

REGULAR MEETING – JANUARY 3, 2006

The regular meeting of the Common Council of the City of Marshall was held on January 3, 2006 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: 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; and Bob VanMoer, Wastewater Treatment Facility Superintendent.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Doom moved, Reynolds seconded, that the minutes of the regular meeting held on December 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.

CONSENT AGENDA – A. CONSIDER RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES FOR 2006; B. CONSIDER RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR 2006; C. RENEWAL OF TRANSIENT MERCHANTS LICENSE FOR TAP ENTERPRISES; D. APPLICATION FOR EXEMPT PERMIT LG220 FOR WHITETAILED UNLIMITED; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

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

The adoption of RESOLUTION NUMBER 2809, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2809, Second Series is a resolution Appointing the Official Depositories for the City of Marshall City Funds for the year 2006.

The adoption of RESOLUTION NUMBER 2810, SECOND SERIES and that the reading of the same be waived. Resolution Number 2810 Second Series is a resolution Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall.

The approval of a Transient Merchants License for TAP Enterprises for the calendar 2006 at a fee of \$300.00.

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 –LG220 for the Whitetails Unlimited – Marshall Area Chapter for a raffle to be held at the Prairie Events Center, 1507 East College Drive on February 4, 2006 and that the 30 day waiting period be waived.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 49318 through 49501.

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.	B & G Properties	1217	East	College	Drive	Interior Remodeling	\$10,000
2.	Babcock Construction	614		James	Avenue	Reside Dwelling	\$6,000
3.	Schaefer Woodworks	211		Robert	Street	Install Windows	\$3,000
4.	Patrick & Christina Blomme	308	South	1st	Street	Finish Basement	\$15,000

RESOLUTION APPOINTING MEMBERS TO THE CITY OF MARSHALL, MINNESOTA CHARTER COMMISSION, AND ESTABLISHING THEIR TERMS OF OFFICE:

At the December 19, 2005 city council meeting, the city council tabled action on this resolution pending contact with the individual commission members to ascertain their desire to continue serving on the Charter Commission. Contact has been made with all of the members listed in the resolution and five indicated that they were not interested in continuing to serve on the commission. It was indicated that seven members was not enough to serve on this commission and Dennis Simpson, City Attorney, recommended that this resolution be tabled and each council member find an individual that is interested in serving on this commission. Reynolds moved, Doom seconded, that the appointment of members to the City of Marshall, Minnesota Charter Commission be tabled until the next regular meeting on January 17, 2006 and that each council member find an individual that is interested in serving on this commission. All voted in favor of the motion.

INSURANCE AD HOC COMMITTEE – A. CONSIDER RENEWAL OF WORKERS COMPENSATION INSURANCE FOR JANUARY 1, 2006; B. CONSIDER AGREEMENT FOR MANAGED CARE:

The Insurance Advisory Committee met on December 30, 2005 and is recommending to the City Council to renew the City's Work Compensation Insurance effective January 1, 2006 with the League of Minnesota Cities Trust with a \$2,500 medical deductible and with a 3% managed care credit. The estimated annual premium is \$132,776 in comparison to \$126,927 for 2005. Boedigheimer moved, Reynolds seconded, that the City of Marshall renew the City's Work Compensation Insurance effective January 1, 2006 with the League of Minnesota Cities Trust with a \$2,500 medical deductible and with a 3% managed care credit. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, as per the Insurance Advisory Committee recommendation, that the proper city personnel be authorized to execute the necessary forms for CORVEL to be the Managed Care provider for the City's work comp claims. All voted in favor of the motion.

RESOLUTION AUTHORIZING EXECUTION OF 2006 YOUTH INTERVENTION PROGRAM GRANT AGREEMENT WITH MN DEPARTMENT OF PUBLIC SAFETY:

Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2811, SECOND SERIES and that the reading of the same be waived. Resolution Number 2811, Second Series is a Resolution Authorizing Execution of 2006 Youth Intervention Program Grant Agreement (No. 2006-YIP-00312) with Minnesota Department of Public Safety. This resolution

provides for the proper city personnel to enter into an agreement with the Minnesota Department of Public Safety for the Youth Intervention Program 06 Grant and to continue to serve as the Community Plus Program's fiscal agent. All voted in favor of the motion.

2005 AUDIT PROPOSAL WITH LARSON, ALLEN, WEISHAR & CO., LLP (LAWCO):

Maes moved, Reynolds seconded, the approval of the proposal received from Larson, Allen, Weishar & Co., LLP for the 2005 Audit at a fee estimated between \$39,500 to \$41,500. The City has received federal financial assistance in excess of \$500,000 in 2005, therefore there will be some additional cost associated with the single audit requirements. All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 1 FOR PROJECT X75 (2005-007) EQUALIZATION BASIN PROJECT AT WASTEWATER TREATMENT FACILITY:

The City of Marshall has a contract with Bonestroo, Rosene, Anderlik & Associates for the Design Phase of the Wastewater Treatment Facility Equalization Project. The original contract price for the Design Phase was "Not to Exceed" \$32,600. As the design phase was in progress, staff discussed some additional operational problems that they were facing at the treatment facility. It was determined that these issues would be best addressed and resolved by incorporating them into this project. Some of the changes include the ability to monitor flows that are entering the treatment process from the EQ Basins, correcting an existing problem with decant from our existing biosolids storage tanks, allow for more automated control, and to interface and update the current controls in the Trickling Filter Building. These issues are important and the integration into this project will be the most cost effective solution to correct them. Bonestroo, Rosene, Anderlik & Associates are requesting an additional \$7,000 for the Design Services, which were outside the original Design Phase scope of work. Boedigheimer moved, Reynolds seconded the approval of Change Order No. 1 for the EQ Basin Project with Bonestroo, Rosene, Anderlik & Associates, which results in a contract increase in the amount of \$7,000 for Design Phase Contract Services. All voted in favor of the motion.

CONSIDER PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF MARSHALL AND MARSHALL MUNICIPAL UTILITIES (MMU):

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into a Professional Engineering Services Agreement between the City of Marshall and Marshall Municipal Utilities. This agreement provides City engineering services for MMU for preliminary planning and conceptual design, design construction, and post contraction services relating to new and replacement watermain projects. The agreement provides for a minimum reimbursement for engineering services of \$50,000 per year, payable on an equal monthly rate to the City, with provisions for greater reimbursement if project costs exceed \$312,500 in any year. All voted in favor of the motion.

PERSONNEL COMMITTEE – RESOLUTION ADOPTING EMPLOYEE RECOGNITION PROGRAM:

Council Member Reynolds reviewed the Employee Recognition Program for the City of Marshall. Upon the recommendation of the Personnel Committee Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2812, SECOND SERIES and that the reading of the same be waived. Resolution Number 2812, Second Series is a Resolution Adopting a City of Marshall Employee Recognition Program. This resolution provides for the approval of an Employee Recognition Policy which indicates that monies should be budgeted on an annual basis for the employee appreciation event. 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 Insurance Advisory Commission items were discussed earlier at the meeting and the other committees have not met.

Doom Marshall Area Transit Committee will receive a new bus in February and they are continuing to work with other counties; the status of a grant for a bus garage and should be known sometime in February; none of the other committees have met.

Maes No report.

Reynolds Utilities Commission discussed the Engineering Services Agreement; Ways and Means Committee will meet on January 11th.

Ritter No report.

On an interim basis the Mayor appointed Larry Doom to the Community Services Advisory Board; Mike Reynolds to the Library Board and Dan Ritter to the Downtown Redevelopment Committee.

MAYOR AND COUNCIL MEMBER INDIVIDUAL ITEMS:

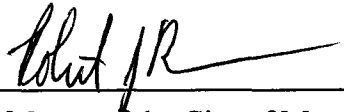
Other items brought forth by the Mayor and Council Members included:

The mayor presented a press release, whereby Robert L. and Phyllis Carr on behalf of the Carr family are offering a challenge grant in the amount of two million dollars for the construction of a new Marshall Public Library.

Council Members Boedigheimer and Ritter will be meeting with the two Lyon County Commissioners, therefore they were requesting any topics that the City Council or staff wanted addressed at this meeting. A concern was expressed with a damaged curb on the bus path off of Adobe Road near Parkside School. It was suggested that there be a reviewed discussion on the City's Sidewalk Policy, Sidewalk Replacement, and Sidewalk Connectivity. It was suggested that the home owners come forward with the request for sidewalk replacement, that the city discuss the percentage of participation between home owners and city for replacement as well as new installations. At the University of Minnesota Gopher Women's Basketball game on Saturday, January 15, 2006 they will be recognizing Shannon Bolden and her home town. Glenn addressed the 2006 planned improvements to the parking lots between South 5th Street and West College Drive and the effect that this will have on the number of available parking stalls. The availability of parking stalls in Block 11 was also discussed.

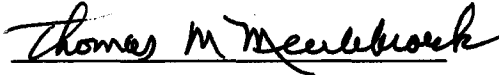
REGULAR MEETING – JANUARY 3, 2006

Reynolds moved, Boedigheimer seconded, that the meeting be adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JANUARY 17, 2006

The regular meeting of the Common Council of the City of Marshall was held on January 17, 2006 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, Reynolds and Boedigheimer. Absent: Maes and Ritter. 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.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of a presentation by Springsteds after the consent agenda.

APPROVAL OF THE MINUTES:

Boedigheimer moved, Doom seconded, that the minutes of the regular meeting held on January 3, 2006 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. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION; B. APPROVAL OF PAY EQUITY IMPLEMENTATION REPORT TO MN DEPARTMENT OF EMPLOYEE RELATIONS (DOER); C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

Council Member Boedigheimer requested that item B, which is the approval of Pay Equity Implementation Report to MN Department of Employee Relations (DOER) be removed from the consent agenda.

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

A Temporary On-Sale Liquor License for the Southwest Minnesota State University Foundation – Mustang Booster Club to be used at the SMSU Conference Center, 1501 State Street on February 3, 2006.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 49502 through 49667.

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.	Michael DeBoer	609	Lawrence	Street		Finish Basement	\$9,000
2.	Snell Services	601	North Minnesota	Street		Finish Basement	\$2,000
3.	Tutt Construction	1234	Patricia	Court		Basement Remodel	\$14,500
4.	Babcock Construction	404	South 4th	Street		Interior Remodel and Garage	\$7,700
5.	Sussner Construction,	702	West Fairview	Street		Replace Wall	\$26,500

REGULAR MEETING – JANUARY 17, 2006

	Inc.				
6.	Dustin & Jennifer Hinckley, Mark & JoAnne Hinckley	550 South 4th	Street	Interior Remodel	\$15,000

Mike Johnson reviewed the Pay Equity Implementation Report with those in attendance at the meeting. Mr. Johnson indicated that the City's underpayment ratio for the statistical analysis test is 105.9. In order for the City of Marshall to be in compliance for this report, this number needs to be at least 80.0 or more. The City's test result does in fact exceed the minimum underpayment ratio to be in compliance for this report. Boedigheimer moved, Reynolds seconded, the approval of the Pay Equity Implementation Report to MN Department of Employee Relations (DOER). All voted in favor of the motion.

PRESENTATION ON UPGRADE OF BOND RATING:

At this time, Terri Heaton from Springsted, Inc., bond counsel for the City of Marshall, presented the City of Marshall with a plaque acknowledging the City of Marshall's bond rating being upgraded to A-2 from Moody's.

RESOLUTION APPOINTING MEMBERS TO THE CITY OF MARSHALL, MINNESOTA CHARTER COMMISSION AND ESTABLISHING TERMS OF OFFICE:

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2813, SECOND SERIES and that the reading of the same be waived. Resolution Number 2813, Second Series is a resolution Appointing Members to the City of Marshall, Minnesota Charter Commission and Establishing Their Terms of Office. The following members were appointed for a term to expire on December 31, 2007: Cork Kizer, David Sturrock, Roma Mortenson Kindschi, Brian Broman and Ann Berglund. The following members were appointed for a term to expire on December 31, 2009: Mary Meffert, Aileen Rowe, James Zmeskal, Kip Sillers, Todd Schweer and Jay Cattoor. All voted in favor of the motion.

MARSHALL MUNICIPAL UTILITIES COMMISSION (MMU) – A. WAYS AND MEANS COMMITTEE – 1. APPROVAL OF POWER SUPPLY CONTRACT WITH MISSOURI RIVER ENERGY SERVICES (MRES) – AMENDMENT NO. 1 AND AGREEMENT (S-1) AS AMENDED AND RESTATED; 2. RESOLUTION APPROVING THE ISSUE OF PUBLIC UTILITY REVENUE BONDS, SERIES 2006 A, OF THE CITY OF MARSHALL IN THE PRINCIPAL AMOUNT OF \$6,440,000 AND AUTHORIZING CERTAIN ACTIONS TO BE TAKEN BY THE MARSHALL MUNICIPAL UTILITIES COMMISSION WITH RESPECT TO THE ISSUANCE OF THE SERIES 2006A BONDS; B. PRESENTATION OF THE 2006 BUDGET BY MARSHALL MUNICIPAL UTILITIES:

Brad Roos, Utilities General Manager, indicated that they are currently purchasing power and energy from Missouri Basin Municipal Power Agency dba Missouri River Energy Services ("MRES") under the Marshall Power Sale Agreement (S-1) all electric power and energy it requires to meet the needs of its customers in excess of Marshall's firm power allocation from the Western Area Power Administration and Heartland Consumers Power District ("Supplemental Power") for an initial term extending through December 31, 2030. He also indicated that in order for Missouri River Energy Services to adequately furnish power supply to meet the growing needs of their 57 member municipal utilities, they have determined that a commitment to purchase additional power supply resources to serve their members is required at this time. As Missouri River Energy Services and their financing affiliate, Western Minnesota Power Agency plan for the issuance of long term tax exempt debt to buy into a new power plant called Big Stone II, the believe that the member contracts-1 power sale agreement should have

REGULAR MEETING – JANUARY 17, 2006

an ending term that closely matches the anticipated debt retirement schedule for the electric revenue bonds WMMPA will sell to finance the MRES portion of the Big Stone II project. The anticipated term of said financing will extend for 39 years, and the amendment to the power supply contract would be effective January 1, 2007 and terminate January 1, 2046 effectively extending the S-1 power sale agreement by 16 years. Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER, 2814, SECOND SERIES and that the reading of the same be waived. Resolution Number 2814, Second Series is a resolution Approving Marshall Power Sale Agreement (S-1). This resolution provides for the approval of Amendment No. 1 to the Marshall Power Sale Agreement (S-1) between Marshall and MRES and that the agreement with MRES entitled "Marshall Power Sale Agreement (S-1) as amended and restated as of January 1, 2007. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2815, SECOND SERIES and that the reading of the same be waived. Resolution Number 2815, Second Series is a resolution Approving the Issuance of Public Utility Revenue Bonds, Series 2006A, of the City of Marshall in the Principal Amount of \$6,440,000 and Authorizing Certain Actions to be taken by the Marshall Municipal Utilities Commission with Respect to the Issuance of the Series 2006A Bonds. This is to be used for planned utility construction projects. All voted in favor of the motion.

Brad Roos, General Manager Marshall Municipal Utilities and Roxy Moon, Finance Officer Marshall Municipal Utilities presented the 2006 Marshall Municipal Utilities Budget.

INFORMATIONAL PRESENTATION BY JOAN JOHNSON:

At this time, Joan Johnson made a presentation on behalf of her deceased husband to ask the City Council to stop issuing tobacco licenses. She indicated that because her husband died of lung cancer she wanted to share her plea for the City of Marshall to go smoke free. City Attorney Dennis Simpson informed her that the Council did approve for the city parks to be tobacco free. Mayor Byrnes thanked Ms. Johnson for her presentation.

Mayor Byrnes called for a 5-minute recess at 6:35 P.M.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR PICKUPS (ENGINEERING, PARKS WWTF):

Boedigheimer moved, Doom seconded, that the proper city personnel be authorized to advertise for pickup trucks for:

The Engineer Department for a ¾ ton 4x4 crew cab pickup to be used for engineering inspection and testing for various construction projects.

The Parks Department for a 2006 4 door 2 wheel drive ½ ton pickup or ¾ ton 4 x 4 pickup, capable of plowing snow, if the vehicle comes in under budget, with and without a trade-in of a 1994 Chevy S-10 pickup.

The Wastewater Department for a 2006 2 wheel drive pickup to replace the 1999 Dodge pickup, with and without a trade-in of a 1993 Chevy Lumina.

There was a concern about a blade and hydraulic life not being included in the budget for the Parks Department for a pickup capable of plowing snow. These vehicles will be bid with and without trade-ins and the staff will check on the amount of the State bid. All voted in favor of the motion.

RESOLUTION RECEIVING REPORT AND CALLING FOR PUBLIC HEARING ON IMPROVEMENTS – A. PROJECT Y01 DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT; B. PROJECT X78 KOSSUTH AVENUE RECONSTRUCTION:

Kim Jergenson, Engineering Technician, reviewed Project Y01 Downtown Alley and Storm Sewer Replacement which is the reconstruction of the existing sanitary sewer, watermain, storm sewer and miscellaneous items in the alley between West Main Street and Saratoga Street from West College Drive northwest to 5th Street, 4th Street from West Main Street southwest to the old railroad right-of-way and 5th street from West Main Street southwest to the old railroad right-of-way and the alley between West Main Street and West Lyon Street from East College Drive northwest to North 3rd Street. This project is intended to be coordinated with MMU's relocation and burial of the overhead lines from West College Drive (T.H. 19) northwestward to South 6th Street and MnDOT's reconstruction of West Main Street (T.H. 68) in 2007. Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2816, SECOND SERIES and that the reading of the same be waived. Resolution Number 2816, Second Series is a resolution Receiving the Feasibility Report and Calling for a Hearing on the Improvement. The public hearing will be held at 5:30 P.M. on February 6, 2006 in the Council Chambers. All voted in favor of the motion.

Kim Jergenson, Engineering Technician, reviewed Project X78 Kossuth Avenue Reconstruction which is the reconstruction of the existing street, sanitary sewer, watermain, storm sewer and miscellaneous items on Kossuth Street from North 4th Street west to Oak Street and new street construction from Oak Street west to North 7th Street. Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2817, SECOND SERIES and that the reading of the same be waived. Resolution Number 2817, Second Series is a resolution Receiving the Feasibility Report and Calling for a Hearing on the Improvement. The public hearing will be held at 5:30 P.M. on February 6, 2006 in the Council Chambers. All voted in favor of the motion.

RESOLUTION REALLOCATING BUDGET AMOUNTS FOR FISCAL YEAR ENDED DECEMBER 31, 2005:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the budget adjustments for the 2005 budget. Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2818, SECOND SERIES and that the reading of the same be waived. Resolution Number 2818, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year Ended December 31, 2005. All voted in favor of the motion.

CONSIDER MARSHALL EDA RECOMMENDATION TO PARTICIPATE IN LCED POSITION:

Boedigheimer moved, Doom seconded, that per the recommendation of the Marshall EDA the City of Marshall provide funding in the amount of \$14,000 for their share of an economic development position for Lyon County. 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; Regional Development Commission met last week

Boedigheimer Airport Commission met last Monday; Cable Commission minutes are included in the agenda packet; M.E.R.I.T. minutes are included in the agenda packet

REGULAR MEETING – JANUARY 17, 2006

Doom Community Services Advisory Board talked about the projected parks and the trails were reviewed

Reynolds Library Board met last week; Utilities Commission will be meeting on Tuesday

REVIEW OF PENDING AGENDA ITEMS:

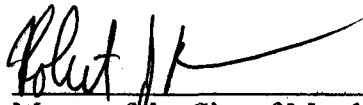
The City needs to appoint two members to the Airport Zoning Board.

Reynolds moved, Doom seconded, that the Council go into closed session pursuant to MN Statute 13D.05, Subd. 3(b) at 7:25 P.M. All voted in favor of the motion.

The City Council came out of closed session at 8:21 P.M.


There was no further action taken by the council.

It was the general consensus of the council that the meeting be adjourned at approximately 8:22 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

JOINT CITY COUNCIL/AVERA BOARD OF DIRECTORS MEETING
JANUARY 30, 2006

A Joint City Council/WMMC dba AVERA Marshall Regional Medical Center Board of Directors meeting of the City of Marshall was held on January 30, 2006 in Classrooms 3A & B of the AVERA Marshall Regional Medical Center. The meeting was called to order at 6:05 P.M. by WMMC Board Chairperson, Cliff Carmody. WMMC Board members in attendance were: Joe Cool, Bill Cole, Art Olson, Mike Rich, Randy Serreyn, and Dr. William Kremer. Hospital staff present included: Irene Wolf, Sharon Williams, Mary Maertens, Chris Gilb, Dodie Derynck, Brian Bohn, and Bruce Roesler. Mayor Byrnes called to order the Special City Council meeting. In addition to Byrnes the following City Council members were present: Maes, Doom, 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.

Reflection was provided by Dodie Derynck.

Brian Bohn presented Avera's Pay Equity Report and was granted approval to submit the report to the State.

Dr. William Kremer addressed some changes that have taken place with medical operations at the hospital.

Steve Draxler and Dan Vandenberghe, Auditors from McGladrey & Pullen, were in attendance at the meeting to give an overview of AVERA Marshall Regional Medical Center audited financial report for the year ending September 30, 2005.

Bruce Roesler, Hospital Administrator, provided an overview of 2005 and reviewed the 2006 Strategic Plan Report.

Mayor Byrnes briefly commended the Avera Board and Staff for all their time and work devoted to the hospital operation.

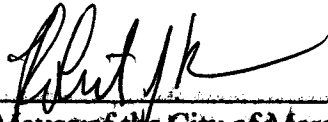
Ritter moved, Doom seconded to close the meeting at 7:40 P.m. and go into closed session pursuant to Minnesota 13D.05, Subdivision (3)(b) in the 3rd floor library at the hospital.

The City Council came out of closed session at 8:33 P.M.

There was no further action taken by the council.


JOINT CITY COUNCIL/AVERA BOARD OF DIRECTORS MEETING
JANUARY 30, 2006

Maes moved, Reynolds seconded, that the meeting be adjourned at 8:34 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

REGULAR MEETING – FEBRUARY 6, 2006

The regular meeting of the Common Council of the City of Marshall was held on February 6, 2006 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, Reynolds and Ritter. Council Member Maes arrived late and Council Member Boedigheimer was absent. 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; Kim Jergenson, Senior Engineering Technician; Tom Polfliet, Park Maintenance Supervisor; Bob VanMoer, Wastewater Treatment Facility Superintendent; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Reynolds moved, Ritter seconded, that the minutes of the regular meeting held on January 17, 2006 and the minutes of the Special Joint City Council/AVERA dba Weiner Memorial Hospital Board meeting held on January 30, 2006 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 Y01 DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT PROJECT – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS; C. CONSIDER PETITION FOR VACATION OF ALLEY RIGHT-OF-WAY FROM SCHWAN'S DEVELOPMENT CORPORATION AND CALL FOR A PUBLIC HEARING:

This was the date and time set for a public hearing on the Downtown Alley and Storm Sewer Replacement Project Y01. Glenn Olson, Director of Public Works/City Engineer, indicated that this project includes the proposed reconstruction of the sanitary sewer, watermain, storm sewer and miscellaneous items in the alley between West Main Street and Saratoga Street from West College Drive northwest to 5th Street, 4th Street from West Main Street southwest to the old railroad right-of-way and 5th Street from West Main Street southwest to the old railroad right-of-way and the alley between West Main Street and West Lyon Street from East College Drive northwest to North 3rd Street. This project is intended to be coordinated with MMU's relocation and burial of the overhead power lines from West College Drive (T.H. 19) northwestward to South 6th Street and MnDOT's reconstruction of West Main Street (T.H. 68) in 2007. The estimated construction cost is \$1,208,200 which includes allowances for contingencies and engineering costs. Mr. Olson indicated that the City has received a request to close the West College access. This request was not part of the decision on the utility construction project, but the plan needed to be able to include the possibility. Mr. Olson reviewed the different options for the parking lot layout for the "P" Lot and the "W" Lot. The following comments were made by concerned residents:

Norm Gregerson from Greig and Gregerson was concerned about losing 55 parking stalls in "P" Lot and if these could be added in "W" Lot.

Greg Taylor indicated that by promoting downtown apartments there is a greater need for more parking. If the city is considering taking away 55 lots they should consider the possibility of buying land and adding these back.

REGULAR MEETING – FEBRUARY 6, 2006

Dave Horstmann, The Bike Shop 219 West Main Street, asked if the alley is closed at the West College entrance could access to the parking lot come from across the river.

Dave Kester, owner of Lilibets, was concerned about this building being demolished. Mr. Kester was informed that the building would not be demolished.

Reynolds 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 2818-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2818-A, Second Series is a resolution Ordering the Improvement and Preparation of Plans for the Downtown Alley and Storm Sewer Replacement Project Y01. This project includes the proposed reconstruction of the sanitary sewer, watermain, storm sewer and miscellaneous items in the alley between West Main Street and Saratoga Street from West College Drive northwest to 5th Street, 4th Street from West Main Street southwest to the old railroad right-of-way and 5th Street from West Main Street southwest to the old railroad right-of-way and the alley between West Main Street and West Lyon Street from East College Drive northwest to North 3rd Street. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that a petition for vacation of a right-of-way has been submitted for the vacation of the public alley from the owner of the abutting properties of Lots 1-5 and Lot 7 of Block 3, Original Plat. The purpose of the vacation is Schwan's plan to make improvements to their property and their development includes improvements to the area from these properties to the Redwood River. This petition comes during the process of reconstruction of storm sewer and overhead utility lines in this alley. In order for the construction project and the vacation process to accommodate this reconstruction, it is the City's intent to bring both the vacation and the construction project forward with a coordinated timeline to allow the decisions to be made on the vacation prior to commencement of the actual reconstruction. The petition for vacation will also be coordinated with a request from Schwan's Development Corporation to acquire City owned property between any approved vacated alley and the Redwood River. This potential acquisition of City owned property will necessitate a separate action for disposal of City owned property.

LeRoy Affolter asked about public input and was told that this would take place during the public hearing. There was a brief discussion the vacation not including Lot 6 of Block 3, which is owned by Lou Miller. City Attorney Dennis Simpson indicated that the City has a liability to provide Mr. Miller with access to his property.

Ritter moved, Reynolds seconded, that the City participate in and accept the Petition for Vacation of a Right-of-Way and call for a public hearing to be held at 5:30 P.M. on April 3, 2006. This vacation would be for Lots 1 – 7 and the walkway of Block 3, Original Plat. All voted in favor of the motion.

Greg Taylor was concerned if the walkway is vacated that there would no longer be a public access in this area.

Mayor Byrnes called for a 5-minute recess at 6:50 P.M.

REGULAR MEETING – FEBRUARY 6, 2006

AWARD OF BIDS FOR VEHICLES – A. ENGINEERING; B. WASTEWATER; C. PARKS:

Bids were received, opened and read for a pick-up for a 2006 ¾ ton 4-wheel drive for the Engineer Department. Bids received, opened and read were as follows:

Anton Chevrolet
Marshall, Minnesota
\$25,429.06

Lockwood Motors, Inc.
Marshall, Minnesota
\$26,838.00

Marshall Ford
Marshall, Minnesota
\$27,593.68

Tholen Auto Sales
Marshall, Minnesota
\$27,244.41

Council Member Ritter questioned the specs for this vehicle. Glenn Olson, Director of Public Works/City Engineer, indicated that Kim Jergenson and Jason Rokeh wrote the specs for this vehicle and that he reviewed them. Ritter was concerned with the specs including items that are not necessary for a work truck. Ritter moved, Doom seconded, that these bids be rejected and that specs be reviewed by the Ways and Means Committee of the council. Doom was concerned with the bids being more than the budgeted amount. It was indicated that if these bids are rejected it could take 4 to 6 weeks to write the specs and take new bids. Mayor Byrnes indicated that discussion on the specs should take place before they advertise for bids. Voting in favor of the motion were: Ritter and Doom. Voting no were: Byrnes, Reynolds and Maes. This motion failed.

Reynolds moved, Maes seconded, that the bid for the 2006 ¾ ton 4-wheel drive for the Engineer Department be awarded to Anton Chevrolet, Marshall, Minnesota in the amount of \$25,429.06, including tax from the Engineering Department Account Number 101-60162-5550 and that in the future the Council have an opportunity to review specs before they are distributed. Voting in favor of the motion were: Reynolds, Maes and Byrnes. Voting no were: Ritter and Doom.

Bids were received, opened and read for a 2006 pick-up ½ ton 2-wheel drive for the Wastewater Treatment Facility. Bids received, opened and read were as follows:

	<u>Proposal A</u>	<u>Proposal B</u>	<u>Proposal C</u>
Anton Chevrolet Marshall, Minnesota	\$14,809.07	\$16,459.83	No Bid
Lockwood Motors, Inc. Marshall, Minnesota	\$18,531.00	\$20,128.50	No Bid
Marshall Ford Marshall, Minnesota	\$18,573.96	\$19,046.46	No Bid
Tholen Auto Sales Marshall, Minnesota	\$17,086.03	\$17,618.53	No Bid
Kathy Knutson	No Bid	No Bid	\$1,010.00

REGULAR MEETING – FEBRUARY 6, 2006

	<u>Proposal A</u>	<u>Proposal B</u>	<u>Proposal C</u>
Dean's Auto New Ulm	No Bid	No Bid	\$1,151.00
Dave Callens	No Bid	No Bid	\$551.00
Jim Tate	No Bid	No Bid	\$1,574.00

Proposal A: Furnish one (1) 2006 ½ ton 2-wheel drive pick-up truck for Wastewater Department with 1993 Lumina trade-in

Proposal B: Furnish one (1) 2006 ½ ton 2-wheel drive pick-up truck for the Wastewater Department

Proposal C: Purchase existing 1993 Chevrolet Lumina

Ritter moved, Doom seconded, that the bid for a 2006 ½ ton 2-wheel drive pick-up truck for the Wastewater Treatment Facility be awarded to Anton Chevrolet, Marshall, Minnesota for Proposal A in the amount of \$14,809.07, including tax from the Wastewater Fund Account Number 602-90581-5550 and a transfer from Building Inspection Account Number 101-60164-5550 to the Wastewater Fund in the amount of \$2,450.00 to offset the difference in the value of the 1993 Lumina and the 1999 Dodge pick-up. The 1999 Dodge pick-up is being transferred from the Wastewater Department to the Building Inspection Department to replace the 1993 Lumina that was traded in. Council Member Ritter thanked Bob VanMoer, Wastewater Superintendent, for drafting specs that would allow work trucks to meet these specs. All voted in favor of the motion.

Bids were received, opened and read for a 2006 pick-up truck for the Parks Department. Bids received, opened and read were as follows:

	<u>Proposal A</u>	<u>Proposal B</u>	<u>Proposal C</u>	<u>Proposal D</u>	<u>Proposal E</u>
Anton Chevrolet Marshall, Minnesota	\$23,407.69	\$25,509.94	\$22,328.61	\$24,511.86	No Bid
Lockwood Motors Marshall, Minnesota	\$24,708.00	\$26,838.00	\$20,874.00	\$23,004.00	No Bid
Marshall Ford Marshall, Minnesota	\$26,481.82	\$28,079.32	\$23,885.54	\$25,482.87	No Bid
Tholen Auto Sales Marshall, Minnesota	\$25,898.54	\$27,597.43	\$20,052.75	\$21,650.25	No Bid
Dean Lindquist Deans Auto New Ulm, Minnesota	No Bid	No Bid	No Bid	No Bid	\$1,723.00
Roger Kulla	No Bid	No Bid	No Bid	No Bid	\$2,800.00

REGULAR MEETING – FEBRUARY 6, 2006

- Proposal A: Furnish one (1) 2006 $\frac{3}{4}$ ton 4-wheel drive pick-up for the Parks Department with a trade-in of 1994 Chevrolet S-10.
- Proposal B: Furnish one (1) 2006 $\frac{3}{4}$ ton 4-wheel drive pick-up for the Parks Department only.
- Proposal C: Furnish one (1) 2006 $\frac{1}{2}$ ton 2-wheel drive pick-up for the Parks Department with a trade in of 1994 Chevrolet S-10.
- Proposal D: Furnish one (1) 2006 $\frac{1}{2}$ ton 2-wheel drive pick-up for the Parks Department only.
- Proposal E: Purchase 1994 Chevrolet S-10 only.

Harry Weilage, Director of Community Services, is recommending to purchase the $\frac{3}{4}$ ton 4-wheel drive pick-up from Anton Chevrolet in the amount of \$25,590.94 and sell the Chevrolet S-10 pick-up to the individual who bid \$2,800. By doing this the Parks Department would have a balance of \$4,700 to invest in a plow for the Parks pick-up, which would be used to clean parking lots and some walking trails which have never been done. The crew cab is a must for summer help. Council Member Ritter does not see the need for the Parks Department to have a 4-wheel drive pick-up and asked about the possibility of keeping the S-10 so that they do not need to lease a vehicle for the three months during the summer. It was indicated that a $\frac{3}{4}$ ton is necessary if they plan on plowing snow.

Ritter moved that the bid for a $\frac{1}{2}$ ton 2-wheel drive pick-up for the Parks Department be awarded to Anton Chevrolet, Marshall, Minnesota in the amount of \$25,509.94 and that they keep the Chevrolet S-10. This motion died due to the lack of a second.

Reynolds moved, Maes seconded, that the bid for the 2006 $\frac{3}{4}$ ton 4-wheel drive for the Parks Department be awarded to Anton Chevrolet, Marshall, Minnesota in the amount of \$25,509.94 and sell the Chevrolet S-10 pick-up to Roger Kulla in the amount of \$2,800.00. Voting in favor of the motion were: Reynolds, Maes and Byrnes. Voting no were: Ritter and Doom.

APPROVAL OF CONSENT AGENDA – A. LG200R LAWFUL GAMBLING LICENSE RENEWAL APPLICATION FOR MARSHALL AMATEUR HOCKEY ASSOCIATION; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR RMEF SW GREAT DIVIDE CHAPTER; C. TEMPORARY ON-SALE LIQUOR LICENSE FOR LYON COUNTY PHEASANTS FOREVER; D. RENEWAL OF LMCIT GROUP SELF INSURED ACCIDENT PLAN BASIC COVERAGE AND OPTIONAL MEDICAL BENEFIT FOR CITY VOLUNTEERS; E. RESOLUTION ACCEPTING THE GRANT OF PERSONAL PROPERTY FOR THE MARSHALL VOLUNTEER FIRE DEPARTMENT; F. REQUEST OF THE IRISH SOCIETY OF MARSHALL FOR STREET CLOSURE FOR ST. PATRICK'S DAY PARADE ON MARCH 17, 2006; G. BIOGUARD INFLUENT CLEANING SYSTEM PROJECT: ACKNOWLEDGE FINAL PAYMENT APPLICATION; H. CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR A TRACTOR FOR THE PARKS DEPARTMENT; I. AUTHORIZATION FOR OUT-OF-STATE TRAVEL – POLICE DEPARTMENT; J. BILLS/PROJECT PAYMENTS; K. BUILDING PERMITS:

Council Member Ritter requested that item H, which is authorization to advertise for bids for a tractor for the Parks Department, be removed from the consent agenda.

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

REGULAR MEETING – FEBRUARY 6, 2006

That the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application Lawful Gambling License Renewal –LG220R for the Marshall Amateur Hockey Association for the period April 1, 2006 to March 30, 2008.

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 RMEF Southwest Great Divide Chapter for a raffle to be held at the Best Western Marshall Inn, 1500 East College Drive on April 1, 2006 and that the 30 day waiting period be waived.

The approval of a Temporary On-Sale Intoxicating Liquor License for the Lyon County Pheasants Forever to be used at the SMSU Conference Center at 1501 State Street on March 18, 2006.

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 2006 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.

