at 5:30 p.m. on September 6, 2005. All voted in favor of the motion.

Upon motion by Reynolds, seconded by Maes, the meeting was adjourned at 7:30 p.m.. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – AUGUST 1, 2005

The regular meeting of the Common Council of the City of Marshall was held on August 1, 2005 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, Boedigheimer and Ritter. Absent: Reynolds. 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 the agenda be approved with the addition of item no. 16a, which is to consider a Global Positioning System (GPS) Agreement with the Public Housing Commission.

APPROVAL OF THE MINUTES:

Boedigheimer moved, Doom seconded, that the minutes of the regular meeting held on July 18, 2005 and the minutes of the special meeting held on July 25, 2005 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 REQUEST FOR DOWNTOWN STREET / PARKING LOT BLOCKADE FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 25-28, 2005:

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 7:00 a.m. on August 26, 2005 to 12:01 a.m. on August 28, 2005. Mike Johnson, City Administrator, provided a brief review of this request and Tracy Veglahn, Marshall Area Chamber of Commerce, was in attendance to answer any questions that the council might have. Boedigheimer moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Maes 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 7:00 a.m. on August 26, 2005 to 12:01 on August 28, 2005 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 1, 2005

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 AUGUST 26 & 27, 2005; 2. SPECIAL EVENT PERMIT FOR AUGUST 26 & 27, 2005:

Boedigheimer moved, Linstrom seconded, the approval of a temporary On-Sale Non-Intoxicating Beer License for the Marshall Area Chamber of Commerce to be used in the City Parking Lot between South 4th Street and West College Drive for Sounds of Summer on August 26, 2005 from 5:00 P.M. to 12:01 A.M. and on August 27, 2005 from 5:00 P.M. to 12:01 A.M. at a fee of \$50.00. All voted in favor of the motion.

Boedigheimer moved, Maes seconded, the approval of a Special Event Permit for Marshall Area Chamber for Marshall Sounds of Summer Community Festival from August 26, 2005 to August 27, 2005. The City of Marshall is to be listed as an additional insured for this event. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER APPROVAL OF PLUMBERS LICENSE FOR SCOTT CHRISTIANSON DBA CHRISTIANSON PLUMBING, HEATING & AIR CONDITIONING, INC.; B. CONSIDER APPROVAL OF PLUMBERS LICENSE FOR RICKY MYHRE DBA MINNWEST PLUMBING & HEATING, INC.; C. CONSIDER TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR AUGUST 19, 2005 AT SMSU COURTYARD; D. CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOUNDATION; E. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR SEPTEMBER 23 – 25, 2005 AT SMSU STUDENT CENTER AND MATTKE FIELD; F. PROJECT 2004-010: LIBERTY PARK PROJECT PHASE II – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF PAYMENT APPLICATION NO. 1 (FINAL); G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

Maes moved, Ritter seconded, that the following consent agenda items be approved:

A Plumbers License be granted to Scott Christianson dba Christianson Plumbing, Heating & Air Conditioning, Inc., at a fee of \$75.00. This license will expire on March 31, 2006.

A Plumbers License be granted to Ricky Myhre dba MinnWest Plumbing & Heating, Inc., at a fee of \$75.00. This license will expire on March 31, 2006.

A Temporary On-Sale Liquor License for Southwest Minnesota State University Foundation to be used at SMSU Courtyard on August 19, 2005. The fee for this license is \$30.00.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Applications for Exempt Permit –LG 220 for the Southwest Minnesota State University Foundation for three (3) raffles to be held: at Legion Field, Legion Field Road, Marshall, Minnesota on September 25, 2005; at Holy Redeemer Church, 503 West Lyon Street, Marshall, Minnesota on December 8, 2005; and at SMSU, 1501 State Street, Marshall, Minnesota on February 3, 2006 and that the 30-day waiting period be waived.

REGULAR MEETING – AUGUST 1, 2005

A Temporary On-Sale Intoxicating Liquor License for Southwest Minnesota State University Foundation to be used at the SMSU Student Center, Conference Center and Mattke Field on September 23, 2005 through September 25, 2005. The fee for this license is \$90.00.

The approval of Change Order No. 2 (Final) and acknowledgement of final payment application to Bladholm Construction, Inc., for Liberty Park Bandshell Phase II Project 2004-010. The change order provides for an increase in the amount of \$7,651.00 for sand and pea rock in play lot area; additional gravel base under play lot sidewalk; and additional concrete pad in front of storage shed behind the bandshell. The final payment is in the amount of \$66,720.00

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 47283 through 47455.

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

| Applicant | | Location Address | | | Description of Work | Valuation |
|-----------|------------------------------------|------------------|-------------|--------|--------------------------|-----------|
| 1. | Daniels Peterson Construction | 607 | Cougar | Court | Prefabricated Dwelling | \$51,600 |
| 2. | Tricon Construction, Inc. | 1451 | Stadium | Street | Vehicle Storage Building | \$400,000 |
| 3. | Drager Construction | 427 | N. 5th | Street | Reroof Dwelling | \$6,000 |
| 4. | Dennis Welter | 807 | N. 4th | Street | Reroof Dwelling | \$900 |
| 5. | Elizabeth DeVos | 512 | E. Main | Street | Reroof | \$1,800 |
| 6. | Drager Construction | 500 | Pleasant | Avenue | Reroof | \$6,000 |
| 7. | JAN #2 LLP | 405 | Kossuth | Avenue | Addition | \$12,000 |
| 8. | Walt Moser Construction | 110 | W. Maple | Street | Porch & Install Window | \$2,500 |
| 9. | Jonathan Dahl | 503 | Williams | Street | Garage | \$7,000 |
| 10. | Grace Life Church | 305 | Camden | Drive | Interior Remodel | \$2,000 |
| 11. | Bakke's Home Repair & Construction | 301 | Walnut | Street | Bathroom Remodel | \$2,500 |
| 12. | Fischer Painting & Carpentry | 500 | W. Marshall | Street | Reroof Garage | \$1,000 |
| 13. | Ronda Bursell | 106-C | N. 1st | Street | Install Window | \$500 |
| 14. | Vivian Senden | 501 | Elaine | Avenue | Deck | \$1,000 |
| 15. | Rick Slagel Construction, Inc. | 404 | Charles | Avenue | Garage | \$16,000 |

PROPOSED LAND ACQUISITION RECOMMENDATION BY WMMC (DBA AVERA MARSHALL REGIONAL MEDICAL CENTER) – ART OLSON:

Avera Marshall Regional Medical Center is in the process of developing a long-term plan for its campus associated with anticipated growth. Recently, BWBR Architects provided a Facility Master Plan which contained possible solutions to address Avera Marshall's growth needs. Based on these assessments, future expansion is necessary to the north of the medical center. The targeted area includes properties bordering the South side of Charles Avenue between South Bruce Street and Hill Street; the East side of South Minnesota Street between Charles Avenue and East College Drive; and the West side of South Bruce Street between Charles Avenue and East College Drive. Avera Marshall currently owns 4 properties adjacent to

the medical center and an additional 14 properties would need to be acquired to have ownership of the above “targeted area”. Avera Marshall Board of Directors is requesting “blanket approval” for the purchase of these homes. There was no one from the hospital board, therefore, Ritter moved, Boedigheimer seconded, that this item be moved, to the last item of new business. All voted in favor of the motion.

**INFORMATIONAL PRESENTATION BY MN/DOT ON HIGHWAY #59
RECONSTRUCTION PLAN LAYOUT:**

Two representatives from MN/DOT were in attendance to provide an overview on the proposed Highway #59 Reconstruction Plan Layouts for a project that is scheduled to occur in 2007. Jim Stoutland from the Marshall Office and Allan Rice from the Willmar office indicated that there are two different plans being proposed and now it is time for the city to decide on which plan they approve of. Mr. Rice indicated that both plans are acceptable to Mn/DOT and they are meant to serve as general ideas of what the final downtown layout could be. There was considerable discussion on the plan which proposes a center median running down Main Street between North 4th Street and East College Drive. This median would prevent left turns onto Main or 3rd Street and the traffic light at the corner of Main and 3rd Street would be removed. Parallel parking lanes would still be available but the sidewalks would be narrowed. The median would provide extra green space in the downtown area. The following comments were made by concerned citizens and staff:

1. Council Member Linstrom asked if items can be placed on the sidewalks. Mn/DOT has final authority of what can be placed on their right-of-way.
2. Joe Cool concerned with pedestrian crossing by the median.
3. Kelly Wyatt, owner of the Daily Grind, was also concerned about pedestrian safety especially since there would be no flashing lights.
4. Norm Greggerson asked about tables and chairs being placed on the sidewalk.
5. Bill Ziegenhagen asked about Crazy Days, if they would do ½ of the street at a time and since he did not have an entrance from the back how would he have access to his business. The work will be done on both sides of the street at the same time and the contractor has to provide an access to the businesses.
6. Larry Schiavo asked how wide the median would be. He was informed that the median would be 13' wide and the parking lane would be 8' wide.
7. LeRoy Affolter was concerned with the safety of pedestrians crossing Main Street by the median and the possibility that it would not be possible for parades to use Main Street.
8. Larry Schiavo asked about moving the median, but then there would be no turn lanes at 4th or 5th Street
9. Mike Johnson, City Administrator indicated that a 3-lane street that would allow room for traffic in the center of the street is not an option. Projected traffic levels show a decrease in service at the intersection of Main Street and East College Drive unless a change is made.
10. Gordon Crow, representative of Schwan's Food Sales, asked how they determined that there would be a decrease in this area. It was indicated that Mn/DOT has done a study on the traffic flow and a projected increase over the next 20 years. Mn/DOT will also be doing a final forecast of the traffic flow in this area before the project is completed.

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11. LeRoy Affolter was concerned with the possibility of 3rd Street being used to access Main Street when the bridge on 3rd Street is redone.
12. There will be new lights installed along Main Street, Mn/DOT will pay for new sidewalks and there will be a certain % set aside for decorative costs on Main Street.
13. Al Greggerson asked about the arch over Main Street. Mr. Rice was not able to answer at this time, but did indicate that a structure over a road is considered like a bridge.
14. Glenn Olson, Director of Public Works/City Engineer, indicated that the City Council will need to make a recommendation to Mn/DOT at the August 15, 2005 or the September 5, 2005 council meeting.

CONSIDER RESOLUTION ADOPTING REVISED SPECIAL ASSESSMENT POLICY:

Linstrom moved, Maes seconded, the adoption of RESOLUTION NUMBER 2757, SECOND SERIES and that the reading of the same be waived. Resolution Number 2757, Second Series is a resolution Amending Resolution Number 2673, Second Series Establishing and Providing for the City of Marshall Special Assessment Policy. This resolution provides the following revisions:

1. Limitations to the minimum amount of special assessments when tax-exempt bonding is used as revenue.
2. The changes to the property owner / utility participation percentages from 50% / 50% to 25% / 75% for reconstruction projects.

All voted in favor of the motion.

PARKWAY ADDITION II PROJECT 40137 – CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS:

Ritter moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2758, SECOND SERIES and that the reading of the same be waived. Resolution Number 2758, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Parkway Addition II Project 40137. This project consists of the construction of infrastructure to serve 80 affordable single-family residential lots in the vacated Technology Park Addition south of Madrid Street. Bids will be received on August 24, 2005. All voted in favor of the motion.

CONSIDER MEMORANDUM OF UNDERSTANDING WITH MN/DOT FOR CONSTRUCTION OF FRONTAGE ROAD ALONG T.H. 23:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Memorandum of Understanding between Mn/DOT and the City of Marshall for the construction of a frontage road north of T.H. 23 from South 4th Street west to Country Club Drive. The memorandum describes the conditions that will be included in a Cooperative Agreement to be developed subsequent to the approval of the Memorandum of Understanding. The Cooperative Agreement will also indicate the closure of Travis Road access to T.H. 23 in exchange for \$200,000. This money will be utilized to offset additional construction costs to the City or other subdividers in the construction of the frontage road as a 9-ton design. Boedigheimer moved, Maes seconded, that the proper city personnel be authorized to enter into a Memorandum of Understanding with Mn/DOT for Construction of Frontage Road along T.H. 23. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:00 P.M.

CONSIDER PRELIMINARY PLAT OF BRADLEY ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat for Bradley Addition. The reason for the plat is to subdivide a large, non-platted parcel into two smaller parcels for the development of a Freightliner Truck sales and maintenance and the construction of a new Bradley Trucking facility. Maes moved, Linstrom seconded, the introduction of the Preliminary Plat for Bradley Addition and called for a public hearing to be held at 5:30 P.M. on August 15, 2005. All voted in favor of the motion.

CONSIDER GRANT OF PERMISSION TO CONSTRUCT A WASTEWATER SAMPLING FACILITY ON PUBLIC RIGHT-OF-WAY TO SCHWAN'S GLOBAL SUPPLY CHAIN, INC.:

Glenn Olson, Director of Public Works/City Engineer, indicated that Schwan's Global Supply Chain, Inc., operates a Beverage Plant at 113 South 6th Street. The Beverage Plant does not have a proper sample structure, which a representative sample, flow measuring, and pH correction can be obtained for billing purposes. The company does not have a location on its property which would allow this structure. The company has submitted drawings of the proposed buried structure and plans for new equipment installation. Ritter moved, Maes seconded, that the proper city personnel be authorized to enter into an agreement with Schwan's Global Supply Chain, Inc., that would Grant Permission to Construct a Wastewater Sampling Facility. This agreement would allow Schwan's Global Supply Chain, Inc., to install the structure on the public right-of-way with the following conditions:

1. Installation of the facilities by the company.
2. Maintenance of the facilities.
3. Liability of the facilities.
4. Responsibilities relating to future city improvements and adjustments and/or relocation of the preface facilities on the public right-of-way.

All voted in favor of the motion.

CONSIDER RECOMMENDATION FROM L & O COMMITTEE ON SMSU REQUEST TO PROVIDE PERMIT PARKING ON BIRCH AND STATE STREET:

The Legislative and Ordinance Committee reviewed the request of SMSU for permit parking on a portion of Birch Street and State Street adjacent to the University. The request was for permit parking for the University from the hours of 7:30 a.m. to 5:30 p.m. beginning August 1, 2005 and continuing indefinitely. Concerns were expressed about the enforcement of the parking restriction and whether or not permit parking would be legal on a public street. SMSU Director of Public Safety Mike Munford indicated that SMSU would be responsible for any enforcement and snow removal on these sections of streets during the parking restriction times, as well as any costs involved with sign construction and installation. Council Member Boedigheimer was concerned with SMSU using this permit parking as a source of revenue because they indicated if permit parking was not permitted then they wanted this area left as a no parking area. Boedigheimer moved, Linstrom seconded, that the request for permit parking on a portion of Birch Street and State Street adjacent to the University be denied. Voting in favor the motion were: Boedigheimer, Linstrom, Ritter, and Byrnes. Voting no were: Doom and Maes.

CONSIDER RESOLUTION ESTABLISHING MUNICIPAL STATE AID HIGHWAY (SOUTH SARATOGA STREET/CR 67):

Glenn Olson, Director of Public Works/City Engineer, indicated that the Lyon County Public Works Director Anita Benson has requested that the City proceed with the designation of County Road 67 (South Saratoga Street) south of T.H. 23 south to the new city limits line as a Municipal State Aid route. The county has transferred to the City of Marshall for jurisdictional

authority; the section of CR 67 (Saratoga Street) from T.H. 23 to the current city limits line and revoking the County jurisdictional authority over this section effective on January 1, 2005. It is the County's intent to designate the remaining segment of CR 67 to the intersection of CR 74 and CR 74 as County State Aid routes. Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2760, SECOND SERIES is a resolution Establishing Municipal State Aid Highways. This resolution provides for South Saratoga Street (CR 67) from T.H. 23 south to the current city limits be established, located and designated a Municipal State Aid Street. All voted in favor of the motion.

**CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF CARR ESTATES
SECOND ADDITION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Carr Estates Second Addition. Council Member Boedigheimer indicated that there should be a park in this subdivision. It was indicated that according to the concept plan of Carr's Development, it provides an area for a park. Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2761, SECOND SERIES and that the reading of the same be waived. Resolution Number 2761, Second Series is a resolution Approving the Final Plat of Carr Estates Second Addition. This Final Plat was approved contingent upon the following items:

1. The City Attorney review and approval of the First Development Contract for Carr Estates Second Addition.
2. City Attorney review and approval of the abstract of title and title opinion.
3. Payment of all fees by the Developer according to the First Development Contract for Carr Estates Second Addition and according to the current Resolution Approving Specific Fees to be Charged by the City of Marshall (Resolution Number 2689, Second Series).
4. City Council approval of the First Development Contract for Carr Estates Second Addition.

All voted in favor of the motion.

**CONSIDER APPROVAL OF SETTLEMENT AGREEMENT FOR MCLAUGHLIN &
SCHULZ QUIET TITLE ACTION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Settlement Agreement with McLaughlin & Schulz, Inc., for the acquisition of new sanitary sewer easements for the East Area Sanitary Interceptor Sewer Project, as well as documents vacating the existing sanitary sewer easements, subject to completion of the East Area Sanitary Interceptor Sewer Project. Ritter moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into a Settlement Agreement for McLaughlin & Schulz, Inc., Quiet Title Action for the acquisition of new sanitary sewer easements for the East Area Sanitary Interceptor Sewer Project, as well as documents vacating the existing sanitary sewer easements, subject to completion of the East Area Sanitary Interceptor Sewer Project. All voted in favor of the motion.

CONSIDER 2005 BUDGET ADJUSTMENTS:

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that the 2005 General Fund departmental budgets did not reflect an adjustment in the personnel expenditures for an increase in wages and related benefits. The City Council did authorize a 2 ½% increase for all non-union employees, a 3% for Police Officers a 3 ¼% for Police Sergeants and a 2 ½% increase was computed for employees who are members of the AFSCME Union. Maes moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2762, SECOND SERIES and that the reading of the same be waived. Resolution Number 2762, Second Series is a resolution

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Reallocating Budget Amounts for Fiscal Year Ended December 31, 2005. This resolution provides for the necessary adjustment in wages and related benefits. All voted in favor of the motion.

CONSIDER REQUEST FROM THE CITY OF HUTCHINSON TO DONATE JOBZ ACRES:

The City of Hutchinson is requesting a donation of Job Opportunity Building Zones (JOBZ) acres from the City of Marshall. The City of Hutchinson was not involved in the process to receive an allocation of JOBZ acres; therefore, at this time they are requesting donations from other cities. When the City's JOBZ program was originally approved by DEED, it contained 499.81 acres. With the recent approval of the Parkway Addition II final plat for housing, the city will be unable to utilize this JOBZ site. Ritter moved, Doom seconded, the approval to donate 41.9 JOBZ acres from Subzone #1, Technology Park (DEED Subzone #87) to the City of Hutchinson. All voted in favor of the motion.

GLOBAL POSITIONING SYSTEM (GPS) AGREEMENT – EQUIPMENT SITE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed Global Positioning System (GPS) Agreement with the Public Housing Commission for the instillation of a GPS antenna and associated equipment to located on the roof and top floor mechanical room of the high-rise property located at 202 North 1st Street. This agreement allows this installation at no cost with the City responsible for any repair or maintenance to the equipment or building as a result of its installation. The contract provides for a 30-day written notice termination by either party to the agreement. Ritter moved, Doom seconded, that the proper city personnel be authorized to enter into a Global Positioning System (GPS) Agreement – Equipment Site with the Public Housing Commission subject to review and approval of the City Attorney. All voted in favor of the motion.

PROPOSED LAND ACQUISITION RECOMMENDATION BY WMMC (DBA AVERA MARSHALL REGIONAL MEDICAL CENTER) – ART OLSON:

Boedigheimer moved, Doom seconded, that the request from Avera Marshall Regional Medical Center for “blanket approval” of land acquisition be denied. According to city ordinances the City Council could only approve land acquisition for each piece of property individually. 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.

Boedigheimer Cable Commission minutes are included in the agenda packet; M.E.R.I.T. Center met, but was unable to attend.

Doom Planning Commission minutes are included in the agenda packet; Marshall Area Transit met on July 27, 2005 and discussed a garage for the transit vehicles.

Linstrom No report.

Maes No report.

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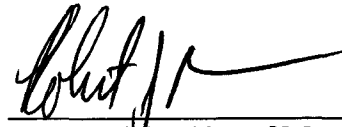
Ritter

No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

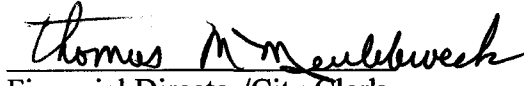
Other items brought forth by the Mayor and Council Members included: Council Member Doom will be absent from the August 15, 2005 meeting; Boedigheimer indicated that in January a letter was sent to St. Stephen Church and James Carr to inform that they were in violation of the sidewalk policy. St. Stephen Church has requested an extension, but as of this time Mr. Carr has not complied with the requirements. Glenn Olson, Director of Public Works/City Engineer, will inform Mr. Carr that this needs to be resolved or the city will install the sidewalks as required. Council Member Boedigheimer gave a brief summary of the Regional League of Minnesota Cities Meeting held in Cottonwood and indicated that the Annual League Meeting will be held on December 7th to December 9th in Rochester. There were comments on the continued letters to the editor on the Senior Center and work has started on Highway 23 by the new high school.

Upon motion by Maes, seconded by Linstrom, the meeting was adjourned at 8:15 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

Attest:



Financial Director/City Clerk

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The regular meeting of the Common Council of the City of Marshall was held on August 15, 2005 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: Linstrom, Reynolds, Boedigheimer and Ritter. Maes arrived late and Doom was absent. Staff present included: Michael Johnson, City Administrator; Mike Cable, Assistant City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; Harry Weilage, Director of Community Services; Bob VanMoer, Wastewater Superintendent; Sheila Dubs, Assistant to the City Administrator; 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 item no. 17, which is reconsideration of denied payment to Mead & Hunt being moved to the first item of new business.

APPROVAL OF THE MINUTES:

Linstrom moved, Reynolds seconded, that the minutes of the regular meeting held on August 1, 2005 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – PROJECT 2003-003 CANOGA PARK DRIVE AND CANOGA PARK CIRCLE IMPROVEMENT PROJECT – A. CONTINUATION OF HEARING ON PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING ASSESSMENT; C. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; D. RESOLUTION ACCEPTING BID (AWARD CONTRACT); E. CONSIDER CHANGE ORDER NO. 1:

This was the date and time set for the continuation of the public hearing on Project 2003-003 Canoga Park Drive and Canoga Park Circle. Glenn Olson, Director of Public Works/City Engineer, indicated that the petitioner for the project and major owner of assessed properties has requested the project be revised eliminating the construction of curb and gutter work on Canoga Park Circle while retaining all utilities and the entirety of the remainder of the project. This request includes their withdrawal of their appeal on the project. The elimination of the street construction of Canoga Park Circle and the elimination of a sewer service and a watermain service results in a reduction of the contract amount by \$33,067.11 for a revised total contract amount of \$204,395.64. Cory Lenz, 2627 Canoga Park Drive, indicated that he is in favor of the water and sewer project but that he will not benefit with the road improvements. He stated that his property value will decrease because the road will be so close to his house. Council Member Boedigheimer asked how to proceed with the assessment against Mr. Lenz's property. Mr. Olson indicated that he will need to follow the appeal process. Mr. Lenz's property will be added to the list for appraisals. Ritter moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

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Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2762, SECOND SERIES and that the reading of the same be waived. Resolution Number 2762, Second Series is a resolution Adopting the Assessment for Project 2003-003 Canoga Park Drive and Canoga Park Circle, setting the interest rate at 6.2% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2763, SECOND SERIES and that the reading of the same be waived. Resolution Number 2763, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project 2003-003 Canoga Park Drive and Canoga Park Circle. All voted in favor of the motion.

Maes moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2764, SECOND SERIES and that the reading of the same be waived. Resolution Number 2764, Second Series is a resolution Accepting the Bid for Project 2003-003 Canoga Park Drive and Canoga Park Circle. This bid was awarded to D & G Excavating Inc., Marshall, Minnesota in the amount of \$237,462.75. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the approval of Change Order No. 1 with D & G Excavating Inc., for Project 2003-003 Canoga Park Drive and Canoga Park Circle. This change order provides for a reduction of \$33,067.11 due to the elimination of the street construction of Canoga Park Circle and the elimination of a sewer service and a watermain service. All voted in favor of the motion.

PUBLIC HEARING – PROJECT 2002-008 EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) – A. CONTINUATION OF HEARING ON PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING ASSESSMENT; C. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; D. RESOLUTION ACCEPTING BID (AWARD CONTRACT):

This was the date and time set for the continuation of the public hearing on Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). Glenn Olson, Director of Public Works/City Engineer, indicated that the projects main goal is the diversion of an estimated 25% of the total sanitary sewer flows from the main sanitary sewer lift station to the T.H. 23 lift station. As the entire street section of McLaughlin Drive is being replaced for installation of the sanitary sewer line, and the existing pavement section is not adequate for two lanes of traffic and parking, and whereas the University is in the process of construction of a significant housing addition to the University and has requested the improvement of McLaughlin Drive, the project was developed as designed. Sandy Moline, representative of the Comfort Inn 1511 East College Drive, indicted that they would not benefit from a road in the back. She indicated that the street would be too close and was concerned with the on going cost of this street. Jim Schrupp, Mikes Café 1501 East College Drive, also indicated that there is no need for this road in the back of his café. Bill Mulso, Southwest Minnesota State University and Southwest Minnesota State University Foundation indicated this road would benefit the new housing area. Tom Bjerke, T Eric Enterprises at 204 Mustang Trail, indicated that this road is being done for the benefit of SMSU and that they should pay for it. Glenn Olson indicated that there would only be sidewalk on one side of this street which is all that is required in a business district. Reynolds moved, Boedigheimer seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2765, SECOND SERIES and that the reading of the same be waived. Resolution Number 2765, Second Series is a resolution Adopting the Assessment for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3), setting the interest rate at 6.2% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

Boedigheimer moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2766, SECOND SERIES and that the reading of the same be waived. Resolution Number 2766, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3). All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that they have not received all of the necessary easements required to complete this project, therefore he is recommending that the awarding of the contract for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3) be postponed. Ritter moved, Linstrom seconded, that the awarding of the contract for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3) be tabled to the August 22, 2005 council meeting and that the easements need to be filed or negotiated within 30 days. All voted in favor of the motion.

PUBLIC HEARING – BRADLEY ADDITION – A. PUBLIC ON PRELIMINARY PLAT; B. CONSIDER APPROVAL OF PRELIMINARY PLAT; C. CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF BRADLEY ADDITION:

This was the date and time set for a public hearing on the preliminary plat for Bradley Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that the reason for the plat is to subdivide a large, non-platted parcel into two smaller parcels for the development of a Freightliner Truck sales and maintenance and construction of a new Bradley Trucking facility. There were no questions or concerns, therefore Reynolds moved, Boedigheimer seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the approval of the Preliminary Plat for Bradley Addition. All voted in favor of the motion.

Reynolds moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2767, SECOND SERIES and that the reading of the same be waived. Resolution Number 2767, Second Series is a resolution Approving the Final Plat of Bradley Addition contingent upon the City Attorney review and approval of the abstract of title and title opinion, and payment of all fees according to the current Resolution Approving Specific Fees to be Charged by the City of Marshall (Resolution Number 2689, Second Series). All voted in favor of the motion.

PUBLIC HEARING – PROJECT 2005-002 SOUTHVIEW DRIVE WATERMAIN REPLACEMENT – A. PUBLIC HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS; C. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

This was the date and time set for a public hearing on Project 2005-002 Southview Drive Watermain Replacement. Glenn Olson, Director of Public Works/City Engineer, provided an overview of this project, which was petitioned by the Marshall Municipal Utilities. Sue Sullivan, 400 East Southview, was told that if they are not connected to the watermain they would not be

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assessed. Bill Archbold, Wherley Moving and Storage, 901 East Southview, was concerned about the service line size for a commercial business and indicated that he would need access at all times. Mr. Olson indicated that the contractor would work with everyone along Southview Drive in providing access. Mr. Olson also indicated that they hope to do this project this fall. Linstrom moved, Maes seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2768, SECOND SERIES and that the reading of the same be waived. Resolution Number 2768, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project 2005-002 Southview Drive Watermain Replacement. All voted in favor of the motion.