The adoption of RESOLUTION NUMBER 2819, SECOND SERIES and that the reading of the same be waived. Resolution Number 2819, Second Series is a resolution Accepting Personal Property from Dale R. and Deborah Bisbee by the City of Marshall, Minnesota. This resolution accepts a cash donation in the amount of \$2,500 by Dale R. and Deborah Bisbee in memory of Lyall and Theola Bisbee to be used for two (2) saws for the Marshall Volunteer Fire Department.

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, 2006 from 5:00 P.M. to 6:00 P.M.

The acknowledgement of final payment application in the amount of \$7,410.00 to KHC Construction Inc., for the WWTF Bioguard Project from Account Number 602-90581-5540 contingent upon receipt of Form 134.

The approval of out-of-state travel for Detective Tim Tomasek to attend the Mid-States Organized Crime Information Center Committee meeting in Springfield, MO from Monday, February 27, 2006 through Thursday, March 2, 2006. MOCIC will cover the costs incurred for flight, hotel and meal expenses. The Marshall Police Department would be responsible only for his scheduled hours.

The following bills and project payment be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 49668 through 49940.

All voted in favor of the motion.

REGULAR MEETING – FEBRUARY 6, 2006

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

	Applicant	Location Address				Description of Work	Valuation
1.	Victor Flores	202		Athens	Avenue	Basement Remodel	\$1,000
2.	Sussner Construction, Inc.	1000		Country Club	Drive	Remodel Garage	\$22,500
3.	Marshall Commercial Properties	356	West	Main	Street	Remodel	\$72,000
4.	John Hennen	106	West	Southview	Drive	Interior & Exterior Remodeling and Garage Remodel	\$27,000
5.	Sid's Signs on Broadway	1201	East	Main	Street	Install Signs	\$23,200
6.	Sid's Signs on Broadway	914	West	Main	Street	Install Sign	\$2,600
7.	PR Ventures	505		Mercedes	Drive	Dwelling	\$140,000
8.	Dean Lanoue	608	South	Saratoga	Street	Finish Garage	\$500
9.	Carr Properties	1424	East	College	Drive	Office Remodel	\$45,000
10.	Bakke's Home Repair & Construction	109		Parkview	Drive	Remodel Bathroom	\$2,500

There was a brief discussion on weather to purchase, rent or lease a tractor for the Parks Department. They currently have a 1991 International Tractor that is budgeted for replacement. Council Member Ritter indicated that if they were to lease or rent a tractor that they could have a newer model each year. Ritter moved, Reynolds seconded, that the proper personnel be authorized to advertise for bids to lease, rent or purchase a 80 HP front wheel assist tractor with loader for the Parks Department. All voted in favor of the motion.

EQUALIZATION BASIN PROJECT AT WWTF – A. PRESENTATION BY BONESTROO, ROSENE, ANDERLIK & ASSOCIATES; B. CONSIDER APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION FOR BIDS:

Ted Field of Bonestroo, Rosene, Anderlik & Associates provided an overview of the Equalization Basis Project at the Wastewater Facility. This project will replace the existing Equalization (EQ) Basins which are currently deteriorated beyond use. The Wastewater Facility uses these basins to store excess wastewater during heavy rain events and have the capability to store toxic loads from industry which upset the treatment process, and allow the plant to store regular wastewater during maintenance and repair projects. The original EQ Basins were part of the original biological treatment process, which were built in 1975. In 1994 the basins were abandoned due to the necessity to expand the treatment facility. The basins were never designed to work as EQ Basins, but were used in that capacity. The basins have been found to be an invaluable part of our treatment process over the past years.

Doom moved, Ritter seconded, the approval of the plans and specifications and authorize advertisement for bids for the Wastewater Facility EQ Basin Project. MPCA has approved the plans and specifications on this project. All voted in favor of the motion.

PROJECT X52 (FORMER 2004-001) / S.P. 139-121-03 CHANNEL PARKWAY RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND FINAL PAYMENT APPLICATION:

Reynolds moved, Maes seconded, the approval of Change Order No. 2, which increases the contract in the amount of \$43,658.59 and acknowledgement of the Final Payment in the

amount of \$164,696.49 for McLaughlin & Schulz, Inc., for Project X52 from account number 103-62066-5570 contingent upon receipt of form 134. This change order includes adjustments to bid quantities to reflect actual quantities installed, 35% participation of milling for drainage purposes, additional concrete valley gutters and associated curb and gutter not included in the original plan, as well as additional excavation and gravel under the replacement sidewalk as there was not gravel under the existing sidewalk. The final contract amount with this Change Order No. 2 is \$1,676,957.70, less liquidated damages in the amount of \$8,400, for final contract amount of \$1,668,557.70. All voted in favor of the motion.

RESOLUTION AUTHORIZING EXECUTION OF COOPERATIVE CONSTRUCTION AGREEMENT NO. 89165M WITH MN/DOT (T.H. 23 FLASHING BEACON SYSTEM):

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2820, SECOND SERIES and that the reading of the same be waived. Resolution Number 2820, Second Series is a resolution Authorizing Execution of Cooperative Construction Agreement and Amendments. This agreement provides for the maintenance and electrical energy for the flashing beacon system on Trunk Highway No. 23 at Amiret Street within the corporate City Limits under State Project No. 4203. All voted in favor of the motion.

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE CITY OF MARSHALL AND MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE BLR GANG/DRUG GRANT:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2821, SECOND SERIES and that the reading of the same be waived. Resolution Number 2821, Second Series is a resolution Authorizing Execution of an Agreement between the City of Marshall and Minnesota Department of Public Safety for the BLR Gang/Drug Grant. This grant is to fund 75% of on position for a drug investigator up to \$100,000 with a 25% local match and no match grant funds for two gang investigator positions up to \$50,000 for each investigator. This grant begins on January 1, 2006 and ends on December 31, 2006. All voted in favor of the motion.

CONSIDER CONTRACT WITH GROUP II ARCHITECTS FOR MUNICIPAL BUILDING PLANNING STUDY:

Maes moved, Ritter seconded, that the proper city personnel be authorized to enter into a contract with Group II Architects for the Municipal Building Planning Study. This contract provides for the following items:

1. Review operational requirements and space needs of city departments, public use and support facilities
2. Prepare a space planning guide, updated from the 1998 study.
3. Provide a general evaluation of the existing 1964 Municipal Building (42 years old) and its suitability to accommodate the city's long term operational and space needs.
4. Conduct an engineering assessment of the existing HVAC, plumbing, electrical and communication systems.
5. Prepare a structural assessment of the existing building and garage floor assembly.
6. A comparison of renovation costs to the existing building versus cost estimates for a new building.

The proposed planning study process is intended to be completed within approximately 90 days or by mid May 2006. Internal coordination by city staff will be by Sheila Dubs, Assistant to the City Administrator and consultation with Dale Howe, Building Official. The cost of this contract is in the amount of \$8,200. All voted in favor of the motion.

MINNESOTA WEST COMMUNITY AND TECHNICAL COLLEGE BUILDING LEASE:

Mike Johnson, City Administrator, indicated that he meet with representatives from Minnesota West and discussed the building lease in conjunction with their anticipated departure at the end of the current lease (June 30, 2006). Minnesota West has indicated that the lease arrangements at the MERIT Center, which are part of this lease, would need to be revised in order for them to maintain a continued presence at the building versus relocating to Pipestone. In addition, Minnesota West has an opportunity to vacate the building premises thirty (30) days prior to the expiration date of the current lease of by June 1, 2006. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to work with Minnesota West on maintaining a presence at the MERIT Center and to negotiate an exit strategy that benefits both parties for the space at the Municipal Building. All voted in favor of the motion.

CONSIDER AMENDMENTS TO THE CITY SUBORDINATION POLICY FOR THE SMALL CITIES DEVELOPMENT PROGRAM:

Ritter moved, Doom seconded, the approval of the Amendments to the City Subordination Policy for the Small Cities Development Program. These changes are being requested following the council's action on a subordination request that was considered in December, 2005. City Attorney Simpson has reviewed and approved the changes. 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.

Doom Planning Commission meets on Wednesday; Marshall Area Transit discussed specs for a new bus; Community Services Advisory Board is working on the bike trail.

Maes Hospital Board and Police Commission met last week; Human Rights Commission met but was unable to attend.

Reynolds Library Board and Utilities Commission will be meeting next week.

Ritter Convention and Visitors Bureau met two weeks ago; Ritter and Council Member Boedigheimer met with two County Commissions to discuss a Joint Powers for the Library.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members were: the Design/Review Committee has not met in over a year; City Administrator Mike Johnson indicated that Rick Goodeman will be at the February 21st meeting to discuss the Small Cities Grant.

REVIEW OF PENDING AGENDA ITEMS:

There was an Area Transportation Meeting in Willmar last week and City Administrator Mike Johnson indicated that they were ready to advertise for the Economic Development Position.

REGULAR MEETING – FEBRUARY 6, 2006

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 8:00 P.M.
All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – FEBRUARY 21, 2006

The regular meeting of the Common Council of the City of Marshall was held on February 21, 2006 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, and Ritter. Absent: Boedigheimer. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 11a, which is the consideration of a Farm Lease with Gary Deutz.

APPROVAL OF THE MINUTES:

Doom moved, Reynolds seconded, that the minutes of the regular meeting held on February 6, 2006 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. TEMPORARY ON-SALE LIQUOR LICENSE FOR MARSHALL AREA MEN'S CHORUS; B. LG200R LAWFUL GAMBLING LICENSE RENEWAL FOR THE EAGLES AERIE 3405; C. CONSIDER APPROVAL OF DEPOSITORY PLEDGE AGREEMENT – BREMER BANK; D. ESTABLISH SPECIAL CITY COUNCIL MEETING TO CANVASS ELECTION RESULTS; E. ESTABLISH DATE FOR 2006 LOCAL BOARD OF APPEAL AND EQUALIZATION; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

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

The approval of a Temporary On-Sale Intoxicating Liquor License for the Marshall Area Men's Chorus to be used at Southwest Minnesota State University on April 29, 2006 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 Lawful Gambling License Renewal –LG200R for the Eagles Aerie 3045 for the period June 1, 2006 to May 31, 2008.

The approval of the Depository Pledge Agreement between the City of Marshall and Bremer Bank N.A. Willmar, Minnesota.

A Special City Council meeting be held at 5:15 P.M. on Friday, March 10, 2006 to canvass the results of the Special Election to be held on Thursday, March 9, 2006 in Ward One of the City of Marshall.

The 2006 Local Board of Appeal and Equalization be held at 5:30 P.M. on Tuesday, April 18, 2006 in the Council Chambers of the Marshall Municipal Building at 344 West Main Street.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 49941 through 50103.

All voted in favor of the motion.

REGULAR MEETING – FEBRUARY 21, 2006

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

	Applicant	Location Address				Description of Work	Valuation
1.	Archer Daniels Midland	400	West	Erie	Road	Addition to Steeps Building	\$900,000
2.	Karl Campbell Construction	308		Legion Field	Road	Exterior Remodel	\$17,000
3.	Independent Lumber of Marshall, Inc.	1303		Horizon	Drive	Bathroom Remodel	\$9,500
4.	Southwest Glass Center	200	West	Main	Street	Entry Remodel	\$12,700
5.	Paul Griebel	1406		Westwood	Drive	Remodel Bathroom	\$1,000
6.	Conrad Hennen	608		Adobe	Road	Installing Window	\$1,000
7.	The Schwan Food Company	317	West	Main	Street	Demolish Interior Partitions	\$0
8.	Gregg Mathiowetz	1101	South	4th	Street	Basement Remodel & Install Fireplace	\$10,000
9.	Karl Campbell Construction	407	West	Saratoga	Street	Exterior Remodel	\$16,000

CONSIDER COMMERCIAL REHABILITATION LOAN PROGRAM BUSINESS APPEALS:

On January 9, 2006 the City received copies of correspondence from the Southwest Minnesota Housing Partnership (SWMNHP) directed to five local businesses that had attempted to apply for funding under the City's Commercial Rehabilitation Loan Program (Small Cities Development Program). Rick Goodeman, Executive Director of SWMNHP, indicated that the businesses applications for loans under the Small Cities Program had been denied based on the fact that the businesses all had previously received funding through the City's Commercial Rehabilitation Program. SWMNHP has attempted to pursue consideration of loan funding with the Minnesota Department of Employment and Economic Development (DEED). DEED has rejected the request for additional funding for these businesses. According to the City of Marshall's Commercial Rehabilitation Loan Program Policy the business applicant had to appeal in writing to the City within 30 days of the date of their notification of denial of financing. Of the five businesses applications that were denied loan funding, only three businesses have submitted appeals. Per Mr. Goodeman the only apparent option available to the City would be to appeal to DEED asking for a reconsideration of their previous decision to deny funding to these three businesses. Ritter moved, Maes seconded, that the proper city personnel be authorized to appeal to DEED asking for a reconsideration of their previous decision to deny funding to these three businesses (Last Stop CD Shop, Bot Appliance & Electronics and The Gambler). All voted in favor of the motion.

CONSIDER THE REQUEST OF TOM AND IRMA CATTOOR FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO OPERATE A PROMOTIONAL PRODUCT SALES BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 505 CENTRAL AVENUE:

Per the recommendation of the Planning Commission, Doom moved, Maes seconded, that Tom and Irma Cattoor be granted a Conditional Use Permit for a Home Occupation for

Promotional Products Sales business in an R-1 One-Family Residence District at 505 Central Avenue with the following conditions:

1. The permit be issued for an initial one-year period at which time renewals for up to five years maybe considered.
2. That the hours of business be between 6:00 a.m. to 10:00 p.m. only.
3. The permit is not transferable to any other person.

All voted in favor of the motion.

CONSIDER THE REQUEST OF AL ANDERSON FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A TOWER IN A B-3 GENERAL BUSINESS DISTRICT AT 202 JEWETT STREET:

Per the recommendation of the Planning Commission, Reynolds moved, Maes seconded, that North Star Insurance Company be granted a Conditional Use Permit to construct a communications tower of 60' in height in lieu of 45' at 202 Jewett Street as permitted by code in a B-3 General Business District. All voted in favor of the motion.

CONSIDER REZONE REQUESTS – INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

A. 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:

Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, the introduction of an ordinance and called for a public hearing on 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. The public hearing will be held at 5:30 P.M. on March 6, 2006. This same request was considered by the City Council on October 3, 2005 and denied. The only change in this request is that the business name is being made public. All voted in favor of the motion, except Reynolds who voted no.

B. GREAT PLAINS NATURAL GAS COMPANY TO REZONE 811 NORTH BRUCE STREET FROM AN A-AGRICULTURAL DISTRICT TO AN R-4 HIGHER DENSITY, MULTIPLE-FAMILY RESIDENCE DISTRICT:

Per the recommendation of the Planning Commission, Doom moved, Reynolds seconded, the introduction of an ordinance and called for a public hearing on the request of Great Plains Natural Gas Company to rezone 811 North Bruce Street from an A-Agricultural District to an R-4 Higher Density Multiple Family Residence District. The public hearing will be held at 5:30 P.M. on March 6, 2006. The intent is to build a business office on this property. A Conditional Use Permit is required for business offices in and R-4 District. The property has a Conditional Use Permit, issued in 1977, to classify an existing peak shaving plant as a conforming use. The property has a control and maintenance building on it as well as the peak shaving equipment. An 1800 square foot office building is proposed to be located directly in front of the maintenance building. All voted in favor of the motion.

C. MB PROPERTIES TO REZONE 1208 CANOGA PARK DRIVE FROM AN R-3 LOW TO MEDIUM DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT TO AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT:

Per the recommendation of the Planning Commission, Ritter moved, Reynolds seconded, the introduction of an ordinance and called for a public hearing on the request of MB Properties to rezone 1208 Canoga Park Drive from R-3 Low to Medium Density Multiple Family Residence District to an R-2 One to Four Family Residence District. The public hearing will be

held at 5:30 P.M. on March 6, 2006. A three unit apartment is currently under construction on this lot. The owner intends to construct a second building on the property in the future. All voted in favor of the motion.

D. CONSIDER THE REQUEST OF THE CITY OF MARSHALL TO REZONE PORTIONS OF SECTION 5 WITHIN THE CITY OF MARSHALL AS FOLLOWS:

- (1) PARCEL 1 – 1204 LONDON ROAD (PIN: 27-600-134-0) – I-1 LIMITED INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (2) PARCEL 2 – 100 LONDON ROAD (PIN: 27-819-005-0) – I-1 LIMITED INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT, R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT, AND B-1 LIMITED BUSINESS DISTRICT.
- (3) PARCEL 3 – 1310 MADRID STREET (PIN: 27-855-001-0) – PLANNED UNIT DEVELOPMENT NO 1 TO B-1 LIMITED BUSINESS DISTRICT.
- (4) PARCEL 4 – 1320 MADRID STREET (PIN: 27-600-148-0) – A AGRICULTURAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT AND B-1 LIMITED BUSINESS DISTRICT.
- (5) PARCEL 5 – 1014 LONDON ROAD (PIN: 27-538-002-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT.
- (6) PARCEL 6 – 114 LONDON ROAD (PIN: 27-538-003-0) – R-1 ONE FAMILY RESIDENCE DISTRICT AND R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT.
- (7) PARCEL 7 – 117 LONDON ROAD (PIN: 27-538-004-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-4 ONE FAMILY RESIDENCE DISTRICT.
- (8) PARCEL 8 – 200 SOUTH 11TH STREET (PIN: 27-537-001-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (9) PARCEL 9 – 112 SOUTH 11TH STREET – R-1 ONE FAMILY RESIDENCE DISTRICT AND R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT.
- (10) PARCEL 10 – 116 SOUTH 10TH STREET (PIN: 27-600-100-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT.
- (11) PARCEL 11 – 204 LEGION FIELD ROAD (PIN: 27-819-014-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT AND R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT.
- (12) PARCEL 12 – 231 LEGION FIELD ROAD (PIN: 27-819-013-0) – I-1 LIMITED INDUSTRIAL DISTRICT AND I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (13) PARCEL 13 – 301 LEGION FIELD ROAD (PIN: 27-600-075-0) – I-1 LIMITED INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (14) PARCEL 14 – 305 LEGION FIELD ROAD (PIN: 27-600-139-0) – I-1 LIMITED INDUSTRIAL DISTRICT AND I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (15) PARCEL 15 – 309 LEGION FIELD ROAD (PIN: 27-600-074-0) – I-1 LIMITED INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE.

Glenm Olson, Director of Public Works/City Engineer, indicated that this request is the action necessary to coordinate the City of Marshall Zoning Map zoning district boundaries with the City of Marshall 1996 Comprehensive Plan which includes the 2004 Updates and Amendments. Ritter moved, Doom seconded, the introduction of an ordinance and called for a public hearing on the request to rezone all of the parcels except parcel no. 8, which is Marshall Truss; parcel no. 10, which is Willmar Poultry and parcel no. 14, which is North Star Homes.

REGULAR MEETING – FEBRUARY 21, 2006

Ritter moved, Doom seconded, to amend the motion to include parcel no. 13 and no. 15. Voting in favor of the amendment were: Ritter, Byrnes and Doom. Voting no were: Maes and Reynolds. Voting in favor of the motion as amended were: Ritter and Doom. Voting no were: Byrnes, Reynolds and Maes.

Per the recommendation of the Planning Commission, Reynolds moved, Maes seconded, the introduction of an ordinance and called for a public hearing on the request to rezone all 15 parcels. The public hearing will be held at 5:30 P.M. on March 6, 2006. All voted in favor of the motion, except Ritter who voted no.

CONSIDER SUPPLEMENTAL AGREEMENT NO. 3 WITH TKDA FOR THE RUNWAY 12/30 PROJECT:

This agreement covers Phase II project design, construction and post-construction for paving and lighting of the main runway extension of Runway 12/30, as well as revisions to the Airport Layout Plan (ALP) to reflect the planned commercial service terminal area and airport industrial expansion. This Supplemental Agreement No. 3 is to be included in the 2006 federal grant and funded at 95% federal participation. The total amount of Supplemental Agreement No. 3 is \$316,000 including design construction, post-construction and ALP revisions, with the local share after approved funding in the amount of \$15,800. Maes moved, Reynolds seconded, that the proper city personnel be authorized to enter into Supplemental Agreement No. 3 for Professional services with TKDA for the Runway 12/30 Project for an additional contract amount of \$316,000. All voted in favor of the motion.

PROJECT X70 (2005-002) SOUTHVIEW DRIVE WATERMAIN REPLACEMENT – RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2822, SECOND SERIES and that the reading of the same be waived. Resolution Number 2822, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Southview Drive Watermain Replacement Project X70 (2005-002). All voted in favor of the motion.

CONSIDER MEMORANDUM OF AGREEMENT WITH FEDERAL AVIATION ADMINISTRATION:

Doom moved, Maes seconded, that the proper city personnel be authorized to enter into a Memorandum of Agreement with Federal Aviation Administration (FAA) for the operation and maintenance of the FAA owned Automated Weather Observation System (AWOS) at the Airport for the period of October 1, 2005 and continue to September 20, 2025. This agreement succeeds Lease Number DTFA14-90-L-R1090 which expired on September 30, 2005. The only change to this memorandum is the name of the airport. All voted in favor of the motion.

CONSIDER PROPERTY EXCHANGE PROPOSAL FROM THE SCHWAN'S DEVELOPMENT CORPORATION:

Mike Johnson, City Administrator, reviewed the request from the Schwan's Development Corporation signifying their desire and intent to undertake redevelopment of certain properties in and adjacent to the downtown. To facilitate those development plans, and to propose an exchange of property for the construction of a new library, they are requesting the transfer of various city owned properties to the Schwan's Development Corporation for those development purposes. The proposal would give the city property owned by Schwan's on West College Drive for a new library and the City would give Schwan's the existing library on West Lyon Street and

REGULAR MEETING – FEBRUARY 21, 2006

city property in the P parking lot behind the Landmark Bistro. Bill McCormack, spokesman for Schwan's, gave a brief presentation on their plan for the land behind the Bistro and indicated that the old library would be used for temporary offices. Dr. Affolter was concerned with inadequate parking if the old library was used for temporary offices; emergency access to the Senior Center and losing parking spaces behind the Landmark Bistro. Ritter moved, Reynolds seconded, that the request for property exchange be referred to the Planning Commission to enable them to review the proposed disposal (public owned interest in real property) and report their findings as to compliance of the proposed disposal with the Comprehensive Municipal Plan. All voted in favor of the motion.

CONSIDER FARM LEASE WITH GARY DEUTZ:

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into a Farm Lease with Gary Deutz. This farm lease is for two parcels containing 5.5 acres and 5.0 acres. This lease is from February 1, 2006 to January 31, 2008. The rent for this lease is \$204.25 per year. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA minutes are included in the agenda packet.

Doom Planning Commission minutes are included in the agenda packet.

Maes Hospital Board and Human Rights Commission minutes are included in the agenda packet.

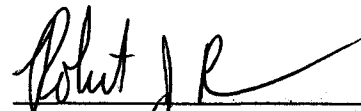
Reynolds Utilities Commission met last week – representatives from Bremer Bank and Wells Fargo provided a presentation on investments.

Ritter Convention and Visitors Bureau will meet on Wednesday.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members were: absentee voting is available in the Clerk's Office for the Special Election to be held on March 9, 2006.

Maes moved, Reynolds seconded, that the meeting be adjourned at 6:45 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

REGULAR MEETING – MARCH 6, 2006

The Pledge of Allegiance was recited at this time.

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

At this time Ajeet Yadav 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	Trey Lance
Grade 3	Courtney Dietz
Grade 5	Clair Roesler
Grade 6	Michael Torkelson

The regular meeting of the Common Council of the City of Marshall was held on March 6, 2006 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: none. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with item 3D7, which is to consider the request to rezone Parcel 7 – 117 London Road (PIN 27-538-004-0) from I-2 General Industrial District to R-1 One Family Residence District to be considered after 3D10.

APPROVAL OF THE MINUTES:

Reynolds moved, Maes seconded, that the minutes of the regular meeting held on February 21, 2006 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARINGS:

A. CONSIDER THE REQUEST OF GREAT PLAINS NATURAL GAS COMPANY TO REZONE 811 NORTH BRUCE STREET FROM AN A-AGRICULTURAL DISTRICT TO AN R-4 HIGHER DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Dave VanOverbeke, Construction Supervisor, Great Plains Natural Gas Co., to rezone 811 North Bruce Street from A Agricultural to R-4 Higher Density Multiple Family Residence District. The intent is to build a business office on this property. A Conditional Use Permit is required for business offices in an R-4 District. This property has a Conditional Use Permit, issued in 1977, to classify an existing peak shaving plant as a conforming use. The property has a control and maintenance building on it as well as the peak shaving equipment. An 1800 square foot office building is proposed to be located directly in front of the maintenance building. Doom moved, Maes seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 540, SECOND SERIES and that the reading of the same be waived. Ordinance Number 540, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 811 North Bruce Street to be rezoned from A Agricultural to R-4 Higher Density Multiple Family Residence District. All voted in favor of the motion.

B. CONSIDER THE REQUEST OF MB PROPERTIES TO REZONE 1208 CANOGA PARK DRIVE FROM AN R-3 LOW TO MEDIUM DENSITY, MULTIPLE FAMILY RESIDENCE DISTRICT TO AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT:

Glenn Olson, Director of Public Works/City Engineer reviewed the request of Mike Buysse, MB Properties, to rezone 1208 Canoga Park Drive from R-3 Low to Medium Density Multiple Family Residence District to R-2 One to Four Family Residence District. A three unit apartment is currently under construction on this lot. The owner intends to construct a second building on the property in the future. Buildings with three dwelling units are a Permitted Use in the R-2 District. The primary differences between the districts are the side yard and rear yard requirements. The R-2 district side yard has a width of five feet minimum and a rear yard of 18% of the lot depth for a corner lot. The R3 district side yard has a width of ten feet minimum and a rear yard of 25% of the lot depth. The lot area regulations are the same. The required yard minimums become important to the owner if he would sell the buildings separately. Reynolds moved, Doom seconded, the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 541, SECOND SERIES and that the reading of the same be waived. Ordinance Number 541, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 1208 Canoga Park Drive to be rezoned from R-3 Low to Medium Density Multiple Family Residence District to R-2 One to Four Family Residence District. All voted in favor of the motion.

C. CONSIDER THE REQUEST OF JOHN MCLAUGHLIN & DUAINE BREYFOGLE TO REZONE 801 & 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 Jack McLaughlin and Duaine Breyfogle to rezone 801 and 805 East College Drive to B-3 General Business District. This property is located within an R-2 One to Four Family Residence District. Each property has a single family dwelling on it. 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 office building located within a B-1 Limited Business District.

Tim Tomasek, 904 Willow Street, indicated that he opposed the change in zoning because of the quality of life issues.

Julie Allen, 214 North Hill Street, was concerned that there be a high quality living environment in Marshall's residential neighborhoods; the concern for flooding in this area; and that this area has suffered enough hardships. Ms. Allen also provided information on the General Dollar Store.

Jean Replinger, 300 North Hill Street, agreed with what Julie Allen stated.

Mike Leary, 900 Birch Street, indicated that by rezoning this property two or three individuals would benefit, but no one else would.

Larry Fraser of the Century 21 office in Hutchinson represents Dollar General Store and indicated that they have sent a letter indicating that they are willing to work with the City on widening Hill Street to conform with the rest of the street; all deliveries will be made on the East

REGULAR MEETING – MARCH 6, 2006

side of the building (facing the other commercial site); and will provide a screening at the back of the site. Mr. Fraser also indicated that Dollar General Store is a Fortune 500 Company.

Emily Deaver, 215 North Hill Street, indicated she was opposed to the rezoning.

Glenn Olson, Director of Public Works/City Engineer, indicated that the city is currently constructing the East Area Sanitary Sewer Interceptor Project to help correct this problem. It was indicated that if this area was rezoned to business there would not be as much usage of the sanitary sewer system and storm sewer system as a residential area would require. The current zoning would allow up to 20 apartment units with 40 parking spaces in this area.

Greg Taylor expressed his opposition to the rezoning of these properties.

Kevin DeBoer, 211 North Hill Street, indicated that he was opposed to this request.

Council Member Boedigheimer indicated that East College Drive is also a State Highway and Mn/DOT needs to approval all access off of the highway. He also indicated that he believes that over the next 20 to 30 years all of College Drive will be businesses.

Mike Leary, 900 Birch Street, indicated that the Dollar General Store is like a Wal-Mart and Kmart and therefore would generate a lot of traffic. He indicated that the Dollar General Store should be located in a business district and not a residential area.

Mark Timmerman indicated that there was not enough room on East College Drive to add a turning lane.

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

Boedigheimer moved, Doom seconded, to approve 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. Voting in favor of the motion were: Boedigheimer, Doom and Ritter. Voting no were: Reynolds, Byrnes and Maes. The motion failed.

Boedigheimer moved, Doom seconded, that this motion be reconsidered.

Boedigheimer indicated that the council cannot place conditions on a rezone, but when the Dollar General Store applies for a permit they could request that certain items be met.

Council Member Doom indicated that by rezoning to B-3 there would be less water used and therefore less strain on the sanitary sewer system. He also felt that the traffic pattern would be less.

Council Member Reynolds does not want to see another business located in a residential area.

Ritter indicated that he would support an R-2 District.

Voting in favor of the motion were: Boedigheimer and Doom. Voting no were: Ritter, Reynolds, Byrnes and Maes. The motion failed.

D. CONSIDER THE REQUEST OF THE CITY OF MARSHALL TO REZONE PORTIONS OF SECTION 5 WITHIN THE CITY OF MARSHALL AS FOLLOWS:

- (1) PARCEL 1 – 120 LONDON ROAD (PIN: 27-600-134-0) – I-1 LIMITED INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (2) PARCEL 2 – 100 LONDON ROAD (PIN: 27-819-005-0) – I-1 LIMITED INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT, R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT, AND B-1 LIMITED BUSINESS DISTRICT.
- (3) PARCEL 3 – 1310 MADRID STREET (PIN: 27-855-001-0) – PLANNED UNIT DEVELOPMENT NO 1 TO B-1 LIMITED BUSINESS DISTRICT.
- (4) PARCEL 4 – 1320 MADRID STREET (PIN: 27-600-148-0) – A AGRICULTURAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT AND B-1 LIMITED BUSINESS DISTRICT.
- (5) PARCEL 5 – 101 LONDON ROAD (PIN: 27-538-002-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT.
- (6) PARCEL 6 – 111 LONDON ROAD (PIN: 27-538-003-0) – R-1 ONE FAMILY RESIDENCE DISTRICT AND R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT.
- (7) PARCEL 7 – 117 LONDON ROAD (PIN: 27-538-004-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (8) PARCEL 8 – 200 SOUTH 11TH STREET (PIN: 27-537-001-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (9) PARCEL 9 – 112 SOUTH 11TH STREET – R-1 ONE FAMILY RESIDENCE DISTRICT AND R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT.
- (10) PARCEL 10 – 116 SOUTH 10TH STREET (PIN: 27-600-100-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT.
- (11) PARCEL 11 – 201 LEGION FIELD ROAD (PIN: 27-819-014-0) – I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT AND R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT.
- (12) PARCEL 12 – 231 LEGION FIELD ROAD (PIN: 27-819-013-0) – I-1 LIMITED INDUSTRIAL DISTRICT AND I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (13) PARCEL 13 – 301 LEGION FIELD ROAD (PIN: 27-600-075-0) – I-1 LIMITED INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (14) PARCEL 14 – 305 LEGION FIELD ROAD (PIN: 27-600-139-0) – I-1 LIMITED INDUSTRIAL DISTRICT AND I-2 GENERAL INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE DISTRICT.
- (15) PARCEL 15 – 309 LEGION FIELD ROAD (PIN: 27-600-074-0) – I-1 LIMITED INDUSTRIAL DISTRICT TO R-1 ONE FAMILY RESIDENCE.

Glenn Olson, Director of Public Works/City Engineer, indicated that this request is the action necessary to coordinate the City of Marshall Zoning Map zoning district boundaries with the City of Marshall 1996 Comprehensive Plan which includes the 2004 Updates and Amendments. Mr. Olson briefly described each parcel of property that is being considered for rezoning. Mr. Olson also indicated that city staff is recommending that this whole area be rezoned to an R-1 One Family Residential District and that any business currently located in the area would be able to continue and as existing use but could not expand or replace.

Following Mr. Olson's presentation the following comments were made by staff and concerned residents:

Greg Taylor indicated that the City of Marshall spent money for Marshall Truss to locate to this area and now they want them to move again.

REGULAR MEETING – MARCH 6, 2006

Mr. Duffy, 209 London Road, indicated that he does not have a problem with Marshall Truss being in this area.

Council Member Boedigheimer indicated that there should not be driveways off of Channel Parkway.

Greg Taylor indicated that if a private developer were to buy this land to build houses would he be able to get the area rezoned. He also indicated that the City has no business being in the development businesses.

Mark Timmerman, Marshall Truss, indicated that if Paris Road were to continue to Channel Park one side could be residential and the other side could remain as commercial.

Bob Tholen, indicated that he was on the EDA Committee when they worked to bring businesses into the City of Marshall and wanted to know if the city wants residential or businesses.

Kevin Stroup, Attorney for Marshall Truss, indicated that there was not place for Marshall Truss to relocate to and if this area was rezoned that he would have a problem with that.

Mr. Stroup and Mr. Taylor indicated that the city risked a lawsuit if it rezoned the industrial property.

Chuck Hess wanted to know why this area was not rezoned to R-2 and use that as a buffer in this area between residential and commercial.

Dan Anderson, North Homes, indicated that in 1995 they were in compliance with zoning and the Comprehensive Plan and if this area were rezoned to R-1 they would not be able to expand their business. He indicated that the train goes by several times a day and is very loud. He also indicated that if this area was rezoned to R-1 they would not be able to take advantage of JobZ money.

Council Member Boedigheimer indicated that he agreed with all of the industrial users in this area.

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

A 5-minute recess was called at 7:50 P.M.

Boedigheimer moved, Ritter seconded, the adoption of ORDINANCE NUMBER 542, SECOND SERIES and that the reading of the same be waived. Ordinance Number 542, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 120 London Road from I-1 Limited Industrial District to an R-1 One Family Residence District. All voted in favor of the motion.

REGULAR MEETING – MARCH 6, 2006

Boedigheimer moved, Ritter seconded, the adoption of ORDINANCE NUMBER 543, SECOND SERIES and that the reading of the same be waived. Ordinance Number 543, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 100 London Road from I-1 Limited Industrial District to an R-1 One Family Residence District and a B-1 Limited Business District. All voted in favor of the motion.

Doom moved, Maes seconded, the adoption of ORDINANCE NUMBER 544, SECOND SERIES and that the reading of the same be waived. Ordinance Number 544, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 1310 Madrid Road from a Planned Unit Development No. 1 to a B-1 Limited Business District. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 545, SECOND SERIES and that the reading of the same be waived. Ordinance Number 545, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 1320 Madrid Road from an A-Agricultural District to an R-1 One Family Residence District and B-1 Limited Business District. All voted in favor of the motion.

Reynolds moved, Boedigheimer seconded, the adoption of ORDINANCE NUMBER 546, SECOND SERIES and that the reading of the same be waived. Ordinance Number 546, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 101 London Road from I-2 General Industrial District to an R-3 Low to Medium Density Multiple Family Residence District. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of ORDINANCE NUMBER 547, SECOND SERIES and that the reading of the same be waived. Ordinance Number 547, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 111 London Road from I-2 General Industrial District to an R-1 One Family Residence District. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, that the request to rezone 200 South 11th Street from I-2 General Industrial District to an R-1 One Family Residence District be denied. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, that the request to rezone 112 South 11th Street from I-2 General Industrial District to an R-1 One Family Residence District and R-3 Low to Medium Density Multiple Family Residence District be denied. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, that the request to rezone 116 South 10th Street from I-2 General Industrial District to an R-2 One to Four Family Residence District be denied. All voted in favor of the motion.

Boedigheimer moved, Maes seconded, that the request to rezone 117 London Road from I-2 General Industrial District to an R-1 One Family Residence District be denied. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 548, SECOND SERIES and that the reading of the same be waived. Ordinance Number 548, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This

REGULAR MEETING – MARCH 6, 2006

ordinance rezones 201 Legion Field Road and 231 Legion Field Road from I-1 Limited Industrial District and I-2 General Industrial District to an R-1 One Family Residence District and R-2 One to Four Family Residence District. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 549, SECOND SERIES and that the reading of the same be waived. Ordinance Number 549, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 305 Legion Field Road from I-1 Limited Industrial District and I-2 General Industrial District to an I-1 Limited Industrial District. All voted in favor of the motion.

Boedigheimer moved, Maes seconded, that the request to rezone 309 Legion Field Road from I-1 Limited Industrial District to an R-1 One Family Residence District be denied. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, that the request to rezone 301 Legion Field Road from I-2 General Industrial District to an R-1 One Family Residence District be denied. All voted in favor of the motion.

AWARD OF BIDS FOR TRACTOR FOR THE PARKS DEPARTMENT:

Bids were received, opened and read for an 80 HP tractor for the Parks Department. Bids received, opened and read were from:

	Proposal A	Proposal B	Proposal C
D & M Implement, Inc. Marshall, Minnesota			
Base Bid	\$80,603.00	\$18,637.50	No bid
Trade-In	33,303.00	Per year	
Sales Tax	3,074.50	With Proposal B	
Net Bid	50,374.50	the City would own after three years	
Kesteloot Ent., Inc. Marshall, Minnesota			
Base Bid	\$68,390.43	No bid	No bid
Trade-In	30,490.43		
Sales Tax	2,463.50		
Net Bid	40,363.50		
Titan Machinery Marshall, Minnesota			
Base Bid	\$56,775.00	\$9,970.65 per yr	No bid
Trade-In	9,000.00	9,000.00	
Sales Tax	3,105.37	With Proposal B	
Net Bid	50,880.37	the City would have the option to buy out at a price of \$27,786.00	

The specifications allow for bidding as follows:

- Proposal A: Furnish one (1) 2006 80 HP Tractor with Cab and Loader with Trade-in
- Proposal B: Lease one (1) 2006 80 HP Tractor with Cab and Loader with Trade-in
- Proposal C: Rent one (1) 2006 80 HP Tractor with Cab and Loader with Trade-in

Tom Polfliet, Superintendent of Parks Department, is recommending that the bid be awarded to Kesteloot Enterprises in the amount of \$40,363.50. He indicated that purchasing the tractor and keeping it for 10-15 years and then trading it in at that time is a better deal than to lease the tractor. He indicated that this bid meets the specs. Ritter moved, Reynolds seconded, that the bid for an 80HP Tractor for the Parks Department be awarded to Kesteloot Enterprises, Inc., for the price of \$40,363.50 which includes the trade-in of the 1991 Case International. All voted in favor of the motion, except Doom who abstained.

APPROVAL OF THE CONSENT AGENDA – A. AUTHORIZATION TO ADVERTISE FOR BIDS FOR BUILDING EXHAUST SYSTEM AT MARSHALL FIRE DEPARTMENT; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

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

The proper city personnel be authorized to advertise for bids for an Exhaust System for the Fire Station. The Fire Department has budgeted \$70,016 for the exhaust system. The City has received a Federal grant which covers 95% of the project (\$66,515), with the local 5% share being (\$3,501).

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 50104 through 50327.

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. Avera Marshall Regional Medical Center	300 South Bruce Street	Laundry Remodel	\$24,800
2. The Schwan Food Co.	307 West College Drive	Remodel Offices	\$68,200
3. Casey & Amber Werner	214 Rainbow Drive	Finish Basement	\$6,000
4. Jan 2 LP	408 South 1st Street	Reside Dwelling & Repair Roof	\$10,000
5. Evan & Patty Carlson	1312 Horizon Drive	Replace Windows	\$3,700
6. D & G Excavating, Inc.	103 East Greeley Street	Demolish Dwelling	\$0
7. D & G Excavating, Inc.	108 East Saratoga Street	Demolish Dwelling	\$0
8. D & G Excavating, Inc.	114 East Saratoga Street	Demolish Dwelling	\$0
9. D & G Excavating, Inc.	107 East Greeley Street	Demolish Dwelling	\$0
10. D & G Excavating, Inc.	115 East Greeley Street	Demolish Dwelling	\$0
11. D & G Excavating, Inc.	213 South 1st Street	Demolish Dwelling	\$0
12. D & G Excavating, Inc.	215 South 1st Street	Demolish Dwelling	\$0
13. Marshall Residential Properties, LLC	306 South 5th Street	Reside Dwelling & Install Window	\$8,000
14. Lake Benton Home Improvements	600 West Lyon Street	Remodel Dwelling	\$7,700

REGULAR MEETING – MARCH 6, 2006

15.	James Moline	601	Ontario	Road	Reroof and Reside Warehouse	\$13,000	
16.	Darron Grahn	600	North	Minnesota	Street	Finish Bathroom	\$5,000
17.	Rick Slagel	303		Elm	Street	Kitchen Remodel	\$1,500

CONSIDER APPROVAL OF POLICE CORPORAL PROMOTION:

Per the recommendation of Rob Yant, Director of Public Safety, Maes moved, Reynolds seconded, that Officer James Marshall be promoted to the rank of Police Corporal at the Corporal's fourth pay grade which is currently \$23.12 per hour. There will be a cake and coffee social in recognition of Jim's promotion on Tuesday, March 14th at the L.E.C. basement training room from 4:30 p.m. to 5:30 p.m. All voted in favor of the motion.

CONSIDER THE REQUEST OF GREAT PLAINS NATURAL GAS COMPANY FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A BUSINESS OFFICE IN AN R-4 HIGHER DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT AT 811 NORTH BRUCE STREET.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Dave VanOverbeke, Construction Supervisor, Great Plains Natural Gas Co., for a Conditional Use Permit to construct an office building at 811 North Bruce Street. Per the recommendation of the Planning Commission, Doom moved, Maes seconded, that Great Plains Natural Gas Co., be granted a Conditional Use Permit to construct an office building at 811 North Bruce Street with the following conditions:

1. The office building must be not less than 1,800 square foot or greater than 2,400 square foot in projected ground area.
2. The office building must not be more than 1 ½ stories or 24' in height.
3. The office building must have gable roof construction with a pitch of not less than 3:12 and 24" roof overhang on all sides.
4. One 32 square foot sign that is not greater than 15 feet in total height is permitted. The sign may be lighted. The sign must not blink, flash, change copy or graphics or change light intensity in any manner. The sign may state the business name, logo, hours of business and street address only.
5. No banners, balloons or streamers of any kind are permitted to be displayed on the property.
6. The property will be subject to all other regulations of the R-4 Higher Density Multiple Family Residence District.

All voted in favor of the motion.

DISCUSSION ON REFUSE HAULERS LICENSE RENEWAL – CURBSIDE VAC:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that during the renewal process for Refuse Haulers License concerns have been expressed in regard to those individuals who are in the business for hire to haul compost materials which are defined as yard waste consisting of grass, leaves, branches and similar associated organic materials. Larry McGarth, Curbside Vac, was in attendance at the meeting to discuss the requirements of the ordinance. He was concerned with the fact that not everyone has a license, such as teenagers who do mowing. Because of the inconsistency he would like to see this requirement eliminated. Doom moved, Boedigheimer seconded, that the Ordinance for Refuse Haulers Licenses be referred to the Legislative and Ordinance Committee to review and that any applications for business for hire to haul compost materials not be considered until a recommendation is received from the Legislative and Ordinance Committee. All voted in favor of the motion.

AUTHORIZATION TO RETAIN PATCHIN, MESSNER & DODD FOR APPRAISAL SERVICES:

On September 6, 2005 the City Council approved hiring Patchin, Messner & Dodd to perform appraisals on eleven (11) different properties within the North 6th Street, the Hill-Marshall Street, and the East Area Sanitary Interceptor Service special assessment projects. Based upon the review of the appraisals by City staff and the City Attorney's Office, it was determined that it is necessary to undertake an additional four (4) appraisals of commercial properties within the East Area Sanitary Sewer Interceptor Sewer Project. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into a Memorandum of Understanding to retain Patchin, Messner & Dodd for Appraisals Services for four (4) appraisals of commercial properties within the East Area Sanitary Sewer Interceptor Sewer Project. The estimated cost to do the four (4) appraisals is not to exceed \$11,500. 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 No report.

Boedigheimer Airport Commission meets next week; Cable Commission meets later this week; M.E.R.I.T. Center meets on Thursday; Lyon County Enterprise Development held phone interviews.

Maes Hospital Board held a closed meeting; Human Rights Commission met last week.

Reynolds Utilities Commission meets next week.

Ritter Convention and Visitors Bureau met last week.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members were: the Personnel Committee needs to meet and review the points that have been received for the EDA position; if a new library is constructed and before disposal of the old library the city needs to consider the possibility of using the old library for city hall.

Upon motion by Maes, 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 – MARCH 10, 2006

A special meeting of the Common Council of the City of Marshall was held on March 10, 2006 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:15 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Maes, Doom, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Mike Johnson, City Administrator and Thomas M. Meulebroeck, Finance Director/City Clerk.

The purpose of this special meeting was to canvas the ballots of the Special Election held on March 9, 2006.

Election returns as filed by the election judges for the Special Election held on March 9, 2006 were provided by the Finance Director/City Clerk Thomas M. Meulebroeck. The summary of the votes cast for a Council Member in Ward I were as follows for said election:

	WARD I
Number of Registered Voters at 7:00 A.M. Election Day	2205
New Registration Election Day	7
Total Registrations	<u>2212</u>
Votes Cast:	
Andy Hedlin	54
Charles Sanow	102
TOTAL VOTES CAST	<u>156</u>
% of Registered Voters who Voted	7.05%

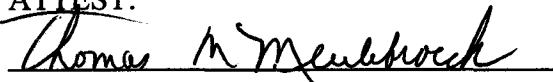
Reynolds moved, Maes seconded, that Charles Sanow be declared duly elected as council member for Ward 1 and that the term for this position will expire on December 1, 2008. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – MARCH 20, 2006

The regular meeting of the Common Council of the City of Marshall was held on March 20, 2006 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, Sanow, and Reynolds. Absent: Boedigheimer and Ritter. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Kim Jergenson, Senior Engineering Technician; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

Mayor Byrnes called upon Thomas M. Meulebroeck, Financial Director/City Clerk, to administer the Oath of Office to newly elected Council Member Charles Sanow.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the deletion of item number 7, which is the consideration of a resolution of Support for Motor Vehicle Sales Tax (MVST) Constitutional Amendment; and the addition of item number 2c, which is to consider the proposal from Fergus Power Pump Inc.

APPROVAL OF THE MINUTES:

Reynolds moved, Doom seconded, that the minutes of the regular meeting held on March 6, 2006 and the minutes of the special meeting held on March 10, 2006 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS – CONSIDER THE AWARD OF BIDS FOR WASTEWATER EQUALIZATION BASIN PROJECT:

Bids were received, opened and read for the Wastewater Treatment Facility Equalization Basin Improvements on March 13, 2006 at 2:00 P.M. in the Council Chambers. Bids received, opened and read were as follows:

R & G Construction Co.,
2694 County Road 74
Marshall, Minnesota
\$722,525.00

Gridor Construction Inc.
3990 27th Street SE
Buffalo, Minnesota
\$789,650.00

D & G Excavating Inc.
2324 County Road 30
Marshall, Minnesota
\$811,000.00

Schmidt Construction Inc.
30103 US Hwy 71
Redwood Falls, Minnesota
\$848,560.00

Duininck Bros Inc.
408 6th Street
Prinsburg, Minnesota
\$948,000.00

Bob VanMoer, Wastewater Superintendent, briefly reviewed the Equalization Basin Improvement Project for the Wastewater Treatment Facility. He indicated that R & G Construction of Marshall was the lowest responsible bidder in the amount of \$722,525 meeting all base bid items.

REGULAR MEETING – MARCH 20, 2006

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2823, SECOND SERIES and that the reading of the same be waived. Resolution Number 2823, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds. This resolution is for Wastewater Equalization Basin Project X75 (2005-007). All voted in favor of the motion.

Reynolds moved, Maes seconded, that the bid for the Equalization Basin Improvement Project X75 (2005-007) for the Wastewater Treatment Facility be awarded to R & G Construction, Marshall, Minnesota in the amount of \$722,525.00. All voted in favor of the motion.

Maes moved, Doom seconded, the approval of the proposal from Fergus Power Pump Inc. Fergus Power Pump Inc., will provide services to obtain necessary tests, apply for biosolids permits for land application, monitor contractors on the site, and generate an annual report for the biosolids application. The permit needed will be to apply the biosolids on the existing berms north of the equalization basins. Fergus Power Pump Inc., will charge \$72.00 per hour plus expenses (hotel, meals). Testing of the biosolids will be billed at invoice cost utilizing Minnesota Valley Testing Lab. It is estimated that the total will not exceed \$4,000 including testing costs and expenses. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. RESOLUTION FOR THE APPOINTMENT OF CHARLES SANOW TO THE HOUSING AND REDEVELOPMENT AUTHORITY COMMITTEE; B. RENEWAL OF PLUMBERS LICENSES FOR APRIL 1, 2006 TO MARCH 31, 2007; C. RENEWAL OF CONSUMPTION & DISPLAY LICENSES FOR APRIL 1, 2006 TO MARCH 31, 2007; D. RENEWAL OF REFUSE HAULERS LICENSE FOR APRIL 1, 2006 TO MARCH 31, 2007; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

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

The adoption of RESOLUTION NUMBER 2824, SECOND SERIES and that the reading of the same be waived. Resolution Number 2824, Second Series is a resolution Approving the Appointment of a Commissioner to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution appoints Charles Sanow to the Housing and Redevelopment Authority in and for the City of Marshall.

The annual renewal of Plumbers Licenses for the period April 1, 2006 through March 31, 2007 at a fee of \$75.00 for the following individuals:

Kevin Amborn dba A & L Plumbing
Charles DeVos dba Bisbee Plumbing & Heating
Robney Bruflat dba Bruflat Plumbing & Heating
Scott Christianson dba Christianson Plumbing, Heating & AC Inc
Glenn Larson dba Enviro Pump Plus Inc.
Ronald Sussner dba Frank's Electric, Plumbing & Heating Inc.
Gary L. Hansen dba G H Plumbing & Heating
Gary Smidt dba Gary's Plumbing & Heating
Ken Holm dba Heartland Mechanical Inc.
Jefferey Roguske dba Lake Country Mechanical, Inc.
Tony McChesney dba McChesney Mechanical Inc.
Mike Paulson dba Mike's Plumbing & Heating
Ricky Myhre dba Minnwest Plumbing & Heating Inc.
Neil Kroger dba Neil's Plumbing & Heating
Clinton Sixta dba Plumbing & Heating of Willmar Inc.

REGULAR MEETING – MARCH 20, 2006

Dallas Sanderson dba Sanderson Mechanical Inc.
 Dick Winter - Schwan's Food Company
 James Thomas dba Thomas Plumbing Inc
 Mike Orthaus dba Tri-State Mechanical Inc.
 Vernon Goslar dba Trio Plumbing & Heating

The renewal of Consumption and Display Licenses for the period April 1, 2006 through March 31, 2007 at a fee of \$125.00 for the following applicants:

Daily Grind
 Prairie Event Center
 Southwest Minnesota State University

The renewal of Refuse Haulers Licenses for the period April 1, 2006 through March 31, 2007 at a fee of \$150.00 for the following applicants:

Southwest Sanitation Inc.
 Waste Management (formerly Curry Sanitation Inc.)
 Ritter's Sanitary Service

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 50328 through 50498.

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.	Sharon & Chuck Buysse	422	Legion Field	Road	Remodel Bathroom	\$5,000
2.	JB Carpentry	115	High	Street	Deck	\$1,100
		South				
3.	Joel & Peggy Connot	503	Genesis	Avenue	Finish Basement	\$19,900
4.	Pride Neon, Inc.	1500	East	College Drive	Install Sign	\$27,800
5.	Antonio Duenas Pena	301	West	Main Street	Reroof & Install Sign	\$14,700
6.	James Moline	606	Kennedy	Street	Remodel Interior	\$5,000
7.	Babcock Construction	200	5th	Street	Replace Stoop, Reside & Replace Doors & Windows	\$14,300
		South				
8.	P & R Ventures	611	Cougar	Court	Dwelling	\$155,000
9.	P & R Ventures	613	Mercedes	Drive	Dwelling	\$160,000
10.	P & R Ventures	502	Windstar	Street	Dwelling	\$155,000
11.	P & R Ventures	609	Cougar	Court	Dwelling	\$150,000
12.	Joshua Beebout	406	Kossuth	Avenue	Reroof Dwelling & Install New Windows	\$4,500
13.	Bradley Meulebroeck	1230	Patricia	Court	Finish Basement	\$3,000

CONSIDER INTRODUCTION OF ORDINANCE AND CALL FOR A PUBLIC HEARING ON SUBMISSION OF JACK MCLAUGHLIN & DUAINÉ BREYFOGLE REZONING REQUEST AT 801 AND 805 EAST COLLEGE DRIVE:

Mike Johnson, City Administrator, indicated that this is a resubmission of a request of Jack McLaughlin and Duaine Breyfogle to rezone 801 and 805 East College Drive to 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. 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 accounting office and within a B-1 Limited Business District. City Administrator Mike Johnson indicated that if the Council does not call for a public hearing the owners can reapply to the Planning Commission. Doom moved, Sanow seconded, the introduction of an ordinance and called for a public hearing on 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. The public hearing will be held at 5:30 P.M. on April 3, 2006. All voted in favor of the motion, except Reynolds and Maes who voted no.

2005 ANNUAL FINANCIAL REPORT FOR NORTH AMBULANCE – DAN DESMET, MANAGER:

Brennan (Buck) McAplin along with Dan DeSmet, Manager of the North Ambulance System, were in attendance at the meeting to present the 2005 annual financial report to the City Council for the North Ambulance operations.

CABLE COMMISSION PRESENTATION:

Wade McKittrick, Chairperson Marshall Cable Commission, was in attendance at the meeting to update the council on the process used for strategic planning, development of goals and action steps and developing a standard of quality for programming and equipment. Mr. McKittrick also reviewed the new equipment that the Cable Commission has purchased. Jess Nelson, Director of Studio I was in attendance to demonstrate some of the new equipment.

GEOMETRIC LAYOUT FOR T.H. 19 FROM T.H. 23 TO THE CITY LIMITS:

Dena Knutson, Engineer from Minnesota Department of Transportation, was in attendance at the meeting to review the geometric layout for T.H. 19 from T.H. 23 to the City limits. She indicated that Highway 19 will be a 4 lane highway from the City limits going out East past the MN/DOT building. She also indicated that one of the current business accesses in this area will be eliminated. There will be a frontage road built by the State and turned back to the City. Access to Highway 19 from the frontage road will be at the intersection of Tiger Drive. The city share of this project is for street lights. Doom moved, Reynolds seconded, that a public hearing be held at 5:30 P.M. on May 1, 2006 to consider approval of the geometric layout for T.H. 19 from T.H. 23 to the City limits. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE TO BIDS FOR WASTEWATER DIGESTER PROJECT:

Kelly Yahnke from Bolton & Menk was in attendance at the meeting to review the final plans for the Wastewater Treatment Facility Digester Project. This project will convert the existing Class B, Anaerobic Digester System to a Class A – Autothermal Thermophilic Aerobic Digestion (ATAD) process. The estimated cost of this project is \$3,993,000.00. Reynolds moved, Maes seconded, the approval of the plans and specifications and authorized advertisement for bids for the Wastewater Facility Digester Project. All voted in favor of the motion.

**CONSIDER APPOINTMENTS TO THE MARSHALL COMMUNITY SERVICES
ADVISORY BOARD:**

Reynolds moved, Doom seconded, and it was unanimously approved that the following appointments be made to the Marshall Community Services Advisory Board:

Bill Mulso for a term to expire on February 28, 2009

Jeff Kruse for a term to expire on February 28, 2007

Jim Polejewski for a term to expire on February 28, 2009

Toni Beebout-Bladholm for a term to expire on February 28, 2009

**APPOINTMENT OF COUNCIL MEMBERS TO BOARDS, COMMISSIONS, AND
COMMITTEES:**

Mayor Byrnes made the following appointments of the Council members to the various boards, commissions and committees:

Personnel Committee: Mike Reynolds, Shelly Maes and Dan Ritter

Ways and Means Committee: Mike Boedigheimer, Mike Reynolds and Charles Sanow

Legislative and Ordinance Committee: Mike Boedigheimer, Charles Sanow and Larry Doom

Public Improvement/Transportation Committee: Larry Doom, Dan Ritter and Shelly Maes

Airport Commission: Mike Boedigheimer

Cable Television Commission: Charles Sanow

Charter Commission: Mike Reynolds

Community Services Advisory Board: Larry Doom

Economic Development Authority: Bob Byrnes and Dan Ritter

Hospital Board: Shelly Maes

Housing Commission: Dan Ritter

Human Rights Commission: Shelly Maes

Insurance Advisory Commission: Mike Boedigheimer

Library Board: Mike Reynolds

M.E.R.I.T. Center Board: Mike Boedigheimer

Planning Commission: Larry Doom

Police Commission: Shelly Maes

Senior Citizen Center Commission: Larry Doom

Utilities Commission: Mike Reynolds

Downtown Redevelopment: Charles Sanow

Prairie Net WAN: Shelly Maes

Convention & Visitors Bureau: Dan Ritter

Fire Relief Association: Bob Byrnes

Lyon County Enterprise Development: Mike Boedigheimer

Lyon County Ice Facility: Larry Doom, Dan Ritter and Charles Sanow

Marshall Area Transit: Charles Sanow

Regional Development Commission: Bob Byrnes

City Council-County Board/Library Agreement & Operations: Mike Reynolds and Charles Sanow

Joint Law Enforcement Committee: Shelly Maes and Dan Ritter

Lyon County Historical Society: Mike Reynolds and Charles Sanow

REGULAR MEETING – MARCH 20, 2006

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA met last Tuesday but was unable to attend.

Doom Adult Community Center Commission met last week but was unable to attend.

Maes Hospital Board met earlier tonight; Human Rights Commission meets next week.

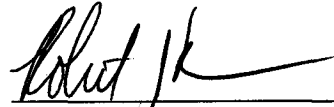
Reynolds Utilities Commission met last week; Library Board will be meeting on Wednesday.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members were: Mayor Byrnes was out of town last week and thanked President Pro-Tem Mike Reynolds for filling in for him.


There will be a presentation on the Commercial Market Study at the Planning Commission meeting to be held at 5:30 P.M. on Wednesday, March 29, 2006.

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 6:50 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – APRIL 3, 2006

The regular meeting of the Common Council of the City of Marshall was held on April 3, 2006. 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, Sanow, 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; Marc Klaith, Fire Chief; 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:

Doom moved, Sanow seconded, that the minutes of the regular meeting held on March 20, 2006 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER ADOPTION OF ORDINANCE ON SUBMISSION OF JACK MCLAUGHLIN & DUAINE BREYFOGLE REZONING REQUEST AT 801 AND 805 EAST COLLEGE DRIVE:

This was the date and time set for a public hearing on the resubmission of the request of Jack McLaughlin and Duaine Breyfogle to rezone 801 and 805 East College Drive to B-3 General Business District. This property is located within an R-2 One to Four Family Residence District. Each property has a single family dwelling on it. 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 office building located within a B-1 Limited Business District. The following comments were made by staff and concerned residents:

Julie Allen, 214 North Hill Street, indicated that she was not in favor of the rezoning request. She indicated that it would have a negative impact on the quality of life for the residents in this area.

Jean Replinger, 300 North Hill Street, indicated that she is also opposed to the rezoning and that there are other options available for the owners to get a return on their investment.

Tim Tomasek, 904 Willow Street, indicated that he opposed the change in zoning because of the quality of life issues and he is interested in what is good for the neighborhood.

Evonne Seivert, 218 North Hill Street, indicated that the neighborhood would be better off without this type of zoning in the area.

Cole Lewis, 213 North Hill Street, was concerned about the value of his property, the safety of the children in the area because there are no sidewalks in the area.

Emily Deaver, 215 North Hill Street, indicated she was opposed to the rezoning because of the quality of life issues.

REGULAR MEETING – APRIL 3, 2006

Glenn Olson, Director of Public Works/City Engineer, indicated that they had received two letters addressing this rezoning. Carr Properties indicated that they are opposed to the rezoning and the Minnesota Department of Transportation talked about an access permit off of Highway 19.

Larry Frasser from the Century 21 office in Hutchinson and who also represents the Dollar General Store indicated that they have received phone calls from residents in the area that are not opposed to the rezoning request. He indicated that an apartment building would generate more traffic than the Dollar General Store. He indicated that Dollar General would be willing to a covenant, install some sort of screening along the back of the lot and install the loading area to the east.

Council Member Boedigheimer indicated that MN/DOT controls the access on College Drive and the City of Marshall controls the access on Hill Street.

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

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 550, SECOND SERIES and that the reading of the same be waived. Ordinance Number 550, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 801 and 805 East College Drive to be rezoned from R-2 One to Four Family Residence District, to a B-3 General Business District. Council Member Doom indicated that if these lots were not rezoned an apartment complex could be built and this would generate more traffic than a business. Council Member Sanow indicated that he lives near five businesses and an apartment complex. He indicated that he has not lost his quality of life because of the businesses but that the apartment complex has been nothing but problems. Dennis Simpson, City Attorney, indicated that the city cannot place covenants but that the zoning determines what can and cannot be built. Voting in favor of the motion were: Boedigheimer, Doom, Sanow and Ritter. Voting no were: Maes, Byrnes and Reynolds.

Mayor Byrnes called for a short recess at 6:00 P.M.

PUBLIC HEARING – CONSIDER RESOLUTION GRANTING A PETITION FOR VACATION OF A RIGHT-OF-WAY FROM SCHWAN'S DEVELOPMENT CORPORATION AND CONSIDER PROPOSED PROPERTY SALE/PROPERTY EXCHANGE PROPOSAL FROM THE SCHWAN'S DEVELOPMENT CORPORATION:

A petition for vacation of a right-of-way has been submitted for the public alley from Schwan's Food Sales, owner of the abutting properties of Lots 1-5 and Lot 7, Original Plat. The City Council agreed to participate in and accept the petition for vacation of this right-of-way amending the petition to include Lots 1-7 and the Walkway of Block 3, Original Plat. The purpose of the vacation is for Schwan's to make improvements to their property and their development includes improvements to the area from these properties to the Redwood River. This petition comes during the process of reconstruction of storm sewer and overhead utility lines in this area. In order for the construction project and the vacation process to accommodate this reconstruction, both the vacation and the construction project need to be coordinated to allow the decisions to be made on the vacation prior to the commencement of the actual reconstruction. The petition for vacation will also be coordinated with a request from Schwan's

REGULAR MEETING – APRIL 3, 2006

Development Corporation to acquire City-owned property between the approved vacated alley and the Redwood River. Bill McCormack, Representative from Schwan's Development Corporation, provided a presentation on the proposed new multi-story, mixed-use building next to the Landmark Bistro, a walkway toward the Redwood River in the parking lot area and improvements to the Bistro including an elevator. The project also includes a property exchange between the City of Marshall and Schwan's. The proposed land exchange/purchase of public property with the Schwan's Food Company includes the property for a new library site at the corner of West College Drive and Greeley Street; the existing Library at 301 West Lyon Street; the public walkway between 215 and 219 West Main Street from West Main Street to Parking Lot "P"; and City owned property north of the river in Parking Lot "P" (106 West College Drive) and Parking Lot "S" (110 West College Drive). Glenn Olson, Director of Public Works/City Engineer, reviewed this request and indicated that if the alley was closed the parking lot would have to be re-configured and there would be a loss of 20 parking stalls. The following comments were made by staff and concerned residents:

Council Member Sanow was concerned with the traffic flow into the parking lot. Glenn Olson indicated that access would be off of South 4th Street.

Norm Gregerson indicated that the parking lots were constructed in 1960 and that parking meter revenue was used to cover the cost. When the parking meters were removed the downtown businesses were assessed for the remaining bond issue.

Ray Alderman owner of the Last Stop CD Shop, 237 West Main Street, indicated that he has never had any problem with parking. He indicated that the pros for this improvement far out weigh the negatives.

Brad Roos, Marshall Municipal Utilities, indicated that they were in favor of the proposed project.

Bill Mulso, representative from SMSU, indicated that they are also in favor of the project.

Tracy Veglahnn spoke on behalf of Joe Cool, Cool's Clothing, indicating that he is favor of the project and that the Library should stay in the downtown area and a 2 story building should not cause the project to fall through.

Kathleen Ashe, President of the Library Board, indicated that the Library Board is requesting the City of Marshall to find space for the new library that will accommodate a 28,000 square foot building on one floor with appropriate parking and green space. The proposed lot from Schwan's will not accommodate this size building on one level.

Ann LaPorte from the Library Foundation indicated that the proposed lot from Schwan's is not suitable for the library but it may be big enough for a new city hall.

LeRoy Affolter, 121 North 3rd Street, did not see any purpose in vacating the alley and was not in favor of the vacating of this alley. He indicated that the general public needs and wants the access to remain. He also indicated that there was not hardship identified if the city did not vacate the alley access. He was also in favor of keeping the library downtown – many people that use the library also use other parts of the downtown area.

REGULAR MEETING – APRIL 3, 2006

Marc Klaith, Fire Chief, indicated the vacating of the alley would not have a significant impact on an emergency response to this area.

Norm Gregerson, indicated that there are two vacant buildings in this area and that this is a slow time of the year, therefore he was concerned about additional parking needs if this project is approved.

Council Member Boedigheimer was concerned about the increased traffic on South 4th Street if this alley was vacated and the only entrance would be off of South 4th Street. Glenn Olson, Director of Public Works/City Engineer, indicated that South 4th Street is a State Aid Street and would be able to accommodate the additional traffic. He also indicated that a new stop light will be installed at the corner of 4th Street and Main Street when Main Street is reconstructed in 2007.

There was a brief discussion on the time line for the demolition of the buildings. Glenn Olson, City Engineer, indicated that the City would be responsible for determining this.

Council Member Sanow was concerned with the closing of Main Street during the 2007 reconstruction of Main Street. Glenn Olson indicated that there would be different routes for different types of use to maintain access as needed.

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

Council Member Boedigheimer was concerned that the resolution did not specify the land exchange for the current library and proposed library site. Mayor Byrnes indicated that the resolution is worded to provide the maximum flexibility without being specific on the land exchange.

Bill McCormack indicated that at this time there are more concerned with the land exchange for the alley, public walkway and parking lot area and that the current library site and proposed library site could be considered at a later date.

LeRoy Affolter indicated again that there is no undue hardship identified if the city did not vacate the alley access.

Council Member Sanow indicated that he was not in favor of parking lot "S" on the other side of the Redwood River being part of the land exchange. He wanted to retain this piece of property for 18 months to make sure there was not need to a public access to the parking lot from West College Drive. The parcel by Schwan's records building will allow a public access from that area across the river and into the "P" lot if needed.

Bill Ziegenhagen indicated that he was in favor of what Schwan's wants to do in the downtown area.

Byrnes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2825, SECOND SERIES and that the reading of the same be waived. Resolution Number 2825, Second Series is a resolution Granting a Petition for Vacation of an Alley Right-of-Way in the City of Marshall. This resolution provides for the vacation of the alley adjacent to Lots 1-7 and the alley adjacent to the Walkway of Block 3, Original Plat. All voted in favor of the motion, except Sanow.

City Administrator, Michael Johnson, reviewed the request from Schwans Development Corporation to acquire various parcels of property from the City and a willingness to exchange those parcels for a piece of property owned by the Schwan Food Company at the intersection of West College Drive and Greeley Street. They are interested in acquiring the City's property by either direct sale or property exchange or a combination of both or any reasonable, acceptable solution to both the City and Schwan's Development Corporation. The property being considered at this time includes: the City owned walkway between West Main Street and the vacated alley; City owned property immediately adjacent to and southwesterly of the vacated alley to the Redwood River; City owned property southwesterly of the Redwood River and northwesterly of West College Drive, also known as Parking Lot "P"; and the City owned vacated alley. Boedigheimer moved, Doom seconded, that the proper city personnel be authorized to have an appraisal completed to determine the value of this land. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. PLUMBERS LICENSE RENEWAL FOR JENNIGES PLUMBING & HEATING INC.; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

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

The renewal of a Plumbers License for John Jenniges dba Jenniges Plumbing & Heating Inc., at a fee of \$75.00. This license will expire on March 31, 2007.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 50499 through 50724.

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.	Richard Louwagie Construction	106 South 5th Street	Install Windows	\$2,000
2.	John Reuvers	1114 Bruce Circle	Replace Window	\$1,800
3.	348 West Main Company	348 West Main Street	Office Remodel	\$2,000
4.	Computers & Beyond	1217 East College Drive	Install Signs	\$3,400
5.	Dale A. Howe	901 South 4th Street	Replace Two Windows	\$2,100
6.	Babcock Construction	505 West Redwood Street	Interior Remodel	\$3,000
7.	Aaron & Angela Ziemer	206 Athens Avenue	Finish Basement	\$6,000
8.	Paul Engels Construction	409 South 4th Street	Interior Remodel & Fire Escape	\$17,000

**CONSIDER RESOLUTION FOR HEARING PROPOSED REVISED ASSESSMENTS –
A. PROJECT X71 (2005-003) NORTH 6TH STREET RECONSTRUCTION; B. PROJECT
X12 (2001-004) SOUTH HILL STREET/EAST MARSHALL STREET
RECONSTRUCTION:**

Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2826, SECOND SERIES and that the reading of the same be waived. Resolution Number 2826, Second Series is a resolution Calling for a Hearing on Proposed Revised Assessment for Project X71 (2005-003) North 6th Street Reconstruction. Appraisals were completed for the North 6th Street Reconstruction Project which has resulted in a proposed revised assessment limiting maximum residential assessment to \$5,000 per property, including any legal settlements as of March 15, 2006. This public hearing will be held on May 1, 2006 at 5:30 P.M. All voted in favor of the motion.

Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2827, SECOND SERIES and that the reading of the same be waived. Resolution Number 2827, Second Series is a resolution Calling for a Hearing on Proposed Revised Assessment for Project X12 (2001-004) South Hill Street/East Marshall Street Reconstruction. Appraisals were completed for the South Hill Street/East Marshall Street Reconstruction Project which has resulted in a proposed revised assessment limiting maximum residential assessment to \$5,000 per property, including any legal settlements as of March 15, 2006. This public hearing will be held on May 1, 2006 at 5:30 P.M. All voted in favor of the motion.

**PROJECT Y01 DOWNTOWN ALLEY & STORM SEWER REPLACEMENT PROJECT
– CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDER ADVERTISEMENT FOR BIDS:**

Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2828, SECOND SERIES and that the reading of the same be waived. Resolution Number 2828, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Y01 Downtown Alley & Storm Sewer Replacement. These bids will be received on May 9, 2006. All voted in favor of the motion.

**CONSIDER SUBORDINATION REQUEST FROM TURKEY VALLEY FARMS, INC.,
F/K/A IOWA TURKEY PRODUCTS, INC.:**

Ritter moved, Maes seconded, that the proper city personnel be authorized to enter into Subordination with Turkey Valley Farms, Inc. Dennis Simpson, City Attorney, indicated that this Subordination indicates that the City of Marshall would be in a third mortgage position for its \$500,000 mortgage, but would remain in a first secured position in the amount of \$1,000,000 against the equipment. All voted in favor of the motion.