Per Glenn Olson, Director of Public Works/City Engineer, the resolution approving plans and specifications and ordering advertisement for bids was removed from the agenda.

Mayor Byrnes called for a 5-minute recess at 6:50 P.M.

AWARD OF BIDS – CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES FOR DESIGN AND CONSTRUCTION INSPECTION CONTRACT SERVICES FOR DIGESTER IMPROVEMENT AT WWTF AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH BOLTON & MENK, INC.:

A request for proposals for Professional Design and Construction Inspection Services for Digester Improvements at the Wastewater Treatment Facility were received on August 8, 2005. Bolton & Menk Inc., proposed \$98,000 for Basic Services and \$100,000 for Construction Phase Services for a total hourly plus expenses not to exceed \$198,000 and Bonestroo Rosene Anderlik & Associates proposed \$108,875 for Basic Services and \$104,150 for Construction Phase Services for a total hourly plus expenses not to exceed \$213,025. Glenn Olson, Director of Public Works/City Engineer, indicated that Bolton & Menk Inc., has significant experience with first generation of treatment systems similar to what the City of Marshall is proposing. Contacts were made with other Minnesota cities concerning Bolton & Menk's abilities to provide these services. All responses were favorable. Ritter moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into a contract with Bolton & Menk Inc., for Professional Services for Design and Construction Inspection Contract Services for a total hourly plus expenses not to exceed \$198,000. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER PLUMBERS LICENSE FOR JAMES THOMAS DBA THOMAS PLUMBING, INC.; B. CONSIDER AMENDMENTS TO FLEXIBLE BENEFITS PLAN; C. PURSUIT OF EXCELLENCE PARADE ON SATURDAY, SEPTEMBER 17, 2005; D. REQUEST FOR PRIVATE USE OF PUBLIC STREET - BRIAN BROMEN; E. PROJECT 40150 DEMOLITION OF CERTAIN CITY PROPERTIES IN BLOCK 11 – CONSIDER CHANGE ORDER NO. 2; F. APPROVAL OF FIRST DEVELOPMENT CONTRACT FOR CARR ESTATES SECOND ADDITION; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

Reynolds moved, Linstrom seconded, that the following consent agenda items be approved, with the exception of request for private use of a public street and approval of First Development Contract for Carr Estates Second Addition.

A Plumbers License for James Thomas dba Thomas Plumbing, Inc., at a fee of \$75.00. This license will expire on March 31, 2006.

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The approval of the amendments to the City of Marshall Flexible Benefits Plan. Section 5.17 and 5.18 in the current plan basically indicates that those participating in the plan must incur expenses within the plan year, which is a calendar year, and if they do not incur expenses equal to the amount they have declared for the year the employee would forfeit those funds to the City. The amendments to Section 5.17 and 5.18 as approved by the IRS permits a “grace period” of 2 ½ months following the end of the plan year to incur expense to offset what they have declared for the year.

A Parade Permit for September 17, 2005 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 10:00 A.M. and end at approximately 12:00 noon subject to approval from MN/DOT.

The approval of Change Order No. 2 with Blue Earth Environmental for Project 40150 Block 11 Building Demolition for an additional amount of \$2,200.00. This increase is for additional project costs for items that were not included in the original project scope.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 47456 through 47617.

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. | Tim Kerkaert | 400 | Donita | Avenue | Reroof | \$1,400 |
| 2. | Sussner Construction, Inc. | 501 | Whitney | Street | Replace Windows | \$8,500 |
| | | | South | | | |
| 3. | Alouis & Elaine Vlainck | 606 | West James | Avenue | Install Window | \$800 |
| 4. | Emmanuel Ayodele | 1102 | Paris | Road | Finish Basement | \$1,000 |
| 5. | Thomas & Hope Hale | 404 | Walnut | Street | Reroof | \$2,500 |
| 6. | Nathan Burns | 1128 | David | Drive | Deck | \$1,000 |
| 7. | True Value Home Center | 609 | DeSchepper | Street | Addition | \$80,000 |
| 8. | Babcock Construction | 803 | Brian | Street | Residing and Install Window & Door | \$8,100 |
| 9. | Babcock Construction | 314 | 6th | Street | Reside Dwelling & Install Door | \$7,000 |
| | | | South | | | |
| 10. | Pride Neon, Inc. | 911 | Michigan | Road | Install Signs | \$7,500 |
| 11. | Corner Stone Construction Services | 1420 | East College | Drive | Remodel Space 700 | \$50,000 |

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|-----|----------------------------|------|-------|-----------------|---|-----------|
| 12. | Pravit Rojawat | 308 | West | Marshall | Remodeling Basement and Install Exterior Entrance | \$25,000 |
| 13. | Snell Services | 112 | East | Redwood Street | Install Windows | \$3,100 |
| 14. | Sussner Construction, Inc. | 208 | East | College Drive | Repair Canopy Roof | \$10,000 |
| 15. | James & Gloria Swartz | 306 | North | High Street | Garage | \$25,000 |
| 16. | Carr Properties | 1233 | East | Fairview Street | Interior & Exterior Remodel | \$50,000 |
| 17. | Myron Pater | 1203 | | Dublin Street | Deck | \$2,500 |
| 18. | Clinton Carver | 506 | | Carlson Street | Deck | \$1,800 |
| 19. | Mike Slagel Construction | 304 | East | Redwood Street | Replace Windows | \$3,200 |
| 20. | Albert Eggermont | 1225 | East | College Drive | Construct Sign | \$2,000 |
| 21. | Nicholas Spoelstra | 101 | North | 5th Street | Reroof Church | \$27,000 |
| 22. | Mark Van Meveren | 1213 | East | College Drive | Install Sign | \$400 |
| 23. | Terry & Tamara Kriz | 506 | | Darlene Drive | Dwelling | \$157,000 |

Linstrom moved, Maes seconded, the approval of private use of a public street for the purpose of a block party on South High Street from East College Drive to Marshall Street on August 28, 2005 from 5:30 P.M. to 8:30 P.M. contingent upon application rental of appropriate MMUTCD traffic control devices from the Marshall Street Department. All voted in favor of the motion, except Ritter who abstained.

There was a brief discussion on the sidewalks and a park area in Carr Estates Second Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that sidewalks will be installed on both sides of the road and it goes through the driveway. The sidewalks will be installed after the driveway is installed. It was suggested that sidewalks be explained better in developer's agreement. Mr. Olson also indicated that there is area for a park in the concept plan of this whole area. Boedigheimer moved, Ritter seconded, the approval of the First Development Contract for Carr Estates Second Addition subject to review and approval by the City Attorney. All voted in favor of the motion.

DISCUSSION/ACTION ON MN/DOT HIGHWAY #59 RECONSTRUCTION PLAN LAYOUTS:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the two alternatives that are being considered for Highway #59 reconstruction. Boedigheimer moved, Ritter seconded, to table this item until the regular meeting on September 6, 2005 at which time all of the council members could provide their input. All voted in favor of the motion.

REQUEST OF DENIED PAYMENT TO MEAD AND HUNT:

On March 21, 2005 the City Council took action to deny Change Order No 1 in the amount of \$6,000 to Mead and Hunt for a calculation error in Phase 2 of their original Agreement for Air Transportation Consulting Services. Tom Schnetzer, representative from Mead and Hunt, was in attendance at the meeting to request that the City Council reconsider the

\$6,000 payment. Mr. Schnetzer indicted that the agreement listed each service and the cost for each service, but that the \$6,000 was not included in the total cost due to a calculation error on their part. Mr. Schentzer indicated that they did perform this service and would appreciate the amount being reconsidered for payment. Ritter moved, Maes seconded, that the additional \$6,000 be paid to Mead and Hunt which results in a new contract amount of \$47,447.00. Mike Johnson, City Administrator, indicated that the contract was a per hour rate not to exceed a certain dollar amount and that Mead and Hunt did perform the work in the amount of \$6,000. All voted in favor of the motion, except Boedigheimer who voted no.

WMMC DBA AVERA MARSHALL REGIONAL MEDICAL CENTER – A. APPROVE REAL ESTATE PURCHASE REQUESTS, B. CONSIDER REQUEST TO AMEND CITY CODE SECTION 2-225 HOSPITAL FUND:

Sharon Williams, Vice President of Finance of WMMC dba Avera Marshall Regional Medical Center, was in attendance at the meeting to request approval for Avera Marshall Regional Center to purchase the following properties which are included in the “Targeted Area” for future expansion: 101 South Minnesota Street in the amount of \$77,000; 103 South Minnesota Street in the amount of \$90,000; and 107 South Minnesota Street in the amount of \$81,500. Ritter moved, Maes seconded, that Avera Marshall Regional Medical Center be authorized to purchase the following properties which are included in the “Targeted Area” for future expansion: 101 South Minnesota Street in the amount of \$77,000; 103 South Minnesota Street in the amount of \$90,000; and 107 South Minnesota Street in the amount of \$81,500. All voted in favor of the motion.

Avera Marshall Regional Medical Center is requesting that City Code Section 2-225 Hospital Fund be amended to increase the current transaction fee of \$75,000 to \$150,000 and to exempt the purchase of real property from the requirement of those transactions that need to be brought before the City Council. Maes moved, Linstrom seconded, that the request from Avera Marshall Regional Medical Center to amend City Code Section 2-225 Hospital Fund be referred to the Legislative and Ordinance Committee. All voted in favor of the motion.

CONSIDER THE REQUEST TO REZONE 904 EAST SOUTHVIEW DRIVE FROM A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT:

Reynolds moved, Maes seconded, the introduction of an ordinance and call for a public hearing to consider the request to rezone 904 East Southview Drive from A-Agricultural District to a B-3 General Business District. This property was recently annexed into the City and is currently a dwelling and contractors office. The public hearing will be held at 5:30 P.M. on September 6, 2005. All voted in favor of the motion.

CONSIDER THE REQUEST TO REZONE 2590 BLOCK OF U.S. HIGHWAY 59 AND 263rd AVENUE – EAST MAIN STREET AREA FROM A-AGRICULTURAL DISTRICT AND TO BE PLACED IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT:

Reynolds moved, Linstrom seconded, the introduction of an ordinance and call for a public hearing to consider the request to rezone the 2590 Block of U.S. Highway 59 and 263rd Avenue – East Main Street area from A-Agricultural District to an R-1 One-Family Residence District. This property was recently annexed into the City. The public hearing will be held at 5:30 P.M. on September 6, 2005. All voted in favor of the motion.

CONSIDER THE REQUEST TO REZONE 1307 EAST MAIN STREET / 1401 EAST MAIN STREET / 1411 EAST MAIN STREET FROM AN I-1 LIMITED INDUSTRIAL DISTRICT AND AN A-AGRICULTURAL DISTRICT AND BE PLACED IN A B-3 GENERAL BUSINESS DISTRICT:

Linstrom moved, Maes seconded, the introduction of an ordinance and call for a public hearing to consider the request to rezone 1307 East Main Street, Quist Moving & Storage; 1401 East Main Street, Runnings Farm & Fleet Property; and 1411 East Main Street, Cunningham billboard; from an I-1 Limited Industrial District and an A-Agricultural District to a B-3 General Business District. This property was recently annexed into the City. The public hearing will be held at 5:30 P.M. on September 6, 2005. All voted in favor of the motion.

CONSIDER THE REQUEST TO REZONE 504 BASELINE ROAD AND 508 BASELINE ROAD FROM AN A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT:

Maes moved, Linstrom seconded, the introduction of an ordinance and call for a public hearing to consider the request to rezone 504 Baseline Road and 508 Baseline Road from an A-Agricultural District to a B-3 General Business District. This request included Independent Lumber, Greenwood Nursery and adjacent underdeveloped property recently annexed into the City. The public hearing will be held at 5:30 P.M. on September 6, 2005. All voted in favor of the motion.

CONSIDER THE REQUEST OF NORTH RIVERVIEW PROPERTIES, LLC TO REZONE NORTH RIVERVIEW PROPERTIES FIRST ADDITION FROM AN I-1 LIMITED INDUSTRIAL DISTRICT AND AN R-1 ONE-FAMILY RESIDENCE DISTRICT TO AN R-1 ONE-FAMILY RESIDENCE DISTRICT.

Maes moved, Linstrom seconded, the introduction of an ordinance and call for a public hearing to consider the request to rezone North Riverview Properties First Addition, Block 1, Lots 1-3 and Block 2, Lots 1-3 from an I-1 Limited Industrial District and an R-1 One-Family Residence District to an R-1 One-Family Residence District. This public hearing will be held at 5:30 P.M. on September 6, 2005. All voted in favor of the motion.

PROJECT 2001-004 SOUTH HILL STREET / EAST MARSHALL STREET RECONSTRUCTION – CHANGE ORDERS NO. 1, 2 AND 3:

Reynolds moved, Maes seconded, the approval of Change Orders No. 1, 2 and 3 for Project 2001-004 South Hill Street / East Marshall Street Reconstruction. Change Order No. 1 provides for revisions and deletions to concrete sidewalk and concrete driveway pavement. This change order results in a contract reduction of \$19,276.80. Change Order No. 2 provides for the elimination of all improvements to the alley between South High Street and South Whitney Street from East Marshall Street to East College Drive. Change order #2 results in a contract reduction of \$55,039.80. Change Order No. 3 provides for a revision to the Interim Completion Date due to delays in issuing Notice of Award as a result of special assessment process and appeals. Change order No. 3 results in no change of contract cost. All voted in favor of the motion, except Ritter who abstained.

APPROVAL OF LEASE AGREEMENT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION (MMUA):

Jack Kegel, Executive Director of Minnesota Municipal Utilities Association, was in attendance at the meeting to review the proposed lease that has been developed between the City of Marshall and the Minnesota Municipal Utilities Association. This lease encompasses approximately 20.3 acres within the 52 acre Marshall Emergency Response and Industrial

Training (MERIT) Center that is located in the Marshall Industrial Park Addition. The purpose of this lease was to encourage the development and creation of an “electrical” training facility here in Marshall as part of the overall MERIT Center Training Facility. To encourage the creation of this facility, the Council had agreed to donate the land to MMUA in 1998, and recommended a nominal annual proposed lease of \$10.00 per year at a rate of \$10.00 per year or portion of a year. Boedigheimer moved; Linstrom seconded, that the proper city personnel be authorized to enter into a lease agreement with Minnesota Municipal Utilities Association (MMUA) effective October 1, 1999. This lease provides for the development and creation of an “electrical” training facility here in Marshall as part of the overall MERIT Center Training Facility. All voted in favor of the motion.

CONSIDER REQUEST FROM MARY TOLAND CONCERNING PARKING OF RECREATION VEHICLES ON CITY STREETS:

Mary Toland, 619 Kathryn Street, Marshall was in attendance at the meeting to discuss the city ordinance concerning recreational vehicles only being allowed to remain on city streets for only 24 hours as long as they are attached to a moving vehicle. Ms. Toland would like to see the ordinance changed to allow recreational vehicles on residential streets without being attached, as long as they are licensed and only from Memorial Day weekend through Labor Day weekend. This change would be beneficial to those residents who do not have access to their backyards via an alley for parking such vehicles. Boedigheimer moved, Maes seconded, that the parking of recreational vehicles on City Streets in residential areas be referred to the Legislative and Ordinance Committee for review. 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 Regional Development Commission has not met.

Boedigheimer Airport Commission met last week earlier today and will meet next Monday – they are continuing to work on improvements at the airport; Cable Commission will have a workshop at their next meeting; Legislative and Ordinance Committee needs to schedule a meeting.

Linstrom Community Services – Sheila Dubs, Assistant to the City Administrator, provided a presentation on the bike trails; Downtown Redevelopment is continuing to meet on a regular basis.

Maes Hospital Board minutes are included in the agenda packet.

Reynolds Utilities Commission will meet on Wednesday, August 17th

Ritter Air Navigation Committee met on Friday, but he was not able to attend; EDA and Housing Commission met last week.


COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: appraisals have been completed on the property needed for airport expansion – the property owners need to be contacted; work is continuing on the design of 3rd Street; the work on North 6th Street and South Hill Street/East Marshall Street Reconstruction will begin the end of August or the first of

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September – there will be area meetings with the residents on these projects; they thanked the City staff for their hard work on the State VFW Baseball Tournament held this past weekend; there will be a special City Council meeting on Monday, August 22, 2005 at 5:30 P.M.; the new High School was given a temporary certificate of occupancy.

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 8:25 P.M.
All voted in favor the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

A special meeting of the Common Council of the City of Marshall was held on August 22, 2005 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:30 P.M. In addition to Byrnes, the following council members were present: Doom, Linstrom, Boedigheimer and Ritter. Absent: Maes and Reynolds. City Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Kim Jergenson, Senior Engineering Technician; Robert VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

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

Bids were received, opened and read for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3) on July 6, 2005. Bids received, opened and read were from:

Quam Construction, Inc.
Willmar, Minnesota
\$1,476,582.50

S. J. Louis Construction
Waite Park, Minnesota
\$1,523,037.60

Duininck Bros., Inc.
Prinsburg, Minnesota
\$1,612,079.60

H & W Contracting, LLC
Sioux Falls, South Dakota
\$1,874,598.63

Boedigheimer moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2769, SECOND SERIES and that the reading of the same be waived. Resolution Number 2769, Second Series is a resolution Accepting the Bid (Award Contract) for Project 2002-008 East Area Sanitary Interceptor Sewer (Lift Station No. 3) to Quam Construction Inc., Willmar, Minnesota in the amount of \$1,476,582.50. All voted in favor of the motion.

APPROVAL OF BILLS/PROJECT PAYMENTS:

Doom moved, Linstrom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 47618 through 47623. All voted in favor of the motion.

SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL/RYAN FIELD – A. APPROVE TERMS AND CONDITIONS OF ACCEPTING AIRPORT IMPROVEMENT PROGRAM GRANTS; B. CONSIDER RESOLUTION AUTHORIZING EXECUTION OF FAA/MNDOT GRANT AGREEMENT FOR AIRPORT IMPROVEMENT; C. CONSIDER RESOLUTION DECLARING

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

Mike Johnson, City Administrator, reviewed the improvements at the airport related to the Runway 12/30 Extension and Apron Construction. Mr. Johnson indicated that the City is required to act on the FAA/MnDOT documents by August 26, 2005 in order to receive the discretionary funding that is being provided for the Airport Improvement Projects. City staff is expecting that the FAA funding will provide for a 2005 Discretionary Grant in the amount of \$2,208,681 and a 2005 G.A. Entitlement Grant in the amount of \$150,000. The City's anticipated 5% matching requirement for these two grants totals \$124,141. In addition to this grant funding, the City will need to borrow ahead on its 2006-2007-2008 G.A. Entitlements funding totaling \$414,327, subject to the conditions applicable to these funding sources. The City will also have to generate the related City share of this funding totaling \$21,807. To support the proposed construction improvements that are planned for 2005, the City will need to front-end the land acquisition associated with the Runway Extension. Funding reimbursement (95%) is expected to be received as part of the FAA Discretionary Funding in 2006. These funds have not formally been committed by the FAA at this time. It is anticipated that a funding decision for the land acquisition and the second phase of construction would occur at approximately this same time in 2006.

Thomas M. Meulebroeck, Financial Director/City Clerk, briefly reviewed with the council an interim financing for how the City share of cost and up front financing could be funded by city funds. Mr. Meulebroeck indicated that reimbursement of this interim financing does not include any interest.

Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter in an agreement for the Term's and Conditions of Accepting Airport Improvement Program Grants. This agreement needs to be signed and accepted prior to the Federal grant for this year's project being accepted. All voted in favor of the motion.

Boedigheimer moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2770, SECOND SERIES and that the reading of the same be waived. Resolution Number 2770, 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 for Airport Improvement with MN/DOT for S.P. 4201-66, AIP 3-27-0056-06, Extended Runway and Taxiway to 7,220 feet and Apron Expansion at a cost not to exceed \$2,918,956.00. All voted in favor of the motion.

Boedigheimer moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2771, SECOND SERIES and that the reading of the same be waived. Resolution Number 2771, Second Series is a resolution providing Authorization to Execute Federal Aviation Administration (FAA) Grant Agreement for 2005 Airport

Improvement. This resolution provides for the proper city personnel to execute a Grant Agreement for Airport Improvement with the Federal Aviation Administration (FAA) for project no. AIP 3-27-0056-06, Extended Runway and Taxiway to 7,220 feet and Apron Expansion. All voted in favor of the motion.

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 2772, SECOND SERIES and that the reading of the same be waived. Resolution Number 2772, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the 2005/2006 Airport Improvement Projects for Runway 12/30 Extension, Apron Construction and Auto Parking. This resolution would be required if the City needs to bond for this project. All voted in favor of the motion.

Bids were received, opened and read on August 3, 2005 for Project 2004-016 Runway 12/30 Extension at the Southwest Minnesota Regional Airport – Marshall/Ryan Field. Bids received, opened and read were from:

R & G Construction Co.
Marshall, Minnesota
Base bid \$1,775,158.35
Alternate #1 \$868,216.80
Alternate #2 \$797,118.95

Midwest Contracting, LLC
Marshall, Minnesota
Base bid \$2,164,557.26
Alternate #1 \$1,155,952.64
Alternate #2 \$894,012.29

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2773, SECOND SERIES and that the reading of the same be waived. Resolution Number 2773, Second Series is a resolution Awarding the Contract for Project 2004-016 Runway 12/30 Extension at the Southwest Minnesota Regional Airport – Marshall/Ryan Field to R & G Construction Co., Marshall, Minnesota for the base bid plus alternate #1 for a total of \$2,643,375.15. This contract was awarded contingent upon approval, execution and receipt of the grant with Mn/DOT and FAA. All voted in favor of the motion.

Boedigheimer moved, Linstrom seconded, the approval of Change Order No. 1 with R & G Construction Co., Marshall, Minnesota for Project 2004-016 Runway 12/30 Extension at the Southwest Minnesota Regional Airport – Marshall/Ryan Field contingent upon approval, execution and receipt of the grant with Mn/DOT and FAA for a reduction of \$202,418.60. Due to restrictions of Federal and State funding, Alternate #1 (ramp improvements) has been reduced in scope reducing the contract amount for Bid Alternate #1 from \$868,216.80 to \$665,798.20. All voted in favor of the motion.

The City Staff and Airport Commission members were thanked for all of there work on the Runway 12/30 Extension Project at the SW Minnesota Regional Airport – Marshall/Ryan Field.

SPECIAL MEETING – AUGUST 22, 2005

Upon motion by Linstrom, seconded by Boedigheimer, the meeting was adjourned at 6:08 P.M. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – SEPTEMBER 6, 2005

The regular meeting of the Common Council of the City of Marshall was held on September 6, 2005 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: Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: Maes. Staff present included: Michael Johnson, City Administrator; 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 to move agenda item no. 10, which is a discussion/action on MN/DOT Highway #59 Reconstruction Plan Layouts to item 1a.

APPROVAL OF THE MINUTES:

Reynolds moved, Linstrom seconded, that the minutes of the regular meeting held on August 15, 2005 and the minutes of the special meeting held on August 22, 2005 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

DISCUSSION/ACTION ON MN/DOT HIGHWAY #59 RECONSTRUCTION PLAN LAYOUTS:

Discussion was held at this time on postponing the discussion/action on MN/DOT Highway #59 Reconstruction due to the fact that all council members were not in attendance at this meeting. Glenn Olson, Director of Public Works/City Engineer, indicated that MN/DOT indicated that they could wait until the first part of October for the council to make a recommendation. Linstrom moved, Reynolds seconded, to table this item until the regular meeting on September 19, 2005 at which time all of the council members could provide input. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST TO REZONE 904 EAST SOUTHVUE DRIVE FROM AN A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT:

This was the date and time set for a public hearing to consider the request to rezone 904 East Southview Drive from an A-Agricultural District to a B-3 General Business District. The request is for rezoning of property that was recently annexed into the City of Marshall and currently has a dwelling and contractor's office. Reynolds moved, Linstrom seconded that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 532, SECOND SERIES and that the reading of the same be waived. Ordinance Number 532, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 904 East Southview Drive from an A-Agricultural District to a B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST TO REZONE 2590 BLOCK OF U.S. HIGHWAY 59 AND 263RD AVENUE – EAST MAIN STREET AREA FROM AN A-AGRICULTURAL DISTRICT AND TO BE PLACED IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT:

This was the date and time set for a public hearing to consider the request to rezone the 2590 Block of U.S. Highway 59 and 263rd Avenue – East Main Street Area from an A-Agricultural District to an R-1 One-Family Residence District. This request is for the rezoning of this residential area that has been recently annexed into the City of Marshall. Doom moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 533, SECOND SERIES and that the reading of the same be waived. Ordinance Number 533, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 2590 Block of U.S. Highway 59 and 263rd Avenue – East Main Street Area from an A-Agricultural District to an R-1 One-Family Residence District. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST TO REZONE 1307 EAST MAIN STREET, 1401 EAST MAIN STREET AND 1411 EAST MAIN STREET FROM AN I-1 LIMITED INDUSTRIAL DISTRICT AND AN A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT:

This was the date and time set for a public hearing to consider the request to rezone 1307 East Main Street, 1401 East Main Street and 1411 East Main Street from an I-1 Limited Industrial District and an A-Agricultural District to a B-3 General Business District. This request is for the rezoning of Quist Moving and Storage Property (previously zoned I-1), the Runnings Farm and Fleet Property (A-Agricultural), and the Cunningham Billboard (A-Agricultural) to a B-3 General Business District. These properties were recently annexed into the City of Marshall. Quist Moving & Storage Property and the Runnings Farm and Fleet Property are permitted uses in a B-3 General Business District, but would not be allowed to expand in this area. Ritter moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Linstrom seconded, the adoption of ORDINANCE NUMBER 534, SECOND SERIES and that the reading of the same be waived. Ordinance Number 534, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 1307 East Main Street, 1401 East Main Street and 1411 East Main Street from an I-1 Limited Industrial District and an A-Agricultural District to a B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST TO REZONE 504 BASELINE ROAD AND 508 BASELINE ROAD FROM A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT:

This was the date and time for a public hearing to consider the request to rezone 504 Baseline Road and 508 Baseline Road from A-Agricultural District to a B-3 General

Business District. This request is for the rezoning of Independent Lumber, Greenwood Nursery and adjacent undeveloped property that has recently been annexed into the City of Marshall. Linstrom moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 535, SECOND SERIES and that the reading of the same be waived. Ordinance Number 535, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 504 Baseline Road and 508 Baseline Road from A-Agricultural District to a B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST OF NORTH RIVERVIEW PROPERTIES LLC TO REZONE NORTH RIVERVIEW PROPERTIES FIRST ADDITION FROM AN I-1 LIMITED INDUSTRIAL DISTRICT AND AN R-1 ONE-FAMILY RESIDENCE DISTRICT TO AN R-1 ONE-FAMILY RESIDENCE DISTRICT:

This was the date and time for a public hearing to consider the request to rezone North Riverview Properties First Addition from an I-1 Limited Industrial District and an R-1 One-Family Residence District to an R-1 One-Family Residence District. This request is for the lots and street at the West end of the subdivision that have been reconfigured to accommodate additional land acquired by the developer. The lots have been approved during the previous subdivision process. This subdivision is located west of North 4th Street before turning east to become East Fairview Street. Council Member Boedigheimer indicated that the city sold the land in this area to the developer for \$1,200 and the city will now have an assessment for improvements in this area. Reynolds moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Linstrom seconded, the adoption of ORDINANCE NUMBER 536, SECOND SERIES and that the reading of the same be waived. Ordinance Number 536, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones North Riverview Properties First Addition from an I-1 Limited Industrial District and an R-1 One-Family Residence District to an R-1 One-Family Residence District. All voted in favor of the motion.