**AGREEMENT WITH THE BRIMEYER GROUP, INC., FOR DIRECTOR OF
ECONOMIC DEVELOPMENT SEARCH PROCESS:**

Mike Johnson, City Administrator, reviewed the initial search process for the Director of Economic Development and indicated that the search resulted in only one viable candidate and after reviewing the status of the search process with the Industrial Development Committee he is recommending that the City Council consider employing The Brimeyer Group, Inc., Executive Search Consultants, from Hopkins, Minnesota, to assist in the recruitment of candidates for the Director of Economic Development position. Council Member Boedigheimer indicated that this position should be a department head under the General Services Division. Boedigheimer indicated that the hiring process should be kept in house. Boedigheimer moved, Ritter seconded, not to enter into a contract with The Brimeyer Group, Inc., to assist in the recruitment of

REGULAR MEETING – APRIL 3, 2006

candidates for the Director of Economic Development position. Steve Strautz, Marshall Industries Foundation, indicated that it would take longer if this was done in house and he also indicated that the Marshall Industries Foundation will pay 50% of the cost up to \$10,000. Voting in favor of the motion were: Boedigheimer and Ritter. Voting no were Maes, Doom, Sanow, Byrnes and Reynolds. The motion failed.

Reynolds moved, Maes seconded, that the proper city personnel be authorized to enter into a contract with The Brimeyer Group, Inc., to assist in the recruitment of candidates for the Director of Economic Development position and to accept the offer from the Marshall Industries Foundation to pay 50% of the cost up to \$10,000. All voted in favor of the motion, except Boedigheimer and Ritter.

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 will meet on Thursday; EDA met earlier today and their item was acted on by the Council.

Boedigheimer Lyon County Enterprise Development received 18 applications for the EDA position, they held phone interviews with 7 and 3 were invited to come to Marshall for an interview. There is a meeting scheduled at noon with the hiring committee.

Doom Planning Commission met last week.

Maes Human Rights Commission met last week.

Reynolds Library Board is continuing to work on a new library.

Ritter EDA met earlier today.

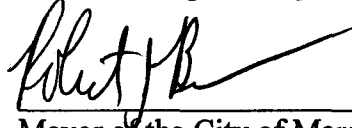
Sanow Marshall Area Transit has received notification that the grant money for a bus facility has been awarded.

REGULAR MEETING – APRIL 3, 2006

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members were: the Library is requesting the City of Marshall to help them find a space for the new library, preferably on this side of Highway 23. Mayor Byrnes appointed a committee of Cal Barnett, Director of General Services/City Assessor; Mike Reynolds representative from the Library Board and Larry Doom representative from the Planning Commission to meet and explore alternative sites for the Library.

Upon motion by Maes, seconded by Reynolds, the meeting was adjourned at 8:44 P.M.
All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

Minutes of the City of Marshall Local Board of Appeal and Equalization
5:30 p.m. – April 18, 2006

Council Members Present: Byrnes, Reynolds, Boedigheimer, Ritter, Sanow, Doom,

Council Members Absent: Maes

Staff Present: C Barnett, C Snyder, D Huber

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

The 2006 City of Marshall Local Board of Appeal and Equalization was called to order at 5:30 p.m. by Mayor Byrnes in the Marshall City Council Chambers. Byrnes outlined the procedure to be followed at the meeting and turned the meeting over to City Assessor Calvin Barnett.

Barnett introduced the members of the staff and gave a brief presentation of the real estate market over the past year.

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

Don Klein – 508 Baseline Road – 27-605-030-0. Mr. Klein was questioning the value increase of his property. Mr. Klein stated he had been annexed into the city last year, and the value of his property had gone from \$198,000 to \$403,000. He was questioning why? Barnett indicated most property values do increase when they were annexed into the City. He stated he would set up an appointment with Mr. Klein and review the property and the value.

Ms. Kris Shover – 1417 East College Drive – 27-249-004-0. Ms. Shover was questioning the \$25,000 value increase on her commercial property at 1417 East College Drive. Barnett indicated he would set up an appointment with Ms. Shover and review her property.

Mr. Hans Huck – 606 Mercedes Drive – 27-144-053-0 questioned why the value increase to his home. He stated he had a brand new home with no changes, but the value still increased by \$4,000. Mr. Huck stated the taxes are higher in Marshall, but the services he receives do not equate. Mr. Huck inquired if there were no changes to the property, how could the value increase on his home. Champine indicated that all properties within the City of Marshall by state statute must be between 90% to 105% of value or the state will step in and increase the city overall. Barnett indicated Mrs. Snyder will set up an appointment to review the property.

Mr. Joe Cool- 117 South High Street - 27-496-033-0. Mr. Cool was questioning the value increase of his property as to whether or not this was the reflection of the new sewer lines. Barnett indicated this was a standard increase for the neighborhood. Mr. Cool asked if his property will be going up next year also. Barnett indicated it depends upon what that market shows.

Brian Stuedemann – 701 Lawrence Street – Mr. Stuedemann was not concerned with the value of his property, but more with the possibility that his property will be affected by the

street extension. This has been a nice neighborhood, but changes are happening. Stuedemann requested the Assessor's office to review his property this summer after the changes have occurred. Byrnes indicated a hearing on the vacation of South 1st Street will be held on May 1. Mayor Byrnes directed Mr. Stuedemann to speak with City Engineer Glenn Olson regarding the upcoming changes.

Robert Wilson – 1217 Prospect Road – 27-716-009-0. Mr. Wilson was concerned about the value of his home. He paid \$114,400 for the property, it was recently appraised at \$134,000, and the 2006 assessed value was set at \$135,500. The property has also recently been sold for \$132,000. Mr. Wilson was concerned the new owner would have to pay too much in taxes because the property had been assessed for more than the sale price. Barnett indicated Mrs. Snyder would set up an appointment and review the home and the value.

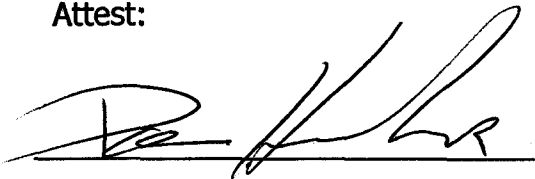
Mayor Byrnes inquired if there were any written letters to be presented to the Local Board of Review and Equalization. Barnett indicated there were some letters from income producing properties which would be reviewed. A final recommendation will be presented with the May 1, 2006 report.

There being no further comments or questions, Mayor Byrnes recessed the 2006 Local Board of Appeal and Equalization at 6:15 p.m. The 2006 Local Board of Review and Equalization will reconvene on Monday, May 1, 2006. At that time, the Assessor's staff will return with recommendations for the property owners in attendance as well as property owners who had contacted the office prior to the meeting. MOTION BY REYNOLDS, SECONDED BY SANOW, to recess the meeting to May 1, 2006. ALL VOTED IN FAVOR OF THE MOTION.



Mayor Robert Byrnes

Attest:



Assessment Technician

REGULAR MEETING – APRIL 17, 2006

The regular meeting of the Common Council of the City of Marshall was held on April 17, 2006 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, Sanow, Reynolds, Boedigheimer and Ritter. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Dale Howe, Building Official; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item number 4c and 4d, which is Project X70 (2005-002) Southview Drive Watermain Replacement Project – resolution declaring official intent regarding the reimbursement of expenditures with the proceeds of tax-exempt bonds and a resolution accepting bid (awarding contract; the addition of item 9.1, which is Project Y01 Downtown Alley and Storm Sewer Replacement Project – resolution to request funding from the Minnesota Department of Transportation through the cooperative agreement program; and the addition of item 9.2, which is the clarification of the appointments that were made by the Mayor to meet and explore potential sites for the Marshall/Lyon County Library.

APPROVAL OF THE MINUTES:

Reynolds moved, Ritter seconded, that the minutes of the regular meeting held on April 3, 2006 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. RENEWAL OF TRANSIENT MERCHANTS LICENSE FOR THE COUNTRY STOP, INC., AT THE BIG DAIRY QUEEN PARKING LOT; B. FOUR MONTH TEMPORARY ON-SALE BEER LICENSE FOR MARSHALL SOFTBALL ASSOCIATION FOR USE AT THE SOFTBALL COMPLEX; C. RENEWAL OF PLUMBERS LICENSE FOR MICHAEL LUND DBA MIKE'S PLUMBING & HEATING INC.; D. LG220 APPLICATION FOR EXEMPT PERMIT FOR WEINER MEMORIAL FOUNDATION FOR A RAFFLE AT THE MARSHALL GOLF CLUB; E. SMSU HOMECOMING DAY PARADE REQUEST; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Council Member Ritter requested that item F, which is authorization for the bills and project payments to be removed from the consent agenda.

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

The renewal of a Transient Merchants License for the Country Stop Inc., to be used at the Dairy Queen parking lot located at 1206 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, 2006.

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Softball Association for the period May 8, 2006 through September 8, 2006 at a fee of \$200.00.

The renewal of a Plumbers License for Michael Lund dba Mike's Plumbing & Heating Inc., at a fee of \$75.00. This license will expire on March 31, 2007.

REGULAR MEETING – APRIL 17, 2006

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 Weiner Memorial Foundation for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive on September 11, 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 30, 2006. The parade will start at 10:00 A.M. and end at approximately 12:15 p.m.

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	
1.	PR Ventures	507		Mercedes	Drive	Dwelling	\$155,000
2.	D & G Excavating, Inc.	110	East	Saratoga	Street	Demolish Dwelling	\$0
3.	D & G Excavating, Inc.	104	East	Saratoga	Street	Demolish Dwelling	\$0
4.	D & G Excavating, Inc.	105	East	Greeley	Street	Demolish Dwelling	\$0
5.	D & G Excavating, Inc.	207	South	1st	Street	Demolish Dwelling	\$0
6.	D & G Excavating, Inc.	209	South	1st	Street	Demolish Dwelling	\$0
7.	D & G Excavating, Inc.	211	South	1st	Street	Demolish Dwelling	\$0
8.	Lauraine McDaniel	1002	West	College	Drive	Install Bathroom	\$1,500
9.	Cecil & Kristin Doyle	1510		Westwood	Drive	Remodel Bathroom & Install Bathroom	\$5,000
10.	Albert R. Eggermont, Jr.	302	West	College	Drive	Two Unit Apartment	\$52,000
11.	Frank & Karen Bielinski	1100	South	1st	Street	Reroof & Residing Dwelling	\$10,000
12.	Joey Freyberg	506		Viking	Drive	Install Windows	\$2,000
13.	The Schwan's Development Corporation	317	West	Main	Street	Interior Remodel	\$65,000
14.	Kesteloot Construction, Inc.	514		Jaguar	Court	Dwelling	\$250,000
15.	North Star Mutual Insurance Co.	202		Jewett	Street	Tower	\$4,700
16.	The Country Stop	1206	East	College	Drive	Temporary Structure	\$0
17.	Mark & Lisa Paulsen	404		Lawerence	Street	Addition	\$70,000
18.	Hisken Construction	115	West	College	Drive	Generator Base	\$13,000
19.	Lozinski Construction	204		DeSchepper	Court	Reroof Dwelling	\$5,000

REGULAR MEETING – APRIL 17, 2006

20.	Colleen Knoll	710	South	Bend	Avenue	Reside Dwelling, Replace Windows & Replace Door	\$4,500
21.	Mike Buysse Construction	620	West	Main	Street	Addition	\$5,000
22.	Kesteloot Construction, Inc.	304	West	Redwood		Partial Reside	\$5,000
23.	J.F. Taylor & Sons, Inc.	1104		Hackberry	Drive	Reroof Apartment Building	\$4,200
24.	Aaric Geihl	612	West	Lyon	Street	Reroof, Reside, & Install Porch	\$8,000
25.	Tim Buysse	617		Donita	Avenue	Shed	\$1,500
26.	Tim Buysse	617		Donita	Avenue	Demolish Shed	\$0

Council Member Ritter questioned the reimbursement for a cell phone for Calvin Barnett for the time period that he was on sick leave. City Administrator Mike Johnson indicated that this is an approved benefit and that it should continue while he was on leave. Reynolds moved, Doom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 50725 through 50898. All voted in favor of the motion, except Ritter who voted no.

CONSIDER THE REQUEST OF THOMAS BLOMME FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A THIRD ACCESSORY BUILDING ON ONE LOT IN LIEU OF NO MORE THAN TWO ACCESSORY BUILDINGS AS REGULATED BY CITY CODE IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 113 WEST MAPLE STREET:

Thomas Blomme is requesting to construct a third accessory building on one lot, at 113 West Maple Street, in lieu of no more than two accessory buildings. City Code Sec. 86-97 (e) Permitted Accessory Uses, states that accessory buildings or private garages or not more than 1200 square feet in floor area complying with Sec. 86-163 are a permitted accessory use in the R-1 One Family Residence District. City Code Sec. 86-163 (e) states that there shall be no more than two accessory buildings on any one lot. Mr. Blomme is able to reasonably use the property under the conditions of the City Code; therefore there is not undue hardship in connection with this request. Mr. Blomme asked if he could construct a new building and then remove the old building. Glenn Olson, Director of Public Works/City Engineer, indicated that this would be possible but there would have to be a time frame established. Per the recommendation of the Planning Commission, Doom moved, Boedigheimer seconded, to deny the request for a variance adjustment permit to construct a third accessory building on one lot in lieu of no more than two accessory buildings as regulated by City Code in an R-1 One Family Residence District at 113 West Maple Street. The reason for the denial is that there are already two buildings on this lot. All voted in favor of the motion.

PROJECT X70 (2005-002): SOUTHVIEW WATERMAIN REPLACEMENT PROJECT

- A. RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING PREPARATION OF PROPOSED ASSESSMENT**
- B. RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT**
- C. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS**
- D. RESOLUTION ACCEPTING BID (AWARDING CONTRACT)**

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities will finance this project and pay whatever is not assessed. Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2829, SECOND SERIES and that the reading of the same be waived. Resolution Number 2829, Second Series is a resolution Declaring the Cost to be assessed and Ordering Preparation of Proposed Assessment for Southview Watermain Replacement Project No. X70 (2005-002). Boedigheimer moved, Maes seconded, that the motion be amended to included the assessments shall be in equal annual installments extending over a period of 10 years and the interest rate be set at 6.3% All voted in favor of the amendment. All voted in favor of the motion as amended.

Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2830, SECOND SERIES and that the reading of the same be waived. Resolution Number 2830, Second Series is a resolution Calling for a Hearing on the Proposed Assessment. This resolution provides for a public hearing to be held at 5:30 P.M. on May 15, 2006 for Southview Watermain Replacement Project No. X70 (2005-002). All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2831, SECOND SERIES and that the reading of the same be waived. Resolution Number 2831, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Southview Watermain Replacement Project No. X70 (2005-002). Mike Johnson, City Administrator, indicated that it is necessary to adopt this resolution at this time in case they decide to bond for the project at a later date. All voted in favor of the motion.

Bids were received, opened and read on March 28, 2006 for Southview Watermain Replacement Project No. X70 (2005-002). Bids received, opened and read were from:

Thompson Excavating
Taunton, Minnesota
\$306,384.75

D & G Excavating Inc.
Marshall, Minnesota
\$324,752.10

GM Contracting, Inc.
Lake Crystal, Minnesota
\$334,850.09

Gaub, Inc.
Lake Lillian, Minnesota
\$354,896.00

MidStates Utilities
Slayton, Minnesota
\$359,374.50

Quam Construction Co., Inc.
Willmar, Minnesota
\$379,313.25

Duininck Bros., Inc.
Prinsburg, Minnesota
\$394,442.40

Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2832, SECOND SERIES and that the reading of the same be waived. Resolution Number 2832, Second Series is a resolution Accepting the Bid (Awarding the Contract) for Southview Watermain Replacement Project No. X70 (2005-002). This contract was awarded to Thompson Excavating, Taunton, Minnesota in the amount of \$306,384.75. All voted in favor of the motion.

HAZARDOUS BUILDING – 326 WEST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that the fire escape and roof access ladder on the alley side wall of the former Marshall Hotel building at 326 West Main Street is a hazardous building as defined in the Minnesota State Statutes Sec. 463.15: "Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to the public safety of health. In the same section, building is defined as "building includes any structure or part of a structure. Dale Howe, Building Official has talked to the owner about removing the dilapidated fire escape on at least two occasions and the owner informed him that he has no intentions of making the fire escape safe. On March 9, 2006, Mr. Howe performed an observation of the fire escape. He indicated that the fire escape structure is estimated to weigh one ton; seven of the connections of the fire escape are decayed to the point that they do not hold the fire escape structure onto the building; and the roof ladder is missing one of four bolts holding it onto the building. Dennis Simpson, City Attorney, indicated that the City needs to provide Joseph Bot with an Order to Remove Hazardous Property and that he has 30 days to comply with the order. If he does not comply within 30 days then the order shall be submitted to the court for a court order to allow the city to remove the hazardous property and bill the property owner. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to execute the Order to Remove Hazardous Property and that such Order be delivered to Mr. Bot. All voted in favor of the motion.

CONSIDER PETITION FROM SCHWAN'S DEVELOPMENT CORPORATION FOR VACATION OF SOUTH 1ST STREET FROM GREELEY STREET TO EAST SARATOGA STREET AND CALL FOR A PUBLIC HEARING:

A petition for vacation of a right-of-way was submitted for the vacation of a street right-of-way from the owners of all of the abutting properties of the section of street right-of-way proposed to be vacated. The purpose of the vacation is for future improvements to the areas adjacent to and including South 1st Street right-of-way. In order to approve a vacation of this section of South 1st Street the petitioner will be required to allow the City to retain utility easements throughout the entire vacated area unless the petitioner relocates the existing utilities within the existing street right-of-way. The petitioner will also be required to dedicate public right-of-way and construct an extension of Greeley Street to South Saratoga Street in conformance with City specifications. Glenn Olson, Director of Public Works/City Engineer, indicated that there should be a Developers Agreement for this or the City could do the improvement and then assess it to the property owner. Doom moved, Ritter seconded, to acknowledge the receipt of the petition from Schwan's Development Corporation for the vacation of South 1st Street from Greeley Street to East Saratoga Street and to call for a public hearing to be held on May 1, 2006 at 5:30 p.m. All voted in favor of the motion.

APPROVAL OF PROPOSAL WITH SPRINGSTED, INC., FOR REVISING JOB DESCRIPTIONS, CONDUCT MARKET STUDY AND DEVELOPMENT OF UPDATED COMPENSATION SYSTEM:

Mike Johnson, City Administrator, indicated that in the City's 2006 budget funding in the amount of \$17,200 was approved to update, review and revise job descriptions, revisions to the job evaluation system, conduct a market study and the development of an updated compensation system. The proposal to undertake this project was initially submitted by Ms. Ann Antonsen of Labor Relations Associates, Inc. Ms. Antonsen has now moved to the Springsted, Inc., firm in a similar capacity. Ms. Antonsen is also the individual that the City used in 1996 to develop and implement the current compensation system which went into effect on January 1, 1997. City staff has developed a "draft" timeline to conduct the above activities, which should result in the adoption of a revised compensation plan in early October, 2006. It is anticipated that approximately 50 separate City position profiles and seven Library position profiles would be reviewed, revised and updated as part of this process. Springsted, Inc. has submitted a proposed in the amount of \$14,970 with the possibility that it could drop to \$12,070 with the City preparing the job descriptions and Springsted performing a review. Council Member Boedigheimer was concerned with Springsted reviewing the job descriptions and Hays Group applying points to the job descriptions. Boedigheimer moved, Ritter seconded, the approval of a proposal with Springsted, Inc., in the amount of \$14,970 with the possibility that it could drop to \$12,070 with the City preparing the job descriptions and Springsted performing a review. All voted in favor of the motion.

PERSONNEL COMMITTEE RECOMMENDATION ON ORGANIZATIONAL STRUCTURE:

Mike Johnson, City Administrator, indicated that the Personnel Committee reviewed the Director of Economic Development Position and where it should be located in the organizational structure. The Committee reviewed the current organizational structure, the City Administrator position profile, the functions of the position versus other employees involved with economic development, the JOBZ program, TIF, grants, and other financing programs, the make-up of the General Services Division, the near future potential retirements of various employees and the potential re-organization that may be necessary in the General Services Division. The Committee reviewed the facts that the City Administrator is the Executive Director of both the Economic Development Authority and the Housing and Redevelopment Authority (City Council). After reviewing all of the relevant factors and reporting options, the Personnel Committee is recommending that the Director of Economic Development Position report to the City Administrator in the organizational structure. Council Member Boedigheimer indicated that the Director of Economic Development Position should be included in a current division at this time. Per the recommendation of the Personnel Committee, Reynolds moved, Maes seconded, that the Director of Economic Development Position report to the City Administrator in the organizational structure. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

- Economic Development Commission – John DeCramer for a term to expire on May 31, 2010
- Library Board – Gwen Sturrock for a term to expire on December 31, 2007

PROJECT Y01 DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT PROJECT – RESOLUTION TO REQUEST FUNDING FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION THROUGH THE COOPERATIVE AGREEMENT PROGRAM:

The City of Marshall, in cooperation with the Minnesota Department of Transportation, is in the process of reconstruction of the storm sewer main from T.H. 68 (Main Street) at 4th Street and 5th Street southeast 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. Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2833, SECOND SERIES and that the reading of the same be waived. Resolution Number 2833, Second Series is a resolution Requesting Funding from the Minnesota Department of Transportation through the Cooperative Agreement Program. The dollar amount of this funding will be included in the contract. All voted in favor of the motion.

CLARIFICATION OF THE APPOINTMENTS THAT WERE MADE BY THE MAYOR TO MEET AND EXPLORE POTENTIAL SITES FOR THE MARSHALL/LYON COUNTY LIBRARY:

Discussion was held at this time on the sub-committee that was appointed by Mayor Byrnes to meet and explore potential sites for the Marshall/Lyon County Library. Council Member Sanow indicated that this committee should work cooperatively with the Library Board, therefore they should have a representative on this sub-committee and also the County Commissioners should have a representative. Council Member Boedigheimer agreed with Sanow indicating that the County contributes to the operations of the Library.

Boedigheimer moved, Ritter seconded, that the City ask the County to appoint a representative to this sub-committee. Mayor Byrnes indicated that this sub-committee was only responsible for finding potential locations and reporting back. They would not be making any recommendations. Council Member Reynolds indicated that this sub-committee would be making a presentation to the Library Board on any lots that would be available. Council Member Sanow wanted the public to see that everybody is working together to find a location for the library. Council Member Reynolds indicated that the sub-committee met earlier today and that Cal Barnett, City Assessor, will be putting together a list of lots and estimated costs within the next week. All voted in favor of the motion, except Reynolds who voted no.

REGULAR MEETING – APRIL 17, 2006

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes Regional Development Commission met last Thursday.

Boedigheimer Airport Commission discussed funding for Phase II 12/30 runway extension. The Airport Symposium is Wednesday, April 19th through Friday, April 21st. MERIT Center Committee met last Thursday

Doom Marshall Community Services Advisory Board met last week and set up sub-committees; Planning Commission items were discussed earlier.

Maes Hospital Board met earlier today.

Reynolds Library Board the consultant made a presentation on a proposed new library; Utilities Commission meets this week to review their audit; Council Personnel Committee minutes are included in the agenda packet.

Ritter Housing Commission – unable to attend meeting.

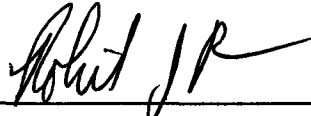
Sanow Cable Commission did not have a quorum.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members were: a concern with residents putting furniture and other items along the street right-of-way. Dale Howe, Building Official, will review the junk ordinance. The Health Care Savings Plan will be discussed in May; the City of Marshall Local Board of Appeal and Equalization will be held on Tuesday, April 18th at 5:30 p.m.; and the Marshall Municipal Utilities Commission will be reviewing the audit on Wednesday, April 19th.

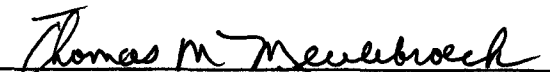
Sanow moved, Doom seconded, that the Council go into closed session pursuant to MN Statute 13D.03, Subd. 1 at 6:51 P.M. All voted in favor of the motion.

The Council came out of the closed session at 7:10 p.m. Maes moved, Reynolds seconded, that the meeting be adjourned at 7:10 p.m. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – MAY 1, 2006

The regular meeting of the Common Council of the City of Marshall was held on May 1, 2006 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, Sanow, 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, Marc Klaith, Fire Chief; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

Mayor Byrnes welcomed the students from the Marshall High School Senior Government Class.

APPROVAL OF THE MINUTES:

Reynolds moved, Sanow seconded, that the minutes of the regular meeting held on April 17, 2006 and the minutes from the Local Board of Appeal and Equalization meeting held on April 18, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER RESOLUTIONS ADOPTING REVISED ASSESSMENTS FOR: A. NORTH 6TH STREET RECONSTRUCTION PROJECT X71 (2005-003); B. SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION PROJECT X12 (2001-004):

This was the date and time set for a public hearing for the North 6th Street Reconstruction Project X71 (2005-003) and for the South Hill Street/East Marshall Street Reconstruction Project X12 (2001-004). Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed revised cost breakdown and the proposed revised assessment roll as directed by the City Attorney in accordance with the results of the appraisals that were completed for both projects. The proposed revised assessment limits the maximum residential assessment to \$5,000 per property, including any legal settlements as of March 15, 2006. The \$180,677 of reduced special assessments for the North 6th Street Reconstruction Project X71 has been prorated to the three utility funds in accordance with the original percentage participation in the project by each of the utilities as follows:

Special Assessments	-\$180,667
Wastewater Fund	+ \$86,713
MMU	+ \$34,404
Storm Water Utility	+ \$59,551

The \$22,038 of the reduced special assessments for the South Hill Street/East Marshall Street Reconstruction Project X12 has been prorated to the three utility funds in accordance with the original percentage participation in the project by each of the utilities as follows:

Special Assessments	-\$22,038
Wastewater Fund	+ \$6,210
MMU	+ \$4,025
Storm Water Utility	+\$11,803

REGULAR MEETING – MAY 1, 2006

Mr. Olson also indicated that he received a letter from Bonnie Babcock, 101 East Marshall Street, concerning her assessments for the replacement project. In 2004, she received an assessment for \$2,400 for watermain under West Marshall Street Watermain Replacement Project 2004-009, as well as a proposed assessment for this project in the amount of \$4,191.08 for a total of \$6,591.08. The reason the watermain portion of the project was split into two years was to allow West Marshall Street to have water service during the construction of the East Marshall Street project. Ms. Babcock's service was the only service on East Marshall Street that was assessed on the 2004 West Marshall Street replacement project. Mr. Olson is recommending that the total assessment for both projects be limited to \$5,000 for this property. The difference of \$1,591.08 would be added to the MMU participation. The following comments were made by staff and concerned residents:

Ed VanNevel, 204 North 6th Street, asked if they would receive interest on the amount of their refund. He was informed that interest would be paid at the rate of 4% from November 1, 2005.

Russ Labat, representative from Marshall Independent, was concerned with the commercial properties not being limited to \$5,000 and requested an appraisal be completed on this property. Mr. Olson indicated that this would be discussed and that he would get back to him.

Joe Cool, 117 South High, was concerned with the alley referenced in his notice, but Mr. Olson indicated that they were not doing improvements to the alley.

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

Dennis Simpson, City Attorney, indicated that the reduction in the amount of assessments assessed to property owners does not affect the bonding for this project. Pursuant to Minnesota Statute 429.071 Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2834, SECOND SERIES and that the reading of the same be waived. Resolution Number 2834, Second Series is a resolution Adopting the Revised Assessments for North 6th Street Reconstruction Project X71 (2005-003) limiting the maximum residential assessment to \$5,000 per property. All voted in favor of the motion.

Pursuant to Minnesota Statute 429.071 Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2835, SECOND SERIES and that the reading of the same be waived. Resolution Number 2835, Second Series is a resolution Adopting the Revised Assessments for South Hill Street/East Marshall Street Reconstruction Project X12 (2001-004) limiting the maximum residential assessment to \$5,000 per property. This motion also approves the total assessment for Bonnie Babcock, 101 East Marshall Street be limited to \$5,000 for both projects. All voted in favor of the motion.

**PUBLIC HEARING - CONSIDER RESOLUTION FOR LAYOUT APPROVAL –
LAYOUT NUMBER 1 T.H. 19 PROJECT (S.P. 4205-35):**

This was the date and time set for a public hearing on the Layout Approval for Layout Number 1 T.H. 19 Project (S.P. 4205-35). Glenn Olson, Director of Public Works/City Engineer, reviewed the final layout for the improvement of Trunk Highway 19 within the City of Marshall from the junction of T.H. 23 to township road 205 crossing. He indicated that Mn/DOT plans for reconstruction of the highway has turning lanes to the new Marshall High School and reconstructs the frontage road to the Mn/DOT and Minnesota State Patrol offices,

REGULAR MEETING – MAY 1, 2006

and several other businesses and reduces the number of accesses to the highway from four accesses to one. Mr. Olson indicated that there would be a protected right turn lane from Tiger Drive onto T.H. 19. The following comments were made by staff and concerned residents:

Council Member Ritter questioned who maintains the frontage road now. Mr. Olson indicated that the City maintains this road.

Stephen Swanson, 1900 East College Drive, was concerned with access to his property. Mr. Olson indicated that another intersection at the quarter mile section could possibly be installed later if needed.

The Doom family was concerned with access to their property on both corners. Deanna Knutson, Project Manager from Mn/DOT, that there would be joint access to this property.

Glenn Bayerkohler, member of Good Shepherd Church, indicated that the church would like the frontage road extended to its driveway. The frontage road will not be extended to the church because the church is connected to the frontage road by a private road. Mr. Bayerkohler was also concerned about access to the church during construction. Ms. Knutson indicated that they would never lose access. Adam Arndt, Mn/DOT, indicated that the right-of-way ends where the fee acquisition ends. There was a brief discussion on who owns this land and if they would be willing to deed the land to Mn/DOT. Mr. Olson indicated that they would discuss the possibility of extending the frontage road to the church.

Marc Klaith, Fire Chief, was concerned about the speed zone for this area. It was indicated that this would be a 40 mile per hour speed zone. Council Member Sanow questioned if this could be 30 miles per hour during school hours. Mr. Knutson indicated that a traffic study was completed and that the 40 mile per hour speed zone is consistent with the area.

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

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2836, SECOND SERIES and that the reading of the same be waived. Resolution Number 2836, Second Series is a resolution for the Layout Approval of Layout Number 1, S.P. 4205-35 Trunk Highway 19, Marshall, Minnesota. This resolution approves the reconstruction of Trunk Highway 19 within the City of Marshall from the junction of T.H. 23 to township road 205 crossing. The motion also provides the proper city personnel to review the extension of the frontage road to the church. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER RESOLUTION GRANTING PETITION FOR VACATION OF SOUTH 1ST STREET FROM GREELEY STREET TO EAST SARATOGA STREET FOR SCHWAN'S DEVELOPMENT CORPORATION:

This was the date and time set for a public hearing on the vacation of South 1st Street from Greeley Street to East Saratoga Street for Schwan's Development Corporation. Glenn Olson, Director of Public Works/City Engineer, indicated that they would be required to allow the City to retain utility easements throughout the entire vacated area unless the petitioner relocates the existing utilities within the existing street right-of-way. The petitioner will also be required to dedicate public right-of-way and construct an extension of Greeley Street to South Saratoga Street in conformance with City specifications. This should be included in a development agreement with the petitioner prior to approval of the vacation of South 1st Street. The following comments were made by staff and concerned residents:

REGULAR MEETING – MAY 1, 2006

Gary Voss, 508 South 1st Street, asked if a stop light would be installed on West College Drive at the intersection with Greeley Street. Mr. Olson indicated not at this time.

George Jacob was concerned if this vacation would affect any of his property. Mr. Olson indicated that his property was not along this area.

Jeff Thompson, representative from Scwhan's, indicated that they would finish the demo of the houses in this area by the end of May and that the extension of Greeley Street would be completed by fall.

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

Ritter moved, Maes seconded, the adoption of RESOLUTION NUMBER 2837, SECOND SERIES and that the reading of the same be waived. Resolution Number 2837, Second Series is a resolution Granting a Petition for Vacation of a Right-of-Way in the City of Marshall. This resolution provides for the vacating of South 1st Street from the North line of West Greeley Street to the South line of East Saratoga Street. This resolution provides for the following requirements:

1. Verification of petitioner's ownership of all property adjacent to the right-of-way petitioned to be vacated.
2. The City's retention of public utility easements through the vacated right-of-way.
3. Completion of an approved development agreement for the extension of East Greeley Street to South Saratoga Street in conformance with City specifications.
4. Completion of the extension of East Greeley Street to South Saratoga Street prior to the recording of the vacation of the petitioned area of South 1st Street.
5. Costs associated with the vacation of the right-or-way shall be responsibility of the petitioner and included in the development agreement.

All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 6:40 P.M.

AWARD OF BIDS – EXHAUST EXTRACTION SYSTEM FOR THE FIRE STATION:

Bids were received, opened and read on April 20, 2006 for the Exhaust Extraction System for the Fire Station. Bids received, opened and read were from:

TNC Industries Inc.
New Hope, MN
\$79,972.00

Bisbee Plumbing & Heating
Marshall, MN
\$80,833.00

GTS HVAC Inc.
Brooklyn Center, MN
Bidder did not field inspect
fire station and bid was
received after bid opening

Russ Cater & Assoc., Inc.
St. Louis, MO
Bid was faxed – not sealed.
Bid procedures were not
followed.

Marc Klaith, Fire Chief, reviewed the bids received for the Exhaust Extraction System for the Fire Station and indicated that per the City Attorney the bids from GTS HVAC, Inc., and Russ Carter & Assoc., Inc., were not considered since they did not comply with the bidding laws. He indicated that due to the price increases since the original project cost estimate, they have

REGULAR MEETING – MAY 1, 2006

exceeded their original grant amount. The grant total is for \$66,515.20 (95%). After deducting the City's budgeted grant share of \$3,500.80 (5%), they are left with a deficit of \$9,965. They are therefore requesting funding from the Mayor and Council Contingency Account to provide the funds needed to offset the deficit. Some of the deficit could be offset by the Marshall Fire Department budget. Boedigheimer moved, Reynolds seconded, that the bid for the Exhaust Extraction System for the Fire Station be awarded to TNC Industries, Inc., New Hope, Minnesota in the amount of \$79,972 and that the deficit be taken from any excess in the Fire Department budget at the end of the year and the remaining deficit to be taken from the Mayor and Council Contingency Account. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. AUTHORIZATION FOR OUT-OF-STATE TRAVEL (ADMINISTRATION); B. AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY AT A PUBLIC AUCTION TO BE HELD ON MAY 18, 2006; C. TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MARSHALL BASEBALL ASSOCIATION FOR MAY 15, 2006 TO SEPTEMBER 15, 2006; D. SPECIAL VEHICLE LICENSE FOR LESLIE FAWCETT; E. PROJECT 2002-008: EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) PROJECT – CONSIDER CHANGE ORDER NO. 2; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Council Member Boedigheimer requested that item F, which is authorization for the bills and project payments to be removed from the consent agenda.

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

Authorization for out-of-state travel for Michael Johnson, City Administrator, to attend the International City Management Association in San Antonio, Texas on September 10-13, 2006.

Authorization to dispose of surplus City property at a public auction to be held on May 18, 2006 at 5:30 P.M. at the City of Marshall Street Maintenance Building area at 901 Oak Street.

The approval of a Temporary On-Sale Non-Intoxicating Beer License for the Marshall Baseball association for May 15, 2006 through September 15, 2006 to be used at Legion Field. The fee for this license is \$200.00

The renewal of a Special Vehicle License for Leslie Fawcett to expire on December 31, 2006 at a fee of \$30.00.

The approval of Change Order No. 2 with Quam Construction, Inc., for East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project No. X-29 (2002-008) for an increase in the amount of \$24,819.50 for a total contract cost of \$1,517,902 and for the extension of the substantial completion date to June 16, 2006 and an extension to the final completion date to July 7, 2006.