PUBLIC HEARING TO CONSIDER RESOLUTION ON PROPOSED GRANT OF BUSINESS SUBSIDY TO ENVISAGE PROPERTIES, LLC:

This was the date and time set for a public hearing regarding the sale of approximately 2.62 acres of land lying between the Channel Parkway and the US Bank property. The sale of land assists the lessee, US Bank, in meeting its building area requirements to house additional employees, and to have adequate employee parking. The business subsidy application indicates US Bank will employ a minimum of 50 new employees once the employee count dates begins. US Bank has regularly been adding additional employees which will not be counted as a part of the new 50 employees. The combined total of the two employee groups will bring the total new employees considerably higher than the 50 referred to within the application. The 2.62 acres

provides for US Bank to be able to grow physically as the business side of the company grows. The job subsidy is based on an agreed to value on the land of \$79,500. The City will receive for the land the price of \$1.00; therefore the subsidy is \$79,499. Considering the number of new employees, the subsidy is very low per employee. The Use Agreement covers the property to be acquired by Envisage Properties, LLC, wherein the US Bank will retain certain parking rights on the property as will the Marshall Softball complex. Envisage Properties, LLC can upgrade the parking lot, etc., but the City softball complex will retain the right to use the property after 6:00 p.m. daily and all day on Saturday and Sunday, unless otherwise notified by US Bank. This arrangement parallels the current use arrangement between US Bank and the City's Community Services Department. Reynolds moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2774, SECOND SERIES and that the reading of the same be waived. Resolution Number 2774, Second Series is a resolution Approving the Land Purchase and Contract for Private Development and Business Subsidy Agreement with Envisage Properties LLC. This resolution provides for the sale of approximately 2.62 acres of land lying between the Channel Parkway and the US Bank property to Envisage Properties, LLC and the contract for private development and business subsidy agreement with Envisage Properties, LLC. All voted in favor of the motion.

**AWARD OF BIDS – CONSIDER RESOLUTION ACCEPTING BID AND
AWARD CONTRACT OF CONSTRUCTION CONTRACT WITH GAUB, INC.,
FOR PARKWAY II ADDITION:**

Bids were received, opened and read on August 24, 2005 for Project 40137 Parkway Addition II Improvement. Bids received, opened and read were from:

Gaub, Inc.

Base Bid - \$1,529,491.20

Alternate #1 - \$16,569.00

Alternate #2 - \$41,600.00

R & G Construction Co.,

Base Bid - \$1,677,839.25

Alternate #1 - \$17,812.50

Alternate #2 - \$44,640.00

S. J. Louis Construction, Inc.

Base Bid - \$1,727,463.20

Alternate #1 - \$19,321.20

Alternate #2 - \$44,240.00

H & W Contracting, LLC

Base Bid - \$1,732,060.55

Alternate #1 - \$20,658.95

Alternate #2 - \$45,760.00

Quam Construction

Base Bid - \$1,805,452.05

Alternate #1 - \$18,979.60

Alternate #2 - \$44,240.00

MidStates Utilities

Base Bid - \$1,885,440.90

Alternate #1 - \$21,156.50

Alternate #2 - \$44,640.00

Duininck Bros., Inc.

Base Bid - \$1,891,873.22

Alternate #1 - \$17,330.40

Alternate #2 - \$41,600.00

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 2775, SECOND SERIES and that the reading of the same be waived. Resolution Number 2775, Second Series is a Resolution Awarding the Contract for Project 40137 Parkway Addition II Improvement to Gaub, Inc., Lake Lillian, Minnesota for the Base Bid plus Alternate # 1 and Alternate # 2 for a total of \$1,587,660.20 All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR AREA SENIOR CENTER FOUNDATION AT THE ADULT COMMUNITY CENTER; B. CONSIDER AN APPLICANT FOR RAFFLE (EXEMPT PERMIT LG220) FOR SW MN DUCKS UNLIMITED AT THE BEST WESTERN MARSHALL INN; C. -1 PUBLIC SAFETY DEPARTMENT APPROVE GRANT AMENDMENT NO. 2 TO GANG STRIKE FORCE PROGRAM WITH MN DEPARTMENT OF PUBLIC SAFETY; C.-2 PUBLIC SAFETY DEPARTMENT CONSIDER AUTHORIZATION FOR OUT-OF-STATE TRAVEL; C.-3 PUBLIC SAFETY DEPARTMENT CONSIDER AUTHORIZATION TO HIRE A FULL-TIME POLICE OFFICER AND APPROVE RESOLUTION ON PERA; D. CONSIDER AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY FOR THE FIRE DEPARTMENT; E. CONSIDER REQUEST FOR PUBLIC RIGHT-OF-WAY US FOR MIKE BUYSSE CONSTRUCTION; F. CONSIDER CHANGE ORDER NO. 1 FOR PROJECT 2005-003 NORTH 6TH STREET RECONSTRUCTION; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

Reynolds moved, Ritter seconded, that the consent agenda be approved, with the exception of the approval of item C-2, which is Public Safety request for out of state travel; item D, which is authorization to dispose of surplus property for the Fire Department; and item E, which is a request for public right-of-way for Mike Buysse Construction.

The approval of a Temporary On-Sale Intoxicating Liquor License for the Area Senior Center Foundation for an event to be held at the Adult Community Center, Marshall, Minnesota on October 15, 2005 at a fee of \$30.00.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit –LG 220 for Southwest Minnesota Ducks Unlimited for a raffle to be held at the Best Western Marshall Inn on October 13, 2005 and that the 30 day waiting period be waived.

The proper city personnel be authorized to enter into Amendment No. 2 to Grant Contract # 2005-GSF-00258/9300-1310. This amendment provides for an increase in the grant to \$33,350. The amendment also provides for the date to be amended from June 30, 2005 (12-month grant) to December 31, 2005 (18-month grant).

REGULAR MEETING – SEPTEMBER 6, 2005

BE IT RESOLVED, that Louis Charles Dahlen 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.

The approval of Change Order No. 1 for Project 2005-003 North 6th Street Reconstruction. This change order provides for an extension of time from October 1, 2005 to June 16, 2006. This change order is a result of the amount of time involved with the assessment hearing, continuation of the assessment hearing and ultimate award of the contract on July 25, 2005.

The following bills and project payments be authorized for payment:
ACCOUNTS PAYABLE, Voucher No. 47618 through 47810.

All voted in favor of the motion.

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

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

| | Applicant | Location Address | | | Description of Work | Valuation |
|-----|------------------------------------|------------------|---------|---------------|-------------------------------------|-----------|
| 1. | Jeff Ellingson | 207 | Rainbow | Drive | Construct Deck | \$500 |
| 2. | Darwin & Jean Leek | 205 | Carrow | Street | Garage Addition | \$8,700 |
| 3. | Bladholm Construction, Inc. | 1203 | East | College Drive | Retail Store Addition and Reroofing | \$250,000 |
| 4. | Douglas Devereaux | 509 | Elaine | Avenue | Install Window | \$500 |
| 5. | Bakke's Home Repair & Construction | 625 | Kathryn | Avenue | Replacing Doors | \$1,000 |
| 6. | Gerald & Carol Monsrud | 109 | "H" | Street | Replace Deck | \$1,500 |
| 7. | Duane Labat | 405 | Mill | Street | Replace Stoop | \$1,500 |
| 8. | Jon Wood | 1006 | Cheryl | Avenue | Replace Stoop | \$300 |
| 9. | Lozinski Construction | 405 | South | 4th Street | Reroof | \$7,000 |
| 10. | Chris Wolter | 205 | North | "A" Street | Reroof Garage | \$500 |
| 11. | Robert Jahn | 406 | South | Hill Street | Replace Windows | \$3,000 |

REGULAR MEETING – SEPTEMBER 6, 2005

| | | | | | | | |
|-----|---------------------------|------|-------|------------|--------|-----------------------------------|----------|
| 12. | Chad Rykhus Construction | 500 | North | Bruce | Street | Install Window | \$800 |
| 13. | Ralph Schroeder | 511 | South | 1st | Street | Replace Windows | \$2,000 |
| 14. | Mark Driessen | 1106 | East | Main | Street | Reside Motel | \$18,000 |
| 15. | Randy & Anne DeVries | 512 | | Carlson | Street | Shed & Deck | \$4,000 |
| 16. | Dean Bader | 813 | | DeSchepper | Street | Finish Basement | \$10,000 |
| 17. | Richard & Pamela Juneman | 111 | | James | Avenue | Partial Reside and Partial Reroof | \$10,000 |
| 18. | Dulas Construction, Inc. | 425 | North | 6th | Street | Reside and Reroof | \$6,500 |
| 19. | Doug Devereaux | 509 | | Elaine | Avenue | Construct Deck/Finish Basement | \$5,500 |
| 20. | Mike Buysse Construction | 608 | | Kendall | Street | Exterior Remodeling | \$15,000 |
| 21. | William & Paula Gimmestad | 610 | | Kathryn | Avenue | Install Window | \$400 |
| 22. | Stacy Wiens | 1101 | | Alan | Ave. | Reroof Dwelling | \$3,500 |
| 23. | Pride Neon Sign Co. | 814 | West | Main | Street | Install Signs | \$20,000 |
| 24. | Dulas Construction, Inc. | 507 | | Jewett | Street | Sign | \$500 |
| 25. | Matthew Steen | 1507 | | Lake | Road | Install Sign | \$300 |
| 26. | Moberg Oil Company | 905 | East | College | Drive | Install Sign | \$1,000 |

The Marshall Police Department was selected as one of nine departments visited for having best practices for their School Resource Officer Program (SRO) by the COPS Office. Marshall was the only Minnesota department and distinctly the smallest. Boedigheimer moved, Reynolds seconded, out-of-state travel be approved for Jim Marshall to go to Washington DC on October 8 – 11, 2005. Officer Jim Marshall has been requested to be a speaker at the National Crime Prevention Council Conference. The Department of Justice will pay for his travel, lodging and meals on site. The City of Marshall would pay his wages while working and incidental travel costs like his meals while traveling and parking. All voted in favor of the motion.

The Marshall Fire Department purchases new SCBA equipment with money from the Homeland Security Grant and would like to declare their old SCBA equipment as surplus property. The Marshall Aquatic Center and the Drug Task Force would like to retain 3 SCBA units with 3 spare bottles and 3 masks for use by their respective departments, resulting in 20 SCBA units with 20 spare bottles and 43 masks to be advertised for sale. Council Member Boedigheimer asked if the communities that provide mutual aid would be interested in this equipment and if it could be donated to them. Boedigheimer moved, Ritter seconded, that this sale of 20 SCBA units with 20

spare bottles and 43 masks be tabled for one month to allow time to check with other communities if they are in need of this equipment. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the approval of a Permit for Private Use of Public Streets (Right-Of-Way) and Parking Lots for Mike Buysse Construction. This permit will allow private use of a public right-of-way for construction operations relating to the removal of a store front and awning located at 237 West Main Street (Fabrics Plus) and for the placement of a waste dumpster in front of the Marshall Area Chamber of Commerce. This permit is from Sunday, September 11, 2005 through Friday, September 16, 2005. All voted in favor of the motion, except Ritter who abstained.

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 2005. Brennan also took this opportunity to introduce Dan DeSmet, who will be replacing him as the Manager for North Ambulance.

OVERVIEW OF SOUTHWEST REGIONAL DEVELOPMENT COMMISSION ACTIVITIES:

Jay Trusty the Executive Director of the Southwest Regional Development Commission along with Nan Larson was in attendance at the meeting to provide an overview of the Commission's activities. Jay briefly reviewed the following SRDC Program Highlights: Aging; Economic Development; Hazard Mitigation; Transportation; Small Cities Development Program; Renewable Energy; and Land Use Planning. He reviewed the revenues and expenditures; and Lyon County Projects, which consist of Small Cities/USDA Rural Development loan/grant administration for Garvin; Housing Market Analysis in Marshall, Lynd and Cottonwood; 1993 Marshall Flood Relief Projects; Sixteen (16) RFL Loans (8 in Marshall); MERIT Center and Tracy Community Land Use Plan. Nan Larson talked about the Revolving Loan Fund. She indicated there are seven new loans; four approved, but not yet closed; forty-two active loans; \$1,370,456 currently outstanding and there is approximately \$65,000 available to lend.

Mayor Byrnes called for a 5-minute recess at 6:35 p.m.

PRESENTATION ON STRATEGIC PLAN AND FUTURE BUILDING NEEDS AT THE MARSHALL/LYON COUNTY LIBRARY:

Wendy Lee, Library Director; Karen Sweetland, Library Board Chairperson; and John Bowden, President Library Foundation were in attendance at the meeting to review the Strategic Plan and Future Building Needs of the Marshall/Lyon County Library. Ms. Lee briefly reviewed the four objectives of the Strategic Plan:

1. Objective I: Physical Environment - the library will provide facilities that are accessible, inviting, save, efficient and easy to use.
2. Objective II: Collections, Technology and Programs – the library will provide user-friendly technology, stimulating public programs, a service-oriented library staff, and relevant, up-to-date collections that meet library user's needs.

3. Objective III: Community Connections – the library will establish collaborative efforts with local government, community organizations, schools, the universities and others to ensure that the library is a visible, vital, and thriving center of business, culture and government in the community.
4. Objective IV: Operational Excellence – the library will be guided by a capable and committed board and staff who will continuously improve effectiveness of operations.

John Bowden, President of the Library Foundation, estimated that it would cost approximately \$5 to \$8 million and a time table of three to five years to complete a new library. No sites have been determined but a few have been mentioned, including East Side Grade School.

Dr. Affolter stressed the importance of keeping the library in the downtown area. He indicated that when people use the library they also do other errands downtown.

AUTHORIZATION TO RETAIN PATCHIN, MESSNER & DODD FOR APPRAISAL SERVICES:

Mike Johnson, City Administrator, indicated that City staff has made inquiries regarding the background, qualifications, and experience of a number of good appraisal firms to determine their expertise in making before and after appraisals to determine the benefit of certain properties as a result of special assessment improvements. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with Patchin, Messner & Dodd for Appraisal Services for 11 properties identified within their proposal. Council Member Boedigheimer questioned why the Corey property was not included in this list. Dennis Simpson, City Attorney, indicated that the concerns of Mr. Corey and the city have been resolved. The estimated cost of these services is \$20,000 if 401 South Hill Street is valued as vacant land only or \$27,000 if 401 South Hill Street is valued as currently improved. All voted in favor of the motion.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR PROJECT 2005-002 SOUTHVIEW DRIVE WATERMAIN REPLACEMENT:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2776, SECOND SERIES and that the reading of the same be waived. Resolution Number 2776, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Southview Drive Watermain Replacement Project 2005-002. Bids will be received on October 11, 2005 and the work will be completed in 2006. All voted in favor of the motion.

CONSIDER AMENDMENT NO. 1 TO FIRST DEVELOPMENT CONTRACT FOR NORTH RIVERVIEW PROPERTIES:

The First Development Contract for North Riverview Properties called for the Developer to pay for all improvements within the subdivision. Upon the replatting of the western portion of the subdivision, a portion of the improvements are immediately adjacent to City-owned property (Street Department). In the development of

improvements or a subdivision whether Developer constructed or City constructed under the 429 improvement process, the City is responsible for the costs associated with infrastructure adjacent to City owned property. Amendment No. 1 to the First Development Contract for North Riverview Properties defines the City financial responsibility for the improvements adjacent to City owned property. The cost is based upon actual bid construction costs for Canoga Park Drive, a similar improvement project. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter in Amendment No. 1 to the First Development Contract for North Riverview Properties. All voted in favor of the motion.

CALL FOR PUBLIC HEARING ON ISTE A BIKE TRAIL GRANT:

Ritter moved, Linstrom seconded, that a public hearing will be held at 5:30 P.m. on September 19, 2005 for proposed bike path improvements. Marshall Community Services Advisory Board has put a high priority on paving Marshall's existing paths; therefore city staff will prepare a grant to the Southwest Minnesota Area Transportation Partnership for Transportation Enhancements Funding 2009. All voted in favor of the motion.

CONSIDER APPROVAL OF 2006 PARTNERSHIP AGREEMENT WITH MARSHALL MUNICIPAL UTILITIES:

Ritter moved, Reynolds seconded, the approval of the Partnership Agreement for 2006 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 2006. A summary of the agreement is as follows:

| | |
|------------------------------------|-----------|
| MMU payment in lieu of taxes | \$775,297 |
| Less street lighting charges to be | |
| Paid to MMU (1) | \$151,000 |
| Less fire protection charges (1) | \$145,000 |
| Net payment to City after charges | |
| Paid to MMU and transfer | \$479,297 |

(1) Charges based on MMU's audit.

All voted in favor of the motion.

LYON COUNTY ROAD AND BRIDGE DEPARTMENT PROPOSED FIVE-YEAR CAPITAL IMPROVEMENT PLAN:

Glenn Olson, Director of Public Works/City Engineer, reviewed with the City Council the Lyon County Road and Bridge Department Proposed Five-Year Capital Improvement Plan and indicated that he had several items that he would be adding to the Lyon County Road and Bridge Department Proposed Five-Year Capital Improvement Plan. Glenn will prepare a list for the council to review at a later council meeting.

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 bids, house plans and covenants for Parkway Addition; Regional Development Commission – Jay Trusty and Nan Larson presented a report earlier in the meeting.
- Boedigheimer No report, but Mike Johnson, City Administrator, indicated that the grant has been approved for the exhaust system at the fire hall and for training at the MERIT Center.
- Doom No report.
- Linstrom Community Services is continuing to work on the bike trail; Library Board presentation was presented earlier on their strategic plan; Downtown Redevelopment – MMU talked about utility locations.
- Maes Due to Maes being hospitalized Byrnes indicated that he would cover the Hospital Board and Linstrom indicated she could cover the Convention & Visitors Board. Reynolds indicated that he could possible cover the Police Commission.
- Reynolds Charter Commission – the Partnership Agreement between the City of Marshall and MMU was approved earlier in the meeting.
- Ritter Air Navigation met on Friday but he was not able to attend – Byrnes indicated that the grant has been approved for the airport and that this committee will proceed with next phase; EDA met last week; and the Housing Commission will meet next week.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: it was indicated that it would take approximately 60 to 90 days to complete the appraisals for the 2005 Special Assessment Projects; the Rotary Fly-In Breakfast was very successful; the appraisal for the acquisition of property for the airport runway expansion has been completed and staff will be meeting with the owners; there was a concern about the Building Maintenance Position not being filed – it was indicated that there are three finalists and that a recommendation will be made soon; Byrnes thanked all of the personnel that were involved with the Sounds of Summer. Byrnes also talked briefly about the possibility of people coming to Marshall from the New Orleans area. He indicated that a committee has been formed to work on housing, jobs, education and doing what is necessary to provide support.

REVIEW OF PENDING AGENDA ITEMS:

Appointments need to be made to the Charter Commission and the council was asked to rank the items in order of importance for the Legislative and Ordinance Committee.

Thomas M. Meulebroeck, Financial Director/City Clerk, provided a brief update on elections. He indicated that some of the townships and cities have pared and will be able to share equipment. He also, indicated that there has been discussion on moving the voting location from the Fire Hall to a different location.

Upon motion by Reynolds, seconded by Linstrom, the meeting was adjourned at 7:45 P.M. All voted in favor of the motion.



Robert J. Byrnes

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – SEPTEMBER 12, 2005

A special meeting of the Common Council of the City of Marshall was held on September 12, 2005 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: Doom, Reynolds, Boedigheimer, Linstrom and Ritter. Absent: Maes. Staff present included: Mike Johnson, City Administrator, and Thomas M. Meulebroeck, Financial Director/City.

The purpose of the Special Meeting was to consider a grant offer and agreement between the U.S. Department of Transportation and the Southwest Minnesota Regional Airport; to consider a resolution adopting a proposed budget for 2006; and to consider a resolution adopting the preliminary tax levy for 2006.

CONSIDER A GRANT OFFER AND AGREEMENT BETWEEN THE U.S. DEPARTMENT OF TRANSPORTATION AND THE SOUTHWEST MINNESOTA REGIONAL AIRPORT:

Mike Johnson, City Administrator, addressed the Grant Award Offer and Agreement between the U.S. Department of Transportation and the City of Marshall for the Small Community Air Service Development Program. The grant amount is \$480,000 which requires a local share match of \$88,000. Various alternatives, such as Mayor & Council Contingency, Convention & Visitors Bureau, Chamber of Commerce, Industrial Development and private donations were discussed as sources to meet the local match. When the grant application was submitted Northwest Airlines was identified as the potential airlines. Northwest Airlines has indicated that they are not in the position at this time to move forward with the expansion as addressed in the grant application. With the original application, the intent was to begin operations in April of 2006. The grant agreement does identify specific bench mark dates which could be extended. The grant is a reimbursable grant which indicated that the City would incur the expense and then have to submit for reimbursement. With Northwest Airlines putting their plan on hold, it is expected that there would be no expenditures under this grant until 2007; therefore there would not be a need to include any revenues and expenditures in the 2006 budget. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to execute the Grant Offer and Agreement between the U.S. Department of Transportation and the Southwest Minnesota Regional Airport, Marshall, Minnesota, Acting for the Community of Marshall, Minnesota, Under the Small Community Air Service Development Program and that the City of Marshall Finance Department establish a Special Revenue Fund to account for the revenues and expenditures related to this grant. All voted in favor the motion.

RESOLUTION ADOPTING A PROPOSED BUDGET FOR 2006:

Mike Johnson, City Administrator, reviewed with the City Council his memo of September 9, 2005 which addresses various issues as it relates to the resolutions adopting the preliminary budget and tax levy for 2006. In beginning the consideration of the preliminary 2006 General Fund Budget, the community activity levels and development challenges as it relates to Construction/Development, Airport Development, Downtown Development, Housing Development and other areas have been addressed.

SPECIAL MEETING – SEPTEMBER 12, 2005

Mike provided a handout on the 2006 "Preliminary" Property Tax Levy comparing the preliminary 2006 to the 2005 budget and the actual amounts for the years 2002 through 2004 for Minnesota State Aids, City Property Tax Levies, Special Levies and the detail for each year's total levy.

Included in the preliminary proposed tax levy for 2006 is \$105,000 for the Economic Development position.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2777, SECOND SERIES and that the reading of the same be waived. Resolution Number 2777, Second Series is a resolution Adopting a Preliminary Budget for the General Fund of the City of Marshall for the Year 2006. The preliminary budget for the General Fund provides for revenues of \$9,571,494 and expenditures of \$12,112,467 of which the revenues are supported with a General Fund Tax Levy of \$2,987,755. All voted in favor of the motion.

RESOLUTION ADOPTING A PRELIMINARY TAX LEVY FOR 2006:

Linstrom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2778, SECOND SERIES and that the reading of the same be waived. Resolution Number 2778, Second Series is a resolution Adopting a Preliminary Tax Levy for the Year 2006. The proposed levy is in the amount of \$3,756,810 of which \$2,987,755 is the General Fund Portion of the Levy, a Debt Service Levy of \$56,044 for 1996 Storm Sewer Improvement, \$159,128 for 1999 Storm Sewer Improvement, \$201,909 for 2002 "A" Airport Improvements, \$29,799 for 2002 "B" Parkway Improvements, \$58,175 for 2004 Aquatic Center G. O. Equipment Certificates, \$30,000 for 2005 Finance Department G. E. Equipment Certificates and \$120,000 for 2005 G. O. Public Improvements. A Special Levy in the amount of \$9,000 was included for PERA Contributions for coordinated members and \$105,000 for the Economic Development Authority. All voted in favor of the motion.

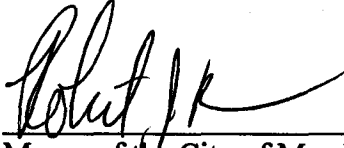
The proposed 2006 budget meeting schedule was reviewed and revised. The next budget workshop session will be held at 5:30 P.M. on October 13, 2005.

The City Council was advised that the IRS Mileage Allowance was increased from 40 ½ center per mile to 48 ½ cents per mile for the period September 1, 2005 to December 31, 2005.

SPECIAL MEETING – SEPTEMBER 12, 2005

Various issues that involve both the City and County were briefly discussed, therefore Council Members Boedigheimer and Ritter agreed to meet with a couple County Commissioners for them to determine the direction the two agencies want to take as far as addressing issues such as the Airport, Storm Sewer Management Fees and etc.

Upon motion by Reynolds, seconded by Linstrom, 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 19, 2005

The regular meeting of the Common Council of the City of Marshall was held on September 19, 2005 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 in attendance: Doom, Linstrom, Boedigheimer and Ritter. Absent: Maes and 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; Harry Weilage, Director of Community Services; Mark Klaith, Fire Chief; Sheila Dubs, Assistant to City Administrator; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL FO THE AGENDA:

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

APPROVAL OF THE MINUTES:

Doom moved, Boedigheimer seconded, that the minutes of the regular meeting held on September 6, 2005 and the minutes of the special meeting held on September 12, 2005 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 APPROVAL OF RESOLUTION OF SUPPORT FOR ISTE A BIKE TRAIL GRANT:

This was the date and time set for a public hearing on the ISTE A Bike Trail Grant. Sheila Dubs, Assistant to the City Administrator, presented a brief power point presentation on the proposed improvements, the timeline for the grant application and the funding partnerships. Ms. Dubs indicated that this grant would be used for Phase I, the Marshall North Trail. This project consists of paving the existing trail from Justice Park to T.H. 23 and construction of a new 0.8 mile off-road path to T.H. 19 and 68. The total length of the project is 2.9 miles. In coordination with MN/DOT during the T.H. reconstruction, an underpass will be installed to transition the trail from the east and west side of T.H. 23. This project will significantly improve the safety of trail users and will provide for greater use of the trail to get from one destination to another within the community. This grant application is due by September 30, 2005 for funding in 2009. This grant requires a 20-50% match in hard dollars for all eligible project costs. As sponsor for this project, the City of Marshall is seeking \$450,000 in Federal-aid reimbursement funds. The City of Marshall will guarantee a local match of \$150,000 with multiple funding partners. The City of Marshall will provide \$100,000 with the additional \$50,000 coming from local funding partners. The long-term maintenance of the trail will be the responsibility of the City of Marshall. Council Member Boedigheimer was concerned with making a commitment for a future City Council. Mike Johnson, City Administrator, indicated that a budget would be established over the next 3 to 4 years to make sure the city's share of the funding would be available when the project is constructed in 2009. Council Member Linstrom asked if this trail could be completed before 2009. Harry Weilage, Director of Community Services, indicated that

the South Trail could possibly be completed before 2009 but that the grant would be used for the North Trail in 2009. Linstrom moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2779, SECOND SERIES and that the reading of the same be waived. Resolution Number 2779, Second Series is a Resolution of Support from Sponsoring Agency. This resolution provides for the City of Marshall to act as sponsoring agency for a "Transportation Enhancements" project identified as Marshall's North Trail and acknowledges herewith that it is willing to be the project sponsor; knowing full well that such sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to is completion. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR SOUTHWEST MINNESOTA ARTS AND HUMANITIES COUNCIL; B. CONSIDER AMENDMENT TO SERVICES AGREEMENT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION FOR SAFETY PROGRAM; C. BILLS/PROJECT PAYMENTS. D. BUILDING PERMITS:

Boedigheimer requested item C, Bills/Project Payments, be removed from the consent agenda.

Ritter moved, Linstrom seconded, that the following consent agenda items be approved:

A Temporary On-Sale Intoxicating Liquor License for the Southwest Minnesota Arts & Humanities for an event at the Southwest Minnesota State University Conference Center on October 29, 2005.

An amendment to the Services Agreement with Minnesota Municipal Utilities Association for the City's current safety program. This amendment extends the contract to include October 1, 2005 through September 30, 2006 to coincide with MMUA's fiscal year. The annual contract for this time period is \$16,631.52, an increase of \$523.43 (3.2%).

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. | Corner Stone of Willmar, Inc. | 300 | South | Bruce | Street | Remodel Office | \$30,000 |
| 2. | Marshall Truss Systems, Inc. | 200 | South | 11th | Street | Demolish Warehouse | \$0 |

REGULAR MEETING – SEPTEMBER 19, 2005

| | | | | | | | |
|-----|------------------------------|------|-------|-------------|--------|---|-----------|
| 3. | James R. Dempsey | 503 | | Elaine | Avenue | Enclose Deck | \$2,000 |
| 4. | Jeff Gladis | 310 | South | 6th | Street | Reroof | \$4,900 |
| 5. | Sheldon R. Kimpling | 701 | | Kennedy | Street | Remove Balcony and Remodel Wall | \$300 |
| 6. | Four Seasons Roofing | 106 | South | Whitney | Street | Reroof | \$3,000 |
| 7. | Inez Fried | 305 | South | First | Street | Reside | \$4,500 |
| 8. | Steven & Carolyn Bennett | 304 | South | Whitney | Street | Install Window | \$800 |
| 9. | Sussner Construction | 1600 | | Hahn | Road | Warehouse Addition | \$131,200 |
| 10. | MB Properties | 1208 | | Canoga Park | Drive | Three-Unit Apartment | \$125,000 |
| 11. | Joe Ektanitphong | 1201 | | Susan | Drive | Construct Sign | \$5,000 |
| 12. | Kevin Speidel | 201 | | George | St. | Remodel Kitchen and installing Egress windows | \$3,000 |
| 13. | Brian & Tamara Dahl | 808 | North | 6th | Street | Reroof Dwelling | \$1,000 |
| 14. | REM Southwest Services, Inc. | 1201 | | Alan | Avenue | Deck and Replace Door | \$2,500 |
| 15. | Frank Astar | 109 | | "E" | Street | Reroof & Reside Garage | \$2,000 |
| 16. | Arnold & Madson, Inc. | 1201 | East | Main | Street | Restaurant | \$350,000 |

Council Member Boedigheimer questioned the status of the final payment for the 7th Street Bridge Replacement Project. Glenn Olson, Director of Public Works/City Engineer, indicated that the 7th Street Bridge Replacement Project is 100% complete. Boedigheimer moved, Ritter seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 47811 through 47965. All voted in favor of the motion.

DISCUSSION/ACTION ON MN/DOT HIGHWAY #59 RECONSTRUCTION PLAN LAYOUTS:

Due to the fact that all council members were not in attendance at the meeting, Doom moved, Linstrom seconded that the discussion/action on Mn/DOT Highway #59 Reconstruction Plan Layouts be tabled to the October 3, 2005 regular city council meeting. Glenn Olson, Director of Public Works/City Engineer, will contact MN/DOT to make sure a representative will be at the October 3, 2005 city council meeting. All voted in favor of the motion.

CONSIDER THE REQUEST OF JOHN MCLAUGHLIN & DUANE BREYFOGLE TO REZONE 801 AND 805 EAST COLLEGE DRIVE FROM AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of John McLaughlin & Duane Breyfogle to rezone 801 and 805 East College Drive from an R-2 One to Four Family Residence District to a B-3 General Business District. Mr. Olson indicated that each property has a single family dwelling on it and that this is a

permitted use in an R-2 District. The 1996 Comprehensive Plan (including 2004 Updates and Amendments) Future Land Use Plan identifies this area as commercial. The property to the east of this location is an accountants office and is zoned B-1 Limited Business District. Council Member Boedigheimer was concerned with North Hill Street not being as wide as South Hill Street Ritter moved, per the recommendation of the Planning Commission that the introduction of the ordinance and calling for a public hearing to consider the request of John McLaughlin & Duaine Breyfogle to rezone 801 and 805 East College Drive from an R-2 One to Four Family Residence District to a B-3 General Business District be denied. The motion died due to the lack of a second.

Linstrom moved, Doom seconded, the introduction of an ordinance and called for a public hearing to consider the request of John McLaughlin & Duaine Breyfogle to rezone 801 and 805 East College Drive from an R-2 One to Four Family Residence District to a B-3 General Business District. The public hearing will be held on October 3, 2005. All voted in favor of the motion.

INTRODUCE THE PRELIMINARY PLAT FOR TECHNOLOGY PARK THIRD ADDITION AND CALL FOR A PUBLIC HEARING.

Linstrom moved, Ritter seconded, the introduction of the Preliminary Plat for Technology Park Third Addition and call for a public hearing to be held on October 3, 2005. The adjacent owner of this property is requesting to develop this area for expansion of the US Bank facility. As the property has not been platted before, the property needs to be subdivided prior to the sale of the lots to the owners of US Bank. 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 (ADMINISTERED THROUGH APPLETREE INSTITUTE); B. CONSIDER RENEWAL OF THE CITY'S PROPERTY, AUTO, LIABILITY, AIRPORT AND BOILER 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 increase for the City of Marshall is 1%. Boedigheimer moved, Doom seconded, that the health insurance be renewed with Blue Cross/Blue Shield of Minnesota at a 1% increase effective January 1, 2006. The rates for single coverage will increase from \$314.50 per month to \$317.50 per month and family coverage will increase from \$841.50 per month to \$850.00 per month. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the property, auto, liability, airport, liquor, excess liability and boiler insurance renewals effective October 1, 2005. The changes addressed were: approximately a 3.6% increase in rate for property coverage based on property limits increasing from \$74,787,558 in 2004 to \$77,455,233 in 2005; the municipal liability increase actually reflects a 7% decrease in rate but the City's exposure increased from approximately \$43,000,000 to \$58,000,000 causes an increase in premium, which also has an effect on the increase in premium for excess liability; the liquor liability insurance increase is due to increased receipts and the

boiler insurance reflects an increase in rates of 8.4% and there is no increase in the dollar amount of coverage. The Insurance Advisory Committee is recommending to the City Council to approve the property, auto, liquor, airport, excess liability and boiler insurance renewal effective October 1, 2005 at a premium of \$266,526 for a total increase of \$19,850 over 2004 and reflects an 8% overall premium which is primarily due to changes in exposure. Boedigheimer moved, Linstrom seconded, that the General Liability, Property, Auto and Liquor Liability be renewed with the League of Minnesota Cities at a cost of \$240,011; that the Airport 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 \$21,516. It was indicated that it is unknown what the insurance dividend would be. All voted in favor of the motion.

CONSIDER RESOLUTION IMPLEMENTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY:

Marc Klaith, Fire Chief, was in attendance at the meeting and indicated that beginning October, 2005, adoption of the National Incident Management System (NIMS) protocol will be a condition of receipt for cities applying for or receiving Department of Homeland Security federal preparedness funds, including grants and contracts. This will be mandatory by the end of this month and we should have it in place as soon as possible with the receipt of the FEMA Grant for the Marshall Fire Department and the vehicle exhaust system for the Fire Hall/regional training grant. The intent of this mandate is to standardize emergency response regardless of jurisdiction. NIMS is very similar to MIMS (Minnesota Incident Management System). However, one major difference is that the federal government is requiring local jurisdictions to formally adopt this as a formal resolution rather than expecting it to be utilized voluntarily by emergency responders.

Ritter moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2780, SECOND SERIES and that the reading of the same be waived. Resolution Number 2780, Second Series is a resolution Implementing the National Incident Management System as the Basis for all Incident Management in the City of Marshall, Minnesota. All voted in favor of the motion.

CONSIDER SENIOR CITIZEN DEFERRAL FOR A SPECIAL ASSESSMENT:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the request from Eugene C. Meade, 619 West Lyon Street, for a deferral of a special assessment in the amount of \$441.15. Mr. Meade is a fee simple owner of the property, is elderly, has low income and few assets, which all meet the requirements of Ordinance Number 385, Second Series; therefore he is requesting the assessment to be deferred. Subdivision 5 of the Ordinance requires a copy of the last Federal and State of Minnesota income tax returns. Mr. Meade has not been required to file a return since 2002 per his accountant, Richard Holmberg. Doom moved, Linstrom seconded, the approval of the deferral of a special assessment in the amount of \$441.15 for Eugene C. Meade at 619, West Lyon Street. This deferral will accrue interest and will be recorded at the Lyon County Records Office. All voted in favor of the motion, except Boedigheimer who abstained.

LYON COUNTY ROAD/BRIDGE COMMENTS:

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed his comments on Lyon County's proposed five-year capital improvement plan. Linstrom moved, Boedigheimer seconded, that a letter be sent by Mayor Byrnes to the Lyon County Board of Commissioners listing Mr. Olson's comments. Mr. Olson will be attending the Lyon County Board of Commissioners meeting to answer any questions that they may have. All voted in favor of the motion.

CONSIDER REQUEST BY MARSHALL VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION TO AMEND BY-LAWS:

Marc Klaith, Fire Chief, was in attendance at the meeting and indicated that the Fire Department Relief Association is looking at changes to Sections 2, 5, 6 and 9 relating to the annual benefit amount. Ritter moved, Linstrom seconded, that the request to amend the Marshall Volunteer Firefighters Relief Association By-Laws be referred to the Ways and Means Committee. All voted in favor of the motion.

PROJECT 40150 BLOCK 11 DEMOLITION PROJECT CHANGE ORDER NO. 3:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 3 for Block 11 Demolition Project 40150. Mr. Olson indicated that these items were not included in the original project scope and that is a common occurrence in demolition projects for everything not to be known prior to bidding. Council Member Boedigheimer was concerned with the costs for Block 11 Demolition Project 40150 being tracked by each individual parcel. Boedigheimer moved, Ritter seconded, the approval of Change Order No. 3 with Blue Earth Environmental for Block 11 Demolition Project 40150 in the amount of \$11,525.00 and that all of the costs associated with Block 11 Demolition be tracked by each individual parcel. The \$11,525.00 will be paid from account 483-62066-5520. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Linstrom moved, Doom seconded, and was unanimously approved that the following appointments be made to the various boards and commissions and that the proper city personnel re-advertise for one (1) unexpired term on the Human Rights Commission to expire on May 31, 2007 and one (1) opening on the Senior Citizen Center Commission to expire on May 1, 2008:

- Economic Development Authority – Denise Pfeifer for an unexpired term to expire on May 31, 2009
- Planning Commission – David Sturrock for an unexpired term to expire on May 31, 2007
- Senior Citizen Center Commission – Brianne Keating for a 3-year term to expire on May 31, 2008

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 with SW Minnesota Housing on covenants and house design for Phase I of Parkway; Hospital Board met earlier but he was not able to attend – the annual report from AVERA is complete.
- Boedigheimer Airport Commission minutes are included in the agenda packet; Insurance Advisory Commission items were acted on earlier in the meeting; Lyon County Enterprise Development met but he was not able to attend; the Ways and Means Committee and Legislative and Ordinance Committee need to schedule meetings.
- Doom Planning Commission items were acted on earlier in the meeting; Adult Community Center Commission will be meeting in October; Marshall Area Transit will meet next week.
- Linstrom Community Services Advisory Board the presentation on the bike trail was provided earlier in the meeting; Library Board met but she was not able to attend; Downtown Redevelopment meetings are on hold.

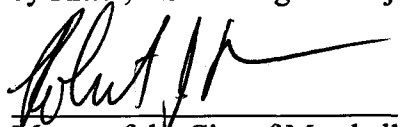
COUNCIL MEMBER INDIVIDUAL ITEMS:

The League of Minnesota Cities is sponsoring an exchange program for Mayors. The Mayor of Courtland requested to do an exchange with Mayor Byrnes. Mayor Byrnes will spend a day in the City of Courtland and the Mayor of Courtland will be in Marshall on Monday, October 3rd. He will be attending the city council meeting that evening.

REVIEW OF PENDING AGENDA ITEMS:

Council Member Boedigheimer indicated that the Marshall School Board is not aware of any changes to the Joint Powers Agreement with Marshall Independent School District No. 413. It was indicated that there are only minor changes and that city will be reviewing them. There is a budget meeting scheduled for October 13, 2005.

Upon motion by Linstrom, seconded by Ritter, the meeting was adjourned at 7:00 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

REGULAR MEETING – OCTOBER 3, 2005

The regular meeting of the Common Council of the City of Marshall was held on October 3, 2005 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 in attendance. Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: Maes. 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.

Mayor Byrnes welcomed the Boy Scouts from Troop 320.

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, Doom seconded, that the minutes of the regular meeting held on September 19, 2005 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 – TECHNOLOGY PARK PRELIMINARY PLAT AND APPROVAL OF THE FINAL PLAT:

This was the date and time set for a public hearing on the Preliminary Plat of Technology Park Third Addition. The adjacent owner of this property is requesting to develop this area for expansion of the US Bank facility. As the property has not been platted before, the property needs to be subdivided prior to the sale of the lots to the owners of US Bank. Doom moved, Linstrom seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the approval of the Preliminary Plat of Technology Park Third Addition. All voted in favor of the motion.

Boedigheimer questioned the covenants for this area. It was indicated that there are no covenants for this area and Glenn Olson, Director of Public Works, indicated that covenants are not part of the final plat. Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2781, SECOND SERIES and that the reading of the same be waived. Resolution Number 2781, Second Series is a resolution Approving the Final Plat of Technology Park Third Addition contingent upon the City Attorney review and approval of the abstract of title and title opinion and that there will be no covenants for this addition. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST OF JOHN MCLAUGHLIN AND DUAINE BREYFOGLE TO REZONE 801 AND 805 EAST COLLEGE DRIVE FROM AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT.

This was the date and time set for a public hearing to consider the request of John McLaughlin & Duaine Breyfogle to rezone 801 and 805 East College Drive from an R-2 One to Four Family Residence District to a B-3 General Business District. The properties are currently located within an R-2 One to Four Family Residence District. Each property has a single family dwelling on it. The legal description shows the property to be 1.57 acres more or less, a 207' frontage on East College Drive and 330' frontage on North Hill Street. There are single family dwellings immediately north, single family dwellings across Hill Street, and across East College Drive. The property to the east is an accountants office and within a B-1 Limited Business District. The existing single family dwellings are a permitted use in this R-2 District. The District also permits buildings of up to four dwelling units. The owner has stated in the Request for Information that it is intended the property will be used for a 10,000 S.F. retail building. Comments from the general public included:

Bob Tholen, part owner of this land, asked if there would be a problem if they put five (5) four-unit apartments. Glenn indicated that the city would require adequate sizing.

Jean Replinger, 300 North Hill Street, wanted to know what the council considered to be pros and cons of this request and what incentives the city would offer for this to be a zoned commercial. Glenn indicated that the city does not offer any incentives.

Julie Allen, 214 North Hill Street, was concerned with the Comprehensive Plan needing to be examined and amended; that there be a high quality living environment in Marshall's residential neighborhoods; the concern for flooding in this area; and industrial and commercial developments should be designed and located to avoid through truck traffic in residential areas.

Tim Tomasek, 904 Willow Street, indicated that this would decrease their property value and he indicated that this area of East College Drive only provided for one-traffic each way and was also concerned with the additional traffic that this type of land use would cause.

Evonne Seivert, 218 North Hill Street, was concerned with the drainage problems in this area; what type of business would be located in this area; the additional noise, lights and litter; how the current sewer system with handle additional waste water; and pedestrian safety because of the increase traffic in the area.

Mike Leary, 900 Birch Street, was concerned about the safety of children in this area.

REGULAR MEETING – OCTOBER 3, 2005

Bob Tholen indicated that he would prefer to put apartments in this area rather than a business.

Larry Fraser of the Century 21 office in Hutchinson represents the owner of a national retail business in Marshall that is interested in relocating to this area. He indicated that it was not a food business. This is a small national retail chain and there would be a men's and ladies' restroom vs. an apartment building where there would be several bathrooms. Julie Allen indicated that once this property is zoned B-3 they would be stuck with it and if this business left there is no way of keeping a food business from moving in.

Mayor Byrnes questioned if a B-1 type of zoning would accommodate this type of retail. Glenn Olson, Director of Public Works/City Engineer, indicated that B-1 would not accommodate this type of retail.

Kevin DeBoer, 211 North Hill Street, was concerned with the additional traffic, the need to widen Hill Street, that East College only has one-lane traffic each way in this area, stop lights at the corner of Hill Street and East College Drive, property values decreasing, water runoff and sewer issues, additional lighting and the quality of life will disintegrate to totally unacceptable levels.

John Allen, 214 North Hill Street, was concerned with the "Orangeburg" replacement program that was talked about in 1993 as a result of the flooding and sewer problems in this area not being completed.

Council Member Boedigheimer indicated that Orangeburg pipe is not used by the city for the sanitary sewer lines in the street, but is used from the street to the house; therefore it is the owner's responsibility to replace. Julie Allen indicated that at the time it was indicated that this replacement could be a joint project between the resident and the city.

Emily Deaver, 215 North Hill Street, indicated that she was opposed to the rezoning.

Council Member Boedigheimer indicated that over the next 30 to 40 years College Drive will all be commercial.

Council Member Ritter indicated that the retail business that is interested in building in this area is currently located in another part of Marshall and that the traffic flow for this type of business is very low and the water usage would also be very low. He also indicated that this type of business would not be allowed in a B-1 zoning with a conditional user permit.

Council Member Doom asked if the council would review the plat for this area. Glenn Olson, Director of Public Works/City Engineer, indicated that the rezoning does not require that this area be replatted.

REGULAR MEETING – OCTOBER 3, 2005

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

Reynolds moved, Ritter seconded, to deny the request to rezone 801 and 805 East College Drive from an R-2 One to Four Family Residence District to a B-3 General Business District based on the quality of life being reduced, the increase in traffic and the concern for children/pedestrian safety. All voted in favor of the motion, except Boedigheimer who voted no.

Mayor Byrnes called for a 5-minute recess at 7: 12 P.M.

CONSENT AGENDA – A. CONSIDER APPROVAL OF A PLUMBERS LICENSE FOR A & L PLUMBING; B. CONSIDER AUTHORIZATION TO DISPOSE OF SURPLUS CITY PROPERTY AT A PUBLIC AUCTION ON OCTOBER 20, 2005; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

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

A Plumbers License for Kevin Amborn dba A & L Plumbing of Montevideo, Minnesota to expire on March 31, 2006. The fee for this license is \$75.00.

Authorization to dispose of surplus City property at an auction to be held on October 20, 2005 at 5:30 P.M. at the Street Maintenance Building area at 901 Oak Street.

The following bills and project payments be authorized for payment:
ACCOUNTS PAYABLE, Voucher No. 47966 through 48160.

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

| | Applicant | Location Address | | | | Description of Work | Valuation |
|-----|--------------------------------|------------------|-------|-----------|--------|---------------------|-----------|
| 1. | Bladholm Construction, Inc. | 1301 | West | Main | Street | Remodel Offices | \$102,000 |
| 2. | Don Bottelberghe | 711 | | Neuse | Lane | Reroof Dwelling | \$3,000 |
| 3. | Drager Construction | 600 | | Kathryn | Avenue | Reroof | \$5,400 |
| 4. | Connie Lichtsinn | 119 | | "E" | Street | Reroof Dwelling | \$800 |
| 5. | Don Schanzenbach | 320 | North | O'Connell | Street | Fireplace | \$44,500 |
| 6. | Bladholm Construction | 1501 | | Stadium | Street | Chiller Plant | \$920,000 |
| 7. | Southwest Building Specialists | 511 | | Harriet | Drive | Dwelling | \$110,000 |
| 8. | Southwest Building Specialists | 513 | | Harriet | Drive | Dwelling | \$110,000 |
| 9. | Southwest Building Specialists | 515 | | Harriet | Drive | Dwelling | \$110,000 |
| 10. | Southwest Building Specialists | 517 | | Harriet | Drive | Dwelling | \$110,000 |

REGULAR MEETING – OCTOBER 3, 2005

| | | | | | | | |
|-----|------------------------------------|------|-------|-------------|--------|-----------------------------|-------------|
| 11. | Minnetonka Plumbing & Heating | 330 | North | O'Connell | Street | Fitness Center Remodeling | \$33,400 |
| 12. | Met-Con Construction | 1310 | | Madrid | Street | Office Building Addition | \$1,677,900 |
| 13. | Shane Plante | 301 | East | Main | Street | Install Window | \$1,000 |
| 14. | Victor Flores | 202 | | Athens | Avenue | Basement Remodel | \$200 |
| 15. | Mike Buysse Construction | 108 | | Kathryn | Avenue | Laundry room Remodel | \$1,500 |
| 16. | Vincente Hernandez | 106 | North | 5th | Street | Reroof Dwelling | \$1,900 |
| 17. | Charles Swanson | 812 | | Boxelder | Street | Reroof Dwelling | \$2,600 |
| 18. | Mike Buysse Construction | 201 | North | 5th | Street | Exterior Remodel | \$15,000 |
| 19. | John McDonald | 606 | East | Main | Street | Reroof Dwelling | \$2,400 |
| 20. | Babcock Construction | 503 | | Kendall | Street | Reroof/Reside/Install Doors | \$13,700 |
| 21. | Group II Architects | 513 | | Jewett | Street | Office Building | \$559,300 |
| 22. | Marshall Realty Group, LLC | 511 | | Viper | Circle | Dwelling | \$210,000 |
| 23. | Bakke's Home Repair & Construction | 112 | | Ranch | Avenue | Install Window | \$2,500 |
| 24. | Kesteloot Construction, Inc. | 507 | East | Lyon | Street | Reroof | \$6,000 |
| 25. | Vlaminck Construction | 1505 | | Westwood | Drive | Reroof & Residing | \$11,500 |
| 26. | Lozinski Construction | 511 | | Carlson | Street | Reroof | \$3,000 |
| 27. | Lisa Morales | 800 | North | 6th | Street | Reroof | \$2,300 |
| 28. | Eric & Stella Miller | 1130 | | David | Drive | Finish Basement | \$15,000 |
| 29. | Hiller Development Co. | 1630 | | Thunderbird | Road | Four-Unit Condominium | \$375,000 |
| 30. | Buysse Roofing & Sheetmetal Co. | 501 | South | Whitney | Avenue | Reroof School | \$95,000 |
| 31. | Michael S. Growe | 409 | North | Elm | Street | Garage Floor | \$1,100 |

DISCUSSION/ACTION ON MN/DOT HIGHWAY #59 RECONSTRUCTION PLAN LAYOUTS:

Due to the fact that all council members were not in attendance at the meeting, Mayor Byrnes recommended that the discussion/action on Mn/DOT Highway #59 Reconstruction Plan Layouts be tabled to the next regular City Council meeting contingent upon Mn/DOT approval. Glenn Olson, Director of Public Works/City Engineer, provided an update on the parking on Main Street from 6th Street to 7th Street and the median between 4th Street and College Drive. Mn/DOT District 8 Traffic and Design Supervisor, Al Rice, indicated that they would be ready to start on a detail plan in a couple of weeks. Appropriate use of the median would include: lights, trees, shrubs and colored concrete. This would not be a grass median. The width of the sidewalks would not be affected by having a median. Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2781-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2781-A, Second Series is a Resolution for This item was amended on 12-12-05 meeting.

Layout Approval of Mn/DOT Highways #59 Reconstruction. This resolution approves Mn/DOT Concept B with no parking on Main Street between 6th Street and 7th Street and to leave the parking on Main Street between 5th Street and 6th Street. Dr. Affolter requested more time for public input. Council Member Boedigheimer indicated that at a Downtown Leadership Committee meeting 70% of the Downtown Leadership voted no Median. Council Member Linstrom indicated that the 70% was not just downtown business people, but also included the general public. Council Member Doom indicated that he had contacted several downtown business people and that they were in favor of the median. All voted in favor of the motion, except Boedigheimer who voted no.

WAYS AND MEANS COMMITTEE – CONSIDER RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$3,295,000 GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2005A:

Terri Heaton, Springsted Inc., was in attendance at the meeting and provided a brief overview of the Revised \$3,335,000 City of Marshall General Obligation Various Purpose Bonds, Series 2005A. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that these bonds would be used for public improvements and to acquire computer software and hardware. Linstrom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2782, SECOND SERIES and that the reading of the same be waived. Resolution Number 2782, Second Series is a resolution Providing for the Issuance and Sale General Obligation Various Purpose Bonds, Series 2005A. The sale of these bonds will be on November 7, 2005. All voted in favor of the motion.

LEGISLATIVE AND ORDINANCE COMMITTEE – A. INTRODUCTION OF ORDINANCE AMENDING CITY CODE SECTION 2-225 HOSPITAL FUND; B. INTRODUCTION OF ORDINANCE AMENDING CITY CODE SECTION 74-130 RESTRICTION TO PARKING (MCLAUGHLIN DRIVE):

Per the recommendation of the Legislative and Ordinance Committee, Doom moved, Linstrom seconded, the introduction of an ordinance Amending City Code Section 2-225 Hospital Fund. This ordinance would increase the transaction fee of \$75,000 to \$150,000 including real property acquisitions. This ordinance would allow Avera Marshall Regional Medical Center the authority to make purchases up to \$150,000 without the City Council approval. All voted in favor of the motion.

Per the recommendation of the Legislative and Ordinance Committee, Doom moved, Reynolds seconded, the introduction of an ordinance Amending City Section 74-130 Restricting Parking on McLaughlin Drive. This ordinance would restrict overnight parking on McLaughlin Drive from O'Connell Street to Mustang Trail from 2:00 A.M. to 6:00 A.M. All voted in favor of the motion.

CONSIDER RECOMMENDATION TO PURCHASE REAL ESTATE – AVERA MARSHALL REGIONAL MEDICAL CENTER:

Boedigheimer moved, Linstrom seconded, that Avera Marshall Regional Medical Center be authorized to purchase 603 Charles Avenue in the amount of \$117,000. This property is included in the "targeted area" for future expansion of Avera Marshall Regional Medical Center. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING CHAPTER 78, ARTICLE III – SURFACE WATER MANAGEMENT UTILITY:

Reynolds moved, Linstrom seconded, the introduction of an ordinance Amending Chapter 78, Article III – Surface Water Management Utility. This ordinance would allow the exemption of the property at the Fairgrounds, except for the area designated as Public Works and Maintenance Building areas. All voted in favor of the motion.

CONSIDER REQUEST TO RESURFACE THE AQUATIC CENTER WATER SLIDE:

Harry Weilage, Director of Community Services, was in attendance at the meeting to review the request to resurface the Aquatic Center Water Slide. Mr. Weilage indicated that the water slide is 10+ years old and that he has submitted a cost estimate of \$16,500 in the 2006 budget to resurface and repair the slide. Harry is requesting that this item be moved forward to the fall of 2005 for cost consideration. He has received a proposal in the amount of \$16,375 from Polyshell Resurfacing Co. This is a sole source specialty type of service and they are available to do the work now. There are currently funds available in the 2005 Aquatic Center budget. Council Member Boedigheimer indicated that 4 to 5 weeks ago there was no money in the budget for the Liberty Park Project, but now there is. Council Member Boedigheimer was informed that the money for the Liberty Park Project would come from the Park Maintenance budget and not the Aquatic Center budget. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into a contract with Polyshell Resurfacing Co., to resurface and repair the slide at the Aquatic Center in the amount of \$16,375 and that the following budget transfers be made: \$9,000 from 101-70176-1103 and \$7,375 from 101-70176-3383 to account number 101-70176-5540. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER RESOLUTION AMENDING ASSESSMENT ROLL – PROJECT 2003-003 CANOGA PARK DRIVE AND CANOGA PARK CIRCLE:

Owners of six of the parcels involved in the Canoga Park Drive Project preserved their right to appeal those special assessments to District Court. City Attorney Simpson and Director of Public Works/City Engineer Olson proceeded with negotiations and settlements have been reached with each of the various parcel owners. Reynolds moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2783, SECOND SERIES and that the reading of the same be waived. Resolution Number 2783, Second Series is a resolution Amending Resolution Number 2762, Second Series Adopting Assessment for Project 2003-003. This resolution provides for the assessment roll to be amended. The reductions in cost to the property owners have been redistributed to the City, MMU and Wastewater. All voted in favor of the motion.

DISCUSS JOINT AIRPORT ZONING BOARD APPOINTMENT PROCESS:

In the continuing development of the Southwest Minnesota Regional Airport, the extension of Runway 12/30 has required the City to extend its airport rezoning further into the adjacent townships. As Lyon County exercises zoning authority in the areas outside the City limits, it is necessary to reconvene the Joint Airport Zoning Board to

address zoning laws surrounding the airport. Mayor Byrnes and City Administrator Mike Johnson will work the Lyon County Commissioners to appoint members to this board.

MAYOR AND CITY COUNCIL MEMBER REPORTS:

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

Byrnes No report.

Boedigheimer Airport Commission will be meeting soon; Lyon County Enterprise Development met; and the Ways & Means and Legislative & Ordinance items were acted on earlier in the meeting.

Doom Planning Commission will meet next week; Adult Community Center Commission will meet next week; Marshall Area Transit met last week.

Linstrom Community Services Advisory Board will meet next week; Library Board will meet in two weeks.

Reynolds No report.

Ritter No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Council Members included: Boedigheimer requested that two City Council Members and two County Commissioners meet on a regular basis to discuss concerns that affect both the city and the county; the appointment of an advisory group for the atheistic in the downtown area needs to be added to pending agenda items; there are short term and long term issues that need to be resolved along Hwy 23 by the new high school; safety barricades will be installed by Mn/DOT at all city exits to be used in case of inclement weather; and a letter has been received from a resident of Parkway Addition in regard to sidewalks.