All voted in favor of the motion.

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

Applicant		Location Address				Description of Work	Valuation
1.	Mike & Sherry Carter	611	West	Redwood	Street	Demolish Garage & Build Garage	\$9,000

REGULAR MEETING – MAY 1, 2006

2.	Brad Strootman	1304	Westwood	Drive	Installing Shower Room	\$2,000
3.	French Construction	206	Donita	Avenue	Bedroom Remodel	\$2,100
4.	Rick Slagel Construction	907	Woodfern	Drive	Reroof Dwelling	\$4,500
5.	Rick Slagel Construction	1107	Washington	Avenue	Remodel Bathroom	\$3,000
6.	Sussner Construction, Inc.	112	South 6th	Street	Office Remodeling	\$4,500
7.	Southwest Sanitation	110	North 11th	Street	Office Remodel	\$18,000
8.	Geske Home Improvement Co.	106	South 5th	Street	Reside Office Building	\$9,900
9.	Eric & Wanda Synsteliën	207	Carrow	Street	Installing Deck	\$4,000
10.	Dulas Construction	605	Peltier	Street	Stoop Repair	\$600
11.	Lozinski Construction	603	Prospect	Circle	Reroof Dwelling	\$5,500
12.	Geihl Construction, Inc.	1304	Pinehurst	Road	Bathroom Remodel	\$6,200
13.	Babcock Construction	204	South 5th	Street	Demolish Chimney, Construct Deck & Replace Doors	\$2,700
14.	Scott Briffett	600	Mercedes	Drive	Dwelling	\$190,000
15.	Kesteloot Construction	1207	Parkside	Drive	Partial Basement Finish	\$16,500
16.	Eric Bruns	607	Kendall	Street	Install Bathroom	\$1,000
17.	Jay Cattoor	500	South Bruce	Street	Construct Deck	\$3,800
18.	Richard Louwagie Construction	102	East Thomas	Avenue	Install Doors & Close Stairway Entry	\$1,500
19.	Rick Slagel Construction, Inc.	306	Walnut	Street	Reroof Garage	\$1,200
20.	Curtis VanMeveren Construction	118	Park	Avenue	Reroof	\$7,800
21.	Ronald & Barbara Stevens	102	West Thomas	Avenue	Reroof	\$1,800
22.	Geske Home Improvement	108	Park	Avenue	Replace Windows & Door	\$12,000
23.	John & Susan Alcorn	1205	Horizon	Drive	Finish Basement	\$5,000
24.	Babcock Construction	610	Kendall	Street	Reroof & Reside Dwelling	\$17,600
25.	Isaac Paxton	600	South Saratoga	Street	Deck	\$1,500
26.	Bladholm Construction, Inc.	202	East Main	Street	Reroof	\$5,000
27.	Timothy & Kathleen Boyd	106	McFarland	Circle	Partial Basement Finish	\$12,000
28.	Ray Alderman	103	West Thomas	Avenue	Reroof	\$3,000
29.	Bladholm Construction, Inc.	1310	Peterson	Street	Reroof	\$5,500
30.	Bladholm Construction, Inc.	1308	Peterson	Street	Reroof	\$5,500
31.	J.F. Taylor & Sons, Inc.	1108	Hackberry	Drive	Reroof	\$12,400
32.	J.F. Taylor & Sons, Inc.	1102	Hackberry	Drive	Reroof	\$9,400
33.	Mark & Stephanie Malingen	1229	Patricia	Court	Remodel Deck	\$1,000

Council Member Boedigheimer indicated that the City should not have to pay for a second appraisal for the Mortier property because a mistake was made. Cal Barnett, Director of General Services/City Assessor, indicated that there was no mistake made. Reynolds

REGULAR MEETING – MAY 1, 2006

moved, that the bills and project payments be approved for payment. Due to a lack of a second the motion died. Council Member Boedigheimer also questioned the payment of \$8,326.56 to Incode. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that this was a partial payment for software update that was installed last year.

Reynolds moved, Maes seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 50899 through 51116. Voting in favor of the motion were: Byrnes, Maes, Doom and Reynolds. Voting no were: Boedigheimer, Ritter and Sanow.

Council Member Boedigheimer was also concerned with the contract payments to Blue Earth Environmental for Project 40150 Building Demolition in the amount of \$220,891.86 when the contract plus change orders equal \$186,775.00. This will be researched.

ELECTIONS – A. RESOLUTION ESTABLISHING THE VOTING LOCATIONS IN THE CITY OF MARSHALL; B. REQUEST TO CHANGE THE FILING PERIOD FOR CANDIDATES TO BE THE SAME AS THE STATE STATUTE:

Sanow moved, Maes seconded, the adoption of RESOLUTION NUMBER 2838, SECOND SERIES and that the reading of the same be waived. Resolution Number 2838, Second Series is a resolution Establishing the Voting Locations in the City of Marshall. These voting locations shall be as follows:

Ward 1 – The gymnasium at Parkside School located along Prospect Road

Ward 2 – The gymnasium at the Marshall Middle School located at 401 South Saratoga Street, which location is being moved from the Conference Room in the Fire Hall located at 201 East Saratoga Street

Ward 3 – Minnesota National Guard Armory located at the junction of College Drive and Country Club Drive.

All voted in favor of the motion.

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that the city has been complying with the filing requirements set by State Statute, therefore is requesting that the City Code be changed to reflect the requirements of Statute 205.13. Doom moved, Maes seconded that this request be referred to the Charter Commission for review. All voted in favor of the motion.

COOPERATIVE CONSTRUCTION/MAINTENANCE AGREEMENTS WITH TOWNSHIPS FOR RELOCATED TOWNSHIP ROADS RELATING TO THE RUNWAY 12/30 PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Cooperative Construction/Maintenance Agreement between the City of Marshall and the Townships of Grandview, Fairview, Lynd and Lake Marshall for construction and maintenance of Relocated Township Roads at the northwest corner of Runway 12/30 at the Southwest Minnesota Regional Airport. This agreement has been reviewed by the townships and by the Lyon County Director of Public Works/City Engineer Anita Benson. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into a Cooperative Construction/Maintenance Agreement with the Townships of Grandview, Fairview, Lynd and Lake Marshall for the construction/maintenance of relocated township roads at the northwest corner of Runway 12/30 at the Southwest Minnesota Regional Airport. This agreement is contingent upon approval of the townships. All voted in favor of the motion.

AGREEMENT WITH AMERICAN ENGINEERING TESTING, INC., FOR CONSTRUCTION TESTING SERVICES:

Ritter moved, Sanow seconded, the proper city personnel be authorized to enter into an agreement with American Engineering Testing, Inc., for construction testing services for Runway 12/30 Phase I in the amount of \$17,523.00. An additional proposal will be forthcoming for bituminous and concrete testing services not included in this contract. All voted in favor of the motion.

FARM LEASES – MICHAEL MORTIER; PAUL DEUTZ; WAYNE DEBAERE (THREE LEASES); DAN GREGOIRE AND PAUL WAMBEKE:

Dennis Simpson, City Attorney, briefly reviewed the proposed farm leases of City owned property. Council Member Boedigheimer was concerned with the lease between the City and Mike Mortier. He indicated that the city owns this land but has not yet paid for it, therefore he would like the due date for the farm lease changed to November 15, 2006. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into a farm lease with Michael Mortier for three years from January 1, 2006 through December 31, 2008 and that the first payment be due on November 15, 2006. All voted in favor of the motion.

Ritter moved, Sanow seconded, and it was unanimously approved that the proper city personnel be authorized to enter into the following farm leases:

Paul Deutz 10.71 acres for January 1, 2006 through December 31, 2006 in the amount of \$856.00

Gary Deutz Parcel A – 5.5 acres and Parcel B – 5.0 acres for February 1, 2006 through January 31, 2008 in the amount of \$204.25 per year

Wayne DeBaere 10.13 acres for January 1, 2006 through December 31, 2006. This is for weed control; therefore there is no rent due.

Wayne DeBaere 83.7 acres for January 1, 2006 through December 31, 2006 in the amount of \$3,104.00

Wayne DeBaere 160.4 acres for March 1, 2005 through December 1, 2007 in the amount of \$14,436.00 per year

Dan Gregoire 20 acres for January 1, 2006 through December 31, 2006 in the amount of \$2,000.00

Paul Wambeke 39.44 acres for January 1, 2006 through December 31, 2006 in the amount of \$3,110.00

CONSIDER CITY COUNCIL MEETING DATE CHANGE:

With the Fourth of July holiday on Tuesday, questions have arisen regarding potential attendance and a quorum for the City Council meeting on July 3, 2006. Ritter moved, Sanow seconded, that the City Council meeting scheduled for Monday, July 3, 2006 be re-scheduled to Wednesday, July 5, 2006. All voted in favor of the motion.

CONSIDER LETTER OF SUPPORT FOR MINNESOTA COUNCIL OF AIRPORTS (MCOA) RESOLUTION:

The MCOA Board is asking member city's to approach their legislators seeking support for the return of funding to the State Airports Fund. In 2003, the Governor and the Legislature transferred \$15,000,000 from the State Airports Fund to the General Fund to assist with the shortfall in the General Fund. Without repayment of these transferred funds to the State Airport Fund, Minnesota aviation projects are being severely reduced. Gary Schmidt from the Airport Commission is currently a member of the MCOA Board. Boedigheimer moved, Ritter seconded, that the proper city personnel send a letter of support from the Council to our legislators encouraging a return of the transferred funds to the State Airports Fund. 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 No report.

Maes Human Rights Commission met last week.

Reynolds Library Board – sub committee met last week.


Ritter No report.

Sanow Marshall Area Transit held a meeting on the proposed bus facility.

COUNCIL MEMBER INDIVIDUAL ITEMS:

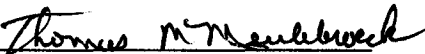
Other items brought forth by the Mayor and Council Members were: a potential site for the M.A.T. bus facility will be discussed with Jeanette from Western Community Action.

Upon motion by Maes, seconded by Sanow, the meeting was adjourned at 7:30 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 1, 2006

The continuation of the Local Board of Appeal and Equalization was called to order at 7:30 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Maes, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none.

Ritter moved, Sanow seconded, that the minutes of the Local Board of Appeal and Equalization held on April 18, 2006 be approved as filed with each member and that the reading of the same be waived. All voted in favor of the motion.

Mayor Byrnes called upon City Assessor, Calvin Barnett, to provide the City Council with his recommendations from the Local Board of Appeal and Equalization meeting held on April 18, 2006. 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:

27-177-021-0 – Brian Stuedemann – 301 Lawrence Street

Concern: Mr. Stuedemann appeared at the Local Board of Appeal and Equalization questioning the value of his property because of the possible closing of South 1st Street. Also, the homes across the street are being demolished and the area will be converted to parking for Schwan's employees. He felt the present assessor's estimated market value on his property was accurate

Recommendation: No Change. We will check back for the 2007 assessment to determine if any adjustments are necessary.

27-496-033-0 – Joseph Cool – 117 South High Street

Concern: Mr. Cool appeared at the Local Board of Appeal and Equalization to inquire if the increase in the 2006 value to his property reflected the street and sewer work being done.

Findings: Mr. Cool was contacted after the Local Board of Appeal and Equalization by Mrs. Snyder. She explained the 4% increase was applied to all the homes in the neighborhood. An increase in value for the improvements to the street and sewer will only be applied if and when sales of homes show it is warranted.

Recommendation: No change.

27-716-009-0 – Robert & Delores Wilson – 1217 Prospect Road

Concern: The Wilson's appeared at the Local Board of Appeal and Equalization because they had sold the home for less than the assessor's estimated market value.

Findings: The Wilson's had purchased the property in November of 2005 for \$114,000 and did some repairs and remodeling to the home before putting it back on the market in January with an asking price of \$142,000. When it did not sell for several months, they had an appraisal done which indicated a value of \$134,000. They then accepted an offer of \$131,000. The 2006 assessor's estimated market value is \$135,500.

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 1, 2006

Mrs. Snyder met with Mrs. Wilson to discuss the value. The home was only on the market for a short time and appraised higher than the accepted offer. When assessing a property, our goal is to arrive at a value which is close to probably sale price. In this case, if the home had sold at the appraised value of \$134,000, our ratio would be 101% which is well below the accepted standard of 105%.

Recommendation: No change at this time, but the neighborhood will be studied for the 2007 assessment.

27-144-053-0 – Hans-Jurgen & Diana Huck – 606 Mercedes Drive

Concern: Mrs. & Mrs. Huck appeared at the Local Board of Appeal and Equalization concerned about the increase in value to their property when there had been no changes since it was built in 2004. They were also concerned about the taxes they pay while not getting good service from the City of Marshall in regards to snow removal.

Findings: Mrs. Snyder had an appointment with the Hucks', which they cancelled saying they were satisfied with their value.

Recommendation: No Change

27-605-030-0 – Norma Klein – 504 - 508 Baseline Road

Concern: Mr. Klein attended the 2006 Local Board of Appeal and Equalization. Mr. Klein questioned the substantial increase in value from \$198,400 in 2005 to \$403,000 in 2006.

Findings: Mr. Klein's property consists of Independent Lumber and Greenwood Nursery. The Independent Lumber property consists of an office/retail building with attached additions, a warehouse with attached shed and roof/storage area, a second warehouse, a third warehouse, and a fourth warehouse, and attached roof area for lumber/building supply storage. One of the warehouses includes the saw shed as part of the warehouse. The value for this portion of the property is \$231,900. Land value for the entire tract is \$137,500.

The second business, located on this site is Greenwood Nursery. The property improvements consist of an office/retail area, two sheds, and a minimal improved greenhouse. Value of the improvements is \$33,700. Current rent before revaluation is \$400 per month.

All improvements are depreciated based on observed condition.

Recommendation: No change based on replacement cost new less depreciation plus land value. The property, with two businesses included, appears correctly valued. As land/location value changes and replacement cost increases, the exchange value of the property is increasing quicker than the depreciation loss to replacement cost new.

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 1, 2006

27-249-004-0 and 27-249-007-0 – Kris Shover – 1417 East College Drive

Concern: Why was there a \$25,000 increase in value on only one 50' lot?

Findings: Contact with the property owner indicated their question was not toward any increase in value on the Bowling Alley, but on an adjacent tract of land having a 50' width.

A review of records indicate a \$25,000 increase in structures to the Bowling Alley property which they do not have a question about, and no increase in value to an adjacent piece of land which there were questions. For the 2006 assessment, land value remained the same and the structure value was increased by 8%.

Recommendation: No change. The increase is typical.

27-943-001-1 – Oak Brooks Partnership – 1101 East Main Street

Concern: Wal-Mart has informed the City of its intention to buy and resell the vacant building identified above. The indicated sale price is \$3,230,000. Wal-Mart has employed a fee appraiser who appraised the property for \$2,819,049.

Findings: The subject property has been listed for sale following Wal-Mart's relocation to the new building. Using the litigation of KMart as a guide, the indicated value of the vacant building should be \$3,230,000. This will provide for a lower starting point for remodeling.

Recommendation: Lower the assessed value to \$3,230,000. This number is reasonably in line with settled KMart court case. The Assessor's office will work with the new buyer when the sale occurs to use good judgment toward value of improvements to be made.

27-798-001-3 – ShopKo – 1200 Susan Drive

Concern: ShopKo has an excellent location, but believes the value of their property is lower. They confirmed this by appraisal in 2005.

Findings: The ShopKo location is increasing in land value and maybe improving as a business location. ShopKo recently sold land to Starbucks for \$6.25 per square foot. Additional land in smaller tracts is being offered for sale. Indications of land, paving, and building selling, based on the Wal-Mart sale, indicated the ShopKo store could sell for \$33.19 per square foot or \$2,375,290. The ShopKo Store is currently assessed at \$2,325,100, plus land recently split.

Recommendation: Revisit value for 2007. No change for current assessment.

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.

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 1, 2006

27-937-002-0 – Patricia Wilson – 1108 David Drive

Concern: Ms. Wilson was concerned about the increase in value to her property. Part of the increase was due to the driveway, brick walkway, and landscaping being completed in 2005 which added \$8,300 to the 2006 value.

Findings: Sometime after the inspection last fall, but before January 1, 2006, Mrs. Wilson had the yard completely tilled again.

Recommendation: Lower the value from \$235,500 to \$231,300 for the condition of the yard.

27-566-012-0 – Andrew Nordby – 209 Lucille Street

Concern: Mr. Nordby was concerned about the value of his property because of the location.

Findings: The property was inspected and compared to several 1 ¼ homes which recently sold. After adjusting for location and other features, the study showed a value for Mr. Nordby's home of \$120,200 to \$125,400. It is presently assessed at \$114,400.

Recommendation: No Change

27-937-024-0 – Robert & Tamera Stassen – 1109 David Drive

Concern: The Stassens' were concerned about the value of their property which has increased every year since the home was built in 2001.

Findings: The property was inspected and compared to other similar home sales. After adjustments for difference, they indicated a possible sale price of \$225,000 to \$245,300. The 2006 assessor's estimated market value of their property is \$215,600.

Recommendation: No Change

27-937-019-0 – David Sturrock – 1142 David Drive

Concern: Mr. Sturrock built a new home in 2005. The 2006 assessor's estimated market value is \$220,200, which is more than his cost to construct the home and the lot.

Findings: A Wick home with the same floor plan and somewhat larger garage, but without landscaping and in a less desirable neighborhood sold in August of 2005 for \$226,000. After adjusting for the differences, the indicated sale price of his home was \$235,200.

Recommendation: No Change

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 1, 2006

27-925-020-0 – Dorothy Carver – 510 Lawrence Street

Concern: Mrs. Carver was concerned about the value of her property compared to other split-level homes in her neighborhood.

Findings: Mrs. Carver had refused entry to the home in 2004 when Mrs. Snyder was inspecting the neighborhood. An inspection now indicates some changes to the bathrooms, gas fireplace, and lower level which results in a decrease in value.

Recommendation: Lower the value from \$171,500 to \$165,000.

27-177-024-0 – Dawn Bailey – 309 Lawrence Street

Concern: Ms. Bailey contacted the office concerning the value of her property. She felt it was too high for the neighborhood and also should be much lower than the adjacent house.

Findings: Mrs. Snyder compared her home to other similar homes which had sold. They indicated a sale price of \$114,300 to \$118,500. Her 2006 assessor's estimated market value is \$109,100. The adjacent house added a small entry and remodeled the kitchen in 2005. Its present assessor's estimated market value is \$111,000, an increase of \$19,500. The two homes are now very similar in most respects. Upon review of Mrs. Bailey's property card, an error in the calculation of the garage was noted.

Recommendation: Lower the value from \$109,100 to \$108,200 due to error in garage value.

27-121-010-0 – Bhajomhan (Ricky) Singh & Briditte Mortineau – 1119 Skyline Drive

Concern: Mr. Singh contacted the Assessor's office regarding the value of their property. They purchased the property in 2003 for \$290,000. The 2006 assessor's estimated market value is \$322,600. The home is located on a cul-de-sac. Their backyard and the backyard of the adjacent home overlook the rear of the Dairy Queen. Skyline Drive has some tri-plexes and 4-plexes located mostly on the north side of the street. Because of these issues, they felt the value of their home was impacted.

Findings: Mrs. Snyder compared sales of lots and homes which have the rear yard back up to Highway 23 and County Road 7. The sale price of these homes and lots were not affected by the traffic. Also, trees or shrubs could be planted to screen the yard. Having to drive by some small apartments to get to a home should not affect the sale price.

Recommendation: No Change

27-716-010-0 – Allan & Janice Paul – 1219 Prospect Road

Concern: Mr. & Mrs. Paul contacted our office regarding the assessor's estimated market value of their property which has increased substantially in value since the home was built in 1993.

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 1, 2006

Findings: Mrs. Snyder inspected the property and noted the foundation was placed deeper than normal. This creates some problems with moisture and also makes it very difficult to put in a second bath. Also, some basement finish had been estimated incorrectly.

Recommendation: Lower value from \$155,900 to \$148,400.

27-160-010-0 – Roger Schaffer - 118 Circle Drive

Concern: Mr. Schaffer contacted our office concerned about old cars, campers, and brush on two properties which are visible from his backyard.

Findings: Mrs. Snyder inspected his property and indicated to Mr. Schaffer that he needs to contact the Marshall Police Department who enforces the ordinance pertaining to old cars and campers. An inspection of the home indicated some deferred maintenance which would affect the sale price.

Recommendation: Lower the value from \$189,700 to \$183,900.

**Parcel 27-603-025-1 - Mr. Milo Pinkerton – Cityside Townhome Project
– 1400-1412 South 4th Street**

Concern: MSP contends it is losing money on this housing project.

Findings: From 2005 to 2006 the value of property remained unchanged at \$1,704,800. From payable 2005 to 2006, the taxes decreased from \$29,470 to \$18,544. This was caused by the 4d classification reinstatement with a lower class percentage of .75.

Recommendation: No change.

Parcel 27-598-007-0 – B & G Properties, 1217 East College Drive

Concern: The property acquired is assessed at \$550,400 and was recently bought at auction at \$385,000. The property will not continue at the last use of service station/convenience store.

Findings: Property that sells at auction is typically only an indication of potential value. To establish market value usually more than an auction is required to be market value. Land is sold typically separate of structures at highest and best use. The City has valued the land at its going value of \$219,400 or 57% of the auction price. Typically, land is a smaller percentage of total value and varies by classification and location. Residentially, land is 0-20% of total value. For business, it most likely will be more as location is very important.

Recommendation: As the improvements are not consistent with longer term highest and best use, remove the value from the fencing and canopy. The tanks and pumps are exempt. Change value from \$550,400 to \$476,800, and follow new construction, remembering improvements may not add to value by remodeling, since the building is relatively newly remodeled. Since the auction, one portion of the building has been leased at approximately \$1,500 per month.

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 1, 2006

Parcel 27-710-017-0 – Southwest Minnesota Housing Partnership – 1103-1109 Paris Road

Concern: Cannot make project profitable without a reduction.

Findings: This property has a PILOT instead of taxes lowering the value to \$1,080,000 as the base of calculation. The property was sold by the EDA to the SWMHP for \$1,715,082. The sale price was very close to its appraised value. The property at time of sale was valued at \$1,610,000.

Recommendation: Values maybe determined annually. As there is a PILOT Agreement, reduce value to be consistent at \$1,080,000.

Parcels 27-529-006-0 and 27-529-006-1- Big KMart Store – 1001 North Highway 23

Concern: The subject property has been under litigation for payable years 2000 through 2006 assessment year. Initially, KMart Corporation offered to settle the litigation filed for approximately \$1.6 million. The 2006 estimated market value was estimated by this office at \$3,441,200.

Findings: This office believed its relationship to sale price was reasonably correct. Through negotiation, the settlement offer was increased to \$3,002,500 and County Attorney Maes settled the case. Because the case has implications on other box stores, i.e. Wal-Mart and ShopKo, equalization becomes an issue potentially for 2006. Letters have been received from ShopKo and Wal-Mart store. ShopKo would like its value reduced and Wal-Mart has advised of the store's upcoming sale, requesting a reduction.

Recommendation: Lower value of KMart and vacant Fashion Bug stores consistent with Court Settlement. The basis for settlement was a court case in Fairmont on a similar building and another in Detroit Lakes, which reported the Marshall stores were sold on October 14, 1999 for \$3,740,000.

Parcel 27-249-006-0 – First Independent Bank (Robert L Carr) – 1419 East College Drive

Concern: Reportedly and after the first of the year, Naomi's Restaurant sold for \$230,000 at auction to Robert L. Carr.

Findings: Following is a conversation with Mr. Carr, the following was learned:

- An inspection of the kitchen indicated improvements to the ventilation system must be made at an estimated cost of \$50,000 to \$70,000.
- The roof needs reroofing at a cost of \$8,000 to \$9,000.
- Sprinkler damage to the building caused damage to insulation, drywall, and carpeting. All had been replaced by the insurance company prior to the auction.

Reportedly, the auction price was \$230,000. Currently this building is assessed at \$383,400. Nordin Investments purchased the property for \$250,000 and remodeled this property above purchase price. Mr. Carr's indicated auction price is \$23.59 per square foot versus an assessed value of \$39.36 per square foot.

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 1, 2006

Recommendation: Reduce the assessed value for reroofing and ventilation changes required. Value is to be reduced from \$383,400 to \$304,400. No future use has been determined by buyer to date. \$40.00 per square foot of building area for land, paving, and building is a very competitive price. Auctions should not be considered evidence of market transactions.

The following constitutes clerical cleanup for the 2006 assessment.

Parcel 27-745-027-0 – Robert and Jillian Berg – 404 Mason Street

The 2006 value should be reduced from \$120,700 to \$113,100

Parcel 27-540-046-0 – David Sturrock – 506 Charles Avenue

Should be 201-0 (residential non homestead) as of 1-2-06

Parcel 27-113-008-0 – Craig Stibbe – 403 North 3rd Street

Should be 201-0 (Residential non homestead) as of 1-2-06

Parcel 27-136-017-0 - Robert Aanstad – 1109 East Fairview Street

Should be 201-0 (residential non homestead) as of 1-2-06

Parcel 27-763-002-0 – Don – Phyllis Nagel – 702 North 4th Street

Should be 201-0 (residential non homestead) as of 1-2-06

Parcel 27-677-152-0 – Joseph Fischer – 505 West Redwood Street

Should be 201-0 (residential non homestead) as of 1-2-06

Parcel 27-160-021-0 – Harland Christoffer – 506 East Lyon Street

Should be 201-1 (residential homestead) as of 1-2-06

Parcel 27-206-070-0 – 602 West Southview Drive

Should be 201-1 (residential relative homestead) as of 1-2-06

Parcel 27-925-017-0 – William and Judy Hays – 602 Lawrence Street

Should be 201-0 (residential non homestead) as of 1-2-06

Parcel 27-604-096-0 – Richard and Thomas Werner – 704 East Main Street

Should be valued as follows:

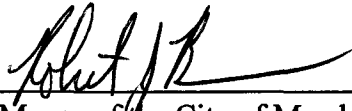
Land	\$23,900
Buildings	\$50,900
Total	\$74,800
Class	204-0

Land	\$ 6,900
Building	\$10,500
Total	\$17,400
Class	233-0

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 1, 2006

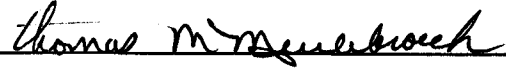
Maes moved, Reynolds seconded, the report as presented by City Assessor, Calvin Barnett, be accepted. All voted in favor of the motion.

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 15, 2006

The regular meeting of the Common Council of the City of Marshall was held on May 15, 2006 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, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Sheila Dubs, Assistant to City Administrator; Bob VanMoer, Wastewater Treatment Facility Superintendent; Calvin Barnett, Director of General Services/City Assessor; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with item number 6, which is the recognition of the Martin Luther King Jr., Essay Contest winner being moved to the first item after the approval of the minutes.

APPROVAL OF THE MINUTES:

Reynolds moved, Maes seconded, that the minutes of the regular meeting held on May 1, 2006 be approved as corrected and the minutes of the Local Board of Appeal and Equalization meeting held on May 1, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

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

At this time Ajeet Yadav from the Marshall Human Rights Commission, presented to the City Council the Honorable Mention Winner in the Eighth Annual League of Minnesota Human Rights Essay Contest for the Martin Luther King, Jr., essay contest, Caleb Bakker.

PUBLIC HEARING PROJECT X70 (2005-002) SOUTHVIEW DRIVE WATERMAIN REPLACEMENT PROJECT – A. HEARING ON PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION ADOPTING ASSESSMENT; C. CONSIDER CHANGE ORDER NO. 1:

This was the date and time set for a public hearing on Southview Drive Watermain Replacement Project X70 (2005-002). Glenn Olson, Director of Public Works/City Engineer, reviewed this project and indicated that the contractor has proposed a variation in the project scope which would eliminate the temporary water service to the Junior High School (former high school) and that Dennis Miller has requested larger water and sewer services to accommodate future commercial development of his property. Maes moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the adoption of RESOLUTION NUMBER 2839, SECOND SERIES and that the reading of the same be waived. Resolution Number 2839, Second Series is a resolution Adopting the Assessment for Southview Drive Watermain Replacement Project X70 (2005-002), setting the interest rate at 6.3% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

REGULAR MEETING – MAY 15, 2006

Ritter moved, Doom seconded, the approval of Change Order No. 1 with Thompson Excavating of Taunton, Minnesota, resulting in an increase in the contract sum in the amount of \$215.00, for a total contract cost of \$306,559.75. This change order provides for a variation in the project scope which would eliminate the temporary water service to the Junior High School (former high school) and the request of Dennis Miller for a larger water and sewer services to accommodate future commercial development of his property. All voted in favor of the motion.

**AWARD OF BIDS PROJECT Y01: DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT PROJECT - A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT;
B. CONSIDER RESOLUTION FOR HEARING ON PROPOSED 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 CONTACT);
E. CONSIDER CHANGE ORDER NO. 1:**

Bids were received, opened and read for the Downtown Alley and Storm Sewer Replacement Project Y01 Bids received, opened and read were from:

H & W Contracting
Sioux Falls, South Dakota
Base bid \$1,460,740.58
With Alternates \$1,475,059.08

D & G Excavating, Inc.
Marshall, Minnesota
Base bid \$1,138,948.80
With Alternates \$1,163,724.30

Glenn Olson, Director of Public Works/City Engineer, indicated that the increase in bids from last fall are due to the increase in cement cost and concrete pipe. He also indicated that Marshall Municipal Utilities will piggy back their project with this project. This project is expected to be completed in October, 2006.

Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2840, SECOND SERIES and that the reading of the same be waived. Resolution Number 2840, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for the Downtown Alley and Storm Sewer Replacement Project Y01 All voted in favor of the motion.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2841, SECOND SERIES and that the reading of the same be waived. Resolution Number 2841, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for the Downtown Alley and Storm Sewer Replacement Project Y01. This resolution provides for the assessment to be paid over an 8 year period at an interest rate of 6.45%. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2842, SECOND SERIES and that the reading of the same be waived. Resolution Number 2842, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Downtown Alley and Storm Sewer Replacement Project Y01. All voted in favor of the motion.

REGULAR MEETING – MAY 15, 2006

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2843, SECOND SERIES and that the reading of the same be waived. Resolution Number 2843, Second Series is a resolution Accepting Bid – Awarding Contract for the Downtown Alley and Storm Sewer Replacement Project Y01. This contract was awarded to D & G Excavating, Inc., in the amount of \$1,163,724.30. All voted in favor of the motion.

Sanow moved, Maes seconded, the approval of Change Order No. 1 with D & G Excavating, Inc., Marshall, Minnesota increasing the amount of the contract by \$85,642.50. This change order provides for 6" Concrete Pavement and Epoxy-Coated Dowels (installed) that were not included in the original bid. All voted in favor of the motion.

AWARD OF BIDS WWTF DIGESTER PROJECT X76 (2005-008): – A. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; B. RESOLUTION AWARDING THE BID:

Bob VanMoer, Wastewater Treatment Facility Superintendent, briefly reviewed this project and then Kelly Yahnke from Bolton & Menk, Inc., reviewed the contractors and bids that were received, opened and read on May 4, 2006. The bids received, opened and read were from:

KHC Construction, Inc.	Robert L. Carr Company	Gridor Construction, Inc.
Marshall, MN	Marshall, MN	Buffalo, MN
\$4,557,000.00	\$5,115,000.00	\$5,191,200.00

Ritter moved, Maes seconded, the adoption of RESOLUTION NUMBER 2844, SECOND SERIES and that the reading of the same be waived. Resolution Number 2844, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the WWTF Digester Project X76 (2005-008). All voted in favor of the motion.

Sanow moved, Maes seconded, the adoption of RESOLUTION NUMBER 2845, SECOND SERIES and that the reading of the same be waived. Resolution Number 2845, Second Series is a resolution Accepting Bid – Awarding Contract for the WWTF Digester Project X76 (2005-008). This contract was awarded to KHC Construction, Inc., Marshall, Minnesota in the amount of \$4,557,000.00. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. RENEWAL OF TWO (2) SPECIAL VEHICLE PERMITS FOR MORNINGSIDE HEIGHTS CARE CENTER; B. CONSIDER REQUEST FROM MARSHALL AREA CHAMBER OF COMMERCE FOR STREET CLOSURE FOR CRAZY DAYS; C. CONSIDER AUTHORIZATION TO ADVERTISE FOR CITY OVERLAY PROJECT; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

The renewal of two Special Vehicle Permits for Morningside Heights Care Center for the year ending December 31, 2006 and that the fee be waived.

A request from the Chamber of Commerce to close Main Street from College Drive to

REGULAR MEETING – MAY 15, 2006

North 5th Street on Thursday, July 20, 2006 from 6:00 A.M. to 6:00 P.M. for Crazy Days.

That the proper city personnel be authorized to advertise for bids for Bituminous Resurfacing on City Streets Project Y07.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 51117 through 51331.

All voted in favor of the motion.

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

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
Mike Lee	North Star Modular Homes	North Star Modular Homes	Karl Campbell Construction	Tom & Annie Sanderson	Jeff Gladis	Redwood River Habitat For Humanity	Rick Slagel Construction, Inc.	Dave & Carolyn Meaden	Ron Velde	Gary Ortmann	D & G Excavating, inc.	Larry Lamote	Geihl Construction, Inc.
311	508	501	409	509	707	903	412	502	505	112	108	713	202
South			West		South	East			East	West	West	North	
O'Connell Street	Darlene Drive	Darlene Drive	Saratoga Street	Central Avenue	2nd Street	Fairview Street	Mason Street	Kossuth Avenue	Main Street	Thomas Avenue	College Drive	5th Street	Jewett Street
Remodel Offices	Prefabricated Dwelling	Prefabricated Dwelling	Partial Reroof	Garage Addition	Reroof Two Family Dwelling	Dwelling	Deck Repair	Reroof Dwelling	Partial Residing	Reside Dwelling, Demolish Porch	Demolish Warehouse	Dwelling	Install Windows & Walls
\$35,000	\$68,200	\$69,000	\$1,300	\$10,000	\$6,000	\$80,000	\$2,600	\$6,000	\$700	\$1,500	\$0	\$75,000	\$7,000

CONSIDER THE REQUEST OF MARC AND JANNA MILBRADT FOR A ONE-YEAR RENEWAL OF A CONDITIONAL USE FOR HOME OCCUPATION FOR 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, Doom moved, Maes seconded, the approval of the request of Marc and Janna Milbradt for a one-year renewal of a Conditional Use for Home Occupation for 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 expires on February 22, 2007
2. That the hours of business be between 6:00 A.M. and 10:00 P.M. only.

All voted in favor of the motion.

CONSIDER THE REQUEST OF GALE GOLTZ, HEAD START COORDINATOR, WESTERN COMMUNITY ACTION, ACTING AS AGENT FOR GRACE LIFE CHURCH, FOR A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY AT 601 EAST COLLEGE DRIVE:

Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, the approval of the request of Gale Goltz, Head Start Coordinator, Western Community Action, acting as agent for Grace Life Church, for a Conditional Use Permit for a Day Care Facility serving 54 individuals at 601 East College Drive with the following conditions:

1. The use be limited to serving no more than 54 individuals
2. The use be licensed by the State of Minnesota
3. The permit is not transferable to any other person or entity.
4. The permit expires within 2 years of the date of approval if the business is not in operation or the business is suspended for two years or more.

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

CONSIDER THE REQUEST OF DOUG NAWROCKI FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A NEW ATTACHED GARAGE WITH A FRONT YARD OF LESS THAN REQUIRED BY ORDINANCE IN AN R-1 ONE FAMILY RESIDENCE DISTRICT ON THE CHARLES AVENUE SIDE OF THIS CORNER LOT AT 108 SOUTH HILL STREET:

Per the Planning Commission, Boedigheimer moved, Ritter seconded, that the request of Doug Nawrocki for a Variance Adjustment Permit to construct a new attached garage with a front yard of 20' in lieu of 25' as required by code in an R-1 One-Family Residence District on the Charles Avenue side of this corner lot at 108 South Hill Street with the condition that he stays within the plans as submitted and that the undue hardship would be having to redo the alignment of the doors and intruding on the visibility from the windows. All voted in favor of the motion.