Upon motion by Reynolds, seconded by Linstrom, the meeting was adjourned at 8:30 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 13, 2005

A special meeting of the Common Council was held on October 13, 2005 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 5:42 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: Maes. Staff in attendance included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; and Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this special meeting was to begin to address the 2006 budget requests.

Mike Johnson, City Administrator, provided a brief overview of the 2006 General Fund Budget requests in the amount of \$1,211,329 in comparison to the 2005 General Fund Budget of \$8,748,106. Some factors that Mike addressed were the increase in building permits, comparing the 90's to the current years as it relates to housing, airport improvements, downtown development and the public improvement special assessment area.

The following agencies and representatives were in attendance to address their requests for 2006:

- A. Lyon County Historical Society – Ellayne Conyers was requesting \$13,000.
- B. Marshall Area Fine Arts Council (MAFAC) - Pat Schultz and Becky Wyffels were in attendance and were requesting \$3,000.
- C. Marshall Lyon County Library – Wendy Wendt and Karen Sweetland addressed the Library's budget for 2006 which included an additional ½ time teen librarian position. The Library is requesting \$437,033 from the City in 2006 for their operations. Additional requests of the Library in the amount of \$57,166 were received.
- D. A letter was received from the Southwest Minnesota Foundation requesting \$7,500 for 2006.

Glenn Olson, Director of Public Works/City Engineer, addressed his summary for the Public Works Department, for the Engineering Department, Building Inspection and Zoning, Street Department, Airport and Public Ways Maintenance. Glenn addressed various additions of personnel and pay adjustment requests for the various departments based on updated position profiles. Various changes in operating and maintenance and capital requests were also discussed. Glenn identified and addressed the cost estimates related to the Airport Scheduled Air Services.

Rob Yant, Director of Public Safety, addressed activities of the Police Department, Gang Strike Force, Chemical Assessment Team, M.E.R.I.T. Center and Emergency Management Services. Rob highlighted the FEMA Grant received for the Fire Department and Training at the M.E.R.I.T. Center; the changes in some of the revenues generated by Public Safety, various capital expenditures such as cold storage for vehicles, red light actuators, replacement of various pieces of equipment, a siren,

SPECIAL MEETING – OCTOBER 13, 2005

consulting fees for City Emergency Response Plan, replacement of two squad cars and a vehicle for the Director of Public Safety.

A brief discussion was held on including money in the budget for a complete overhaul of the City's pay plan including but not limited to update position profiles, comparing the positions within the pay plan to the market, updating the position points and pay ranges along with the City's personnel policy being updated. Mike Johnson was directed to check on the cost of this project and report back to the City Council.

The City Council was advised of the November 6th dedication of the new High School.

Upon motion by Reynolds, seconded by Ritter, 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 17, 2005

The regular meeting of the Common Council of the City of Marshall was held on October 17, 2005 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: Doom, Linstrom, Boedigheimer and Ritter. Maes and Reynolds arrived late. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Kim Jergenson, Senior Engineering Technician; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

Mayor Byrnes welcomed Bob Schabert the Mayor of Courtland. As part of the League of Minnesota Cities mayor exchange program Schabert spend Monday in Marshall and Mayor Byrnes spent last Thursday in Courtland.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Doom moved, Linstrom seconded, that the minutes of the regular meeting held on October 3, 2005 and the minutes of the special meeting held on October 13, 2005 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA – A. CONSIDER RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH THE STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE NIGHTCAP GRANT PROGRAM; B. CONSIDER RESOLUTION FOR AUTHORIZATION TO ACCEPT GRANT AND GRANT AGREEMENT ARTICLES WITH DEPARTMENT OF HOMELAND SECURITY FOR FIRE DEPARTMENT; C. CONSIDER AGREEMENT WITH PIORIER EQUIPMENT FOR LEASE OF MOTOR GRADERS FOR STREET DEPARTMENT; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

It was requested that item C, which is an agreement with Piorier Equipment for the lease of a motor grader for the Street Department; and item D, which is bills/project payments, be removed from the consent agenda.

Doom moved, Linstrom seconded, that the following consent agenda items be approved:

The adoption of RESOLUTION NUMBER 2784, SECOND SERIES, which is a resolution Authorizing the Execution of an Agreement with the State of Minnesota Department of Public Safety for the NightCAP Grant Program. This grant will reimburse the Police Department up to \$800 for having had officers work the Safe and Sober on Saturday, September 24, 2005.

The adoption of RESOLUTION NUMBER 2785, SECOND SERIES, which is a resolution that provides Authorization to Accept Grant and Grant Agreement Articles with the Department of Homeland Security for the Fire Department. The total project cost associated with this grant is \$165,746 of which the Federal share is 95% or \$157,459. and the City Share is 5% or \$8,287. The project funds will be used for a complete exhaust system for apparatus area in the fire station and training for fire departments in a 19 county area.

REGULAR MEETING – OCTOBER 17, 2005

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. | Marshall Truss Systems, Inc. | 200 | South | 11th Street | Construct Warehouse | \$88,000 |
| 2. | Calvary Baptist Church | 500 | South | Saratoga Street | Partial Church Reroof | \$6,500 |
| 3. | Warren & Cory Hartmann | 810 | | Boxelder Avenue | Reroof Dwelling and Install Window | \$12,000 |
| 4. | Cindy McKittrick | 1231 | | Patricia Court | Finish Basement | \$2,000 |
| 5. | Tutt Construction | 307 | East | College Drive | Interior Demolition | \$0 |
| 6. | David Horstman | 704 | | Sara Circle | Stairway | \$11,500 |
| 7. | Francile Bue | 100 | South | Whitney Street | Partial Garage Reroof | \$200 |
| 8. | David Marks | 501 | | Washington Avenue | Reroof & Replace Windows | \$4,500 |
| 9. | Leo Geraets | 404 | | DeSchepper Street | Reroof | \$2,700 |
| 10. | Brian Erickson | 708 | | Oak Street | Garage | \$15,200 |
| 11. | Lozinski Construction | 1220 | | Birch Street | Reroof | \$16,000 |
| 12. | Albert R. Eggermont, Jr. | 302 | West | College Drive | Warehouse Garage | \$3,000 |
| 13. | Marshall C&A Properties | 1213 | East | College Drive | Exterior Remodel | \$8,500 |
| 14. | Rick Slagel Construction, Inc. | 414 | | Mason Street | Reroof, Reside & Install Window | \$15,000 |
| 15. | Kesteloot Construction, Inc. | 300 | | "G" Street | Reside Dwelling | \$5,200 |
| 16. | Dulas Construction, Inc. | 205 | | Athens Avenue | Two-Family Dwelling | \$292,000 |
| 17. | Clara Traen / Barb Myhre | 600 | | Soucy Drive | Install Windows & Basement Remodel & Replace Steps | \$4,000 |

Council Member Ritter was concerned with renting motor graders each year rather than purchasing them. Mike Johnson, City Administrator, indicated that it is more cost effective to rent this type of equipment. Ritter moved, Doom seconded, that the proper city personnel be authorize to enter into an agreement with Piorier Equipment of Marshall, Minnesota for the lease of two motor graders with wings for the 2005-2006 winter season. The cost for these motor graders is \$1,800 per unit + tax per month. There is an additional charge of \$34.00 per hour for any hours over 500. All voted in favor of the motion.

Council Member Boedigheimer asked why the council did not receive the list of accounts payable prior to the meeting. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that there were some problems on Friday due to the financial software conversion process and the reports were not available at the time the agenda was sent out. Ritter moved, Linstrom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 48161 through 48353. All voted in favor of the motion, except Boedigheimer who abstained.

LEGISLATIVE AND ORDINANCE COMMITTEE – A. ADOPTION OF ORDINANCE AMENDING CITY CODE SECTION 2-225 HOSPITAL FUND; B. ADOPTION OF ORDINANCE AMENDING CITY CODE SECTION 74-130 RESTRICTIONS TO PARKING (MCLAUGHLIN DRIVE):

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 537, SECOND SERIES and that the reading of the same be waived. Ordinance Number 537, Second Series provides for City Code Section 2-225 Hospital Fund is amended to increase the transaction fee of \$75,000 to \$150,000 including real property acquisitions. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 538, SECOND SERIES and that reading of the same be waived. Ordinance Number 538, Second Series is an ordinance Amending Section 74-130 of the Code of Ordinances of the City of Marshall. This ordinance provides that no vehicle shall be parked or left standing on any portion of McLaughlin Drive from O'Connell Street to Mustang Trail between 2:00 a.m. and 6:00 a.m. year round. All voted in favor of the motion.

ADOPTION OF ORDINANCE AMENDING CHAPTER 78, ARTICLE III – SURFACE WATER MANAGEMENT UTILITY:

Boedigheimer moved, Ritter seconded, the adoption of ORDINANCE NUMBER 539, SECOND SERIES and that the reading of the same be waived. Ordinance Number 539, Second Series is an ordinance Amending Section 78-138 of the Code of Ordinances of the City of Marshall. This ordinance provides the Fairground property other than the Public Works and Maintenance Building to be exempt from the Surface Water Management Utility. This exemption will be retroactive to January 1, 2004. A credit will be issued for the exempt area. All voted in favor of the motion.

PRELIMINARY PLAT – HAR-MAR FOODS ADDITION:

The Preliminary Plat for Har-Mar Foods Addition was approved by the Planning Commission with the following conditions: the addition of utility easements as requested by Marshall Municipal Utilities and the inclusion of the unplatted strip of property on the north side of the proposed subdivision with the proposed Har-Mar Foods Addition. Linstrom moved, Doom seconded, the introduction of Preliminary Plat for Har-Mar Foods Addition and called for a public hearing to be held at 5:30 P.M. on November 7, 2005. All voted in favor of the motion, except Boedigheimer who abstained.

CONSIDER APPROVAL OF WAIVER REQUESTS FOR THE SMALL CITIES DEVELOPMENT PROGRAM DOWNTOWN REVITALIZATION LOAN PROGRAM:

Jeff Gladis of Western Community Action was in attendance at the meeting on behalf of two project applicants under the Small Cities Development Program (SCDP) for financial assistance in excess of the program limits. The waiver requests are for funding not to exceed \$14,892 on Commercial Project #C-3, Midwest Cleaners; and \$35,205 on Commercial Project #C-13, the Henle Building. Jeff also provided a brief update on the Marshall Small Cities Development Program. Council Member Linstrom asked if money can be transferred between areas. Jeff indicated that a transfer can be applied for and usually is not a problem. Reynolds moved, Linstrom seconded, the approval of a Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan for Commercial Project #C-3, Midwest Cleaners, in the amount of \$14,892 and for Commercial Project #C-13, Henle Building, in the amount of \$35,205. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING AMENDMENTS TO THE BY-LAWS OF THE MARSHALL VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION:

Russ Labat, representative of the Marshall Volunteer Firefighters Relief Association, was in attendance at the meeting to review the proposed amendments to the By-Laws of the Marshall Volunteer Firefighters Relief Association. Per the recommendation of the Ways and Means Committee, Ritter moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2786, SECOND SERIES and that the reading of the same be waived. Resolution Number 2786, Second Series is a resolution Approving the By-Laws of the Marshall Volunteer Firefighters Relief Association. This resolution provides for benefit level per year of service be increased to \$4,100 per year effective January 1, 2006. All voted in favor of the motion. Mr. Labat informed the council that he would be retiring from the Fire Department after the first of the year that thanked them for everything they have done for the Fire Department and the Relief Association.

CONSIDER CHANGE IN PROPERTY, AUTO, AND LIABILITY INSURANCE DEDUCTIBLE:

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that as a follow up to two concerns brought up to the Insurance Advisory Committee meeting in September Sheldon Kimpling, Bremer Insurance and Chairperson of the Insurance Advisory Committee; addressed the Air Service Coverage at the airport and the changing of the City's annual aggregate deductible for the property, auto and liability insurance. Mr. Kimpling informed the council that if Northwest Airlines decides to have regular flights in/out of Marshall they would be required to have \$5,000,000 liability limits. The City of Marshall currently has a \$5,000,000 liability limit with ACE USA.

Sheldon Kimpling, Bremer Insurance, also indicated that the city currently has a \$75,000 aggregate deductible and that during the last couple of years, the claims experience for the City has been substantially better and it may be in the City's best interest to decrease the aggregate deductible amount down to \$50,000. The aggregate deductible claims factor is so low right now that the premium increase for this change would be approximately \$115 annually. Linstrom moved, Reynolds seconded, that the City of Marshall decrease its aggregate deductible amount to \$50,000 effective with the October, 2005 renewal. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

- | | |
|--------------|---|
| Byrnes | <u>EDA</u> met on Tuesday and continued on Friday – they awarded the bids for 7 houses in Parkway Addition II. |
| Boedigheimer | <u>Airport Commission</u> met last week; <u>Insurance Advisory Commission</u> items were acted on earlier in the meeting; <u>M.E.R.I.T. Center</u> held a meeting – but he was unable to attend; <u>Ways and Means Committee</u> and <u>Legislative and Ordinance Committee</u> items were acted on earlier in the meeting. |
| Doom | <u>Planning Commission</u> items were acted on earlier in the meeting and they received the resignation from Jill Housman. |
| Linstrom | No report. |
| Reynolds | <u>Utilities Commission</u> will meet this week. |

REGULAR MEETING – OCTOBER 17, 2005

Ritter Air Navigation Committee has not met and the Housing Commission met last week.

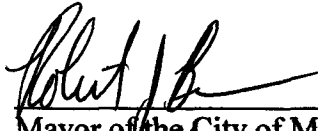
COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Mayor Byrnes welcomed Council Member Maes back; there is a street light burned out along Prospect Road and Adobe Road.

Mayor Bob Schabert of Courtland took this opportunity to thank Sheila Dubbs, Assistant to the City Administrator, for a tour of the City of Marshall. Mr. Schabert indicated that the tour was very informational and that the City of Marshall and the City of Courtland deal with some of the same issues.

The Library Foundation is sponsoring a fund raising event on Saturday, October 22, 2005.

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 6:20 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 24, 2005

A special meeting of the Common Council of the City of Marshall was held on October 24, 2005 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 5:40 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; Harry Weilage, Director of Community Services; Thomas M. Meulebroeck, Financial Director/City Clerk; and Mark Klaith and Tim DeSaer from the Marshall Volunteer Fire Department.

Mike Johnson indicated that this was the second session of the 2006 Budget Workshop. The area to be reviewed at this session included the Marshall Volunteer Fire Department; Community Services Departments; General Government Departments; the General Fund Revenues and a comparison of the 2006 Proposed Budget with and without the scheduled air service.

Marc Klaith addressed the 2006 Marshall Volunteer Fire Department budget requests. He did indicate there was not much change in the personnel and operating requests for 2006. Marc did review the individual capital requests for 2006. Marc informed and encouraged the City Council to attend the presentation of the FEMA Grant at the M.E.R.I.T. Center on October 27, 2005 between 4:30 P.M. and 6:00 P.M.

Harry Weilage reviewed the following 2006 budget requests:

Cable – a new coordinator has been hired, and inventory of the equipment has been done, contacts are being established and they are considering the upgrade of the equipment.

Adult Community Center – improvements to the kitchen ventilation were addressed and it was indicated that the kitchen was not designed for mass meal preparation. The shingling of the facility was also addressed.

Aquatic Center – revenues for 2006 were up from the previous year, the request for an improvement to the pool floor was discussed. Harry is requesting \$10,000 to be included in the 2006 budget for a planning study for the aquatic center to address items such as a second waterslide, a miniature golf course and the expanding of the wading pool. Harry was also requesting a defibrillator for the aquatic center.

Park Maintenance – the part time wages need to be increased due to the increase in minimum wage.

The idea of a Community Services Foundation was discussed.

The Ice Arena budget was addressed along with a request for funding an Outdoor Rink near the Middle School which will be used in conjunction with the after school program.

SPECIAL MEETING – OCTOBER 24, 2005

As a part of the Community Services Administration Budget, Harry addressed the Needs Assessment with Neighborhood House and the Commercial Business Survey.

A 5-minute recess was taken at 6:40 P.M.

Mike Johnson briefly reviewed the General Government Services budgets for: Mayor and Council; Human Rights; Administration; Finance/Clerk's; Assessing; Legal; Community Development; Municipal Building; Safety Committee; Data Processing; Duplication; Motor Pool; and Transit.

A brief discussion was held on the future of the Municipal Building. The current building was built in 1964. The pros and cons of remodeling the current facility or building a new facility will need to be addressed. Group II had done a study on the current facility. This study will be reviewed. It was suggested that in lieu of trading in a pickup, that the vehicle being disposed of be transferred to the Municipal Building Maintenance Department.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the General Fund line items revenue requests.

Michael Johnson briefly reviewed the cost effects on the 2006 budget for the Scheduled Air Service.

The City's Pay Plan was briefly discussed and it was indicated that a proposal is being requested to update the plan.

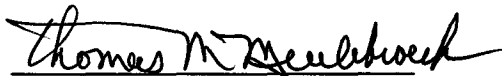
The next budget workshop is scheduled for 5:30 P.M. on November 14, 2005.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

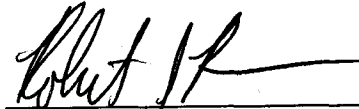
SPECIAL MEETING – OCTOBER 31, 2005

The special meeting of the Common Council of the City of Marshall was held on October 31, 2005 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 in attendance: Maes, Linstrom, Boedigheimer and Ritter. Absent: Doom and Reynolds. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this meeting was to consider a resolution approving the transfer of Parkway Addition II from the City of Marshall to the City of Marshall Economic Development Authority.

Ritter moved, Maes seconded, the adoption of RESOLUTION NUMBER 2787, SECOND SERIES and that the reading of the same be waived. This resolution provides for the Transfer of the Parkway Addition II from the City of Marshall to the City of Marshall Economic Development Authority and authorizes the proper city personnel to execute a deed for this transfer. This resolution will allow EDA to transfer property and to borrow funds for the development of the seven spec homes. All voted in favor of the motion.

Upon motion by Maes, seconded by Linstrom, the meeting was adjourned. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – NOVEMBER 7, 2005

The regular meeting of the Common Council of the City of Marshall was held on November 7, 2005 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: Doom, Boedigheimer and Ritter. Council Member Maes arrived at 6:20 P.M. and Reynolds arrived at 6:30 P.M. Absent: Linstrom. 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; 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:

Council Member Boedigheimer questioned item 6a, which is calling for a public hearing on 2007 MN/DOT Highway #68 Reconstruction Project in Downtown Marshall. He was informed that this is request to call for the public hearing. It was the general consensus of the council that the agenda be approved as presented.

APPROVAL OF THE MINUTES:

Doom moved, Ritter seconded, that the minutes of the regular meeting held on October 17, 2005 and the minutes of the special meetings held on October 24, 2005 and October 31, 2005 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 – HAR-MAR FOODS ADDITION: A. CONSIDER APPROVAL OF PRELIMINARY PLAT; B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT:

This was the date and time set for a public hearing to consider the Preliminary Plat for Har-Mar Foods Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that the reason for the plat is to subdivide a non-platted parcel into three lots for the sale of Lots 1 and 2. Doom moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion, except Boedigheimer who abstained.

Council Member Boedigheimer indicated that he would be abstaining from voting on the approval of the Preliminary Plat and on the Resolution Approving the Final Plat; therefore these items would be considered after the arrival of Council Member Maes and Reynolds.

AWARD OF BIDS - \$3,330,000 CITY OF MARSHALL, MINNESOTA GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2005A: A. REVIEW CITY'S CREDIT RATING UPGRADE FROM MOODY'S INVESTORS SERVICE; B. RESOLUTION AWARDED THE SALE OF \$3,330,000 GENERAL OBLIGATION VARIOUS PURPOSE BONDS SERIES 2005A, FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT; C. CONSIDER AMENDMENT TO ADDENDUM A OF AGREEMENT FOR CONTINUING DISCLOSURE SERVICES AND AMENDMENT TO ADDENDUM B OF AGREEMENT FOR ARBITRAGE AND REBATE MONITORING:

Terri Heaton from the Springsted Financial Advisory Firm indicated that Moody's Investors Service raised the bond rating for the City of Marshall from A3 to A2. Ms. Heaton indicated that the A2 rating is based on the City's sound financial position characterized by health reserves; stable local economy with an institutional presence and a concentration risk in the food processing industry and high, yet manageable, debt levels with rapid amortization.

Terri Heaton reviewed the bids that were received for the \$3,330,000 General Obligation Various Bonds, Series 2005A. Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2789, SECOND SERIES and that the reading of the same be waived. Resolution Number 2789, Second Series is a resolution Awarding the Sale of \$3,330,000 General Obligation Various Purpose Bonds, Series 2005A, Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment. These bonds were sold to First Trust Portfolios, L. P. at a price of \$3,307,726.95, net interest cost of \$709,470.97 and a true interest rate of 3.7501%. All voted in favor of the motion.

Ritter moved, Boedigheimer seconded the approval of the Amendment to Addendum A of Agreement for Continuing Disclosure Services and the Amendment to Addendum B of Agreement for Arbitrage and Rebate Monitoring with Springsted Incorporated. These addendums add the \$3,330,000 General Obligation Various Bonds, Series 2005A to the original agreement. All voted in favor of the motion.

PROJECT 2005-002: SOUTHVIEW DRIVE WATERMAIN REPLACEMENT PROJECT – CONSIDER RESOLUTION REJECTING BIDS:

Glenn Olson, Director of Public Works/City Engineer, indicated that following the receipt of the bids for this project they were reviewed by Marshall Municipal Utilities. A request has been received from Marshall Municipal Utilities indicating that all of the bids received significantly exceeded the amount that MMU had budgeted for this project. Marshall Municipal Utilities is requesting that these bids be rejected and that this project be rebid in March 2006 with the anticipation that PVC prices will drop to a more normal price range. Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2790, SECOND SERIES and that the reading of the same be waived. Resolution Number 2790, Second Series is a resolution Rejecting Bids for the Southview Drive Watermain Replacement Project 2005-002. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CONSIDER OUT OF STATE TRAVEL OF COMMUNITY SERVICES; B. CONSIDER LG220 APPLICATION FOR EXEMPT PERMIT FOR SW MN STATE UNIVERSITY FOUNDATION; C. CONSIDER CHANGE ORDER NO. 1 – BIOGUARD FINE SCREEN PROJECT; D. CONSIDER CHANGE ORDER NO. 4 – PROJECT 40150 BLOCK 11 DEMOLITION; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

It was requested that item D, which is Change Order No. 4 for Project 40150 Block 11 Demolition and item E, which is bills/project payments to be removed from the consent agenda..

Ritter moved, Doom seconded, that the following consent agenda items be approved:

Out of state travel for Harry Weilage, Community Services Director, to attend the 2005 NCEA Annual Convention to be held on December 7 – 10, 2005 in St. Louis MO.

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 –LG220 for the Southwest Minnesota State University Foundation for a raffle to be held on February 4, 2006 at the RA Facility.

The approval of Change Order No. 1 with KHC Construction, Inc., for an extension of time for substantial completion from November 15, 2005 to December 15, 2005 and final completion from December 1, 2005 to December 31, 2005 for the Bioguard Fine Screen Project.

All voted in favor of the motion.

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

| | Applicant | Location Address | | | Description of Work | Valuation |
|----|----------------------------|------------------|------------------------|-----------------|--------------------------------|-----------|
| 1. | Sussner Construction, Inc. | 700 | Huron | Road | Construct 7' Fence | \$22,400 |
| 2. | DeVries Construction, Inc. | 518 | Harriet | Drive | Dwelling | \$90,000 |
| 3. | 5968 Company | 801 | East | College Drive | Move Out Garage | \$0 |
| 4. | Patrick Schnieder | 404 | West | Saratoga Street | Deck | \$2,500 |
| 5. | Eric & Jennifer Klenken | 1305 | Ellis | Avenue | Modular Single Family Dwelling | \$85,000 |
| 6. | Mike Buysse Construction | 1306 | Ellis | Avenue | Dwelling | \$119,500 |
| 7. | Phillip Ringstmeyer | 404 | Legion Field | Road | Finish Basement | \$300 |
| 8. | Quality Roofing | 120 | West | Maple Street | Reroof | \$1,000 |
| 9. | Mark Driessen Construction | 119 | Marvin Schwan Memorial | Drive | Reroof Dwelling | \$1,300 |

REGULAR MEETING – NOVEMBER 7, 2005

| | | | | | | | |
|-----|--------------------------------------|------|-------|-----------|--------|------------------------------------|-----------|
| 10. | Michael C. & Joyce Paulson | 102 | North | 1st | Street | Reroof & Reside Dwelling | \$15,000 |
| 11. | Russ Dulek | 811 | | Boxelder | Avenue | Reroof Garage | \$900 |
| 12. | Jeff Gladis | 111 | | Gray | Place | Reroof Dwelling | \$4,800 |
| 13. | Gary Ortmann | 112 | West | Thomas | Avenue | Remove Wall | \$0 |
| 14. | Babcock Construction | 302 | North | Minnesota | Street | Reside Dwelling | \$6,500 |
| 15. | Thomas Polfliet | 1500 | | Pinehurst | Road | Reroof and Install Windows | \$10,000 |
| 16. | Independent Lumber of Marshall, Inc. | 300 | North | Minnesota | Street | Exterior Remodel | \$9,500 |
| 17. | Bladholm Construction, Inc. | 906 | West | Main | Street | Automobile Warehouse | \$100,000 |
| 18. | CAB Quality Construction | 601 | | Mercedes | Drive | Dwelling | \$192,500 |
| 19. | True Value Home Center | 309 | | Athens | Avenue | Dwelling | \$116,300 |
| 20. | True Value Home Center | 302 | | Athens | Avenue | Dwelling | \$116,000 |
| 21. | True Value Home Center | 307 | | Athens | Avenue | Dwelling | \$118,400 |
| 22. | True Value Home Center | 303 | | Athens | Avenue | Dwelling | \$114,800 |
| 23. | True Value Home Center | 303 | | Brussels | Court | Dwelling | \$119,500 |
| 24. | True Value Home Center | 304 | | Athens | Avenue | Dwelling | \$109,300 |
| 25. | True Value Home Center | 300 | | Athens | Avenue | Dwelling | \$119,600 |
| 26. | True Value Home Center | 301 | | Athens | Avenue | Dwelling | \$114,300 |
| 27. | True Value Home Center | 305 | | Athens | Avenue | Dwelling | \$110,600 |
| 28. | Carol Bragg | 205 | North | Fifth | Street | Addition | \$25,000 |
| 29. | Karna Swanson | 612 | | Adobe | Circle | Partial Reside | \$5,400 |
| 30. | Rick Slagel Construction, Inc. | 803 | North | 5th | Street | Reroof | \$1,800 |
| 31. | Hardscape Concrete Designs | 603 | | Prospect | Circle | Replace Step | \$1,000 |
| 32. | Delores Wilson | 1217 | | Prospect | Road | Replace Door & Interior Remodeling | \$2,700 |
| 33. | Richard & Lori Johnson | 706 | | Nuese | Lane | Reside Dwelling | \$6,500 |

Council Member Boedigheimer questioned the per unit price of Change Order No. 4 with Blue Earth Environmental for Block 11 Building Demolition Project 40150. Glenn Olson, Director of Public Works/City Engineer, indicated that the reason for the \$1.00 per foot decrease was that originally the alley adjacent to the wall was to be removed. After review it was decided to leave the alley in place. The wall helped support the alley; therefore they could not remove the wall without removing the alley. They only removed the wall down to the alley elevation, which resulted in a deduct of

\$1.00 per square foot. Boedigheimer moved, Doom seconded, the approval of Change Order No. 4 with Blue Earth Environmental for Block 11 Building Demolition Project 40150. This change order provided for a decrease in the amount of \$660.00. All voted in favor of the motion.

Council Member Boedigheimer questioned what the policy is on paying mileage to an employee who is on leave. It was indicated that this employee was being paid an allowance that is part of his compensation package and not reimbursement for direct costs. Boedigheimer moved, Doom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 48354 through 48653. All voted in favor of the motion.