**LEGISLATIVE AND ORDINANCE COMMITTEE RECOMMENDATIONS –
A. DISCUSSION ON HOME MEDICAL EQUIPMENT JOINT VENTURE PROPOSAL BETWEEN AVERA HOME MEDICAL EQUIPMENT L.L.C. AND AVERA MARSHALL HOSPITAL; B. INTRODUCTION OF ORDINANCE AMENDING DIVISION 5. HOSPITAL BOARD IN THE CITY CODE:**

Mike Johnson, City Administrator, indicated that in order for the Hospital Board to enter into the proposed Joint Venture with Avera Home Medical Equipment L.L.C. it is necessary to make several modifications to the Hospital Board Ordinance to allow them to enter into this venture. Boedigheimer moved, Reynolds seconded, the introduction of an ordinance Amending Sections 2-224, 2-225 and 2-227 of the Hospital Board. All voted in favor of the motion.

CONSIDER PERSONNEL COMMITTEE RECOMMENDATION ON IMPLEMENTATION OF HEALTH CARE SAVINGS PLAN (HCSP) PROGRAM –

- A. MEMORANDUM OF UNDERSTANDING WITH NON-UNION EMPLOYEES;
- B. MEMORANDUM OF UNDERSTANDING WITH AFSCME EMPLOYEES;
- C. MEMORANDUM OF UNDERSTANDING WITH LELS (POLICE OFFICERS);
- D. MEMORANDUM OF UNDERSTANDING WITH LELS (POLICE SUPERVISORS):

Thomas M. Meulebroeck, Financial Director/City Clerk and Sheila Dubs, Assistant to the City Administrator, briefly reviewed the Health Care Savings Plan (HCSP) through the Minnesota State Retirement System that is being proposed. A HCSP is an employer sponsored program that allows employees to save money, tax-free, to use upon termination of employment to pay for eligible health care expenses. In accordance with MN Statute 652.98 subdivision 3.c., public employers are not obligated to maintain or contribute to a post-retirement or active

employee health care savings plan. Under the plan, employees are able to choose among different investment options provided by the State Board of Investment. Assets in the account accumulate tax-free, and because the payouts are used for approved health care expenses, they remain tax-free. Employees within the AFSCME union, the two LELS unions, and the non-union group voted to determine the desired schedules and level of contributions within each of the bargaining/non-bargaining units. Employees requested additional consideration and approval of employer contributions into individual employee accounts. Employees requested an annual employer contribution of \$25.00 per individual account and a contribution by the employer at termination equal to the City's tax (FICA) savings based on the employee's final contribution to the plan. Because employers are not required to pay FICA (social security and Medicare) taxes on amounts contributed to this plan by the employee or the employer, the contributions equate to a 7.65% savings to the City on the contributions of non-union and AFSCME employees and a 1.45% (Medicare) savings to the City on the contributions of employees in the LELS unions. Mayor Byrnes asked why not have just one plan. Mike Johnson, City Administrator, indicated that State Statutes allows each group to have their own plan and that these plans are stand alone agreements and not part of the union contracts. Council Member Boedigheimer indicated that he is not in favor of the City contributing the 7.65% savings of the City to the employees. Council Member Sanow was concerned where this money would come from and what happens if more than one person were to retire in a year. Mr. Meulebroeck, indicated that this money come from the respective fund for the employee's department. Ritter indicated that this is only a two year plan and that it could change after the two years are up. Sanow moved, Boedigheimer seconded, the proper city personnel be authorized to enter into the Memorandum of Understanding with the Non-Union Employees; the Memorandum of Understanding with the AFSCME Employees; the Memorandum of Understanding with LELS (Police Officers); and the Memorandum of Understanding with LELS (Police Supervisors) and that the employer will not contribute a dollar amount equal to the employer's tax (FICA) savings based on the employee's final contribution to the HCSP. Voting in favor of the motion were: Sanow, Boedigheimer, Doom and Byrnes. Voting no were: Maes, Reynolds and Ritter.

DISCUSSION ON ALLEY ISSUE IN GRAY'S SECOND ADDITION AND VIKING ADDITION:

Dennis Simpson, City Attorney, indicated that in 1969 the City of Marshall approved Resolution Number 896, which vacated the 20 foot alley. Thereafter, plat drawings for that area show each of those lots is not 142 feet across the front. There is no designated 20 foot alley. Resolution Number 896 was adopted on March 16, 1969, but not filed in the Office of the Lyon County Recorder until December 2, 1980. This resolution did not reserve any utility easements and according to Glenn Olson, Director of Public Works, there is a sanitary sewer line and electrical utility lines running in the area that was previously designated as an alley. Mr. Olson also indicated that there may be a gas line and a cable line in this area. Although the alley was technically vacated by Resolution, the alley has continued to exist as a graveled segment. Ritter moved, Sanow seconded, that that this alley matter be referred to the Public Improvement and Transportation Committee for discussion and a recommendation. All voted in favor of the motion.

APPROVAL OF ADM EASEMENT AND INDEMNIFICATION AGREEMENT:

Dennis Simpson, City Attorney, reviewed the proposed Amendment to Pipeline Easement and the Contribution/Indemnification Agreement with ADM due to the Airport Runway 12/30 Extension Project. The Amendment to Pipeline Easement provides that the easement area will be identified and protected during construction of the airport runway expansion. The gas pipeline area will be protected by a fence. It will be necessary for heavy equipment to cross the actual pipeline. Those crossings will be protected by an additional berm of soil over the top of the pipeline. ADM has required that the City enter into a

Contribution/Indemnification Agreement in case any damage does occur to the pipeline during construction. The insurance limits as proposed in the Indemnification Agreement are identical to insurance requirements imposed upon the contractor actually doing the work. Sanow moved, Maes seconded, that the proper city personnel be authorized to enter into an Amendment to Pipeline Easement and a Contribution/Indemnification Agreement with ADM. All voted in favor of the motion.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

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

- Airport Commission – Dr. David Danahar for a term to expire on May 31, 2009
- Airport Commission – James Denzer for a term to expire on May 31, 2009
- Airport Commission – Mark Pfeifer for a term to expire on May 31, 2009
- Airport Commission – Shane Hastings for an unexpired term to expire on May 31, 2007
- Cable Commission – David Patterson for a term to expire on May 31, 2009
- Cable Commission – Ross Larson for a term to expire on May 31, 2009
- Hospital Board – Bernadette Kruk for a term to expire on May 31, 2011
- Housing Commission – Laurel Steen for a term to expire on May 31, 2011
- Human Rights Commission – Ajeet Yadav for a term to expire on May 31, 2009
- Human Rights Commission – Linda Baun for a term to expire on May 31, 2009
- Planning Commission – Robert Archbold for a term to expire on May 31, 2009
- Planning Commission – Andy Hedlin for a term to expire on May 31, 2009
- Planning Commission – Jeff Bragg for a term to expire on May 31, 2009
- Planning Commission – Scott May for an unexpired term to expire on May 31, 2008
- Police Civil Service Commission – Paul Johnson for a term to expire on May 31, 2009
- Senior Citizen Center Commission – Melanie Gilbert for a term to expire on May 31, 2008
- Utilities Commission – Steve Strautz for a term to expire on May 31, 2011

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 hold a lottery for the market rate lots on June 20, 2006; Regional Development Commission will meet on Thursday.

Boedigheimer Airport Commission minutes are included in the agenda packet – they discussed requesting proposals for airline service from other airlines, they met with the townships in regard to the airport expansion; M.E.R.I.T. Center met last Thursday; Lyon County Enterprise Development deadline for applications for the EDA position is May 18th.

Doom Marshall Community Services Advisory Board discussed green space in the downtown area; Planning Commission minutes are included in the agenda packet; Adult Community Center Commission will meet on June 12th.

REGULAR MEETING – MAY 15, 2006

Maes Hospital Board met earlier; Human Rights Commission will be meeting next week.

Reynolds Library Board met last week and reviewed proposed properties for a new library.

Ritter Housing Commission minutes are included in the agenda packet.

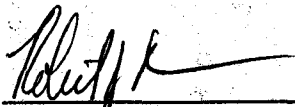
Sanow Cable Commission met last week.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members were: Glenn Olson, Director of Public Works/City Engineer, is working to finalize the contract with Blue Earth Environmental; Council Member Boedigheimer indicated that he received a letter a year ago and again in April in regard to the tower ordinance and requested that this be added to the Legislative & Ordinance Committee Agenda for May 24th; and the Charter Commission needs to schedule a meeting to review filing dates for elections.

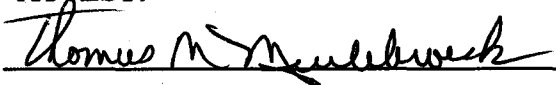
Ritter moved, Maes seconded, that the Council go into closed session pursuant to MN Statute 13D.05, Subd. 3(b) at 8:00 P.M. All voted in favor of the motion.

The Council came out of the closed session at 8:55 p.m. Maes moved, Reynolds seconded, that the meeting be adjourned at 8:56 p.m. 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 5, 2006 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, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Michael J. 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:

Boedigheimer moved, Reynolds seconded, that the minutes of the regular meeting held on May 15, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – PROJECT Y01 DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT: A. PUBLIC HEARING ON PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on the Downtown Alley and Storm Sewer Replacement Project Y01. Glenn Olson, Director of Public Works/City Engineer, reviewed the Downtown Alley and Storm Sewer Replacement Project Y01 with the council and those in attendance at the meeting. Mr. Olson indicated that this project will be funded by Special Assessments, Mn/DOT, Wastewater Fund, Marshall Municipal Utilities, Surface Water Management Utility and City of Marshall. The total project amount is \$1,521,728.00. Dennis Veldhuisen from Southwest Glass was concerned with the ability to receive freight in the back of his store during construction. Mr. Olson indicated that they will work with the property owners, provide schedules, and they will make arrangements for deliveries. Mr. Olson suggested that the property owners attend the weekly meetings. The minutes from the weekly meetings will be posted on the City of Marshall Website. Dennis Simpson, City Attorney, indicated that written objections need to be received before the close of the public hearing. James Carr had some questions in regard to the property at 109 South 5th Street; therefore Mayor Byrnes called for a recess of the public hearing at 6:10 P.M.

APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR AGFEST 2006; B. CONSIDER A FIREWORKS PERMIT FOR JULY 4, 2005 AT INDEPENDENCE PARK FOR COMMUNITY SERVICES; C. RENEWAL OF A TRANSIENT MERCHANTS LICENSE FOR TNT FIREWORKS TO SELL FIREWORKS IN THE WAL-MART PARKING LOT; D. RESOLUTION DESIGNATING POLLING LOCATIONS, AUTHORIZING APPOINTMENT OF ELECTION JUDGES AND SETTING RATE OF PAY FOR THE PRIMARY ELECTION ON SEPTEMBER 12, 2006 AND THE GENERAL ELECTION ON NOVEMBER 7, 2006; E. AUTHORIZATION FOR OUT-OF-STATE TRAVEL (PUBLIC SAFETY); F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

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

REGULAR MEETING – JUNE 5, 2006

A Temporary On-Sale Beer License for the Marshall Area Chamber of Commerce for AgFest 2006 to be held at the Lyon County Fairgrounds on August 2, 2006 from 5:00 p.m. to 11:00 p.m. at a fee of \$30.00.

The approval of an application for Community Services to buy fireworks for display purposes on July 4, 2006 at Independence Park. Community Services will be making arrangements with the Marshall Volunteer Fire Department for the fireworks display.

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, 2006.

The adoption of RESOLUTION NUMBER 2847, SECOND SERIES and that the reading of the same be waived. Resolution Number 2847, Second Series is a resolution Designating the Polling Locations, Authorizing Appointment of Election Judges and Setting Their Rate of Pay for the Primary Election on September 12, 2006 and the General Election on November 7, 2006.

Out of state travel for Rob Yant, Director of Public Safety, to attend the 2006 International Chief's of Police Association Conference to be held in Boston, Massachusetts from October 14th through October 18th.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 51332 through 51619.

All voted in favor of the motion.

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

Application	Location Address	Description of Work	Valuation
1. Carr Properties	321 West Main Street	Demolish Front Siding	\$0
2. Carr Properties	212 West College Drive	Reroof	\$5,400
3. Steve Jacobson	402 Legion Field Road	Garage	\$11,000
4. Thomas Grimes	711 North 6th Street	Reroof	\$2,400
5. Tom Tighe Construction	203 Lucille Street	Replace Doors	\$1,000
6. Lyle Thiesse	1403 Cumberland Road	Deck	\$5,000
7. True Value	811 North Bruce Street	Office	\$172,000
8. Bruce Rupp	604 Kennedy Street	Reroof	\$2,000
9. Patrick Botsford	401 North Bruce Street	Reroof	\$1,000
10. Terri L. Miller	618 Soucy Drive	Deck	\$600
11. Lozinski Construction	206 Donita Avenue	Reroof	\$5,000
12. Todd & Staci Siers	303 North Minnesota Street	Install Window	\$500
13. Chad Rykhus	204 North Whitney Street	Install Window	\$500
14. Rick Slagel	613 West Thomas Avenue	Reroof Dwelling	\$3,500
15. Doug Nawrocki	108 South Hill Street	Garage	\$12,500
16. Doug Nawrocki	108 South Hill Street	Demolish Garage	\$0
17. Bill & Terry Stacken	1201 Dublin Street	Deck	\$2,600

REGULAR MEETING – JUNE 5, 2006

18.	Jeremy Maronde	409		Williams	Street	Reside Dwelling & Replace Windows	\$9,000
19.	Sara Morris	103	West	Marshall	Street	Construct Basement Bedroom	\$2,000
20.	Greg Baartman Construction, Inc.	606		Kennedy	Street	Deck	\$2,800
21.	Kenneth Boraas	217	North	High	Street	Deck	\$300
22.	Doom & Cuypers, Inc.	104		Walker	Lane	Reroof	\$2,000
23.	Chris Fritsche	804	West	College	Drive	Temporary Transportable Sign	\$0
24.	Patricia I. Hand	601	North	4th	Street	Demolish Garage	\$0
25.	Jeff & Paula Meyer	110		Circle	Drive	Deck	\$2,000
26.	Brian & Annette Swanson	502		Carlson	Street	Install Window, Replace Steps & Partial Reside	\$4,500
27.	Steven & Michele Smentek	610		Mercedes	Drive	Deck	\$1,500
28.	Donald Edblom	410	South	Hill	Street	Garage	\$15,000
29.	Wesley United Methodist Church	202	North	4th	Street	Replace Exterior Steps	\$4,500

ADOPTION OF ORDINANCE AMENDING DIVISION 5 – HOSPITAL BOARD IN THE CITY CODE:

Boedigheimer moved, Sanow seconded, the adoption of ORDINANCE NUMBER 551, SECOND SERIES and that the reading of the same be waived. Ordinance Number 551, Second Series is an ordinance Amending Division 5, Sections 2-224, 2-225 and 2-227 of the Hospital Board. This ordinance will provide for the Hospital Board to have the authority and legal capacity to enter into certain business arrangements. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING SECTION 4.03 FILING PERIOD FOR MUNICIPAL ELECTIONS AS RECOMMENDED BY THE CHARTER COMMISSION AND CALL FOR A PUBLIC HEARING:

Doom moved, Maes seconded, the introduction of an ordinance Amending Chapter 4 of the City Code, Section 4.03 Filing Period for Municipal Elections and calling for a public hearing to be held at 5:30 P.M. on July 5, 2006. This ordinance would provide for the Nominations by Affidavit to be not more than 70 days, nor less than 56 days before the special election or before the municipal general election. All voted in favor of the motion.

CONSIDER REQUEST FROM MARSHALL AREA CHAMBER OF COMMERCE FOR SOUNDS OF SUMMER FESTIVAL – A. DECLARE THE “MARSHALL SOUNDS OF SUMMER” A COMMUNITY FESTIVAL; B. CLOSURE OF WEST MARSHALL STREET TO NORTH 1ST STREET ON AUGUST 17, 2006 AND AUGUST 20, 2006; C. CLOSURE FOR PARADE ON AUGUST 20, 2006:

Ritter moved, Doom seconded, the approval of the Proclamation of the “Marshall Sounds of Summer” for the period August 17 – 20, 2006 and that this event be declared a Community Festival. All voted in favor of the motion.

Ritter moved, Doom seconded, authorization be granted for the street closure by Liberty Park on Marshall Street southeast of the Freedom entrance to North First Street on Thursday, August 17th from 4 p.m. to 9 p.m and on Sunday, August 20th from 8 a.m. to 9 p.m. contingent upon the Chamber of Commerce contacting adjacent property owners. All voted in favor of the motion.

Ritter moved, Doom seconded, authorization be granted to close Lyon Street from Independence Park to East Main Street and East Main Street from Lyon Street to North 6th Street from 12:30 P.M. to 3:00 P.M. for the Sounds of Summer Parade on Saturday, August 20, 2006 contingent upon Mn/DOT approval. All voted in favor of the motion.

REQUEST FOR STREET CLOSURE FOR “THURSDAYS ON THIRD”:

Mike Johnson, City Administrator, reviewed the request received from Ellayne Conyers along with a petition containing signatures of support, requesting street closure for the purpose of “Thursdays on Third”. The evening will consist of Farmer’s Market, entertainment, sales and activities. The request is for closure of North 3rd Street from West Main Street to West Lyon Street on Thursdays. Mike Johnson, City Administrator, reviewed the request received from Ellayne Conyers along with a petition containing signatures of support, requesting street closure for the purpose of “Thursdays on Third”. The evening will consist of Farmer’s Market, entertainment, sales and activities. The request is for closure of North 3rd Street from West Main Street to West Lyon Street on Thursday evenings in the summer beginning July 20, 2006 through September, 2006 from 5:00 P.M. to 9:00 P.M. Dennis Simpson, City Attorney, has recommended the elimination of the requirement of general liability insurance in the amount of \$1,000,000 and having the City of Marshall listed as an additional named insured. Ellayne indicated that their group would be available to put up and take down the barricades. Tracy Veglahn from the Marshall Area Chamber of Commerce is working with the Farmer’s Market group to have a Farmer’s Market on Thursday in addition to the Saturday morning Market. Council Member Boedigheimer was concerned if there was an emergency. It was indicated that the alley would be open and Ellayne would be working with the Police Department, Fire Department and Ambulance Department. Ritter moved, Boedigheimer seconded, the approval of the request for Street Closure for “Thursdays on Third” beginning July 20, 2006 through September, 2006 from 5:00 P.M. to 9:00 P.M. with the condition that they coordinate and communicate with the Director of Public Safety. All voted in favor of the motion.

**PUBLIC HEARING – PROJECT Y01 DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT: A. PUBLIC HEARING ON PROPOSED ASSESSMENT;
B. CONSIDER RESOLUTION ADOPTING ASSESSMENT:**

The public hearing was reconvened at 6:32 P.M. The Council received a written objection from James Carr for the assessment on Parcel No. 27-677-053-0. Glenn Olson, Director of Public Works/City Engineer, indicated that he would be able to resolve this objection within 30 days. Reynolds moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Council Member Boedigheimer requested that the Resolution adopting the assessment roll provide for more than one option for paying the assessment. He indicated that the property owners should have more time to pay their assessment if the assessment was over a certain dollar amount. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that the Lyon County Auditor provides the amortization schedule and that this option could become a bookkeeping nightmare. Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2846, SECOND SERIES and that the reading of the same be waived. Resolution Number 2846, Second Series is a resolution Adopting the Assessment Roll for the Downtown Alley & Storm Sewer Replacement Project Y01, setting the interest rate 6.45% and the assessment being paid in equal annual installments extending over a period of 8 years. All voted in favor of the motion.

CONSIDER RESOLUTION AUTHORIZING ENTERING INTO MN/DOT PROFESSIONAL AND TECHNICAL SERVICES MASTER CONTRACT NO. 89518:

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2848, SECOND SERIES and that the reading of the same be waived. Resolution Number 2848, Second Series is a resolution Authorizing Execution of Mn/DOT Professional and Technical Services Master Contract No. 89518 subject to clarification by Mn/DOT for work already under contract and contingent upon City Attorney review and approval. This resolution provides for the proper city personnel to execute the Professional and Technical Services Master Contract with Mn/DOT. All voted in favor of the motion.

PROJECT Y08 – EAST COLLEGE DRIVE WATERMAIN REPLACEMENT PROJECT – CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT:

Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2849, SECOND SERIES and that the reading of the same be waived. Resolution Number 2849, Second Series is a resolution Ordering Preparation of Report on Improvement for the East College Drive Watermain Replacement Project Y08. 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 Airport Commission meets next Monday; M.E.R.I.T. Center will meet on Thursday; Lyon County Enterprise Development will be conducting phone interviews on Thursday.

Doom No report.

Maes Human Rights Commission met two weeks ago.

Reynolds Council Personnel Committee needs to set a meeting date.

Ritter EDA – Three more homes are to be built in Parkway II.

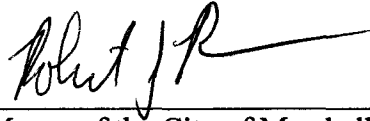
Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Sanow attended a meeting on a teen center and would like a committee to be formed to continue working on a teen center; Moody's will be in town on Wednesday for a tour of the community; the council acknowledged the Permit for Private Use of Public Streets (rights-of-way) and Parking Lots for Babcock Construction to remove the overhang on the LaMexican building; there will be a Special City Council meeting on June 12, 2006 at 5:30 P.M. for the Audit Presentation.

REGULAR MEETING – JUNE 5, 2006

Upon motion by Reynolds, seconded by Maes, that the meeting be adjourned at 6:50 P.M. All voted aye.



Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

SPECIAL CITY COUNCIL MEETING
JUNE 12, 2006

A special meeting of the Common Council of the City of Marshall was held on June 12, 2006 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: Maes, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Doom. City Staff present included: Michael Johnson, City Administrator; and Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: Tom Koop and Sandra Hans, Auditors from Larson Allen Weishair & Company; LuAnn Anderson and Wendy Wendt from the Marshall Lyon County Library and Kathleen Ashe from the Library Board.

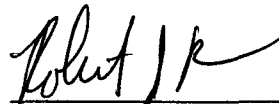
The purpose of this special meeting was to receive an overview of the 2005 Audit Report prepared by Larson Allen Weishair & Company.

Tom Koop and Sandra Hans addressed the comments and observations in their May 23, 2006 letter as it relates to collateral; journal entries made within the finance department; the preparation of a schedule of grants; Liquor Store inventory, fraud risk management, work flow and staffing.

Issues discussed in relationship to the Library were its policies and disbursement and the potential of the financial duties being a part of the City's Finance Director/City Clerks duties.

Tom Koop also reviewed and identified various items in the 12-31-05 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, Ritter seconded, to approve the 2005 Audited Financial Report as presented by LAWCO. All voted in favor of the motion.

Upon motion by Maes, seconded by Sanow, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JUNE 19, 2006

The regular meeting of the Common Council of the City of Marshall was held on June 19, 2006 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Council Member Maes. In addition to Maes the following members were present: Doom, Sanow and Ritter. Absent: Byrnes, Reynolds and Boedigheimer. Staff present included: Michael J. 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.

At this time City Attorney Dennis Simpson introduced the new Assistant City Attorney Lori Buchheim.

APPROVAL OF THE MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on June 5, 2006 and the minutes of the special meeting held on June 12, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS – TIGER LAKE STORMWATER DETENTION AND SEDIMENT RETENTION POND SEDIMENT REMOVAL PROJECT X79:

Bids were received, opened and read for the Tiger Lake Stormwater Detention and Sediment Retention Pond Sediment Removal Project X79 on June 13, 2006. Bids received, opened and read were from:

R & G Construction Co.,
Marshall, Minnesota
\$149,410.00

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2850-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2850-A, Second Series is a resolution Accepting the Bid (Awarding the Contract) for Tiger Lake Stormwater Detention and Sediment Retention Pond Sediment Removal Project X79. This contract was awarded to R & G Construction, Co., Marshall, Minnesota in the amount of \$149,410.00. All voted in favor of the motion.

AWARD OF BIDS 2006 BITUMINOUS RESURFACING OF VARIOUS CITY STREETS PROJECT Y07 – A. CONSIDER AWARD OF BIDS; B. CONSIDER CHANGE ORDER NO. 1:

Bids were received, opened and read for the 2006 Bituminous Resurfacing of Various Streets Project Y07 on June 13, 2006. Bids received, opened and read were from:

Duininck Bros. Inc.
Prinsburg, Minnesota
\$141,355.52

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$124,686.91

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2851, SECOND SERIES and that the reading of the same be waived. Resolution Number 2851,

Second Series is a resolution Accepting the Bid (Awarding the Contract) for the 2006 Bituminous Resurfacing of Various Streets Project Y07. This contract was awarded to McLaughlin & Schulz, Inc., Marshall, Minnesota in the amount of \$124,686.91 and is to be paid out of account number 101-60211-2227. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, indicated that the bids received for the bituminous resurfacing were very competitive and were significantly below the estimates. Because of the reduced costs and the backlog of overlay projects, it is the intent to add some of the alternate overlays previously included in the summary of project needs for 2006. Overlays for Washington Avenue, VanBuren Street, Jefferson Avenue and Jefferson Circle are included in the 2006 overlay project change order. Doom moved, Sanow seconded, the approval of Change Order No. 1 for the 2006 Bituminous Resurfacing of Various Streets Project Y07 in the amount of \$60,864.29, resulting in a total contract amount of \$185,551.21. This contract and change order is to be paid from Street Maintenance Account Number 101-60211-2227. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA - APPROVAL OF THREE APPLICATIONS FROM THE MARSHALL AREA CHAMBER OF COMMERCE FOR TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSES FOR: OPEN AIR CONCERT AT LIBERTY PARK ON AUGUST 17, 2006, OPEN AIR CONCERT AT SOUTHWEST MINNESOTA STATE UNIVERSITY ON AUGUST 18, 2006, OPEN AIR CONCERT AT THE LYON COUNTY FAIRGROUNDS ON AUGUST 19, 2006; B. AUTHORIZATION TO ADVERTISE FOR BIDS TO RE-ROOF THE ADULT COMMUNITY CENTER C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

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

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Area Chamber of Commerce for an Open Air Concert at Liberty Park on August 17, 2006 from 5:00 p.m. to 10:00 p.m. at a fee of \$30.00.

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Area Chamber of Commerce for an Open Air Concert at Southwest Minnesota University on August 18, 2006 from 5:00 p.m. to 11:59 p.m. at a fee of \$30.00.

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Area Chamber of Commerce for an Open Air Concert at the Lyon County Fairgrounds on August 19, 2006 from 5:00 p.m. to 11:59 p.m. at a fee of \$30.00.

The proper city personnel be authorized to advertise for bids to reshingle the Adult Community Center.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 51620 through 51851.

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.	Paxton Signs	311	South	O'Connell Street	Install Sign	\$2,000

REGULAR MEETING – JUNE 19, 2006

2.	Sussner Construction, Inc.	123	Marvin Schwan Memorial	Drive	Partial Reside of Warehouse	\$2,900
3.	Sussner Construction, Inc.	425	State	Street	Science & Technology Building Science Labs Remodeling	\$96,500
4.	Tutt Construction	136	E	Street	Dwelling	\$900,400
5.	Kevin & Jane Hagan	1503	Westwood	Drive	Deck	\$4,500
6.	Gary & Rita Smidt	803	Colt	Street	Replace Step & Install Deck Railing	\$400
7.	George J. Jacob Construction	1200	West Main	Street	Shop Addition	\$30,000
8.	Lozinski Construction	116	F	Street	Reroof	\$4,500
9.	Lozinski Construction	306	South Hill	Street	Reroof	\$5,500
10.	Jon and Lora Kruger	1306	Parkside	Drive	Reroof Dwelling	\$1,800
11.	DI Construction	312	North Whitney	Street	Install Window	\$1,200
12.	Jeffrey & Bonnie Allen	1203	Westwood	Drive	Reroof	\$7,000
13.	Lozinski Construction	407	South Whitney	Street	Reroof Dwelling	\$3,400
14.	Erik Lundberg	200	Athens	Avenue	Finish Basement	\$5,000
15.	Scott VanOverbeke Construction	1224	Prospect	Road	Deck	\$1,000
16.	Jeff Gladis	103	West James	Avenue	Reroof	\$5,000
17.	Heather Hochhalter	510	Kendall	Street	Steps	\$800
18.	KHC Construction	600	Erie	Avenue	Building Modification for Facilities Improvements	\$860,000
19.	French Construction	605	West Thomas	Avenue	Reroof Dwelling	\$4,400
20.	Kevin Lanoue	106	West James	Street	Reroof	\$5,200
21.	Vlaminck Construction	114	South 4th	Street	Reroof	\$9,600
22.	PR Ventures	516	Jaguar	Court	Dwelling	\$152,000
23.	REM, Inc.	104	Parkview	Drive	Replace Windows & Doors	\$3,000
24.	M. Michael & Jeannie Suzuki	702	South 1st	Street	Install Window	\$1,000
25.	Mark & Raquel Nelson	601	Cougar	Court	Install Steps	\$600
26.	Geske Home Improvement Co.	407	Mason	Street	Reside Dwelling & Install Door	\$8,000
27.	David & Gloria Sabin	112	South High	Street	Repair Siding	\$1,800
28.	Ben Schamber	615	Mercedes	Drive	Deck	\$2,800
29.	Brady Webb	112	Gray	Place	Garage Addition	\$6,500
30.	Raymond Root	503	Carlson	Street	Reroof	\$3,300

BOARDS 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 in attendance at the meeting were recognized:

Robert Meyer, Airport Commission, 2000-2006

Randy Serreyn, Hospital Board, 1995-2006

Ted Rowe, Library Board, 2003-2005

Karen Sweetland, Library Board, 2004-2006

Teresa Kock, MCS Advisory Board, 2001-2006

REGULAR MEETING – JUNE 19, 2006

John DeCramer, Utilities Commission, 1996-2006
Kathy Lozinski, Charter Commission, 2002-2006
John Feda, Charter Commission, 2002-2006

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

Ricky Singh, Airport Commission, 2004-2006
Larry Murphy, Cable Commission, 2000-2006
Sale Taueva, Cable Commission, 2005-2006
Tracy Welch, Economic Development Authority, 2004-2006
Linda Saugstad, MCS Advisory Board, 2002-2006
Mike Leary, MCS Advisory Board, 2003-2006
Kelly Jo Stegner, MCS Advisory Board, 2004-2005
Jill Houseman, Planning Commission, 2003-2005
Bret Jenkin, Planning Commission, 2005-2006
Tammy VanOverbeke, Police Civil Service Commission, 2000-2006
Maureen Stores, Charter Commission, 2002-2006
Phyllis Bowden, Charter Commission, 2002-2006

The following members have moved away from the Marshall area:

Steve Carlson, Human Rights Commission, 2004-2005
Brennan "Buck" McAlpin, Planning Commission, 2002-2005

APPROVAL OF JOINT VENTURE AGREEMENT BETWEEN AVERA MARSHALL REGIONAL MEDICAL CENTER AND AVERA HOME MEDICAL EQUIPMENT LLC:

Mary Maertens, VP of Home Services/Business Development, provided an overview on the history of the Home Medical Equipment business operation and the proposed Joint Venture with Avera Home Medical Equipment, LLC. Dennis Simpson, City Attorney, indicated that this agreement has been review and approved by legal counsel. Sanow moved, Doom seconded, the approval of the Joint Venture Agreement between Avera Marshall Regional Medical Center and Avera Home Medical Equipment, LLC. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE – REPEALING ORDINANCE SECTION 62-10 – MOTORIZED BICYCLES, ELECTRIC ASSISTED BICYCLES AND MOTORIZED SCOOTERS:

Doom moved, Sanow seconded, the introduction of an ordinance Repealing Marshall City Code Section 62-10, being an Ordinance Regulating the Use of Motorized Bicycles and Electric Assisted Bicycles and Prohibiting the Use of Motorized Scooters on Sidewalks and Streets and Providing for the Enforcement and Penalties for Violation Thereof. Dennis Simpson, City Attorney, indicated that Minnesota Statute Section 169.225 now regulates motorized scooters and that local ordinance cannot overrule or contradict State Statute. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE – AMENDING VARIOUS SECTIONS OF CHAPTER 50 (SOLID WASTE):

Doom moved, Sanow seconded, the introduction of and ordinance Amending Various Sections of Chapter 50, of the Marshall City Code. This ordinance will provide for individuals hauling compost materials, yard waste, grass clippings and the like not be required to obtain a license. All voted in favor of the motion, except Ritter who abstained.

PROJECT A01 BLOCK 11 DEMOLITION – CONSIDER CHANGE ORDER NO. 5 AND CHANGE ORDER NO. 6 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Dan Sarff, Bolton & Menk, provided a brief summary of Change Order No. 5 and Change Order No. 6 for Block 11 Demolition Project A01 with Blue Earth Environmental Inc. Change Order No. 5 provides for additional work which results in an increase in the contract amount of \$3,634.00 and Change Order No. 6 provides for change quantities which results in an increase in the contract amount of \$46,777.75. There was a brief discussion on a specific quantity needing to be verified on Change Order No. 6 needing to be verified. Sanow moved, Doom seconded, the approval of Change Order No. 5 for Block 11 Demolition Project A01 with Blue Earth Environmental Inc., for an increase in the contract amount of \$3,634.00. All voted in favor of the motion.

Subject to verification on a specific quantity, Sanow moved, Doom seconded, the approval of Change Order No. 6 for Block 11 Demolition Project A01 with Blue Earth Environmental Inc., for an increase in the contract amount of \$46,777.75. All voted in favor of the motion.

Sanow moved, Ritter seconded, the acknowledgement of the Final Payment Application in the amount of \$15,634.89 to Blue Earth Environmental Inc., for Block 11 Demolition Project A01. All voted in favor of the motion.

AIRPORT RUNWAY 12/30 EXTENSION – PROJECT X67 RUNWAY 12/30 EXTENSION PROJECT PHASE I CONSIDER AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR CONSTRUCTING TESTING SERVICES WITH AMERICAN ENGINEERING TESTING, INC., AND PROJECT Y02 RUNWAY 12/30 EXTENSION PROJECT PHASE II CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposal from American Engineering Testing in the amount of \$14,664.00. This proposal is for bituminous and concrete testing services not included in the initial contract with American Engineering Testing in the amount of \$17,523. Ritter moved, Doom seconded, that the proper city personnel be authorized to enter into an agreement with American Engineering Testing for construction testing services relating to the Runway 12/30 Project in the amount of \$14,664, which increases the contract amount to \$32,187.00. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y02 Runway 12/30 Extension Phase II. This project consists of the installation of asphalt paving for Runway 12/30 and Taxiway A including new runway and taxiway edge lighting, glide slope relocation, and installation of airplane control lighting and miscellaneous apron bituminous work from the Arrival/Departure Building to the fueling station area. Ritter moved, Sanow seconded, that the proper city personnel be authorized to advertise for bids for Runway 12/30 Extension Project Y02 – Phase II. These bids shall be received on July 21, 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:

Doom Adult Community Center Commission meets on Wednesday; Public Improvement Transportation Committee will meet on Tuesday.

Maes Hospital Board met earlier this evening; Human Rights Commission meets next week.

REGULAR MEETING – JUNE 19, 2006

Ritter EDA met at 7:30 a.m. today; Housing Commission met but did not have a quorum.


Sanow No report.

Ritter moved, Sanow seconded, that the Council go into closed session pursuant to Minnesota Statute 13D.03, Subd. 1 at 6:30 P.M. All voted in favor of the motion, except Doom who voted no.