2007 MN/DOT HIGHWAY #68 RECONSTRUCTION PROJECT IN DOWNTOWN MARSHALL – A. CALL FOR PUBLIC HEARING PURSUANT TO MN. STATUTE 161.164(2); B. PRESENTATION OF PROPOSAL AND PETITION BY DR. AFFOLTER:

Glenn Olson, Director of Public Works/City Engineer, indicated that the city has received the final layout from Mn/DOT on the 2007 Mn/DOT Highway #68 Reconstruction Project in Downtown Marshall. Glenn indicated that the parking along North 6th Street is partially federally funded and they may not be able to delete this parking. It was indicated that 3% of the construction project can be used for amenities within the right-of-way. Boedigheimer moved, Ritter seconded, that in accordance with Minnesota Statutes 161.164 "Final Layout Approval Process" a public hearing will be held on December 12, 2005 at 5:30 P.M. in the Council Chambers. Mn/DOT will be available for an informal open house from 4:30 P.M. to 5:30 P.M. All voted in favor of the motion.

Council Member Maes arrived at 6:20 P.M. and Council Member Reynolds arrived at 6:30 P.M.

Dr. LeRoy Affolter presented a proposal for the 2007 Mn/DOT Highway #68 Reconstruction Project in Downtown Marshall along with a list of signatures from residents who support his proposal. Mr. Affolter's proposal consisted of:

1. To have the present left turn lanes at the width of 13 feet be of stamped in concrete cobblestone like pattern and green in color to run the length of the project.
2. To have all concrete crosswalks of a stamped in concrete cobblestone like pattern but red in color for the length of the project.
3. In planning the sidewalk construction consideration should be given to the theme "Marshall's Greenway" when sidewalk adornments are planned.
4. The advantage of this proposal is to give the Main Street of downtown Marshall a new look without any changes in safety or maintenance that we currently have. The cobblestone like appearance would compliment the current trend of bringing out the original look of many of the present Main street buildings.

5. There have already been some suggestions to expand on this proposal. One is to have surface lighting along the course of the "Marshall Greenway".

Council Member Boedigheimer indicated that the 2 block raised median does not represent all of downtown Marshall and felt that this would be a good compromise. Mayor Byrnes thanked Dr. Affolter for his presentation. Glenn Olson, Director of Public Works/City Engineer, indicated that Mn/DOT would allow any color of concrete except red and that the cost of adding color would be the City of Marshall's responsibility. Mn/DOT considers this as minor adjustments. Al Greig suggested that Mn/DOT figure the cost of using color in this project.

Boedigheimer moved, Ritter seconded, that the property city personnel request Mn/DOT to provide the City of Marshall with cost of using colored concrete prior to the public hearing. All voted in favor of the motion.

HAR-MAR FOODS ADDITION: A. CONSIDER APPROVAL OF PRELIMINARY PLAT; B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT:

Ritter moved, Doom seconded, the approval of the Preliminary Plat for Har-Mar Foods Addition. All voted in favor of the motion, except Boedigheimer who abstained.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2788, SECOND SERIES and that the reading of the same be waived. Resolution Number 2788, Second Series is a resolution Approving the Final Plat of Har-Mar Foods Addition, contingent upon the City Attorney review and approval of the abstract of title and title opinion, and payment of all fees according to the current Resolution Approving Specific Fees to be charged by the City of Marshall (Resolution Number 2689, Second Series). All voted in favor of the motion, except Boedigheimer who abstained.

Mayor Byrnes called for a 5 minute recess at 6:50 P.M.

SMALL CITY DEVELOPMENT PROGRAM (SCDP) SUBORDINATION APPEAL REQUEST – PAUL AND SUE DUNLAP:

Paul and Sue Dunlap are appealing the decision of the Southwest Minnesota Housing Partnership (acting on behalf of the City) to not approve their subordination request under the City's Small Cities Development Program. The City of Marshall's Subordination Policy was adopted on October 7, 2002. The Dunlap's Repayment Agreement and Lien is dated November 19, 2001 and indicates that repayment would be required if the property was sold or no longer their principle place of residence. It does not indicate that they cannot refinance. Boedigheimer moved, Ritter seconded, that the Small City Development Program Subordination Appeal from Paul and Sue Dunlap be approved for the property at 405 West Marshall Street. All voted in favor of the motion, except Reynolds who voted no.

LYON COUNTY ENTERPRISE DEVELOPMENT CORPORATION:

Nort Johnson, representative from the Lyon County Enterprise Development Corporation, was in attendance at the meeting to provide a brief presentation on the Mission, Vision and Goals of the LCEDC. They are requesting funding from Lyon County and all of the communities within Lyon County to help fund an Economic Development Director's position. They are requesting \$14,000 from the City of Marshall. Boedigheimer moved, Ritter seconded, that the City of Marshall EDA be directed to fund the LCEDC in the amount of \$14,000. City Administrator, Mike Johnson, indicated that the EDA makes recommendations to the City of Marshall. Boedigheimer moved, Ritter seconded, that the motion be amended that the City of Marshall support the LCEDC and that the request of \$14,000 be included in the budget process. Byrnes asked what the difference would be between the LCEDC EDA Director and the City of Marshall EDA Director. Mark Goodenow indicated that the LCEDC EDA Director would have a list of what the county and communities in the county has to offer and not just what the City of Marshall would have to offer. All voted in favor of the motion.

CONSIDER GRANT APPLICATION AUTHORIZATION REQUEST FOR BROWN-LYON-REDWOOD DRUG/GANG TASK FORCE:

Maes moved, Reynolds seconded, that the proper city personnel be authorized to apply to the Minnesota Department of Public Safety on behalf of the Brown, Lyon, Redwood Drug Task Force for \$215,470 to fund operations from January 1, 2006 through December 31, 2006. This grant would consist of \$165,470 for drug investigation with a \$55,157 match from the forfeiture and membership fee and the gang investigation amount would be \$50,000. All voted in favor of the motion.

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION (AGREEMENT NO. 88402):

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2791, SECOND SERIES and that the reading of the same be waived. Resolution Number 2791, Second Series is a resolution providing Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Maintenance and Operation. This grant agreement is for the period July 1, 2005 through June 30, 2007. This agreement provides for the City to receive State Aid up to \$64,374 (an increase of \$8,854 per year from the previous agreement for 2004 and 2005) for each fiscal year for the direct actual maintenance costs including maintenance training functions. All voted in favor of the motion.

PROJECT 2002-008 EAST AREA SANITARY SEWER – A. APPROVAL OF PAYMENT FOR TEMPORARY EASEMENTS/PERMANENT EASEMENTS; B. APPROVAL OF NONEXCLUSIVE SANITARY SEWER AND ROAD EASEMENT WITH SOUTHWEST MINNESOTA STATE UNIVERSITY (SMSU):

Boedigheimer moved, Doom seconded, the approval of payment for permanent and temporary easements acquired from property owners in relation to the East Area Sanitary Interceptor Sewer Project. Several temporary construction easements were

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acquired, resulting in the use of the land for one construction season after which, the rights revert to the fee owner. As part of this process, limited appraisals were completed by Appraisal Services of Mankato, Inc., to determine the loss of value resulting from the acquisition of permanent and/or temporary easements over the subject parcel as well as any consequential or severance damage to the remaining land and/or improvements. The cost of these easements is \$67,652.50. All voted in favor of the motion.

Reynolds moved, Maes seconded, that the proper city personnel be authorized to enter into an agreement with Southwest Minnesota State University for a Nonexclusive Sanitary Sewer and Road Easement at a cost of \$12,461.00. All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION – PROJECT 2005-001 CITY OVERLAY:

Boedigheimer moved, Doom seconded, the approval of Change Order No. 1 (final) with McLaughlin & Schulz, Inc., for an increase in the amount of \$52,936.35 and the acknowledgement of final payment in the amount of \$13,782.90. The reason for the increase of the contract are as follows: favorable bids allowing additional streets to be resurfaced within our existing budget and milling and overlay of a portion of South 4th street in conjunction with MMU's electrical reconstruction project. All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 1 – PROJECT 2002-008 EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3):

Ritter moved, Maes seconded, the approval of Change Order No. 1 with Quam Construction, Inc., resulting in an increase in the contract amount of \$16,500. This change order provides for additional costs incurred for rock blasting associated with the 42-inch diameter casing installation under T.H. No. 23. 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 meeting on Tuesday; Regional Development Commission will meet on Thursday.

Boedigheimer No report.

Doom Adult Community Center Commission met on Wednesday and NSI has offered to pay for the ventilation system in the kitchen area if they can have a 3 year contract to use this area, as of 2007.

Maes No report.

Reynolds No report.

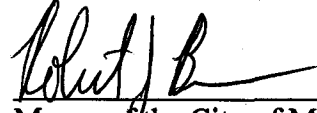
Ritter No report.

REGULAR MEETING – NOVEMBER 7, 2005

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Mayor Byrnes indicated that Mn/DOT did a speed study on Highway 23 by the High School and SMSU. According to the speed study there is no justification to reduce the speed or install traffic signals. School Zone signs could be installed to reduce speeds during certain times. A request for School Zone signs has been submitted. Mayor Byrnes thanked Council Member Doom for representing the City of Marshall at the Marshall High School Dedication.

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 7:45 P.M. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 14, 2005

The special meeting of the Common Council of the City of Marshall was held on November 14, 2005 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 in attendance: Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: Maes. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Bob VanMoer, Wastewater Treatment Facility Superintendent; Jim VanHyfte, Liquor Store Manager; and Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this special meeting was for session 3 of the 2006 Budget Workshop.

It was the general consensus of the City Council to add to the agenda a discussion on the public hearing to be held on December 12, 2005 on the proposed improvements to Highway 59 (Main Street Area).

Glenn Olson, Director of Public Works/City Engineer, provided a copy of a November 10, 2005 email message he had received from Allan Rice, Mn/DOT (Minnesota Department of Transportation), who the city has been working with on the proposed improvements to the Main Street Area. At the public hearing the plan to be considered includes the raised median and the removal of left turn access to and from 3rd Street. If this proposal is not approved the City could then consider a proposed at a later date on the proposal for no median and the potential of using colored and stamped concrete. Mr. Rice indicated that it would cost the city approximately \$200,000 more for the colored and stamped concrete. This change constitutes a significant change to the plan and may place the project in jeopardy. In addition to the cost for colored concrete and stamping there would be an additional cost of approximately \$53,000, the city share of \$160,000 to install signal lights at the Main and 3rd Street intersection. The City Council did address the process for continuing with this project, the potential of special assessing some of the cost, the idea of installing or not-installing the median and the time frame for moving forward on the project. Al Greig and Norm Gregerson did appear at the meeting after the discussion on the main street project and they were informed of the details from the discussion.

Jim VanHyfte, Liquor Store Manager, addressed the proposed 2006 Budget for the Marshall Municipal Liquor Store. During the discussion the staffing of the liquor store; capital improvements; and whether or not a new facility should be built, remodel the current location or a second location be built were hi-lighted.

Bob VanMoer, Superintendent Wastewater Treatment Facility, and Glenn Olson reviewed the proposed 2006 operating budget for the Wastewater Treatment Facility. Bob and Glenn included in their discussion the report prepared by Springsted which includes a scenario for 3.85% and a 4.75% rate increase. Thomas M. Meulebroeck, Financial Director/City Clerk, addressed the Wastewater Debt Service for the 2006 budget.

SPECIAL MEETING – NOVEMBER 14, 2005

A 5-minute recess was called at 7:30 P.M.

The following 2006 budget requests were also presented and reviewed:

- A. Surface Water Management Fund by Glenn Olson and Thomas M. Meulebroeck. The report by Springsteds in reference to Surface Water Management was reviewed which reflects a 20% increase in rates. The rates are currently set by ordinance. It was the general consensus that the ordinance be amended to allow rate changes to be adopted by resolution.
- B. Municipal State Aid by Glenn Olson and Thomas M. Meulebroeck. The two projects in the budget include Kossuth Street from North 7th Street to 4th Street and the 3rd Street Project.
- C. Capital Equipment Fund by Thomas M. Meulebroeck. The direction of this budget was to eliminate it and include it with the General Fund.
- D. Property/Medical Insurance Fund by Thomas M. Meulebroeck. This fund has monies set aside to pay the city's share of co-insuring health insurance claims and the city share of any potential property, auto, and liability claims. Due to this fund being in a good financial position consideration may be given to reducing the amount transferred from General Fund to pay the claims.
- E. Special Revenue Fund by Thomas M. Meulebroeck. The 2006 budget for the various special revenue funds were addressed.
- F. Debt Service Fund by Thomas M. Meulebroeck. The 2006 budget for the various debt service issues were presented along with the available funds and outstanding bonds on each bond issue.


Other issues in relationship to the 2006 Budget requests that were discussed included:

- A. Monies being included in the budget for an identification sign for the M.E.R.I.T. Center. It was suggested that this be included in the "429" Revolving Fund Budget.
- B. That alternatives as far as a vehicle for the Director of Public Safety be considered.
- C. Additional consideration be given to the pickup request for the Park Maintenance Department.
- D. An entrance sign be considered for the Southwest Minnesota Regional Airport/Ryan Field and that the proper city personnel check the potential of state of federal funding for this project.
- E. The Airport Layout Plan (ALP) be updated as requested by the Airport Commission.
- F. Consideration be given to including monies in the budget for Group II to update the re-design plan for the Municipal Building.
- G. Monies be included in the 2006 budget to review and revise job descriptions; the job evaluation system; conduct a market study and the development of a compensation system for the City of Marshall in the amount of \$17,220.00.
- H. The City consider upgrading the City entrance signs to reflect a higher quality and enthusiasm for the City of Marshall.

SPECIAL MEETING – NOVEMBER 14, 2005

Mike Johnson, City Administrator, reviewed the requested 2006 capital expenditures and hi-lighted those requests that are being recommended for deletion from the budget as per the direction of the Division Heads and Mike.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – NOVEMBER 21, 2005

The regular meeting of the Common Council of the City of Marshall was held on November 21, 2005 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 in attendance: Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Absent: Maes who was at a hospital board function. 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 FO THE AGENDA:

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

APPROVAL OF THE MINUTES:

Reynolds moved, Linstrom seconded, that the minutes of the regular meeting held on November 7, 2005 and the minutes of the special meeting held on November 14, 2005 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA – A. REQUEST AUTHORIZATION TO ADVERTISE FOR TOWING BIDS; B. CONSIDER APPROVAL OF MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR HOLY REDEEMER CHURCH AND SCHOOL FOR A RAFFLE; C. CONSIDER APPROVAL OF A ONE DAY ON-SALE INTOXICATING LIQUOR LICENSE FOR PRAIRIE HOME HOSPICE CHARITY BALL AT SMSU; D. CONSIDER GRANT OF UTILITY EASEMENT IN CARR ESTATES SECOND ADDITION (LOTS 1 AND 2, BLOCK 4); E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

It was requested that item A, which is the request to advertise for Towing Bids and item E, which is bills/project payments be removed from the consent agenda.

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

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit –LG 220 for Holy Redeemer Church and School for a raffle to be held at 503 West Lyon Street, Marshall, Minnesota on February 25, 2006 and that the 30-day waiting period be waived.

The approval of a One Day On-Sale Intoxicating Liquor License for Prairie Home Hospice Charity Ball at Southwest Minnesota State University Conference Center on January 28, 2006 at a fee of \$30.00.

REGULAR MEETING – NOVEMBER 21, 2005

The approval of a Grant of Easement in Lots 1 and 2, Block 4, Carr Estates Second Addition for a public utility. This easement is to allow the installation of a storm sewer to drain a portion of Thunderbird Road.

All voted in favor of the motion.

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

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

| Applicant | | Location Address | | | | Description of Work | Valuation |
|-----------|------------------------------|------------------|------|--------------|--------|--------------------------------|-----------|
| 1. | Vlaminck Construction | 602 | 5th | Street | | Reroof & Replace Door & Window | \$2,800 |
| | | North | | | | | |
| 2. | Stein Sign Display | 914 | West | Main | Street | Install Signs | \$5,600 |
| 3. | Geihl Construction, Inc. | 112 | | McFarland | Circle | Dwelling | \$347,000 |
| 4. | Dennis Veldhuisen | 429 | West | Main | Street | Exterior & Interior Remodel | \$64,300 |
| 5. | Dennis Veldhuisen | 425 | West | Main | Street | Replace Door & Reroof | \$17,600 |
| 6. | Sussner Construction | 702 | West | Fairview | Street | Column Repair | \$5,000 |
| 7. | Babcock Construction | 808 | | 4th | Street | Reside Dwelling & Garage | \$7,000 |
| | | North | | | | | |
| 8. | Babcock Construction | 406 | | Legion Field | Road | Reroof | \$4,700 |
| 9. | Walt Moser Construction | 403 | | Second | Street | Repair Garage Roof | \$1,300 |
| | | South | | | | | |
| 10. | Marshall Municipal Utilities | 201 | East | Erie | Road | Substation Building | \$201,000 |
| 11. | Dulas Construction, Inc. | 130 | | Ellis | Avenue | Dwelling | \$160,000 |
| | | 3 | | | | | |
| 12. | Michael Gunderson | 120 | | Dublin | Street | Finish Basement | \$10,000 |
| | | 2 | | | | | |

Council Member Boedigheimer questioned the Towing Contract for 2005 with S & S Automotive Performance Center, Inc., being subleased to another towing company. Mike Johnson, City Administrator, indicated that the contract for 2006 will be changed so that the contract cannot be subleased. Ritter moved, Linstrom seconded, that the proper city personnel be authorized to request proposals for Towing Bids for city towed vehicles for the period January 1, 1006 through December 31, 2006. All voted in favor of the motion.

Council Member Boedigheimer questioned the status of the construction projects being completed. City staff will update the list before the next council meeting. Boedigheimer moved, Ritter seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 48654 through 48832.

MAYOR'S PROCLAMATION WELCOMING FOREIGN EXCHANGE STUDENTS FOR 2005/2006:

At this time Mayor Byrnes read the Mayor's Proclamation Welcoming the following Foreign Exchange Students for 2005/2006:

Helmut Brueckler from Austria
Lorena Verdejo from Chile
Erwin Mansilla Hernandez from Chile
Lisa-Maria Renner from Germany

Ritter moved, Reynolds seconded, to adopt the Mayor's Proclamation Welcoming Foreign Exchange Students for 2005/2006. All voted in favor of the motion.

REQUEST OF DEANNA SANDERSON FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR EMBROIDERY BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 509 CENTRAL AVENUE.

Doom moved, Ritter seconded, that Deanna Sanderson be granted a 5-year renewal of a Conditional Use Permit for a home occupation for an embroidery business in a R-1 One-Family Residence District at 509 Central Avenue with the following conditions:

1. That the permit expire in 5 years.
2. That the hours of business be between 6:00 am. and 10:00 p.m. only

All voted in favor of the motion.

CONSIDER THE REQUEST OF ALBERT R. EGGERMONT, JR., FOR A CONDITIONAL USE PERMIT FOR A TWO-UNIT APARTMENT LOCATED IN A B-3 GENERAL BUSINESS DISTRICT AT 302 WEST COLLEGE DRIVE;

Doom moved, Boedigheimer seconded, Albert R. Eggermont Jr., be granted a Conditional Use Permit for a two-unit apartment located in a B-3 General Business District at 302 West College Drive with the condition that four off-street parking spaces are provided. All voted in favor of the motion.

CONSIDER THE REQUEST OF TIMOTHY R. DEVRIES FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A GARAGE ACCESSORY BUILDING ON A LOT WITHOUT A MAIN BUILDING IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 607 PELTIER STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Tim DeVries to construct a garage accessory building on a lot without a main building. Mr. Olson indicated that private garages without a main building are not a permitted use in an R-1 One Family Residence District. Private garages of not more than 1200 square feet in floor area are a permitted accessory use. An accessory building means a subordinated building which is located on the same lot as the main building. There is no main building or permitted use on the lot. Mr. DeVries lives in a dwelling on a lot across the street at 604 Peltier Street. Mr. DeVries indicated that he wanted to construct a garage on this lot for his own use and not for a business. Council Member Ritter asked if he was aware of the zoning requirements when he purchased the property. Mt. DeVries

REGULAR MEETING – NOVEMBER 21, 2005

indicated that he was not aware of the zoning requirements. Council Member Linstrom indicated that the council was in receipt of a letter from neighbors in the area who are opposed to the building.

Ron Enga, 610 Kendall, indicated that the vacant lot needs to be cleaned up and would be ok with a 2 stall garage on this lot, but not a larger building. A variance adjustment permit cannot put restrictions on the building size.

Boedigheimer moved, Ritter seconded, that the request be denied for Timothy DeVries for a Variance Adjustment Permit to construct a garage accessory building on a lot without a main building in an R-1 One Family Residence District at 607 Peltier Street because there was no undue hardship. Mr. DeVries indicated that there were other lots in Marshall that have a garage on them. It was indicated that they may have existed before the ordinance was adopted. Mr. DeVries also asked about building an apartment on this lot. He was informed that this lot is zoned R-1 One Family Residence District. All voted in favor of the motion.

CONSIDER RESOLUTION PROVIDING FOR THE PREPAYMENT AND REDEMPTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY:

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that as of this date the Debt Service Fund (374) for the 1993B General Obligation Bonds has \$155,576.17 of available funds to pay the principal balance of bonds of \$95,000.00. The remaining amount of interest on these bonds is \$7,462.50. If these bonds are paid off by December 22, 2005 the amount of interest due is \$1,874.13. The cost of redemption is \$750.00; therefore the total savings is \$4,838.37 (\$7,462.50 - \$1,874.13 - \$750.00). The balance of available funds after these bonds have been paid off is approximately \$58,700 which would be available for other City purposes.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2792, SECOND SERIES and that the reading of the same be waived. Resolution Number 2792, Second Series is a Resolution Providing for the Prepayment and Redemption of Certain Outstanding General Obligation Bonds of the City. This resolution provides for the Prepayment and Redemption of the 1993B General Obligation Bonds. The interest savings on the redemption of these bonds is approximately \$4,838 and there will be approximately \$58,700 of available funds for other city purposes. All voted in favor of the motion.

CONSIDER RESIGNATION OF CITY COUNCILPERSON MOLLY LINSTROM EFFECTIVE DECEMBER 31, 2005:

Reynolds moved, Doom seconded, the receipt of the resignation of Molly Linstrom effective December 31, 2005 and requested the City Attorney and Finance Director/City Clerk to prepare the appropriate resolution declaring a vacancy in the council and calling for a special election to fill this vacancy. All voted in favor of the motion.

CONSIDER APPOINTMENT TO BOARDS AND COMMISSIONS:

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

- Human Rights Commission – Nikki Enersen for a term to expire on May 31, 2007
- Planning Commission – Jeff Bragg for a term to expire on May 31, 2008

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 held ground breaking at Parkway II, where they are building 9 homes; the Fire Relief Association will meet on Tuesday.

Boedigheimer Airport Commission minutes are included in the agenda packet; not able to attend the Cable Commission meeting.

Doom Planning Commission items were acted on earlier; Marshall Area Transit will meet on Wednesday.

Linstrom Community Services meets next week; not able to attend the Library Board meeting.

Reynolds Utilities Commission met last week; Council Personnel Committee evaluation forms have been sent to the Council Members for Mike Johnson's review.

Ritter No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: thanking the fire department and everyone involved in the welcome home for Troop 1-151st on Sunday and Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that another fire department had called to thank the Marshall Fire Department for a job well done. The terms for the Charter Commission have expired. Business After Hours is being held at Bot Appliance this evening.

Upon motion by Ritter, seconded by Doom, the meeting was adjourned. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Finance Director/City Clerk

SPECIAL MEETING – NOVEMBER 28, 2005

The special meeting of the Common Council of the City of Marshall was held on November 28, 2005 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 5:32 P.M. by Mayor Byrnes. In addition to Byrnes the following members were in attendance: Doom, Ritter, and Reynolds. Absent: Maes, Boedigheimer and Linstrom. Staff present included: Michael Johnson, City Administrator, and Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this special meeting was for the 4th session of the 2006 budget workshop.

Reynolds moved, Doom seconded, the consideration of the Agreement Relating to Paying Agency, Registrar and Transfer Agency for the recently issued \$3,330,000 City of Marshall, MN G.O. Various Purpose Bonds, Series 2005 A be added to the agenda. All voted in favor of the motion.

Ritter moved, Reynolds seconded that the Agreement Relating to Paying Agency, Registrar and Transfer Agency for the recently issued \$3,330,000 City of Marshall, MN G.O. Various Purpose Bonds, Series 2005 A be approved for U. S. Bank National Association being the paying agent. All voted in favor of the motion.

Due to the inclement weather, Doom moved, Reynolds seconded, to continue the 2006 Budget Workshop Session 4 to 5:30 P.M. on Tuesday, November 29, 2005 in the Cottonwood Room of the Marshall Municipal Building. All voted in favor of the motion.

Upon motion made by Reynolds, seconded by Ritter, 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 29, 2005

The special meeting of the Common Council of the City of Marshall was held on November 29, 2005 in the Cottonwood Room 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 in attendance: Maes, Doom, Linstrom, Reynolds, and Ritter. Absent: Boedigheimer. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; and Thomas M. Meulebroeck, Financial Director/City Clerk.

This meeting is a continuation of the November 28, 2005 special meeting which is session 4 of the 2006 Budget-Workshop.

Glenn Olson, Director of Public Works/City Engineer, requested time at the end of the meeting to discuss the proposed change in Wastewater Treatment Fees and Storm Water Utility Fees for 2006 as prepared by Springsted.

Mike Johnson, City Administrator, briefly summarized the process that has taken place for the 2006 General Fund Budget beginning with the original budget request and addressing the changes made to personnel, operating and capital. Mike provided a summary of the City of Marshall's wage increases for three unions and the one non-union group for the period 1998 to 2004. Mike indicated that if there were an additional .5% allocated for personnel to adjust for some of the differences in pay adjustments over the years this .5% would be equivalent of \$17,213 in the General Fund and that since the 2006 proposed budget has revenues in excess of expenditures by \$10,000, that this \$10,000 could be added to the Mayor and Council Contingency for wage adjustment in 2006.

Mike went on to discuss the handout that addressed the 2006 Budget Comparison to 2005 Budget with and without Airport Scheduled Air Service costs. He indicated that the 6.26% increase in personnel reflects the two additional positions in Engineering which is estimated at \$123,000.

The handout identified as "Key Departmental Changes" was briefly reviewed.

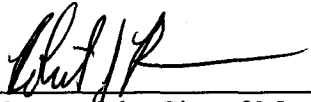
Mike referred back to the "Preliminary" Property Tax Levy and shared with the council as discussion options the ideas that could be considered in lieu of the Preliminary Tax Levy. Following a discussion on the options Ritter moved, Reynolds seconded, to reduce the current ad valorem levy by \$229,223 and this amount be set up as a revenue from the carry over from the Ditch 62 Construction Fund which had been subsidized by the cities Liquor Fund; the Library Levy be reduced by \$27,722 (\$45,983 - \$18,261) as well as the expenditure for the allocation for Library operation; and that the Mayor and Council Contingency be increased by \$10,000 to provide for a balanced General Fund Budget for 2006. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, addressed the proposed Wastewater Rates for 2006 as indicated in the recommendation prepared by Springsted. The proposed rates are at a 3.85% in lieu of 4.75% as was previously recommended.

SPECIAL MEETING – NOVEMBER 29, 2005

Glenn also addressed the proposed Storm Water Utility Fee for 2006 as indicated in the recommendation prepared by Springsted's. Glenn provided a handout that identified the proposed increase by the various property classifications. Glenn reviewed the list of capital items that would be funded by the collection of the Storm Water Utility Fee.

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



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

REGULAR MEETING – DECEMBER 5, 2005

The regular meeting of the Common Council of the City of Marshall was held on December 5, 2005 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; 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.

Mayor Byrnes took this opportunity to welcome students from the Marshall High School and SMSU.

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, Maes seconded, that the minutes of the regular meeting held on November 21, 2005 and the minutes of the special meetings held on November 28, 2005 and November 29, 2005 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. CALL FOR A PUBLIC HEARING ON A NEW ON-SALE LIQUOR LICENSE FOR JOHN NEFSTEAD DBA CHALET CLUB; B. CALL FOR A PUBLIC HEARING REGARDING FY 2006 WASTEWATER USER RATES; C. CALL FOR A PUBLIC HEARING REGARDING FY 2006 SURFACE WATER MANAGEMENT UTILITY RATES; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

A public hearing be held at 5:30 P.M. on December 19, 2005 to consider the application for a new On-Sale Intoxicating Liquor License for John Nefstead dba Chalet Club, 1419 East College Drive, Marshall, Minnesota.

A public hearing be held at 5:30 P.M. on December 19, 2005 to consider the proposed Wastewater User Rates for 2006.

A public hearing be held at 5:30 P.M. on December 19, 2005 to consider the proposed Surface Water Management Utility rates for 2006.

The following bills and project payments be authorized for payment:
ACCOUNTS PAYABLE, Voucher No. 48833 through 48991.

All voted in favor of the motion.

REGULAR MEETING – DECEMBER 5, 2005

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

| Applicant | | Location Address | | | Description of Work | Valuation | |
|-----------|-------------------------|------------------|------------|---------|--------------------------------|------------------------------|---------|
| 1. | David & Sharon Kabes | 1106 | Washington | Avenue | Install Door & Reroof Dwelling | \$5,000 | |
| 2. | Gary & Nancy Vincent | 423 | 5th | Street | Sunroom Addition | \$12,500 | |
| | | North | | | | | |
| 3. | David Patterson | 603 | Viking | Drive | Bathroom Installation | \$2,500 | |
| 4. | Babcock Construction | 201 | George | Street | Reside Dwelling | \$7,000 | |
| 5. | Art-n-Sign | 1310 | East | College | Drive | Install Sign | \$5,300 |
| 6. | Steve & Michele Smentek | 610 | Mercedes | Drive | Partial Basement Remodel | \$2,500 | |
| 7. | Chris Johnson | 201 | East | College | Drive | Temporary Transportable Sign | \$0 |

CONSIDER APPROVAL OF POLICE SERGEANT PROMOTION:

The Police Commission met on Friday, November 18, 2005 and established an eligibility roster for police sergeant. After meeting with the top three candidates, Rob Yant, Director of Public Safety is recommending that Corporal Jeffery Wenker be appointed to the position of Police Sergeant. Maes moved, Doom seconded, that Corporal Jeffery Wenker be appointed to the position of Police Sergeant effective Monday, December 12, 2005 at the sergeant's fourth pay grade which is currently \$25.11 per hour. All voted in favor of the motion.

CONSIDER RESOLUTION FOR SEVERE WEATHER NOTIFICATION:

The City of Marshall has been recognized as a "Storm Ready" Community. This is based on an assessment by the National Weather Service (NWS) Storm Ready Advisory Board in Sioux Falls, SD. Lyon County and the City of Tracy are also receiving this certification, but it is a rare recognition in Minnesota and reflects very positively on the City's overall emergency notification capability. It will be in effect for three years and may benefit local home owner's insurance rates. However, this is based on two additional requirements: the first is for the City Emergency Manager, along with the managers from Lyon County and Tracy to visit the NOAA office in Sioux Falls; and the second is for the City of Marshall to adopt its draft Warning and Notification Plan formally. Rob indicated that they have started revising the City's Emergency Response Plan and indicated that there is money for a consultant to continue and finish, with staff support, the revision of this plan in 2006. However, adopting this plan before the entire plan is revised will meet the requirements of the Storm Ready Advisory Board for certification at this time. Rob indicated that there is \$14,000 in the 2006 budget for this consultant.

Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2793, SECOND SERIES and that the reading of the same be waived. Resolution Number 2793, Second Series is a Resolution Adopting City Warning and Notification

Plan Policy. This policy is for the period October, 2005 through October, 2008. All voted in favor of the motion.

AGREEMENT WITH MARSHALL AREA SENIOR CENTER, INC., ALSO KNOWN AS THE ADULT COMMUNITY CENTER. FOR SENIOR CENTER RENTAL:

Doom moved, Linstrom 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, 2006 through December 31, 2006 at a cost of \$550.00 per month. All voted in favor of the motion.

According to a memo from Barb Lipinski, Director of Adult Community Center, Nutrition Services, Inc. indicated that if they are awarded the 2007, 2008 and 2009 Title III Senior Nutrition Program Contract through the Minnesota River Area Agency on Aging, they will pay for any repair/upgrade needed to take care of the Adult Community Center exhaust system problem up to \$20,000. Boedigheimer moved, Doom 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, 2006 through December 31, 2006 and provides for the City to be reimbursed 20 cents per meal prepared at the Marshall Senior Center. The Community Services Department was directed to determine what is necessary to correct the ventilation system at the Adult Community Center. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR TIGER LAKE SEDIMENT REMOVAL PROJECT:

Tiger Lake Storm Water Detention Facility located on Saratoga Street just east of the Marshall Fire Hall has filled in with sediment from street runoff, and removal of this sediment is required to protect the pumps at the Tiger Lake pumping station. The removal is best done in the winter under freezing conditions to allow the contractor to excavate the material and remove it using normal construction equipment. Maes moved, Reynolds seconded, that the proper city personnel be authorized to advertise for bids for the removal of sediment in the Tiger Lake Storm Water Detention facility. Funds for this project will be taken from the Surface Water Management Utility Fund. All voted in favor of the motion.

CONSIDER ANNUAL RENEWAL OF TRANSPORTATION AGREEMENT FOR 2006 WITH WESTERN COMMUNITY ACTION FOR TRANSIT OPERATIONS:

Discussion was held at this time on the Transportation Agreement for 2006 with Western Community Action for Transit Operations. The changes in this contract from the year 2005 are in Section B.2 and B.3. In Section B.2 the City's projected share of cost in a new vehicle is \$10,800 and in Section B.3 if a grant is awarded for the construction of a bus storage facility the City's share could be between \$112,800 and \$204,000. Mayor Byrnes asked why Section B.3 needs to be part of this contract. This should be a separate contract if and when the grant is approved. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into the Transportation Agreement for 2006 with Western Community action for Transit.

Operations with the deletion of Section B.3, which is the City's projected share of cost if a grant is awarded for the construction of a bus storage facility. The City's share could be between \$112,800 and \$204,000. All voted in favor of the motion, except Maes who abstained.

CONSIDER RESOLUTION DECLARING A VACANCY IN THE COMMON COUNCIL AND PROVIDING FOR A SPECIAL ELECTION:

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2794, SECOND SERIES and that the reading of the same be waived. Resolution Number 2794, Second Series is a resolution Declaring a Vacancy in the Common Council and Providing for a Special Election. This resolution declares a vacancy in the First Ward effective December 31, 2005 due the resignation of Molly Linstrom and calls for a special election to be held on March 7, 2006. Filings for this position will open at 8:00 a.m. on Tuesday, December 27, 2005 and close at 5:00 p.m. on Tuesday, January 10, 2006. All voted in favor of the motion, except Linstrom who abstained.

CONSIDER LIFE, LONG-TERM DISABILITY AND DENTAL INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2006:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed with the council the insurance renewals for the City's Life and Long-Term Disability Insurance and indicated that there is no change in the premium. Boedigheimer moved, Maes seconded, that the Life Insurance be renewed with MII Life and the Long-Term Disability Insurance be renewed with Madison National Life effective January 1, 2006 with no change in the premium. All voted in favor of the motion.

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed rate increase of approximately 9% for the Dental Insurance renewal with Delta Dental. He indicated that the renewal information was emailed to the members of the Insurance Advisory Committee and they are in concurrence that the Dental Insurance be renewed with Delta Dental effective January 1, 2006 at the rate of \$27.55 per month for single coverage and \$74.15 per month for family coverage. Boedigheimer moved, Maes seconded, that the Dental Insurance be renewed with Delta Dental effective January 1, 2006 at the rate of \$27.55 per month for single coverage and \$74.15 per month for family coverage. All voted in favor of the motion.

CONSIDER APPOINTMENT TO LIBRARY BOARD:

Per the recommendation of Mayor Byrnes, Reynolds moved, Maes seconded, and was unanimously approved that the following appointment be made:

- Library Board – Judy Pippin for a term to expire on December 31, 2008.

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.

REGULAR MEETING – DECEMBER 5, 2005

Boedigheimer No report.

Doom No report.

Linstrom Community Services minutes are included in the agenda packet; Library Board meets next week.

Maes No report.

Reynolds No report.

Ritter Air Navigation Committee met but he was not at meeting.

Glenn Olson, Director of Public Works/City Engineer, indicated that the public hearing on the Highway 68 Reconstruction Layout Plan is on Monday, December 12th at 5:30 P.M. He also indicated that all of the construction projects have been shut down for the season.

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 7, 2005

The Truth and Taxation Public Hearing was held on Wednesday, December 7, 2005 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 council members were in attendance at the meeting: Maes, Doom, Linstrom, and Ritter. Absent: Boedigheimer and Reynolds. Staff in attendance at the meeting included: Mike Johnson, City Administrator; Carole Snyder, Appraiser; Thomas M. Meulebroeck and Jane DeVries, Deputy City Clerk. There were a five residents in attendance, but no one from the press.

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 2006. Mike Johnson, City Administrator, conducted the public hearing. The final general fund budget will be presented to the City Council for approval at the December 19, 2005 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 2005 Accomplishments:

- * Initiated Construction on 4 Special Assessment Infrastructure Projects Totaling Almost \$6,000,000 (Hill/Marshall, N. 6th St., East Sanitary Interceptor Sewer and Canoga Park Dr.)
- * Installation of 4 New Traffic Signals (T.H. #59, #23 and #19)
- * "EDA" Parkway II Addition - (Affordable Housing)
- * Completed Airport Runway 02/20 Extension, Parallel Taxiway and Lighting Project
- * Bid Approved and Funding Approved for Phase I of Airport Runway 12/30 Extension Project (5,010' to 7,220')
- * Demolition of Downtown City Owned Buildings in Block 11 Completed
- * Residential Subdivision Platting and Public Improvements in 9 Subdivisions Adding 300 New Lots
- * Annexation of Residential/Commercial Properties Adjacent to T.H. #59 and T.H. #23
- * Completion of New Super Wal-Mart Center, Running's Supply, Inc., A & W/KFC, New High School, SMSU Student Center, Victory Engines and Construction Initiated on New US Bank Addition and Starbucks Coffee
- * Liberty Park Development with Marshall Rotary Clubs
- * City Hosted State VFW Baseball and Men's "C" Softball Tournaments
- * Successful Transition of Community Drivers Education Program with Over 350 Participants Since June 2005
- * City Bond Rating Improved From "A3" to "A2"

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 7, 2005

- * Conduit Issuer of \$5,600,000 in Tax-Exempt Bonds for New 140-Bed Apartment-Style Residence Hall Project with SMSU Foundation
- * School Resource Officer (SRO) Program Recognized by Department of Justice as a "Best Practices" Department in a National Study
- * City Recognized and Designated as a "NWS StormReady" Community by National Weather Service StormReady Board
- * Fire Department and MERIT Center Advisory Board Received a \$166,000 Grant to Provide Regional Basic Fire Fighting Training and a Vehicle Exhaust System for the Fire Hall Garage
- * Chemical Assessment Team Received \$100,000 in Grants and a Heavy Rescue Truck/Equipment Worth Over \$400,000
- * Developed Economic Development Position and Position Funding
- * Finance Department Hardware/Software Conversion Project

Following the review of the 2005 Accomplishments, Mike reviewed the 2006 Issues Confronting the City of Marshall:

- * Complete Construction on 2005 Special Assessment Projects
- * Initiate New Assessment Projects for Downtown Storm Sewers, 3rd Street Reconstruction, and Kossuth Avenue Reconstruction
- * 3rd Street Bridge Replacement
- * Construction of Airport Runway 12/30 Extension, Land Acquisition and Phase II Paving/Lighting Project
- * Continue Scheduled Air Service Planning
- * Conversion of Wastewater Treatment System from Anaerobic Digestion to Aerobic Treatment
- * Development of MS4 (Municipal Storm Sewer System) Permitting and Maintenance Requirements
- * Continue with Community Residential/Commercial Growth Opportunities
- * Industrial Park Expansion
- * Downtown Planning for 2007 Mn/DOT T.H. #68 Reconstruction Project
- * Hiring New Economic Development Director Position and Implementing New Program

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 7, 2005

- * Continue Implementation of Technology Improvements into City Departments to Improve Access for City Residents
- * Coordination of Expanded Youth/Adult Recreation Programming and Implementation of a Sports Association Alliance Program
- * Future Planning Studies for Municipal Building, Aquatics Center and Emergency Preparedness
- * EDA Parkway II Addition - (Marketing/Spec Houses/Lot Sales)
- * Balancing Police Department Crime Prevention Programs vs. Calls for Service
- * Addressing Time/Cost Demands on Police Department for On-going Illicit Drug/Alcohol Investigations
- * Consider Future Need for Full-Time Fire Marshal Position in Fire Department and Rescue Truck Replacement
- * Implementation of Additional Staffing for Engineering Department

Ed Carberry, 700 South First Street, asked about the 22 1/2 % preliminary increase. Mike Johnson, City Administrator, indicated that actual increase would be cut by approximately one half.

Duane Jacobson, resident of the newly annexed area along Highway 59, questioned the value of his property that he is paying taxes on and also the status of receiving utilities. Dean Champine, Lyon County Assessor, indicated that when his property was annexed into the City of Marshall it was annexed at the property value that was assessed on January 2, 2005 and that this is the value that his 2006 tax is based on.

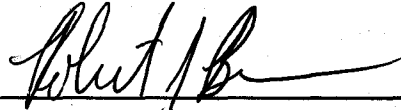
Mike Johnson indicated that in order for water and sewer to be installed in this area that there needs to be an interest from the residents, the area needs to be platted, there needs to be right-of-ways and easements in order for this to proceed.

Aaron Esping, 302 North Minnesota, asked about the status of the airport improvements; the cost of these improvements; if the users of the airport will be asked to help fund these improvements and if Marshall will still be a hub for Northwest Airlines. Mike Johnson indicated that the city portion of Phase I and Phase II of the runway extension is included in the 2006 budget. The federal and state will pay 95% of the \$5,000,000 project and the city's share is approximately \$396,000. The users of the airport will not be asked for any funding. The city has been awarded a grant in the amount of \$480,000 for scheduled air service, which they will not receive until this service begins. This is a 3 year grant with bench marks that need to be met. The first bench mark is in December; therefore the city has applied for an extension.

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 7, 2005

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 Maes and seconded by Linstrom, the meeting was adjourned at 6:25 P.M. All voted in favor of the motion



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – DECEMBER 12, 2005

The special meeting of the Common Council of the City of Marshall was held on December 12, 2005 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 in attendance: Maes, Doom, Linstrom, Reynolds, Boedigheimer and Ritter. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Sheila Dubs, Assistant to the City Administrator; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; and Jane DeVries, Deputy City Clerk.

**MN/DOT "FINAL LAYOUT" PLAN FOR TRUNK HIGHWAY #68
RECONSTRUCTION PROJECT – A. CONSIDER CORRECTION TO MINUTES
OF OCTOBER 3, 2005; B. PUBLIC HEARING; C. RESOLUTION
APPROVING/NOT APPROVING FINAL LAYOUT PLAN:**

Reynolds moved, Doom seconded, that Council minutes of October 3, 2005 be changed as follows:

**DISCUSSION/ACTION ON MN/DOT HIGHWAY #59 RECONSTRUCTION
PLAN LAYOUTS:**

Due to the fact that all council members were not in attendance at the meeting, Mayor Byrnes recommended that the discussion/action on Mn/DOT Highway #59 Reconstruction Plan Layouts be tabled to the next regular City Council meeting contingent upon Mn/DOT approval. Glenn Olson, Director of Public Works/City Engineer, provided an update on the parking on Main Street from 6th Street to 7th Street and the median between 4th Street and College Drive. Mn/DOT District 8 Traffic and Design Supervisor, Al Rice, indicated that they would be ready to start on a detail plan in a couple of weeks. Appropriate use of the median would include: lights, trees, shrubs and colored concrete. This would not be a grass median. The width of the sidewalks would not be affected by having a median. ~~Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2781-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2781-A, Second Series is a Resolution for Layout Approval of Mn/DOT Highways #59 Reconstruction. This resolution approves Mn/DOT Concept B with no parking on Main Street between 6th Street and 7th Street and to leave the parking on Main Street between 5th Street and 6th Street.~~ Ritter moved Reynolds seconded, that Mn/DOT be authorized to complete their final layout for Concept B (includes the median) with no parking on Main Street between 6th Street and 7th Street and to leave the parking on Main Street between 5th Street and 6th Street. Dr. Affolter requested more time for public input. Council Member Boedigheimer indicated that at a Downtown Leadership Committee meeting 70% of the Downtown Leadership voted no Median. Council Member Linstrom indicated that the 70% was not just downtown business people, but also included the general public. Council Member Doom indicated that he had contacted several downtown business people and that they were in favor of the median. All voted in favor of the motion, except Boedigheimer who voted no.

All voted in favor of the motion.

SPECIAL MEETING – DECEMBER 12, 2005

Glenn Olson, Director of Public Works/City Engineer, reviewed the layout plans developed by Mn/DOT for the reconstruction of T.H. 68 (Main Street) from just northwest of T.H. 59 southeast to College Drive (T.H. 19). The plan includes a raised median from College Drive to 4th Street and eliminates left-hand turn movements at the intersection of 3rd Street, as well as the traffic signal at that intersection. The driving lanes are widened and the sidewalks narrowed to accommodate recommended design widths of the driving/turning lanes. The raised median provides a different look to the two-block area, potential traffic calming, and abilities for some aesthetic design of this area not available without the median. Pedestrian safety may be enhanced by providing a crosswalk and refuge area halfway across the four-lane traffic configuration. Elimination of the raised median would provide the status-quo with signalization at 3rd Street and a crosswalk at that location. Snow removal and street maintenance would be easier but either option could be accommodated with modifications to our current operations. The raised median concept is less expensive initially, but long-term maintenance would be slightly more expensive. In conversations with Mn/DOT, either layout provides engineering design, vehicular and pedestrian safety, and similar costs to the City. Glenn introduced the following individuals that were in attendance from Mn/DOT:

Allen Rice – Project Manager from the Willmar District Office

Dena Knudson – Project Engineer from the Marshall Office

David Larson – Senior Landscape Architect from the St. Paul Office

Tom Makouski – Office of Landscape from the St. Paul Office

Mr. Rice, Project Manager from Mn/Dot, briefly reviewed the layout plans for the reconstruction of T.H. 68 (Main Street) from just northwest of T.H. 59 southeast to College Drive (T.H. 19). He indicated that there will be new signals installed at the intersection of Highway 59 and 68; the corner of 5th Street and the corner of 4th Street. The signal at the corner of Main and College will not be replaced and the signal at 3rd Street will be removed. There will be no parking between 6th Street and 7th Street, but there will be parking on both sides between 5th Street and 6th Street. This is a 2.7 million dollar project with 3% included for city amenities.

Russ Labat, representative from the Marshall Independent, 508 West Main Street, indicated that they were not in favor of parking on the north side of Main Street between 5th Street and 6th Street.

Al Rice, indicated that the parking issue can be changed at a later date and does not need to be resolved at tonight's meeting.

Robert Gjorvad, from Runchey, Louwagie & Wellman, 533 West Main Street, indicated that they were not in favor of parking on the south side of Main Street between 5th Street and 6th Street.

Brian Kruse, 904 Cheryl Avenue, indicated that the City of Fargo, North Dakota had installed a median on their Main Street in the 1970's and by the mid 80's they had the median removed because they realized that it was not a workable option.

SPECIAL MEETING – DECEMBER 12, 2005

Lloyd White, 302 South 4th Street, indicated that he has been walking in Marshall for the past 37 years and he is concerned with the safety issues of crossing 3rd Street if the median is installed and the signals lights are removed.

Ed Yerka, owner of the Daily Grind, 316 West Main Street, is opposed to the median because of safety issues when crossing 3rd Street; not enough parking and snow removal issues.

Mike Johnson, City Administrator, indicated that if this layout plan is not approved that Mn/DOT needs to start over with the layout plan that does not include the median and that according to State Statutes there needs to be another public hearing on that plan layout.

Joe Cool, Mr. Cools Clothing, 337 West Main Street, is in favor of the median and indicated that Mn/DOT would not have a median if it was a safety issue.

Roger Bell, representing Sportsmen's Barbershop at 108 North 4th Street and the American Legion Post 113 at 412 West Main Street, indicated that they are both opposed to the median.

Al Greig, representative of Greig and Gregerson, indicated that they own 23 buildings in the downtown area and they are opposed to the median.

Glenn Olson, Director of Public Works/City Engineer, indicated that street sweeping around the median would take place in off hours and they would go around side then the other side. He indicated that they could also have a pilot vehicle go ahead of the street sweeper for safety reasons.

LeRoy Affolter, 212 North 3rd Street; Kathy Lozinski owner of Forever Sara at 208 West Main Street; and Elaine Nyquist owner of Fabrics Plus at 307 West Main Street; were all opposed to a median. They felt that it would be a safety issue and that downtown should be pedestrian friendly downtown.

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

Al Rice, Mn/DOT, indicated that if this layout plan is approved a letter needs to be sent to Mn/DOT giving then authorization to move forward. If the layout plan is not approved a letter needs to be sent asking Mn/DOT to bring another layout plan forward and have another public hearing. Mr. Rice also indicated that if this layout plan is not approved that Mn/DOT would still be able to meet the deadline for the necessary funding from the State and Federal government.

Council Member Linstrom asked about the trees being removed. Mr. Olson indicated that they would be removed and that new trees would be part of the amenities to be determined later.

SPECIAL MEETING – DECEMBER 12, 2005

Mayor Byrnes called for a brief recess at 6:35 P.M.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2795, SECOND SERIES and that the reading of the same be waived. Resolution Number 2795, Second Series is a Resolution Not Approving the Final Layout for the improvement of T.H. 68 within the City of Marshall from West Junction T.H. 59 to Junction T.H. 19. Council Member Doom indicated that he personally supports the median, but after hearing the input he would be voting against the median. Council Member Linstrom indicated that she wanted to go on record stating her disappointment in the lack of support for the median. She indicated that she has not seen any spark of enthusiasm for what the downtown could be in the future. All voted in favor of the motion, except Reynolds who voted no.

Al Rice, Mn/DOT, indicated that he will request Mn/DOT to start on the other layout.

LeRoy Affolter, thanked the Mayor and Council for their decision to reject the median.

Mayor Byrnes indicated that he is looking for volunteers for the amenities group.

Council Member Boedigheimer asked if the different layout would be concrete or bituminous. Mr. Rice indicated that the layout would include all concrete, but whether or not it is colored and/or stamped is not part of the layout but would be part of the amenities.

CONSIDER TEMPORARY ON-SALE LIQUOR LICENSE FOR AMERICAN LEGION POST 113:

Ritter moved, Reynolds seconded, the approval of a One Day On-Sale Intoxicating Liquor License for the American Legion Post 113 at Southwest Minnesota State University PE Center on January 7, 2006 at a fee of \$30.00. All voted in favor of the motion.

Maes moved, Linstrom seconded, that the Council go into closed session pursuant to MN Statute 13D.03, Subd. 1 at 6:50 P.M. All voted in favor of the motion.

It was the consensus of the council to adjourn.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

REGULAR MEETING – DECEMBER 19, 2005

The regular meeting of the Common Council of the City of Marshall was held on December 19, 2005 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; Rob Yant, Director of Public Safety; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 20c, which is the annual evaluation of City Administration Michael Johnson; and that item 16, which is an update on the "Final Layout" Plan for 2007 Mn/DOT Highway #68 Reconstruction Project be changed to include 2 resolutions.

APPROVAL OF THE MINUTES:

Reynolds moved, Maes seconded, that the minutes of the regular meeting held on December 5, 2005 as corrected, the Truth-in-Taxation Hearing on December 7, 2005 and the special meeting held on December 12, 2005 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 – ON-SALE LIQUOR LICENSE FOR JOHN NEFSTEAD DBA CHALET CLUB:

This was the date and time set for a public hearing for an On-Sale Liquor License for John Nefstead dba Chalet Club. Per a letter received from John and Patricia Nefstead they are requesting termination of the request for an On-Sale Liquor License located at 1419 East College Drive and a refund of the \$2,100 fee that was paid. Linstrom moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Maes seconded, that John and Patricia Nefstead be refunded the fee of \$2,100 for an On-Sale Liquor License less the cost of publication for the public hearing. All voted in favor of the motion.

PUBLIC HEARING – WASTEWATER USER RATES FY 2006:

This was the date and time set for a public hearing on the Wastewater user rates for the year 2006. 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. Reynolds moved, Linstrom seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2796, SECOND SERIES and that the reading of the same be waived. Resolution Number 2796, Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 2006. All voted in favor of the motion.

PUBLIC HEARING – SURFACE WATER MANAGEMENT UTILITY RATES:

This was the date and time set for a public hearing on the Surface Water Management Utility rates for the year 2006. The proposed rates have been calculated based on a financial analysis of the SWMU Fund prepared by Springsted's Incorporated. Springsted's have looked at the SWMU Budget and a five-year projection of the SWMU Fund. It was determined that a 17.50% increase in total revenue in each of the next five years will keep the fund stable. The proposal also includes a minimum monthly charge of \$2.00. James Carr asked for the rate increase to be clarified. Glenn Olson, Director of Public Works/City Engineer, indicated that the proposed increase is 17.50% each year with a minimum of \$2.00 monthly charge. He also indicated that by the end of 3 years the City will still be in the same range as other cities. Council Member Boedigheimer indicated that this percent will be reviewed each year and may be revised. Reynolds moved, Maes seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2797, SECOND SERIES and that the reading of the same be waived. Resolution Number 2797, Second Series is a resolution Revising the User Rates for Surface Water Management Utility effective January 1, 2006. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CHANGE 2006 CITY COUNCIL MEETING DATES; B. CONSIDER BIOGUARD FINE SCREEN PROJECT CHANGE ORDER NO. 2; C. CONSIDER TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION; D. CONSIDER WAL-MART CURRENCY EXCHANGE LICENSE RENEWAL FOR CALENDAR YEAR 2006; E. AUTHORIZE EXECUTION OF PLAN DOCUMENT FOR SECTION 457 DEFERRED COMPENSATION WITH VALIC; F. APPROVAL OF LYON COUNTY ICE FACILITY AGREEMENT (LCIFA); G. RESOLUTION AMENDING RESOLUTION 2794 DECLARING A VACANCY IN THE COMMON COUNCIL AND PROVIDING FOR A SPECIAL ELECTION (CHANGING THE ELECTION DATE AND FILING DATES); H. BILLS/PROJECT PAYMENTS; I. BUILDING PERMITS:

Council Member Boedigheimer requested that item E, which is Authorization to execute a Plan Document for Section 457 Deferred Compensation with VALIC to be removed from the consent agenda.

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

That the four City Council meetings that fall on holidays in 2006 be changed as follows:

| <u>Monday holidays</u> | | <u>New meeting date</u> |
|------------------------|------------------------|-------------------------|
| January 2, 2006 | New Years Day Observed | January 3, 2006 |
| January 16, 2006 | Martin Luther King | January 17, 2006 |
| February 20, 2006 | President's Day | February 21, 2006 |
| September 4, 2006 | Labor Day | September 5, 2006 |

The approval of Change Order No. 2 with KHC Construction for an extension of time for substantial completion from December 15, 2005 to January 13, 2006 and contract extension of time for final completion from December 31, 2005 to January 30, 2006 for the Bioguard Fine Screen Project.

The approval of a Temporary On-Sale Liquor License for the Marshall Volunteer Firefighter's Relief Association to be used on January 28, 2006 at the Conference Center at Southwest Minnesota State University. The fee for this license is \$30.00.

REGULAR MEETING – DECEMBER 19, 2005

The approval of the application from Wal-Mart Stores, Inc., to operate a “currency exchange” business at 1221 East Main Street.

The proper city personnel be authorized to execute the renewal Lyon County Ice Facility Agreement between the City of Marshall and Marshall Amateur Hockey Association. This agreement needs to be approved in order for the League of Minnesota Cities insurance program to be in effect.

The adoption of RESOLUTION NUMBER 2798, SECOND SERIES and that the reading of the same be waived. Resolution Number 2798, Second Series is a resolution Amending Resolution Number 2794, Second Series Declaring a Vacancy in the Common Council and Providing for a Special Election Changing the Election Date and Filing Dates. This resolution provides for the Special Election to be held on Thursday, March 9, 2006 and the filing dates open at 8:00 A.M. on Thursday, December 29, 2005 and close at 5:00 P.M. on Thursday, January 12, 2006.

The following bills and project payment be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 48992 through 49317.