The Council came out of the closed session at 6:46 p.m. Doom moved, Sanow seconded, that the meeting be adjourned at 6:47 P.M. All voted in favor of the motion.


Council Member

ATTEST:


Financial Director/City Clerk

REGULAR MEETING – JULY 5, 2006

The regular meeting of the Common Council of the City of Marshall was held on July 5, 2006 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes. In addition to Byrnes the following members were present: Maes, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Calvin Barnett, Director of General Services/City Assessor; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 4c, which is a discussion on closing 3rd Street on Thursdays.

APPROVAL OF THE MINUTES:

Doom moved, Sanow seconded, that the minutes of the regular meeting held on June 19, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – AMENDING SECTION 4.03 FILING PERIOD FOR MUNICIPAL ELECTIONS AS RECOMMENDED BY THE CHARTER COMMISSION:

This was the date and time set for a public hearing on amending Chapter 4 – Nominations and Elections, Section 4.03. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that this ordinance would provide for the filings for elections would be the same as the State Statutes, which is open 10 weeks before the election and close 8 weeks before the election. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the adoption of ORDINANCE NUMBER 552, SECOND SERIES and that the reading of the same be waived. Ordinance Number 552, Second Series is an ordinance Amending Chapter 4, Nominations and Elections, Section 4.03. This ordinance would provide for the filings for elections to open 10 weeks before the election and close 8 weeks before the election. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. LG220 APPLICATION FOR EXEMPT PERMIT FOR SONS OF THE AMERICAN LEGION SQUADRON 113 FOR A RAFFLE AT THE AMERICAN LEGION POST 113; B. TEMPORARY ON-SALE BEER LICENSE FOR VFW POST 742 FOR THE MONTH OF AUGUST, 2006 FOR USE AT THE LYON COUNTY FAIRGROUNDS; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

Council Member Sanow requested that item 3c, which is the bills/project payments, be removed from the consent agenda.

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 the Sons of the American Legion Squadron 113 for a raffle to be held at the American Legion, 412 West Main Street, Marshall, Minnesota on September 16, 2006 and that the 30 day waiting period be waived.

REGULAR MEETING – JULY 5, 2006

A Temporary On-Sale Non-Intoxicating Beer License be granted to the Mongeau-Tholen VFW Post 742 for the month of August, 2006 for use at the Lyon County Fairgrounds. The fee for this license is \$50.00.

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.	229	West	Main Street	Replace Exterior Stair and Siding	\$3,600
2.	Eric Eye	208	West	Redwood Street	Install Deck and Replace Window with Deck Door	\$1,300
3.	Denny Miller Construction, Inc.	1302		Cheryl Avenue	Modular Dwelling	\$91,200
4.	348 West Main Co. c/o Van Harris	348	West	Main Street	Install Sign	\$800
5.	Bladholm Construction, Inc.	501	South	Highway 23	Mercantile Building	\$435,000
6.	Geske Home Improvement Co.	109		Parkview Drive	Replace Doors	\$2,200
7.	Schaefer Woodworks	1208		Patricia Court	Mud Room Addition	\$15,000
8.	John and Belinda Roberts	511		Viper Circle	Install Deck	\$8,500
9.	Brad Nelson	1220		Floyd Wild Drive	Install Sign	\$2,000
10.	Lozinski Construction	412		Kossuth Street	Reroof	\$3,000
11.	Brian & Jolene VanDeVeire	520		Jaguar Court	Dwelling	\$180,000
12.	Maria C. Hernandez	310		Rainbow Drive	Replace Front Steps	\$300
13.	REM, Inc.	622		Kathryn Avenue	Replace Window	\$500
14.	Mark Driessen Construction	110		Ranch Avenue	Install Window, Replace Door, Install Doors, Deck, Install Closet	\$5,000
15.	Alan Lustfield	602		Lawrence Street	Install Window & Replace Door	\$1,100
16.	Ray Alderman	237	West	Main Street	Demolish Front Siding	\$0
17.	Heather Hochhalter	510		Kendall Street	Steps	\$800

Council Member Sanow questioned why the Division Heads receive a month vehicle allowance and also get reimbursed for mileage when they travel out of town. Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that there is only 1 city vehicle available for out of town travel, therefore the Division Heads use their own vehicle when they travel out of town. It was also indicated that this has been the policy for several years and some of the Division Heads have a monthly vehicle allowance included in their contract. Council Member Ritter indicated that this has been discussed before and that the Personnel Committee should review this. Council Member Boedigheimer indicated that when the city went from 10 Department Heads to 4 Division Heads that their month mileage allowances increased from \$175 to \$250 per month. Council Member Boedigheimer questioned why

REGULAR MEETING – JULY 5, 2006

Jim Van Hyfte, Liquor Store Manager, went from \$175 to \$250 per month. It was indicated that this was approved in the budget. Boedigheimer moved, Ritter seconded that the monthly vehicle allowance be referred to the Personnel Committee. All voted in favor of the motion.

Reynolds moved, Doom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 51852 through 52048. All voted in favor of the motion.

REPEALING ORDINANCE SECTION 62-10: MOTORIZED BICYCLES, ELECTRIC ASSISTED BICYCLES AND MOTORIZED SCOOTERS:

Sanow moved, Doom seconded, the adoption of ORDINANCE NUMBER 553, SECOND SERIES and that the reading of the same be waived. Ordinance Number 553, Second Series is an ordinance Repealing Marshall City Code Section 62-10, Being an Ordinance Regulating the Use of Motorized Bicycles and Electric Assisted Bicycles and Prohibiting the Use of Motorized Scooters on Sidewalks and Streets and Providing for the Enforcement and Penalties for Violation Thereof. Minnesota Statute Section 169.225 now regulates motorized scooters, therefore enforcement of motorized scooter rules and regulations need not be regulated by ordinance. All voted in favor of the motion.

AMENDING VARIOUS SECTIONS OF CHAPTER 50 – SOLID WASTE:

Boedigheimer moved, Ritter seconded, the adoption of ORDINANCE NUMBER 554, SECOND SERIES and that the reading of the same be waived. Ordinance Number 554, Second Series is an ordinance Amending Various Sections of Chapter 50, Marshall City Code and that the city reimburses the applicants that were issued a license under the section for the past two years. This ordinance provides that individuals hauling compost materials, yard waste, grass clippings and the like, not be subject to the license requirements, therefore Section 50-24 and 50-25 have removed compost materials from those items subject to licensing. All voted in favor of the motion, except Doom who voted no.

DISCUSSION ON CLOSING 3RD STREET ON THURSDAYS:

Gena Hartley, representative for Paul and Jenna Puetz of Complete Chiropractic on 3rd Street, was in attendance to discuss the closing of 3rd Street on Thursdays. The Puetz's are in favor of the Thursdays on Third idea but not the closing of all of 3rd Street at 5:00 P.M. on Thursdays. They are busy with customers how come after 5:00 P.M. and don't leave until 6:00 P.M. Some of their customers need to park close to their business. Following a brief discussion the Council and city staff proposed a compromise that will be tried on July 20th. Third Street will be closed from the intersection with West Lyon Street to the alley on 3rd Street at 5:00 P.M. and at 6:00 P.M. all of 3rd Street will be closed. The Chiropractic customers can exit through the alley or onto Main Street. Mr. Olson indicated that they will monitor the first Thursday's use.

LIBRARY UPDATE REPORT – WENDY WENDT, LIBRARY DIRECTOR:

Wendy Wendt, Library Director, was in attendance at the meeting to provide the council and others in attendance an update of the activities of the library. Highlights for 2005 included: Strategic Planning; Cooperative Relationships, Library Services and Events, Leadership, the Library Building, Contributions and Support.

CONSIDER RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2006B:

Thomas M. Meulebroeck, Financial Director/City Clerk, along with Terri Heaton, Senior Vice President Client Representative from Springsted Incorporated, briefly reviewed the

issuance of \$6,700,000 General Obligation Utility and Improvement Bonds. This bond issue will be used to finance the Digester and EQ Basins Project at the Wastewater Treatment Facility and the Downtown 2006 Storm Sewer Project. Per the recommendation of the Ways and Means Committee, Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2850, SECOND SERIES and that the reading of the same be waived. Resolution Number 2850, Second Series is a resolution Providing for the Issuance and Sale of General Obligation Utility and Improvement Bonds, Series 2006B. All voted in favor of the motion.

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

Council Member Reynolds indicated that the Personnel Committee is recommending that the Mayor's salary be increased to \$8,246.00, which is equal to the median salary of the 2005 League of Minnesota Cities Salary Survey for Elected Officials and that the Council Members annual salaries be increased by 3% for 2007. Council Member Sanow indicated that the council has not accomplished enough to deserve a raise and cited lack of work on a meeting about youth needs, the selection of a library site and others. He doesn't understand how they can support a raise. Council Member Reynolds disagreed and indicated that the Council has accomplished many projects. 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 effective January 1, 2007. All voted in favor of the motion, except Sanow and Boedigheimer who voted no.

**PUBLIC IMPROVEMENT AND TRANSPORTATION COMMITTEE
RECOMMENDATION OF ALLEY ACCESS ISSUE IN GRAY'S SECOND
ADDITION AND VIKING ADDITION:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Maple Street Alley Vacation Issue. This alley was vacated in 1969 but not recorded until 1980. The City has maintained this alley and issued building permits for garages with access off of the alley. The property owners along this alley has submitted a request for the city to proceed with the process of eminent domain making the alley, which runs south from Maple Street, a full twenty feet wide and that the city be responsible for the maintenance. Boedigheimer moved, Doom seconded, that a recommendation be made by the next meeting for the utility and alley easement. All voted in favor of the motion.

**PROJECT Y08 EAST COLLEGE DRIVE WATERMAIN REPLACEMENT
PROJECT – CONSIDER RESOLUTION RECEIVING REPORT AND CALLING
FOR HEARING ON IMPROVEMENT:**

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2851-A, SECOND SERIES and that the reading of the same be waived. Resolution Number 2851-A, Second Series is a resolution Receiving the Report and Calling for a Hearing on the Improvement for the East College Drive Watermain Replacement Project Y08. The public hearing will be held at 5:30 P.M. on August 7, 2006. All voted in favor of the motion.

**PROJECT X70 SOUTHVIEW DRIVE WATERMAIN REPLACEMENT – CHANGE
ORDER NO. 2:**

Boedigheimer moved, Maes seconded, the approval of Change Order No. 2 with Thompson Excavating, Inc., in the amount of \$9,000.00 for the Southview Drive Watermain Replacement Project X70. This change order provides for the removal of unsuitable material and replacement with granular backfill. There is no change in contract time involved with this change order. 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 held a special meeting earlier today and will have another meeting on Tuesday; Regional Development Commission will have their annual meeting on Thursday.

Boedigheimer Airport Commission met on July 10th; M.E.R.I.T. Center will be having a meeting soon; Lyon County Enterprise Development held interviews and have offered the position – they should have an answer by Friday; Ways and Means Committee and Legislative & Ordinance Committee items were discussed earlier in the meeting.

Maes Human Rights Commission minutes are included in the agenda packet; Police Commission met last week.

Ritter No report

Sanow Marshall Area Transit will meet at the end of the month.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included a concern about the train whistle within the city limits. Glenn Olson, Director of Public Works/City Engineer, indicated that there is a federal regulation on train whistles within the city limits. There was a concern about trailers and campers on the street. This is a Public Safety issue. The fire escape has not been removed because the owner has appealed the council action. This will be going to District Court.

Reynolds moved, Maes seconded, that the meeting be adjourned at 6:45 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JULY 17, 2006

The regular meeting of the Common Council of the City of Marshall was held on July 17, 2006 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, Sanow, 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; 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:

Doom moved, Sanow seconded, that the minutes of the regular meeting held on July 5, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. CALL FOR PUBLIC HEARING ON CHAMBER OF COMMERCE REQUEST TO BLOCKADE STREET/ALLEY PARKING LOTS FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 17-20, 2006; B. AUTHORIZATION FOR OUT-OF-STATE TRAVEL (ENGINEERING); C. CONSIDER AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY – MARSHALL COMMUNITY SERVICES; D. TRANSIENT MERCHANTS LICENSE FOR CLOTHING CONCEPTS INC.; E. TRANSIENT MERCHANTS LICENSE FOR SOUTHWESTERN COMPANY; F. TEMPORARY ONE-DAY ON-SALE LIQUOR LICENSE FOR MARSHALL LYON COUNTY LIBRARY FOUNDATION; G. INTERIM FINANCING WASTEWATER PROJECTS AND DOWNTOWN ALLEY/STORM SEWER PROJECT; H. BILLS/PROJECT PAYMENTS; I. BUILDING PERMITS:

Per the request of Council Member Boedigheimer item 2c, which is authorization to dispose of surplus property and and at the request of Director of Public Works Director/City Engineer, Glenn Olson item 2h, which is the bills/project payments, were removed from the consent agenda.

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

Per the request of the Chamber of Commerce a public hearing be held at 5:30 P.M. on August 7, 2006 to blockade street/alley parking lots for Sounds of Summer Festival on August 17-20, 2006.

Authorized out-of-state travel for Glenn Olson, Director of Public Works, to attend the International American Public Works Association Congress (APWA) in Kansas City, Missouri on September 10-13, 2006.

A Transient Merchants License be granted to Clothing Concepts, Inc., to be used at the National Guard Armory for a clothing sale. The fee for this license is \$300.00 and the license will expire on December 31, 2006.

A Transient Merchants License be granted to Brandon Salazar and Justin Salazar to sell educational books and software for Southwestern Company. The fee for this license is \$300.00 and the license will expire on December 31, 2006.

REGULAR MEETING – JULY 17, 2006

A Temporary On-Sale Liquor License be granted to the Marshall Lyon County Library Foundation to be used at the Walnut Grove Mercantile (Klein Foods), 1501 East Lyon Street on September 7, 2006 to raise funds for the new Library. The fee for this license is \$30.00.

The Finance Director/City Clerk be authorized to loan monies from the General Fund, Liquor Fund and the Wastewater Operating and Capital Reserve Funds to the Capital Projects and Wastewater Construction Funds as needed for the Wastewater Digester Project, the EQ Baisin Project and the Downtown Alley/Storm Sewer Project at an interest rate of 5% and until such time the bond proceeds are received.

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.	Chad & Kristina Evers	330		Timberlane	Drive	Deck	\$1,000
2.	Tom & Mary Larson	312	North	Whitney	Street	Finish Basement	\$1,000
3.	Quality Roofing	705	North	4th	Street	Reroof	\$2,500
4.	True Value Home Center	108		Donita	Avenue	Reroof, Replace Windows, Build Sun Room, and Deck	\$25,000
5.	Tamera VanMoer	621	West	Southview	Drive	Bathroom Remodel	\$3,000
6.	Rosella Goodmund	702		Adobe	Road	Storage Shed	\$2,000
7.	Antonio D. Pena	614	West	Main	Street	Replace Windows & Door, and Interior Remodeling	\$4,500
8.	Babcock Construction	817	West	Main	Street	Reside Dwelling	\$6,400
9.	Abby Ennenga	205	South	6th	Street	Reroof	\$5,000
10.	Messner Builders, Inc.	107		Parkview	Drive	Replace Windows & Reroof Dwelling	\$16,600
11.	J & M Contracting, Inc. c/o Sally Seminoff	1510	East	College	Drive	Remodel Entrance	\$25,000
12.	Richard Bragg	613	West	Redwood	Street	Replace Window with Patio Door & Remove Door into Archway	\$500
13.	David Voigt	201		London	Road	Construct Deck	\$3,000
14.	Mike Slagel Construction	219		Rainbow	Drive	Deck	\$1,100
15.	Lozinski Construction	614	South	4th	Street	Reroof	\$5,000
16.	DI Construction	128	West	Main	Street	Replace Windows, Doors, Patio, Reside, Handicap Ramp	\$49,000
17.	Michael & Melissa Gunderson	1202		Dublin	Street	Deck	\$2,000
18.	James Zarzana	227	North	Hill	Street	Replace Windows & Door	\$7,000
19.	Thomas & Jennifer Hey	811		Westmar	Circle	Swimming Pool	\$10,000
20.	D & G Excavating, Inc.	504		Charles	Avenue	Demolish Dwelling	\$0
21.	D & G Excavating, Inc.	212	South	1st	Street	Demolish Dwelling	\$0
22.	Pam Jueneman	605		Kendall	Street	Reroof	\$3,000
23.	Scott May	500	North	Bruce	Street	Reroof	\$3,000
24.	Chad & Angela Andreas	212		Oslo	Avenue	Deck	\$1,800

REGULAR MEETING – JULY 17, 2006

25.	Babcock Construction	506	Central Avenue	Reroof & Reside Dwelling	\$13,500
26.	Renee Pearcy	1004	Poplar Avenue	Deck	\$1,500
27.	True Value Home Center	802	Elizabeth Street	Dwelling	\$150,000

Council Member Boedigheimer indicated that the City holds two public auctions each year and was not in favor of Community Services asking to dispose of excess personal Marshall Community Services property on Crazy Days. Reynolds moved, Maes seconded, authorization be granted for Marshall Community Services to dispose of excess personal property on Crazy Days, July 20, 2006. All voted in favor of the motion, except Boedigheimer who voted not.

Glenn Olson, Director of Public Works/City Engineer, reviewed the final payment to Blue Earth Environmental Co., for the Building Demolition Project Block 11. He indicated that Bolton & Menk reviewed the final change order and final pay request in the amount of \$17,634.89.

Maes moved, Doom seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 52049 through 52213. All voted in favor of the motion.

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

Doom moved, Maes seconded, the adoption of ORDINANCE NUMBER 555, SECOND SERIES and that the reading of the same be waived. Ordinance Number 555, Second Series is an ordinance Amending the Salaries and Compensation of the Mayor and Council Members for the City of Marshall, Minnesota. This ordinance provides for the salary of the Mayor to be \$687.17 per month and the salary of the Council Members to be \$434.64 per month effective January 1, 2007. Council Member Sanow indicated that the council doesn't deserve a raise. He indicated that the city is rapidly increasing its debt and is not managing the city staff well enough in order for projects to be completed in a timely fashion. All voted in favor of the motion, except Sanow and Boedigheimer who voted no.

FARM LEASE WITH PAUL WAMBEKE – MCLAUGHLIN INDUSTRIAL PARK SECOND ADDITION:

Dennis Simpson, City Attorney, reviewed the proposed leases of an additional 9.59 acres of City property to tenant Paul Wambeke. He indicated that the tenant is obligated to provide weed control and removal of rocks. This lease is for the calendar year 2006 and there is no rent for this lease. Doom moved, Reynolds seconded, that the proper city personnel be authorized to enter into a Farm Lease with Paul Wambeke for 9.59 acres for the calendar year 2006. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF CARR INDUSTRIAL PARK:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat for Carr Industrial Park. This plat is the north lot of the proposed Marshall Labs Addition, which was approved at the January 31, 2005 Special City Council meeting (Resolution Number 2699, Second Series) contingent upon City Attorney review and payment of all outstanding bills due to the City and real estate taxes. Payment of outstanding bills did not occur, therefore the final plat was never recorded. Subsequently, the North lot of the proposed Marshall Labs Addition went through a Sheriff's sale and was purchased by the Carr Family

Limited Partnership. The Carr Family Limited Partnership is in the process of getting this property platted which is identical to the north lot of the previously submitted Marshall Labs Addition. Glenn indicated that the outstanding bills should be split between this lot and the remaining lot in Marshall Labs Addition. Council Member Boedigheimer requested that the City Attorney provide a breakdown by lot of the outstanding bills for the City Council. Reynolds moved, Boedigheimer seconded, to table the approval of the Final Plat of Carr Industrial Park until August 7, 2006. All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 1 FOR PARKWAY II ADDITION PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 for Parkway II Addition Project. This change order is for additional time for the completion of the project for additional work requested by the City, as well as requested changes in the Contractor's operation to accommodate early housing development. It is anticipated that with the changes the interim completion date will be extended from July 28, 2006 to August 11, 2006 with final adjustment of castings and placement of bituminous wearing course completed by June 30, 2007 as per the original agreement. Reynolds moved, Maes seconded, the approval of Change Order No. 1 for Parkway II Addition Project. This change order is for additional time for the completion of the project for additional work requested by the City, as well as requested changes in the Contractor's operation to accommodate early housing development. All voted in favor of the motion.

PROJECT X67 RUNWAY 12/30 EXTENSION PROJECT PHASE I – A. CONSIDER CHANGE ORDER NO. 2; B. CONSIDER CHANGE ORDER NO. 3; C. CONSIDER CHANGE ORDER NO. 4:

Glenn Olson, Director of Public Works/City Engineer, reviewed the three change orders for Project X67 Runway 12/30 Extension Project Phase I. Change Order No. 2 extends the working time from 90 calendar days to 142 calendar days due to changes beyond the control of the Contractor, including land acquisition, utility work and township road reconstruction. These items were delayed from the fall 2005 until 2006. The change order extends the completion date to September 15, 2006. Change Order No. 3 results in a contract increase of \$10,137.40. When the construction contract was executed, the area of concrete paving was reduced from the original 7,003 SY to the revised 3,899 SY. At that time, the Contractor advised and the City acknowledged that an increase in unit price would be requested for fixed costs associated with the reduced scope of work. A unit price of \$44.60/SY of 10-inch concrete pavement is requested over the original unit price of \$42.00 SY, an increase of \$2.60/SY, resulting in a contract increase of \$10,137.40. Change Order No. 4 results in a contract increase of \$13,650.00. During the bidding process, the Contractor anticipated bituminous apron paving in Autumn 2005. Due to the timing of agency approvals, it was agreed by the Contractor and the City that apron construction would begin in the Spring of 2006. In the interim, due to conditions beyond Contractor control, the Contractor experienced an increase of \$65.00/ton for asphalt cement. A unit price of \$280.00/ton asphalt cement is requested over the original unit price of \$215.00/ton, an increase of \$65.00/ton on the estimated contract quantity of 210 tons, resulting in a contract increase of \$13,650.00.

Boedigheimer moved, Maes seconded, the approval of Change Order No. 2 for Project X67 Runway 12/30 Extension Project Phase I. This change order provides for an extension of time in the contract to September 15, 2006. All voted in favor of the motion.

REGULAR MEETING – JULY 17, 2006

Boedigheimer moved, Ritter seconded, the approval of Change Order No. 3 for Project X67 Runway 12/30 Extension Project Phase I. This change order provides for an increase in the contract of \$10,137.40 due to the increase in unit price of 10-inch concrete pavement from \$42.00/SY to \$44.60/SY for 3,899 SY. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the approval of Change Order No. 4 for Project X67 Runway 12/30 Extension Project Phase I. This change order provides for an increase due to an increase of \$65.00/ton for asphalt cement. A unit price of \$280.00/ton asphalt cement is requested over the original unit price of \$215.00/ton, an increase of \$65.00/ton on the estimated contract quantity of 210 tons, resulting in a contract increase of \$13,650.00. All voted in favor of the motion.

PROJECT Y01 DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT – CONSIDER GRANT OF UTILITY EASEMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities would like to acquire easements in the alleys behind Main Street in reference to the Downtown Project currently underway. Boedigheimer moved, Sanow seconded, the approval of the Grant of Utility Easement, subject to City Attorney review and approval and inclusion of the right to maintain and replace the utilities installed in this area. All voted in favor of the motion.

RESOLUTION AUTHORIZING EXECUTION OF QUIT CLAIM DEED TO SCHWAN'S DEVELOPMENT CORPORATION FOR MMU WELL SITES:

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 2852, SECOND SERIES and that the reading of the same be waived. Resolution Number 2852, Second Series is a resolution Authorizing Execution of Quit Claim Deed. This resolution provides for the execution of the Quit Claim Deed from the City of Marshall to Schwan's Development Corporation for the well sites along Country Club Drive. All voted in favor of the motion.

MAPLE STREET ALLEY VACATION ACCESS ISSUE IN GRAY'S SECOND ADDITION AND VIKING ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition received by the City Council on July 5, 2006 requesting the north portion of the vacated alley be returned to a public alley-way with City maintenance. The property owners along this alley has submitted a request for the city to proceed with the process of eminent domain making the alley, which runs south from Maple Street, a full twenty feet wide and that the city be responsible for the maintenance. Glenn indicated that any costs for condemnation of the 10-foot portion of the vacated alley for Lot 2, Block 1 of Viking Addition and any other properties necessary for the acquisition of the easement on Block 1, Lot 23 of Viking Addition and relocation of any utility service boxes shall be borne equally by the petitioners. Tom Warren, owner of Lot 2, Block 1 of Viking Addition, indicated that he only signed the petition so that his neighbors could have the alley. He indicated that since he does not need the alley behind his property there is no need to move the utility service box. Boedigheimer moved, Ritter seconded, to delete Lot 2, Block 1 of Viking Addition and Lot 23, Block 1, of Viking Addition, acquire property and negotiate with Scott Truedson for the portion of his property that is needed for the alley and to acquire the necessary easements at City expense. The adjacent property owners who signed the petition have agreed to give up their property rights for their 10 feet of the alley. All voted in favor of the motion.

REGULAR MEETING – JULY 17, 2006

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Doom moved, Sanow seconded, and was unanimously approved that the following appointment be made:

Cable Commission – John Mount for a term to expire on May 31, 2009

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report.

Boedigheimer M.E.R.I.T. Center minutes are included in the agenda packet – they have appointed a new chairperson, Stan Brewers.

Doom Planning Commission did not have a meeting; Adult Community Center Commission will meet next month; Green Space Committee will meet on Wednesday.

Maes Hospital Board met earlier in the evening; Police Commission met last week; and the PrairieNet WAN will be meeting this week.

Reynolds Library Board is working on a site for the proposed new library; Utilities Commission meets on Wednesday.

Ritter Housing Commission met last week; Convention and Visitors Bureau met last week; EDA met last week and decided to wait to build 3 spec homes.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: will the job profiles be completed on schedule. City Administrator Mike Johnson indicated that the job profiles will be completed on schedule.

Upon motion by Reynolds, seconded by Maes, the meeting was adjourned at 6:45 P.M.
All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

REGULAR MEETING – AUGUST 7, 2006

The regular meeting of the Common Council of the City of Marshall was held on August 7, 2006 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, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Doom. 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; Sheila Dubs, Assistant to City Administrator; Rob Yant, Director of Public Safety and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 5e, which is to consider the application for a Plumbers License for Carl Hass dba Haas Plumbing & Heating, Inc.

PUBLIC HEARING CONSIDER THE REQUEST FOR DOWNTOWN STREET/PARKING LOT BLOCKADE FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 17-20, 2006 – A. AUTHORIZATION TO APPROVE STREET/PARKING LOT BLOCKADE:

This was the date and time set for a public hearing to consider the request for Downtown Street/Parking Lot blockade for Sounds of Summer Festival on August 17-20, 2006. Tracy Veglahn, President Marshall Area Chamber of Commerce, indicated that they were requesting a section of the City Parking Lot in Block 11 be closed on Thursday, August 17, 2006 from 12:00 p.m. until 12:00 a.m. for an Iron Pour Event. They will fence off the area that is needed. Tracy also requested that the 200 block of South "A" Street next to Marshall Area YMCA be closed on Friday, August 18, 2006 from 11:00 a.m. to 5:00 p.m. for a Kid's Vehicle Fair. Tracy indicated that they have partnered with the YMCA, Marshall Fire Department, North Ambulance and Marshall Police Department for the Kid's Vehicle Fair. Ritter moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Maes seconded, that the request to close a section of the City Parking Lot in Block 11 be closed on Thursday, August 17, 2006 from 12:00 p.m. until 12:00 a.m. for an Iron Pour Event and that the 200 block of South "A" Street next to Marshall Area YMCA be closed on Friday, August 18, 2006 from 11:00 a.m. to 5:00 p.m. for a Kid's Vehicle Fair. All voted in favor of the motion.

PUBLIC HEARING PROJECT Y08 EAST COLLEGE DRIVE WATERMAIN REPLACEMENT – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing on Project Y08 East College Drive Watermain Replacement. Glenn Olson, Director of Public Works/City Engineer, indicated that this project was requested by Marshall Municipal Utilities. Reynolds moved, Maes seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2853, SECOND SERIES and that the reading of the same be waived. Resolution Number 2853, Second Series is a resolution Ordering the Improvement and Preparation of Plans for Y08 East College Drive Watermain Replacement. All voted in favor of the motion.

AWARD OF BIDS \$6,700,000 CITY OF MARSHALL, GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2006B – A. RESOLUTION AWARDING SALE OF \$6,700,000 GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2006B; B. REVIEW MOODY'S INVESTORS SERVICE BOND RATING LETTER; C. AGREEMENT FOR CONTINUING DISCLOSURE AND/OR ARBITRAGE AND REBATE MONITORING:

Terri Heaton reviewed the bids that were received for the \$6,700,000 General Obligation Utility Improvement Bonds, Series 2006B. Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2854, SECOND SERIES and that the reading of the same be waived. Resolution Number 2854, Second Series is a resolution Awarding the Sale of \$6,700,000 General Obligation Utility and Improvement Bonds, Series 2006B, Fixing Their Execution and Delivery; and Providing for Their Payment. These bonds were sold to Cronin & Company, Incorporated; Citigroup Global Markets, Inc.; UBS Securities LLC; and Wachovia Securities at a price of \$6,642,176.10 net interest cost of \$3,360,918.48 and a true interest rate of 4.2990%. All voted in favor of the motion.

Terri Heaton provided a brief review of the City of Marshall's A-2 Bond Rating by Moody's Investors Service. Ms. Heaton indicated that the A2 rating is based on the City's sound financial position characterized by conservative management and healthy reserves, stable local economy with an institutional presence and industry concentration, high debt levels being manageable due to the rapid rate of retirement and the expectation of continued future tax base growth.

Sanow moved, Reynolds 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 \$6,700,000 General Obligation Utility Improvement Bonds, Series 2006B to the original agreement. There is no additional fee for the Disclosure Services and the Arbitrage and Rebate Monitoring fee is based on the old rate of \$2,900. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TWO (2) MINNESOTA LAWFUL GAMBLING LG220 APPLICATIONS FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA STATE UNIVERSITY; B. REQUEST FOR STREET CLOSURE – BRIAN BROMEN – AUGUST 27, 2006; C. APPLICATION FOR TEMPORARY ON-SALE LIQUOR LICENSE – AREA SENIOR CENTER FOUNDATION; D. CONSIDER APPLICATION FOR PLUMBERS LICENSE FOR HAAS PLUMBING & HEATING, INC.; E. BILLS/PROJECT PAYMENTS; F. 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 Applications for Exempt Permit –LG 220 for Southwest Minnesota State University Foundation for a raffle to be held at the Marshall American Legion Field on October 1, 2006 and for a raffle to be held at the SMSU Conference Center, 1501 State Street on January 12, 2007 and that the 30 day waiting period be waived for each of these applications.

The approval of the request for private use of the street for the purpose of a block party on South High Street from East College Drive to Marshall Street on August 27, 2006 from 5:00 p.m. to 8:30 p.m., contingent upon applicant rental of appropriate MMUTCD traffic control devices from the Marshall Street Department. The City Attorney has previously recommended

REGULAR MEETING – AUGUST 7, 2006

the elimination of the requirement of general liability insurance in the amount of \$1,000,000 and having the City of Marshall listed as an additional named insured.

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 on October 7, 2006.

The approval of a Plumbers License for Carl Haas dba Haas Plumbing & Heating Inc., contingent upon the approval of the Building Official. This license will expire on March 31, 2007.

That the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 52214 through 52489.

All voted in favor of the motion.

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

Applicant	Location Address	Description of Work	Valuation
1. Ronald W. & Kelly Jo Johnson	512 Hudson Avenue	Shed	\$3,000
2. Lozinski Construction	400 West Lyon Street	Reroof	\$17,500
3. McCon Building Corporation	1211 Susan Drive	Restaurant	\$705,000
4. Kesteloot Construction, Inc.	205 West Southview Drive	Utility Shed	\$3,500
5. Paul & Joyce Arends	1424 Floyd Wild Drive	Addition	\$42,000
6. Barb Myhre & Clara Traen	606 Soucy Drive	Addition	\$27,000
7. Westman Freightliner, Inc.	1501 North Highway 59	Install Sign	\$10,200
8. Patrick & Christina Blomme	111 Maple Street	Install Bathroom	\$5,000
9. Thomas & Anna Marie Pickering	603 Kathryn Avenue	Replace Door	\$2,800
10. Group II Architects	513 Jewett Street	Sign	\$10,500
11. CE Signs & Designs	351 West Main Street	Install Flat Wall Sign	\$1,400
12. Geske Home Improvement Co.	1109 Washington Avenue	Reside Dwelling	\$8,500
13. Brian C. Schroeder	1309 Parkside Drive	Replace Steps	\$500
14. Prairie Community Services	700 South Bend Avenue	Reroof	\$5,800
15. D & G Excavating	309 West Redwood Street	Demolish Garage and Retaining Wall	\$0
16. Minnesota Cabinets, Inc.	809 Viking Drive	Remove Window	\$300
17. Babcock Construction	404 West Saratoga Street	Reside Dwelling	\$5,800
18. Scott VanOverbeke Construction	614 Elizabeth Street	Dwelling	\$165,000
19. Mary Lou Peterson	351 West Main Street	Exterior Remodeling	\$13,800
20. Mike Buysse Construction	307 South 5th Street	Exterior Remodeling	\$15,000

REGULAR MEETING – AUGUST 7, 2006

21.	Andy & Joyce Borth	411		Kossuth	Avenue	Exterior Remodeling	\$12,600
22.	Michelle Boersma	510	West	Marshall	Street	Remodel Bathroom	\$2,500
23.	Paxton Signs	311	South	O'Connell	Street	Install Sign	\$2,500
24.	Sharon J. Hage	415	South	4th	Street	Remodel	\$50,000
25.	Babcock Construction	106	West	James	Avenue	Reside Dwelling	\$7,400
26.	Paul Engels Construction	103	South	4th	Street	Exterior Remodel	\$20,200
27.	Starlyn & Mary Mulder	206	East	Main	Street	Garage	\$9,500
28.	Doom & Cuypers, Inc.	501	South	Whitney	Street	Handicap Ramp	\$18,000

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF CARR INDUSTRIAL PARK:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Carr Industrial Park. This plat is the north lot of the proposed Marshall Labs Addition, which was approved at the 01/03/05 Special City Council meeting (Resolution Number 2699, Second Series) contingent upon City Attorney review and payment of all outstanding bills due to the City and real estate taxes. Payment of outstanding bills did not occur and therefore, the final plat was never recorded. The north lot of the proposed Marshall Labs Addition went through a Sheriff's sale and was purchased by Carr Family Limited Partnership. The Carr Family Limited Partnership has now platted this property as Carr Industrial Park. Mr. Olson reviewed the proposed plat and found it to be identical to the north lot of the previously submitted Marshall Labs Addition. At the July 17, 2006 City Council meeting, the Council tabled the approval of the Final Plat of Carr Industrial Park to allow staff to provide a breakdown by lot of the outstanding bills. Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2855, SECOND SERIES and that the reading of the same be waived. Resolution Number 2855, Second Series is a resolution Approving the Final Plat of Carr Industrial Park. This resolution was approved contingent upon the City Attorney review and approval of the abstract of title and title opinion and payment of all platting fees and outstanding balances due to all agencies (including Marshall Municipal Utilities, City of Marshall and Lyon County) on the property shown as the Carr Industrial Park. All voted in favor of the motion.

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

Jeff Gladis, Western Community Action, reviewed a Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan for Commercial Project #C-9, Fabrics Plus and for Commercial Project #20, Thrifty White Drug. In addition to funding from the current SCDP project, the waiver requests are for funding not to exceed \$41,665 (6,460.00 for Fabrics Plus C-9; and \$35,205 for Thrifty White Drug C-20) from current program funds. As recommended by the Marshall Design Committee, Reynolds moved, Ritter seconded, the approval of a Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan for Commercial Project #C-9, Fabrics Plus for \$6,460 and for Commercial Project #20, Thrifty White Drug for \$35,205. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO PURCHASE SEWER CAMERA TRANSPORTER FOR WASTEWATER TREATMENT FACILITY:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposals that were received for a Sewer Camera Transporter for the Wastewater Treatment Facility. The proposals received were from:

Flexible Pipe Tool Company
St. Joseph, Minnesota
\$12,350.00

Cues Inc.
Orlando, Florida
\$11,683.00

Bob VanMoer, Wastewater Superintendent is recommending the purchase of an Aries Badger Wheel Transporter from Flexible Pipe Tool Company for \$13,206, which includes tax and freight. The purchase price is slightly higher than the lowest proposal, but is compatible with the Wastewater Treatment Facility existing equipment and provides better operational considerations. Payment for this item will come from the Wastewater Treatment Facility Machinery and Equipment Account, 602-90581-5540. Boedigheimer moved, Ritter seconded, the proper Wastewater Treatment Facility personnel be authorized to purchase an Aries Badger Wheel Transporter from Flexible Pipe Tool Company for \$13,206, which includes tax and freight. All voted in favor of the motion.

CONSIDER REQUEST FROM M.E.R.I.T. CENTER COMMISSION FOR BUSINESS PLAN FUNDING FOR 2007:

Rob Yant, Director of Public Safety, and Stan Brewers, Chair of the M.E.R.I.T. Center Commission reviewed the Business Plan Funding for 2007 for the M.E.R.I.T. Center. They are requesting \$50,000 to be included in the 2007 budget to hire a company to assist with the acquiring of funds for the training center. Boedigheimer moved, Sanow seconded, that they come back at the September 5, 2006 Council meeting with a detail request of the \$50,000. All voted in favor of the motion.

PRESENTATION OF PLANNING STUDY ON MARSHALL MUNICIPAL BUILDING – GROUP II ARCHITECTS:

Ron Halgerson from Group II Architects provided a presentation of the Planning Study on the Marshall Municipal Building. Mr. Halgerson indicated that all the departments are in need of additional space as well as additional electrical outlets. It would be difficult to fit the building for the technology needs. Mr. Halgerson indicated that it would cost approximately \$1.8 million to remodel the existing 22,500 square foot building and that it would cost approximately \$2.6 to \$2.7 million to construct a new facility of approximately 25,500 square feet. This is approximately 3,000 square feet more than the existing building but a new facility would not have the 9,600 square feet of hallways, corridor, stairs and similar space that really can not be used for functional office space. Mayor Byrnes indicated that the Council needs time to review the study before making any decision.

A 5-minute recess was taken at 7:25 P.M.

**INTRODUCTION OF ORDINANCES (LEGISLATIVE & ORDINANCE COMMITTEE)
– A. CONSIDER AMENDING SECTION 6-33 (ALCOHOLIC BEVERAGES)
REVOCATION OR SUSPENSION; HEARING, PENALTY BY ADDING NEW
SECTION (D); B. CONSIDER AMENDMENTS TO SECTION 86-302 AND 86-306 OF
TOWERS AND ANTENNAS ORDINANCE:**

Per the recommendation of the Legislative and Ordinance Committee, Boedigheimer moved, Ritter seconded, the introduction of an Ordinance Amending Section 86-302 and 86-306

of the Towers and Antennas Ordinance. This ordinance would provide for antennas and antenna support structures for federally licensed amateur radio operators being exempted from the provisions of the ordinance. All voted in favor of the motion.

Per the recommendation of the Legislative and Ordinance Committee, Boedigheimer moved, Sanow seconded, the introduction of an Ordinance Amending Section 6-33 (Alcoholic Beverages) Revocation or Suspension; Hearing; Penalty. This ordinance would provide penalties depending on first, second or third violation within any three year period for a licensee or any of the licensee's employees who do not pass a properly authorized Marshall Police Department Alcohol Compliance Check. All voted in favor of the motion.

AIRPORT LAND ACQUISITION – A. APPROVAL OF CONDEMNATION AWARD ON MORTIER PROPERTY; B. RESOLUTION AUTHORIZING TRANSFER OF PROPERTY TO MORTIERS; C. APPROVAL OF REGNIER PROPERTY ACQUISITION; D. APPROVAL OF FARM LEASE WITH MIKE MORTIER:

Dennis Simpson, City Attorney, reviewed the airport land acquisition of the Mortier Property and the Regnier Property. Boedigheimer moved, Ritter seconded, the condemnation award be accepted and not appealed and the proper city personnel be authorized to enter into a Limited Warranty Deed with Michael Mortier for:

Tract B, 94.42 acres @ \$5,000/acre	\$472,100.00
Tract D, 13.21 acres @ \$5,000/acre	66,050.00
Tract E, Ownership returned to Respondents	
Severance damages	15,412.00
Loss on CREP Contract	8,370.00
Tracts H and I damages	44,010.00
Tillage Costs	2,385.00
Total amount	\$608,327.00

pertaining to the 12/30 Airport Runway Extension Project. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2857, SECOND SERIES and that the reading of the same be waived. Resolution Number 2857, Second Series is a resolution Authorizing Transfer of Property. This resolution provides for the Tract E within SE Quarter of Section 36, Township 112 North, Range 42 West, Lyon County Minnesota to be deeded from the City of Marshall to former owner Michael Mortier. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to execute a Quit Claim Deed for Tract C-1 and Tract F. This Quit Claim Deed will transfer Tract C-1 and Tract F within the SW Quarter of Section 31, Township 112 North, Range 41 West, Lyon County Minnesota. The City will be acquiring 16.14 acres from the Regniers @ \$5,000 per acre for a total of \$80,700. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to enter into a Farm Lease with Mike Mortier. This farm lease is for 14 acres located in Section 6, Lake Marshall Township from January 1, 2006 to December 31, 2008 at a rate of \$85.00 per acre for 2006; \$90.00 per acre for 2007; and \$95.00 per acre for 2008. All voted in favor of the motion.

CONSIDER BUILDING APPRAISAL REQUEST FROM LIBRARY BOARD:

The Marshall-Lyon County Library Board is requesting the City of Marshall to pay \$3,600 to conduct an appraisal on the current Marshall/Lyon County Library building. City Administrator, Mike Johnson, indicated that the Library Board has already initiated this and would like the City to pay for it. Boedigheimer moved, Ritter seconded, that the City of Marshall not pay the \$3,600 to conduct an appraisal on the current Marshall/Lyon County Library building. All voted in favor of the motion, except Maes who voted no.

RESOLUTION AUTHORIZING THE HOSPITAL BOARD TO DECLARE THE OFFICIAL INTENT OF THE CITY OF MARSHALL TO REIMBURSE CERTAIN ORIGINAL EXPENDITURES FOR GOVERNMENT PURPOSES WITH RESPECT TO WEINER MEMORIAL MEDICAL CENTER FROM THE PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE CITY AFTER THE PAYMENT OF SUCH ORIGINAL EXPENDITURES:

The Avera/Weiner Memorial Medical Hospital Board of the City of Marshall occasionally makes capital expenditures with respect to Avera/Weiner Memorial Medical Center that it later proposes to have reimbursed from the proceeds of tax-exempt bonds issued by the City. In anticipation of this reimbursement, the Hospital Board will occasionally adopt a reimbursement resolution under Treasury Regulations, Section 1.150-2. In order to make it clear that the Hospital Board is authorized to adopt such reimbursement resolutions, they are requesting that the City Council consider a resolution specifically designating the Hospital Board as the representative of the City to declare such official intent with respect to capital expenditures for the Medical Center. Boedigheimer moved, Reynolds seconded, that this request be tabled to the August 21, 2006 City Council meeting to get a clarification on the statute pertaining to the length of time this resolution is good for. All voted in favor of the motion, except Maes who voted no.

CONSIDER RESOLUTION ON PROPOSED CHANGE TO THE FUNCTIONAL CLASSIFICATION FOR THE TRUNK HIGHWAY SYSTEM FOR U.S. HIGHWAY 59 AND STATE HIGHWAY 19:

Representative Marty Seifert is requesting that the City of Marshall adopt a resolution opposing the proposed change to the functional classification for the Trunk Highway system for U.S. Highway 59 and State Highway 19. Mr. Seifert indicated that earlier today Governor Tim Palenty is taking executive action to halt any reclassification to downgrade Highway 59 from Marshall to Worthington and Highway 19 from Marshall to Redwood Falls. Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2856, SECOND SERIES and that the reading of the same be waived. Resolution Number 2856, Second Series is a Resolution Opposing the Reclassification of US Highways 59 and 19. 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 was presented at this time:

Byrnes EDA met last week

Boedigheimer Lyon County Enterprise Development has hired Nort Johnson as their Director.

Maes PrairieNet WAN held a meeting in which the County has indicated they were interested in getting involved.

REGULAR MEETING – AUGUST 7, 2006

Reynolds No report

Ritter EDA has accepted bids for three spec homes in Parkway Addition II

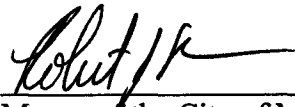
Sanow Cable Commission will be meeting at 12:00 noon on August 14th not 5:30 P.M.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: spraying of thistles in the parks; North 6th Street construction should be completed by the end of August; it was suggested to provide a handicapped stall in front of the Marshall Municipal Building; a concern on the amount of money that is spent on cell phones; and Boedigheimer provided an update of the Coalition of Minnesota Cities meeting that he attended.

City Administrator Mike Johnson indicated that the EDA position has been offered and accepted by Mark Hanson.

Upon motion by Reynolds, seconded by Maes, 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

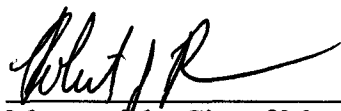
SPECIAL MEETING – AUGUST 18, 2006

A special meeting of the Common Council of the City of Marshall was held on August 18, 2006 in the Council Chambers of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:15 P.M. In addition to Byrnes, the following council members were present: Maes, Doom, Sanow, and Boedigheimer. Absent: Reynolds and Ritter. City Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney and Thomas M. Meulebroeck, Financial Director/City Clerk.

CONSIDER APPLICATION FROM THE MARSHALL BASEBALL ASSOCIATION FOR A TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR INDEPENDENCE PARK ON AUGUST 19, 2006 (CLASS "D" STATE SOFTBALL TOURNAMENT):

Doom moved, Maes seconded, the approval of a Temporary On-Sale Non-Intoxicating Beer License for the Marshall Baseball Association for August 19, 2006 at a fee of \$30.00. This license will be used at Independence Park for the Class "D" State Softball Tournament. All voted in favor of the motion.

Upon motion by Maes, 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

REGULAR MEETING – AUGUST 29, 2006

The regular meeting of the Common Council of the City of Marshall was held on August 29, 2006 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, Sanow, 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; Mark Hanson, EDA Director; 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.

City Administrator Mike Johnson took this opportunity to introduce Mark Hanson the new City of Marshall EDA Director to the Council.

APPROVAL OF THE MINUTES:

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on August 7, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS:

Bids were received, opened and read on August 16, 2006 for the re-shingling of the Adult Community Center building. A bid was received, opened and read from:

Lozinski Construction

Marshall, Minnesota

\$19,960

A second bid was received at approximately 11:30 A.M. (after the 10:00 A.M. deadline) and was not opened. Doom moved, Sanow seconded, that the bid for the re-shingling of the Adult Community Center building be awarded to Lozinski Construction, Marshall, Minnesota in the amount of \$19,960. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. APPROVE APPLICATION FOR EXEMPT PERMIT LG220 FOR LYON COUNTY PHEASANTS FOREVER; B. HARDWARE MAINTENANCE SERVICES AND SOFTWARE MAINTENANCE AND SUPPORT AGREEMENT WITH ELECTION SYSTEMS AND SOFTWARE, INC.; C. APPROVE REGULAR MEETING TIME CHANGE FOR THE CABLE COMMISSION; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

Per the request of Council Member Ritter item D, which is the approval of bills/project payments was removed from the consent agenda.

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 – LG220 for the Lyon County Pheasants Forever for a raffle to be held at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota on March 10, 2007 and that the 30 day waiting period be waived. All voted in favor of the motion.

REGULAR MEETING – AUGUST 29, 2006

The proper city personnel be authorized to enter into the Election Systems & Software, Inc., Post Warranty Hardware Maintenance Services and Software Maintenance and Support Agreement. This agreement shall be in effect for an initial two-year period beginning on August 1, 2006 and shall automatically renew for an unlimited number of successive two-year periods. The fee for this agreement is \$405.00 per year for the Hardware and \$90.00 per year for the Software. All voted in favor of the motion.

The approval of the regular meeting time change for the Cable Commission from the second Tuesday of the month at 5:30 p.m. to the second Monday of the month at 12:00 noon at the Library.

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.	Bakke's Home Repair & Construction	607	Elaine	Avenue		Kitchen Remodel	\$25,000
2.	Patrick & Christina Blomme	308	South	1st	Street	Partial Reroof	\$800
3.	Curtis VanMeveren Construction	307	South	Bruce	Street	Interior Remodel	\$5,300
4.	Gary Ortmann	112	West	Thomas	Avenue	Install Windows	\$1,500
5.	Susan L. Burnett	310	South	6th	Street	Demolish Wall & Install Wall	\$300
6.	True Value Home Center	804		Elizabeth	Avenue	Dwelling	\$165,000
7.	Tom Handeland	1104	East	Main	Street	Remove Window & Install Door	\$4,500
8.	Rick Slagel Construction, Inc.	615	West	Thomas	Avenue	Exterior Remodel & Garage Addition	\$25,000
9.	Bladholm Construction, Inc.	103	South	4th	Street	Repair Exterior Wall	\$6,000
10.	Jane Schauman	505		Elaine	Avenue	Roof Repair & Partial Reroof	\$2,000
11.	Russ Seeklander	125		F	Street	Deck	\$2,400
12.	Daniel & Debra Westby	1401		Cumberland	Road	Install Fireplace	\$5,000
13.	Lori Piehl	616		Donita	Avenue	Install Window	\$500
14.	Jeff Gladis	501	North	6th	Street	Reroof	\$3,600
15.	Tutt Construction	407		Dogwood	Avenue	Reroof	\$2,900
16.	REM, Inc.	609	West	Thomas	Avenue	Interior Remodel	\$9,000
17.	Steven & Darlene Allen	908		Boxelder	Avenue	Reroof & Install Windows	\$4,300
18.	Brian & Dawn Schneider	301	East	Main	Street	Remodel Basement	\$4,500

Reynolds moved, Maes seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 52490 through 52642. All voted in favor of the motion, except Ritter who abstained.

ADOPTION OF ORDINANCES (LEGISLATIVE AND ORDINANCE COMMITTEE)

A. AMENDING SECTION 6-33 ALCOHOLIC BEVERAGES REVOCATION OR SUSPENSION, HEARING, PENALTY; B. AMENDMENTS TO SECTION 86-302 AND 86-306 OF TOWERS AND ANTENNAS:

Boedigheimer moved, Doom seconded, the adoption of ORDINANCE NUMBER 556, SECOND SERIES and that the reading of the same be waived. Ordinance Number 556, Second Series is an ordinance Amending Section 6-33 Alcoholic Beverages Revocation or Suspension; Hearing; Penalty. This ordinance provides penalties depending on first, second or third violation within any three year period for a licensee or any of the licensee's employees who do not pass a properly authorized Marshall Police Department Alcohol Compliance Check. All voted in favor of the motion.

Boedigheimer moved, Sanow seconded, the adoption of ORDINANCE NUMBER 557, SECOND SERIES and that the reading of the same be waived. Ordinance Number 557, Second Series is an ordinance Amending Section 86-302 and 86-306 of the Towers and Antennas Ordinance. This ordinance would provide for antennas and antenna support structures for federally licensed amateur radio operators being exempted from the provisions of the ordinance. All voted in favor of the motion.

PRELIMINARY PLAT OF GREELEY EXTENSION ADDITION – INTRODUCE PLAT AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Greeley Extension Addition. Doom moved, Maes seconded, the introduction of the Preliminary Plat of Greeley Extension Addition and called for a public hearing to be held on September 18, 2006 at 5:30 P.M. All voted in favor of the motion.

CONSIDER REQUEST OF LEE WARNE, ACTING AS AGENT FOR MARSHALL SQUARE SHOPPING CENTER, FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A COMMUNICATIONS TOWER IN A B-4 SHOPPING CENTER BUSINESS DISTRICT AT 1420 EAST COLLEGE DRIVE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Lee Warne, agent for Marshall Square Shopping Center, the owner of Market Street Mall, for a Conditional Use Permit to construct a communications tower of 160' in height in a B-4 Shopping Center Business District. This tower will be used for antennas for a new telecommunications system at SW/WC Services Coop. The tower is to be constructed on the south side of the building adjacent to the wall that has the SW/WC sign. Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, the approval of the request of Lee Warne, agent for Marshall Square Shopping Center, the owner of Market Street Mall, for a Conditional Use Permit to construct a communications tower of 160' in height in a B-4 Shopping Center Business District with the condition that the tower be enclosed within a 6' high chain link locked enclosure or be equipped with a shield or other protection for a minimum of 8' in height to prevent climbing by unauthorized persons. All voted in favor of the motion.

CONSIDER REVOCATION OF CONDITIONAL USE PERMIT FOR JEANNE A. CURIELLI AT 613 SOUTH 4TH STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that Ms. Curielli was granted a Conditional Use Permit for 613 South 4th Street with the condition that she maintain the property to conform to the Housing Code, Zoning Ordinance, Building Code, and not cause or create negative impacts to the existing or future properties adjacent thereof. Mr. Olson indicated that they have had considerable difficulty with Jeanne A. Curielli having a lighted

sign in an R-1 One Family Residence District. Per the recommendation of the Planning Commission, Boedigheimer moved, Doom seconded, that the Conditional Use Permit for Ms. Curielli at 613 South 4th Street be revoked. All voted in favor of the motion.

PRESENTATION ON DOWNTOWN LANDSCAPING PLANS FOR HIGHWAY NO. 68 RECONSTRUCTION PROJECT – GREENSPACE COMMITTEE:

David Larson, Landscape Engineer for Mn/DOT, and Deanna Knudson, representative from Mn/DOT, were in attendance at the meeting to provide a presentation on the Downtown Landscaping Plans for Highway No. 68 Reconstruction. Mr. Larson has been working with the Greenspace Committee to design a plan that was pedestrian friendly, cost effective and make it safe for people to park in the downtown area. The bulb outs at the intersections will reduce the parking by 12 spaces. Mr. Larson indicated that they could be changed, but it would mean the loss of planter boxes and trees. Following the presentation the following comments were made:

Council Member Boedigheimer was concerned with the concrete coloring being all the way through the concrete and not just a color on top of the concrete.

Joe Cool, Mr. Cool's Clothing Store, was concerned with losing 3 ½' to 4' of sidewalk on each side. He didn't remember it being this much.

Deanna Knudson, representative from Mn/DOT, indicated that the dimensions have not changed.

Kathy Lozinski, Forever Sara's, also remembers that the sidewalks would only be reduced by 1' to 1 ½'.

Elaine Conyers, Lyon County Museum, indicated that the sidewalks would be about the same width as they are on 3rd Street.

Bill Ziegenhagen, asked about the width of the center turn lane. This lane will be 13' wide.

Al Greig and Norm Gregerson were concerned with losing 58 parking stalls in the parking lot behind Main Street, approximately 30 stalls from the Schwan's lot and the 12 stalls along Main Street. They presented a petition in objection to losing the 12 parking stalls along Main Street. It was indicated that the peak parking time in Downtown Marshall is shortly after lunch on weekdays.

Tracy Veglahnn, Marshall Area Chamber of Commerce, was concerned with the banners and Christmas Decorations. Mr. Larson indicated that there are only 12 amenities poles and there is no power on these poles. Mr. Olson indicated that lighted decorations would have to be placed on the light poles.

Council Member Sanow asked about a bus stop in front of City Hall. Mr. Olson indicated that he would not be able to designate a specific area for a bus stop.

Roger Bell, Sportsmens Barbershop, indicated that if the City of Marshall employees and Mn/West employees did not park in the parking lot there would be more parking available downtown.

REGULAR MEETING – AUGUST 29, 2006

Council Member Boedigheimer indicated that three members of the Greenspace Committee have signed the petition. Mr. Boedigheimer is also concerned with losing parking spaces.

Joe Cool indicated that there is usually room in the parking lot behind Main Street.

Elaine Conyers, Lyon County Museum, indicated that parking is a problem in the downtown area and that a long range solution is needed.

Lyle Patzer, Hardware Hank, indicated that is a member of the Greenspace Committee who signed the petition. He is in favor of keeping the 12 parking stalls along Main Street.

Mr. Larson indicated that if the bulb out area were reduced they would lose planter boxes and gathering areas.

It was indicated that there is additional parking space available in Block 11.

Council Member Boedigheimer indicated that there should be a separate meeting to discuss this further. Mr. Olson indicated that Mn/DOT wanted a decision by August 31st and they cannot wait more than one more meeting. It was the general consensus of the council that a decision would be made at the September 5, 2006 meeting.

Mayor Byrnes called for a 5-minute recess at 7:00 p.m.

PRESENTATION ON EMERGENCY MANAGEMENT SYSTEM – (NIMS TRAINING):

Rob Yant, Director of Public Safety, provided an overview of the Emergency Management System – National Incident Management System (NIMS). The NIMS is a comprehensive system that improves local response operations through the use of the Incident Command System (ICS) and the application of standardized procedures and preparedness measures. It promotes development of cross-jurisdictional, statewide, and interstate regional mechanisms for coordinating response and obtaining assistance during a large-scale or complex incident. He indicated that selected City employees will be provided additional NIMS information and training. These employees, selected based on NIMS guidance due to their position/roll in City government and management, will be required to complete a series of training courses intended to provide an introduction to NIMS and the ICS. The training courses required are based on three types of response levels: responder level, managerial level, or executive level.

PROJECT X12 (2001-004) SOUTH HILL STREET/EAST MARSHALL STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 4:

Maes moved, Reynolds seconded, the approval of Change Order No. 4 with Quam Construction, Inc., of Willmar, Minnesota for the South Hill Street/East Marshall Street Reconstruction Project X12 resulting in an increase in the contract sum in the amount of \$25,024.50 for a total contract of \$1,172,000.80. These funds will be paid from account number 492-62066-5570. This change order provides for:

1. Upgrade the traffic control signs from Hi-Intensity sheeting to Diamond Grade Sheeting – lump sum of \$334.50

2. Installation of a sluice gate to isolate the storm sewer collection system from the river and allow opportunity to pump storm water from the storm sewer system without the river backing up into the storm sewer system – lump sum of \$17,510.00
3. Reduction of retainage on partial pay estimates
4. Construction of modular block retaining wall to construct the concrete walk on the east side of Charles Avenue without encroachment onto private property
\$20/S.F. x 359 S.F. = \$7,180.00

All voted in favor of the motion.

**APPROVE EMPLOYMENT AGREEMENT FOR ECONOMIC DEVELOPMENT
DIRECTOR POSITION:**

Per the recommendation of the Personnel Committee, Reynolds moved, Maes seconded, the approval of the Economic Development Director Employment Agreement between the City of Marshall and Mark Hanson. Mr. Hanson's starting date was August 28, 2006. Council Member Sanow was concerned with the vehicle allowance part of the agreement and the fact that the full council did not have any input in the hiring of this position. Sanow questioned the city's hiring process and why the Council would not be involved in the hiring of a position the level of an EDA Director. Sanow also indicated that he would be abstaining from the vote because he was not comfortable voting when he has no input and nothing to do with Mr. Hanson. Mike Johnson, City Administrator, indicated that he attempted to involve the Council through Mayor Byrnes, Personnel Committee Member Mike Reynolds and Economic Development Committee Member Dan Ritter and also included various members of the community. Mr. Johnson indicated that the city has delegated the responsibility of hiring department heads to him and this position is a department head level. Council Boedigheimer indicated that this position is classified as a department head but the structure looks more like a division head level and the Council should be involved in the hiring at the division head level. Council Member Maes indicated that the Council should not micromanage the hiring of every position. All voted in favor of the motion, except Sanow who abstained.

**AVERA MARSHALL REGIONAL MEDICAL CENTER –A. RESOLUTION
AUTHORIZING THE HOSPITAL BOARD TO DECLARE THE OFFICIAL INTENT
OF THE CITY OF MARSHALL TO REIMBURSE CERTAIN ORIGINAL
EXPENDITURES FOR GOVERNMENTAL PURPOSES WITH RESPECT TO WEINER
MEMORIAL MEDICAL CENTER FROM THE PROCEEDS OF TAX-EXEMPT
BONDS TO BE ISSUED BY THE CITY AFTER THE PAYMENT OF SUCH ORIGINAL
EXPENDITURES; B. RESOLUTION CALLING A PUBLIC HEARING REGARDING
THE ISSUANCE OF REVENUE BONDS TO FINANCE IMPROVEMENTS TO AND
THE ACQUISITION OF EQUIPMENT FOR THE WEINER MEMORIAL MEDICAL
CENTER AND TO REFUND THE MEDICAL CENTER GROSS REVENUE BONDS
(WEINER MEMORIAL MEDICAL CENTER PROJECT), SERIES 1999;
C. APPROVE PURCHASE OF PICTURE ARCHIVING COMMUNICATIONS SYSTEM
(PACS):**

Denise Christopherson, Director of Diagnostic Services, reviewed the request to purchase a Picture Archiving Communications System (PACS). The PACS stores, routes, and manages the digital images and patient demographics in the imaging department. The PACS is fundamental to allowing physicians access to images within minutes. Avera Marshall Regional Medical Center received five proposals and they are recommending to purchase the PACS from GE. This recommendation is based on Avera Marshall's commitment to their partnership with Avera, the ease that they will be able to transfer patient images to Sioux Falls because of similar PACS and the overall 5-year commitment and other features included in the bid. This piece of

REGULAR MEETING – AUGUST 29, 2006

equipment does not provide any additional revenue, but will eliminate future expenses. Maes moved, Reynolds seconded, approval for Avera Marshall Regional Medical Center to purchase a Picture Archiving Communications System (PACS) from GE for a total cost of \$209,535.00. All voted in favor of the motion.

Sharon Williams, Vice President Finance & Information Services at Avera Marshall Regional Medical Center, reviewed the request that the City of Marshall set a public hearing date of Monday, September 18, 2006 to discuss the proposed issuance of bonds. Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2858, SECOND SERIES and that the reading of the same be waived. Resolution Number 2858, Second Series is a resolution Authorizing the Hospital Board to Declare the Official Intent of the City of Marshall to Reimburse Certain Original Expenditures for Governmental Purposes with Respect to Weiner Memorial Medical Center from the Proceeds of Tax-Exempt Bonds to be Issued by the City After the Payment of Such Original Expenditures. All voted in favor of the motion.

Boedigheimer moved, Maes seconded, the adoption of RESOLUTION NUMBER 2859, SECOND SERIES and that the reading of the same be waived. Resolution Number 2859, Second Series is a resolution Calling a Public Hearing Regarding the Issuance of Revenue Bonds to Finance Improvement to and the Acquisition of Equipment for the Weiner Memorial Medical Center and to Refund the Medical Center Gross Revenue Bonds (Weiner Memorial Medical Center Project), Series 1999. This public hearing will be held on September 18, 2006 at 5:30 P.M. 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 Attended the Hospital Board for Maes and indicated that they adopted their budget; he also indicated that the City received notice on Monday that has been awarded a federal grant in the amount of \$4,520,072 for the Southwest Minnesota Regional Marshall/Ryan Field Extended Runway Project Phase 2.

Boedigheimer Airport Commission minutes are included in the agenda packet; Lyon County Enterprise Development new director has started.

Doom Marshall Community Services has not met; Adult Community Center Commission met last week and is beginning to work on their budget; the Greenspace Committee has met several times and their report was presented earlier in the meeting.

Maes Human Rights Commission met Monday night; Police Commission met and approved a hiring list for the Police Department.

Reynolds Utilities Commission met last week; Council Personnel Committee met two weeks ago; and the Library Board did not meet in August.

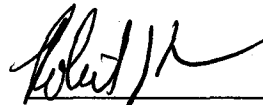
Ritter Convention and Visitors Bureau met last week.

Sanow Cable Commission discussed purchasing a vehicle to haul their equipment; Marshall Area Transit discussed the bus garage.

COUNCIL MEMBER INDIVIDUAL ITEMS:

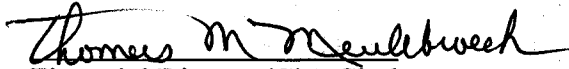
Other items brought forth by the Mayor and Council Members included: Council Member Sanow questioned if is required to attend Board and Commission meetings and what should be done if they do not attend. It was indicated that the policy on staff attending these meetings depends on what the requirements of the commission are. Sanow also was concerned about who is keeping track of employees being accountable for their time. He asked why it takes two people to water plants. City Administrator Johnson indicated that it is a matter of safety for the employees. Mr. Johnson also indicated that if there are specific issues he needs to be notified so that they can be addressed. It was indicated that there is work being done on the Maple Street Alley, but that the City is not involved with this. The Hays Pay Plan should be completed in September; Council Member Reynolds has the quarterly report of the Personnel Committee and this will be presented soon; Council Member Boedigheimer has volunteered to be appointed to the League of Minnesota Cities Fire Service Advisory Committee; proposals have been requested for Scheduled Air Service.

Upon motion by Maes, seconded by Ritter, 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

REGULAR MEETING – SEPTEMBER 5, 2006

The regular meeting of the Common Council of the City of Marshall was held on September 5, 2006 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, Sanow, 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; 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:

Sanow moved, Ritter seconded, that the minutes of the special meeting held on August 18, 2006 and the minutes of the regular meeting held on August 29, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

CONSENT AGENDA – A. PLUMBERS LICENSE FOR QUIST PLUMBING & HEATING, INC.; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION; C. PROJECT Y01 DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT PROJECT CONSIDER CHANGE ORDER NO. 2; D. PROJECT X75 WWTF EQUALIZATION PROJECT CHANGE ORDER NO. 1; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

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

The approval of a Plumbers License for Scott Quist dba Quist Plumbing & Heating Inc., to expire on March 31, 2007.

The approval of a Temporary On-Sale Intoxicating Liquor License for the Southwest Minnesota State University Foundation to be used at SMSU Student Center, Conference Center and Mattke Field at 1501 State Street on September 29, 2006 through October 1, 2006.

The approval of Change Order No. 2 for the Downtown Alley and Storm Sewer Replacement Project Y01 with D & G Excavating, Inc., for an increase in the amount of \$500.00. This change order provides for the removal and disposal of a fuel tank adjacent to South 4th Street within the project area. These funds will be paid from account number 494-62066-5570. This change order also provides for an extension of time for the Substantial Completion Date from October 1, 2006 to October 25, 2006 due to changes in project scope and additional quantities.

The approval of Change Order No. 1 for the Wastewater Treatment Facility Equalization Project No. X75 with R & G Construction Co., for a decrease in the contract in the amount of \$3,118.30. This change order provides for the work and material (item 1) which was needed to provide specified 3:1 sides slopes and sloped bottom for the new eq basin; the removal and land application of (item 2) existing sludge quantities in existing basin in excess of bid and items 3 through 6 of the change order are credits for modifications detailed in proposal requests 1 and 2 and work specified but not provided per actual conditions encountered.

REGULAR MEETING – SEPTEMBER 5, 2006

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 52643 through 52828.

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.	Lee Warne	701	South	Bend	Avenue	Finish Garage	\$400
2.	Dulas Construction, Inc.	522		Harriett	Drive	Dwelling	\$155,000
3.	Chris Arndorfer	502		Kathryn	Avenue	Install Wall	\$400
4.	Christ United Presbyterian Church	400	West	Lyon	Street	Replace Steps	\$500
5.	Mike Buysse Construction	602		Peltier	Street	Exterior Remodeling	\$10,000
6.	Steven Meyer	402		Kossuth	Avenue	Reroof	\$1,000
7.	Bladholm Construction, Inc.	1401		Peterson	Street	Addition and Remodeling	\$677,500
8.	Joseph Pallansch Construction Services	1206		Parkside	Drive	Garage Addition	\$17,000
9.	Redwood Street Partners	104	West	Redwood	Street	Reside and Remodel Interior	\$27,100
10.	Merle Mattson	503	West	Thomas	Avenue	Repair Stoop	\$1,000
11.	Sussner Construction, Inc.	701	North	7th	Street	Remodel Office	\$26,400

DOWNTOWN LANDSCAPING PLANS FOR HIGHWAY NO. 68 RECONSTRUCTION PROJECT – GREENSPACE COMMITTEE:

David Larson, Landscape Engineer for Mn/DOT, and Deanna Knudson, Representative from Mn/DOT, were in attendance at the meeting to discuss the Downtown Landscape Plans for Highway No. 68 Reconstruction Project. Al Greig indicated that the Downtown Group met and voted to keep the 12 parking stalls that would be lost with the proposed Downtown Landscape Plan. There was also a concern with the other parking spaces that were lost due to the parking lot reconstruction. Glenn Olson, Director of Public Works/City Engineer, indicated that some of the parking spaces were lost because of the increased width of the parking spaces. He also indicated that there are an additional 114 parking spaces in Block 11. Council Member Sanow asked if there was a possibility of keeping 6 of the 12 key parking spaces in the downtown area. David Larson indicated that he could possibly trim the bulb out near the Gambler at the intersection of Main Street and 3rd Street and at the corner with College Drive near the Landmark Bistro. This change could restore four stalls. This change would have to be approved by other Mn/DOT officials. Council Member Boedigheimer indicated that the parking in front of the Municipal Building is the recommended location for a bus stop. He was also in favor of getting the 4 parking stalls back. Joe Cool, from Mr. Cools Clothing, asked if the parking spaces could be stripped at 8' instead of 9', which would gain at least 8 more parking stalls in the downtown lot. Council Member Reynolds indicated that an 8' straight in stall does not allow for much room. Council Member Ritter suggested using 8 ½'. Council Member Doom would support the changes to regain 4 parking spaces if the integrity of the plan was retained. Norm Gregerson indicated that the stalls in "P" Lot averaged 9'.

REGULAR MEETING – SEPTEMBER 5, 2006

Boedigheimer moved, Ritter seconded, to approve the Downtown Landscape Plan with 4 parking stalls being added back by reducing the size of the bulb out near the Gambler at the intersection of Main Street and 3rd Street and at the corner with College Drive near the Landmark Bistro. This proposed change will need to be approved by Mn/DOT officials. Mayor Byrnes indicated that financing will be discussed at future meetings. Lyle Patzer, Hardware Hank, indicated the importance of keeping the 12 parking spaces along Main Street and suggested that this be accomplished by changing the number of amenities. All voted in favor of the motion.

Joe Cool suggested that this would be a good time to rename the "P" parking lot.

PUBLIC SAFETY – A. AUTHORIZATION TO BID FOR THE PURCHASE OF TWO SQUAD CARS; B. AUTHORIZATION FOR FUNDING A CONTRACT WITH INTERACT BUSINESS GROUP FOR THE DEVELOPMENT OF A STRATEGIC BUSINESS PLAN FOR THE MINNESOTA EMERGENCY AND INDUSTRIAL TRAINING (M.E.R.I.T. CENTER); C. ACCEPTANCE OF A CONTRACT WITH WEST CENTRAL ENVIRONMENTAL CONSULTANTS FOR DEVELOPMENT OF AN UPDATED EMERGENCY OPERATIONS PLAN; D. PRESENTATION ON BROWN-LYON-REDWOOD COUNTIES DRUG AND GANG TASK FORCE:

Rob Yant, Director of Public Safety, reviewed the request for authorization to purchase two new police squad cars. A 2003 and 2004 Chevrolet would be traded in or sold. One vehicle has 114,282 miles on it and the other vehicle has 77,056 miles on it. Boedigheimer moved, Sanow seconded, that the proper city personnel be authorized to advertise for bids for the