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. | Kevin and Danielle Wilts | 217 | | Rainbow | Drive | Finish Basement | \$5,000 |
| 2. | Marshall-Lyon County Library | 301 | West | Lyon | Street | Interior Remodel | \$1,500 |
| 3. | Earl Wiering | 504 | | Donita | Avenue | Reside, Replace Door, Replace Window | \$6,000 |
| 4. | Marshall Machine Shop, Doug Anderson | 707 | West | Fairview | Street | Interior Remodel | \$15,000 |
| 5. | Hasslen Construction, Inc. | 1420 | East | College | Drive | Interior Remodel / Space 900 | \$130,000 |
| 6. | Geske Home Improvement | 606 | | Kennedy | Street | Reside Dwelling & Install Patio Door | \$9,700 |
| 7. | Kenneth Winn | 605 | | Mercedes | Drive | Partial Finish Basement | \$3,000 |
| 8. | Babcock Construction | 205 | | George | Street | Reside Dwelling, Install Doors & Remove Window | \$6,700 |
| 9. | Space Development Co. | 901 | | Oak | Street | Reside Shop Wall | \$9,000 |
| 10. | Matthew Sederstrom | 605 | | Jefferson | Circle | Install Door | \$1,000 |
| 11. | Clark & Constance Moen | 203 | | Rainbow | Drive | Finish Basement & Install Bathroom | \$6,000 |
| 12. | Lloyd D. & Kathleen White | 304 | South | 4th | Street | Demolish Two Family Dwelling | \$0 |
| 13. | Johnson Controls | 607 | West | Main | Street | Boiler Replacement, Chiller Installation, and Courtroom Ceiling Replacement | \$249,000 |

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| | | | | | | |
|-----|---|------|------|----------------|-------------------------|-----------|
| 14. | Bladholm Construction | 201 | East | College Drive | Finish Interior | \$70,000 |
| 15. | Southwest Minnesota Housing Partnership | 509 | | Darlene Drive | Dwelling | \$128,300 |
| 16. | Southwest Minnesota Housing Partnership | 510 | | Darlene Drive | Dwelling | \$112,400 |
| 17. | Southwest Minnesota Housing Partnership | 502 | | Harriett Drive | Dwelling | \$106,000 |
| 18. | Southwest Minnesota Housing Partnership | 504 | | Harriett Drive | Dwelling | \$101,400 |
| 19. | Southwest Minnesota Housing Partnership | 506 | | Harriett Drive | Dwelling | \$104,800 |
| 20. | Southwest Minnesota Housing Partnership | 519 | | Harriett Drive | Dwelling | \$103,300 |
| 21. | Southwest Minnesota Housing Partnership | 520 | | Harriett Drive | Dwelling | \$109,900 |
| 22. | DJR & Associates, LLC | 1400 | East | Lyon Street | Install Partition Walls | \$8,000 |
| 23. | Dulas Construction, Inc. | 1430 | East | College Drive | Install Partition Walls | \$21,600 |

Council Member Boedigheimer questioned the list of changes for the Section 457 Deferred Compensation Plan with VALIC that was not included in the agenda packet. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that this was an oversight. He indicated that the changes were mostly house cleaning and that the list was reviewed by City Attorney Dennis Simpson. Maes moved, Reynolds seconded, that the proper city personnel be authorized to execute the Plan Document for 457 Deferred Compensation with VALIC. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER THE REQUEST OF RENNAE PETERSEN FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR A PIANO LESSONS BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT LOCATED AT 112 RANCH AVENUE:

Per the recommendation of the Planning Commission, Doom moved, Maes seconded, that Rennae Petersen be granted a five-year renewal of a Conditional Use Permit for a home occupation to operate a piano lessons business in an R-1 One Family Residence District at 112 Ranch Avenue. This permit was approved with the following conditions: that the permit expire in five years from the date of adoption; that the hours of business be between 6:00 A.M. and 10:00 P.M. only; and that the permit be issued for the business of Rennae Petersen and no other person. All voted in favor of the motion.

CONSIDER THE REQUEST OF JANE BLOMME FOR A TWO-YEAR CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR A BEAUTY SHOP BUSINESS IN AN R-1 ONE-FAMILY RESIDENTIAL DISTRICT LOCATED AT 807 NORTH BRUCE STREET:

Per the recommendation of the Planning Commission, Doom moved, Maes seconded, that Jane Blomme be granted a two-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 807 North Bruce Street. This permit was approved with the following conditions: that the permit expire in two years from the date of adoption; that the hours of business be between 6:00 A.M. and 10:00 P.M. only; and that the permit be issued for the business of Jane Blomme and no other person. All voted in favor of the motion.

CONSIDER THE REQUEST OF JOSEPH V. BOT FOR A CONDITIONAL USE PERMIT FOR A 16-UNIT APARTMENT IN A B-2 CENTRAL BUSINESS DISTRICT LOCATED AT 326 WEST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Joseph V. Bot for a Conditional Use Permit for a 16-Unit Apartment in a B-2 Central Business District located at 326 West Main Street. Mr. Olson indicated that the Planning Commission approved this request with the following conditions:

1. Building renovation begins within 12 months of issue of this permit or it shall expire.
2. Building renovation shall be in conformance with the Building Code as adopted by the City of Marshall.
3. The dilapidated fire escape attached to the north wall (alley) be removed within 30 days of issue of this permit or it shall expire.
4. The dilapidated front aluminum awning shall be removed within 30 days of issue of this permit or it shall expire.
5. Provide 32 off-street parking spaces for tenant parking within 3 blocks of the building.
6. Provide an interior, building code approved trash storage area.
7. The maximum occupant load for the two floor apartment building will be 52 persons.
8. If windows required by Building Code into apartment units are closed by adjacent property owners construction parallel to the property line, the apartment units affected shall be unusable.

Council Member Boedigheimer indicated that the requirement of two off street parking spaces should be reviewed case by case. It was the general consensus of the council that the issue of downtown parking needs to be discussed in more detail. Reynolds moved, Ritter seconded, that Joseph V. Bot be granted a Conditional Use Permit for a 16-unit apartment building at 326 West Main Street with the conditions approved by the Planning Commission. It was suggested that Block 11 or the lot behind the river along West College Drive be considered for off-street parking. All voted in favor of the motion.

CONSIDER THE REQUEST OF JOSEPH V. BOT FOR A VARIANCE ADJUSTMENT PERMIT FOR LESS OFF-STREET PARKING SPACES THAN REQUIRED BY ORDINANCE IN A B-2 GENERAL BUSINESS DISTRICT LOCATED AT 326 WEST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that Joseph V. Bot has applied for a variance for no off-street parking spaces in lieu of the 32 spaces required at 326 West Main Street. The property is located in a B-2 Central Business District and within the limits of the Downtown District. He also indicated that the downtown business area is lacking in the number of available public parking spaces for business use as indicated by the downtown business owners. The City is also promoting the development of apartments within and in close proximity to the downtown business area. This increase demand should be addressed by the owners of the proposed apartments. The development of additional off-street parking spaces in the area is limited and expensive to provide. It should be the responsibility of the downtown business owners to develop, maintain and operate off-street parking for their tenants and customers. Boedigheimer moved, Doom seconded, that the request for Joseph V. Bot for a Variance Adjustment Permit for less off-street parking spaces than required by Ordinance in a B-2 General Business District located at 326 West Main Street be denied. All voted in favor of the motion, except Ritter who voted no.

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 LOCATED AT 356 WEST MAIN STREET:

This is the request of Norm Gregerson and Al Greig, Marshall Commercial Properties, for a Conditional Use Permit for a two-unit apartment at 356 West Main Street, which is in a B-2 Central Business District and within the limits of the Downtown District. The building is currently occupied by Cools Office Supply on the ground floor and has a vacant second floor. The intent is to remodel the second floor into two apartments. Per the recommendation of the Planning Commission, Boedigheimer moved, Linstrom seconded, that Marshall Commercial Properties, LLC be granted a Conditional Use Permit to construct a two-unit apartment in a B-2 Central Business District located at 356 West Main Street with the conditions that the owner provide four off-street parking spaces for tenant parking within three blocks of the building and the apartment be completed within one year of the approval of this permit. All voted in favor of the motion.

CONSIDER ANNUAL RENEWAL OF LICENSES – A. FOR ON-SALE INTOXICATING LIQUOR; SUNDAY ON-SALE LIQUOR; ON-SALE NON-INTOXICATING BEER; OFF-SALE NON-INTOXICATING BEER; TOBACCO; TRANSIENT MERCHANT AND TOWING AND STORAGE AND B. NEW LICENSE APPLICATION FOR TOM WILZBACHER DBA SOUTHWEST TOWING & RECOVERY:

Council Member Boedigheimer indicated that according to the new fee schedule adopted by the City Council the fee for On-Sale Sunday Licenses be reduced from \$240 to \$200, therefore the \$40.00 should be refunded to those who have applied for an On-Sale Sunday Liquor License. Per the request of Thomas M. Meulebroeck, Financial Director/City Clerk, the application for a Transient Merchants License for TAP Enterprises was removed from the agenda. Boedigheimer moved, Maes seconded, and it was unanimously approved that the following Licenses be approved:

LIQUOR LICENSE APPLICATIONS (\$4,200 per year)

| | |
|---------------------------|-------------------------------------|
| American Legion | Applebee's Neighborhood Grill & Bar |
| Best Western/Marshall Inn | Eagles Club |
| Gambler | Hitching Post Eatery and Saloon |
| Landmark Bistro | Mariachi Fiesta |
| Marshall Bowl | Marshall Golf Club |
| Pappy's | Sam's Place |
| Varsity Pub | Wooden Nickel |

SUNDAY LIQUOR LICENSE APPLICATIONS (\$200 per year)

| | |
|---------------------------|-------------------------------------|
| American Legion | Applebee's Neighborhood Grill & Bar |
| Best Western/Marshall Inn | Eagles Club |
| Gambler | Hitching Post Eatery and Saloon |
| Landmark Bistro | Mariachi Fiesta |
| Marshall Bowl | Marshall Golf Club |
| Pappy's | Sam's Place |
| Varsity Pub | Wooden Nickel |

OFF-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$90.00 per year)

Ampride West
Cattoor Oil/Phillipps 66
Cenex Numart of Marshall
Hy-Vee Gas Station
Wal-Mart

Casey's General Store
Freedom Valu Center/Erickson Oil
Hy-Vee Food Store
La Mexicana

ON-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$250.00 per year)

Pizza Hut

Prairie Event Center

TOBACCO LICENSE APPLICATIONS (\$72.00 per year)

American Legion
Ampride West
Cattoor Oil/Phillipps 66
County Fair
Freedom Value Center
Hy-Vee Food Store
La Mexicana
Marshall Liquor Store
Sam's Place
Varsity Pub
Wooden Nickel

Ampride Main
Casey's General Store
Cenex NuMart
Eagles Club
Gambler
Hy-Vee Gas Station
Marshall Golf Club
Pappy's
Super America
Wal Mart

TRANSIENT MERCHANTS LICENSE APPLICATIONS (\$300.00 per year)

Precision Hearing Instruments, Inc., dba Miracle Ear

TOWING AND STORAGE LICENSE APPLICATION (\$180.00 per year)

Steve's 24 Hr. Towing

Reynolds moved, Linstrom seconded, the approval of a Towing and Storage License for Thomas Wilzbacher dba Southwest Towing & Recovery for the calendar year 2006 at a fee of \$180.00. All voted in favor of the motion.

DEPARTMENT OF PUBLIC SAFETY – A. APPROVAL OF LEASE FOR THE POLICE DEPARTMENT TO LEASE A SECURE COLD STORAGE FACILITY; B. APPROVAL OF JOINT POWERS AGREEMENT AND THE POLICY AND PROCEDURE WITH THE BROWN, LYON & REDWOOD DRUG TASKFORCE; C. CONSIDER RESOLUTION AUTHORIZING ACCEPTANCE OF TRAFFIC SAFETY AWARD AGREEMENT; CONTRACT FOR TOWING AND STORAGE FOR 2006; CONSIDER DECLARATION OF SURPLUS PROPERTY – FIRE DEPARTMENT:

Rob Yant, Director of Public Safety, reviewed the lease with George Jacob. This lease is for the storage of siezed or impounded vehicles at a rate of \$2,500 per year. It is estimated that approximmately 14 vehicles could be stored in this facility. Rental includes all utilities and snow removal to be provided by Mr. Jacobs. This leases is for a three year period with the rent being paid semi-annual. Linstrom moved, Ritter seconded, that the proper city personnel be authorized to enter into a lease with George Jacob to lease a secure cold storage facility for the period of

REGULAR MEETING – DECEMBER 19, 2005

three years effective January 1, 2006 at the rate of \$2,500 per year. All voted in favor of the motion.

Reynolds moved, Ritter seconded, the approval of a Joint Powers Agreement and the Policy and Procedure with the Brown, Lyon & Redwood Drug Taskforce. This agreement will be signed by Rob Yant, Director of Public Safety and Dennis Simpson will sign as Approved as to Form. Council Member Boedigheimer was concerned that the mayor was not signing this agreement. All voted in favor of the motion.

Ritter moved, Maes seconded, the adoption of RESOLUTION NUMBER 2799, SECOND SERIES and that the reading of the same be waived. Resolution Number 2799, Second Series is a resolution Authorizing Acceptance of a Traffic Safety Award. This resolution provides for the acceptance of the \$3,000 Safe and Sober Traffic Safety Award for the Marshall Police Department for the period of January 3, 2006 to June 30, 2006. All voted in favor of the motion.

Bids were received, opened and read on December 9, 2005 for the Towing and Storage Contract for 2006. Bids received, opened and read were as follows:

| | Towing Fee | Storage Fee Per Day for Inside Storage | Storage Fee Per Day for Outside Storage |
|---|------------------------------------|--|---|
| Southwest Towing & Recovery Tyler, Minnesota | \$20.00 | \$10.00 | \$10.00 |
| Steve's 24 Hr. Towing Marshall, Minnesota | \$31.95 (includes Sales tax) | \$8.00 | \$8.00 |

Rob Yant, Director of Public Safety, indicated that Section 4 of the bid proposal established a comparison formula for looking at different bid amounts. It says: The City shall utilize an estimate of seventy-five (75) vehicle tows and a total of 240 days of daily storage (outside rate/day) to compute the lowest responsible bid total. There was a discussion on how this estimate compares to actual for 2005 and that this comparison should be revised for next year. Boedigheimer moved, Ritter seconded, that the bid for the Towing and Storage Contract for 2006 be awarded to Southwest Towing & Recovery, Tyler, Minnesota at a rate of \$20.00 for towing and \$10.00 per day for inside storage and outside storage. All voted in favor of the motion.

Fire Chief Marc Klaith is requesting that the Marshall Fire Department's 18 Self-Contained Breathing Apparatus (S.C.B.A.) units be declared surplus city property. Mr. Klaith has indicated that the equipment was purchased in 1991 and has a useful life of 15 years for the tanks. Chief Klaith has attempted to find potential purchasers of the S.C.B.A. units without any success. The reason that there are no fire departments interested in purchasing the equipment is because of the federal monies that have been available for fire departments. There are not departments in Lyon County that are interested in this equipment, but the City of Edgerton, Minnesota and Egan, South Dakota are interested in taking them. They will be taking them as is and there is no warranty on them. Boedigheimer moved, Doom seconded, that the Marshall Fire Department's 18 Self-Contained Breathing Apparatus (S.C.B.A.) units be declared surplus city property and authorize the disposal of the property as recommended. All voted in favor of the motion.

CONSIDER CABLE ACCESS BUDGET TRANSFER:

Jess Nelson, Cable access Coordinator, is requesting a transfer from the Cable Department Personnel Budget to Capital Outlay Budget to upgrade all of their equipment to

digital status. This would include two cameras, a portable studio setup, digital editing equipment, a new playback system to add a second channel of playback, and an updated billboard system for community information. Boedigheimer moved, Reynolds seconded, the approval of a transfer from Cable Department Personnel Budget, account number 101-40671-1103, to Cable Department Capital Outlay Budget, account number 101-40671-5540 in the amount of \$20,000 to upgrade their equipment to digital status. All voted in favor of the motion.

CONSIDER RESOLUTIONS TO REQUEST FUNDING FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) COOPERATIVE AGREEMENT PROGRAM – A. NORTH 6TH STREET RECONSTRUCTION PROJECT – S.A.P. 139-109-04, CITY PROJECT X71 (2005-003); B. 4TH STREET TO COUNTRY CLUB DRIVE:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall, in cooperation with the Minnesota Department of Transportation, is in the process of reconstruction of North 6th Street from T.H. 68 (Main Street) northeast to the Redwood River. Included in this project is a trunk storm sewer main which serves the trunk highway and various adjacent City streets. A portion of the storm sewer system is eligible for reimbursement from Mn/DOT for the associated drainage from the trunk highway system. In order to secure funding from Mn/DOT for this project, a Cooperative Agreement is necessary defining the work to be done and the relative responsibility for project costs and future maintenance. The construction estimates for the storm sewer improvements total approximately \$338,473 of which 55% is State Aid; 25% is Mn/DOT Trunk Highway Funding; and 20% is local share. Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2800, SECOND SERIES and that the reading of the same be waived. Resolution Number 2800, Second Series is a resolution to Request Funding from the Minnesota Department of Transportation through the Cooperative Agreement Program. This resolution provides for funding for the trunk storm sewer main which serves the trunk highway and various adjacent City streets. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that the City of Marshall, in cooperation with the Minnesota Department of Transportation, is in the process of construction of a frontage road from South 4th Street to Country Club Drive located in Carr Subdivision I. The section from South 4th Street to Travis Road will be installed initially with the remaining section from Travis Road to Country Club Drive being installed after annexation and subdivision development. In order to secure funding from Mn/DOT for the development of this frontage road, a Cooperative Agreement is necessary defining the work to be done and the relative responsibility for project costs and future maintenance. Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2801, SECOND SERIES and the reading of the same be waived. Resolution Number 2801, Second Series is a resolution to Request Funding from the Minnesota Department of Transportation through the Cooperative Agreement Program. This resolution provides for funding for the construction of a frontage road from South 4th Street to Country Club Drive located in Carr Subdivision I. All voted in favor of the motion.

RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENTS FOR 2006 ASSESSMENT PROJECTS:

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2802, SECOND SERIES and that the reading of the same be waived. Resolution Number 2802, Second Series is a resolution Ordering Preparation of Report on Improvements for 2006 Assessment Projects. This resolution orders the preparation of report on improvements for the following projects:

- Downtown Alley and Storm Sewer Replacement Project Y01
- North 3rd Street Reconstruction Project X26
- Kossuth Avenue Reconstruction Project X78
- Arbor Court Improvement Project Y04
- Village Drive Improvement Project Y05
- Nuese Lane Improvement Project Y06

All voted in favor of the motion.

**UPDATE ON "FINAL LAYOUT" PLAN FOR 2007 MN/DOT HIGHWAY #68
RECONSTRUCTION PROJECT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Mn/DOT had informed the City that the layout needed to be either approved as presented or not approved as presented. The City Council, after the public hearing, adopted the resolution not approving the final layout plan, and requested Mn/DOT to return with a revised final layout plan with the following revisions:

1. Eliminate the raised medial from College Drive to 4th Street
2. Include parking on the southwest side of Main Street from College Drive to 7th Street
3. Include parking on the northeast side of Main Street from College Drive to 6th Street

Upon subsequent discussions with Mn/DOT, per Minnesota Statute 161.164, Subd.2(b)(3), "If the governing body disapproves the final layout, the commissioner may make modifications requested by the municipality..." As of today, Mn/DOT has chosen to make the modifications requested by the City Council and thus will not require the City to go through a new final layout public hearing process. In order to allow Mn/DOT to make the modifications without an additional public hearing, Mn/DOT requires the City to revoke its previous resolution not approving the final layout plan, and adopt a resolution approving the final layout with conditions.

Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2803, SECOND SERIES and that the reading of the same be waived. Resolution Number 2803, Second Series is a resolution Revoking Resolution Number 2795, Second Series – Resolution for Final Layout Approval for Mn/DOT Highway #68. All voted in favor of the motion.

Ritter moved, Maes seconded, the adoption of RESOLUTION NUMBER 2804, SECOND SERIES and that the reading of the same be waived. Resolution Number 2804, Second Series is a resolution for Final Layout Approval. All voted in favor of the motion.

**AIRPORT - A. AUTHORIZATION TO PURCHASE SNOW BLOWER;
B. AUTHORIZATION TO PURCHASE ELECTRIC ONE-PERSON LIFT
C. CONSIDER SUPPLEMENTAL AGREEMENT NO. 2 WITH TKDA – RUNWAY 12/30
EXTENSION PROJECT; D. RESOLUTION AUTHORIZING CITY ATTORNEY TO
PROCEED WITH EMINENT DOMAIN PROCEEDINGS FOR ACQUISITION OF
REAL PROPERTY:**

Bids received, opened and read for a snow blower for the Southwest Minnesota Regional Airport were as follows:

D & M Implement, Inc.
Marshall, Minnesota

| | |
|-------------------|------------|
| Lorenz Model 8101 | \$7,353.00 |
| Less Trade-In | (2,353.00) |
| Net Cost to City | \$5,000.00 |

Schoffman's Inc.

Redwood Falls, Minnesota

| | |
|-------------------|------------|
| Lorenz Model 8101 | \$7,253.00 |
| Cash Discount | (1,353.00) |
| Less Trade-In | (400.00) |
| Net Cost to City | \$5,500.00 |

Boedigheimer moved, Maes seconded, that the bid for a Snow Blower for the Southwest Minnesota Regional Airport be awarded to D & M Implement Inc., Marshall, Minnesota in the amount of \$5,000.00 from account number 101-60364-5540 and the proper city personnel be authorized to proceed with reimbursement procedures with Mn/DOT Aeronautics, if funds become available. All voted in favor of the motion, except Doom who abstained.

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Bids were received, opened and read for an Electric One-Person Lift for the Southwest Minnesota Regional Airport were as follows:

United Rentals Aerial Equipment
Mankato, Minnesota
Scissor Pusharound 38-48 FT
\$7,215.38

Piorier Equipment Co.
Marshall, Minnesota
Genie AWP-40S
\$8,450.00

Boedigheimer moved, Maes seconded, that the bid for an Electric One-Person Blower for the Southwest Minnesota Regional Airport be awarded to United Rentals Aerial Equipment in the amount of \$7,215.38 from account number 101-60364-5540 and that the proper city personnel be authorized to proceed with reimbursement procedures with Mn/DOT Aeronautics, if funds become available. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the proper city personnel be authorized to enter into Supplemental Agreement No. 2 for Professional Services with TKDA for Runway 12/30 Extension at the Southwest Minnesota Regional Airport in the amount of \$216,000. All voted in favor of the motion.

Reynolds moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2805, SECOND SERIES and that the reading of the same be waived. Resolution Number 2805, Second Series is a resolution Authorizing the City Attorney to Proceed with Eminent Domain Proceedings for Acquisition of Real Property. This resolution provides for City Attorney Dennis Simpson to initiate condemnation proceedings to acquire the necessary property for the 12/30 runway extension project with Michael and Mary Mortier, and Thomas and Beatrice Regnier. All voted in favor of the motion.

WAYS AND MEANS COMMITTEE RECOMMENDATIONS – A. RESOLUTION AMENDING SPECIFIC FEES TO BE CHARGED BY THE CITY OF MARSHALL FOR 2006; B. CONTRACT FOR SERVICES WITH NORTH MEMORIAL HEALTH CENTER FOR AMBULANCE SERVICE:

Council Member Ritter questioned if leaf removal contractors were required to obtain a refuse haulers license. Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2806, SECOND SERIES and that the reading of the same be waived. Resolution Number 2806, Second Series is a resolution Approving Specific Fees to be Charged by the City of Marshall effective January 1, 2006. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, that the proper city personnel be authorized to enter into a contract for services with North Memorial Health Center for Ambulance Service. This contract is for the period February 1, 2006 through January 31, 2011. All voted in favor of the motion.

Mayor Byrnes called for a short recess at this time.

RESOLUTIONS FOR PROPOSED 2006 CITY BUDGET – A. APPROVAL OF PROPOSED 2006 PROPERTY TAX LEVY; B. ADOPTION OF 2006 PROPOSED BUDGET:

Reynolds moved, Linstrom seconded, the adoption of RESOLUTION NUMBER 2807, SECOND SERIES and that the reading of the same be waived. Resolution Number 2807, Second Series is a resolution Approving 2005 Tax Levy, Collectible in 2006. This resolution

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provides for a total levy of \$3,463,865 which includes the General Fund Levy of \$2,321,499; Library Fund Levy \$409,311; 1996 Debt Service – Storm Sewer Improvement District Bonds \$56,044; 1999 Debt Service - Storm Sewer Improvement District Bonds \$159,128; Debt Service 2002 “A” Airport Improvement Bonds \$201,909; Debt Service 2002 “B” Parkway Improvement Bonds \$29,799; Debt Service 2004 Aquatics Center Certificates \$58,175; Debt Service 2005 Finance Department Equipment Certificates \$30,000; Debt Service – 2005 General Obligation Public Improvement Bonds \$84,000; Special Levy - PERA Employer Contribution \$9,000 and Special Levy - Economic Development Authority \$105,000. All voted in favor of the motion.

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2808, SECOND SERIES and that the reading of the same be waived. Resolution Number 2808, Second Series is a resolution Adoption a Budget for 2006. This resolution provides for General Fund revenues of \$9,647,292 and expenditures of \$9,647,292 and of which the revenues will be supported with a tax levy of \$2,730,810. All voted in favor of the motion.

PERSONNEL – A. APPROVAL OF 2006 WAGE SCHEDULE; B. APPROVAL OF 2005 – 2007 LABOR AGREEMENT WITH AFSCME (LOCAL #1678); C. APPROVAL OF ANNUAL REVIEW AND SALARY ADJUSTMENT FOR CITY ADMINISTRATOR:

Reynolds moved, Doom seconded, the approval of the 2006 Wage Schedule. This wage schedule is applicable to the City’s non-union personnel and the AFSCME union personnel. Labor negotiations with the police union personnel have not been concluded at this time. All voted in favor of the motion.

Reynolds moved, Doom seconded, the proper city personnel be authorized to enter into the 2005-2007 Labor Agreement with AFSCME (Local #1678). The agreement provides for an increase of 2.5% in 2005; 3.00% in 2006 and 3.00% in 2007. All voted in favor of the motion.

Based on the City Administrator’s performance review, evaluation and results, Reynolds moved, Linstrom seconded that Mike Johnson, City Administrator by grant a salary increase of 3.0% effective January 1, 2006. All voted in favor of the motion.

RESOLUTION APPOINTING MEMBERS TO THE CITY OF MARSHALL, MINNESOTA CHARTER COMMISSION, AND ESTABLISHING THEIR TERMS OF OFFICE:

Discussion was held at this time on appointing members to the City of Marshall, Minnesota Charter Commission and Establishing their Terms of Office. City Attorney Dennis Simpson indicated that a resolution needs to be adopted and submitted to District Court of Lyon County for approval. Minnesota Statutes does require that the Charter Commission meets at least once a year and a report of their activity be submitted to the District Court. Reynolds moved, Maes seconded, that the appointment of members to the City of Marshall, Minnesota Charter Commission be tabled until such time that contact has been made with individual identified in the proposed resolution to determine if they are interested in being a member of the Charter Commission. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA is working on Parkway Housing; Regional Development Commission met but there is nothing to report.

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Boedigheimer Airport Commission and Cable Commission minutes are included in the agenda packet; Ways & Means items were acted on earlier in the meeting.

Doom Planning Commission items were acted on earlier in the meeting; Marshall Area Transit meets next week.

Linstrom Library Board is reviewing their policies.

Maes Hospital Board met earlier today; PrairieNet WAN met last week; Shelly indicated that she is not able to attend the Convention and Visitors Bureau meetings; therefore Dan Ritter will attend these meetings.

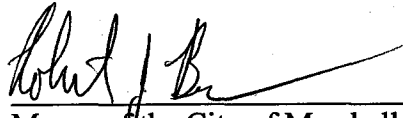
Reynolds Utilities Commission meets this Wednesday.
Ritter No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Council Members were: ice is collecting along Horizon Drive by the Hospice House; Mayor Byrnes took this opportunity to thank Molly Linstrom for her time on the City Council and presented her with a plaque.

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that per the City Code leaf hauling is covered under a Refuse Haulers License. Tom also indicated that the City has received their 2005 Dividend in the amount of \$98,000 for the property and casualty insurance.

Upon motion by Linstrom, seconded by Reynolds, the meeting was adjourned at 7:45 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk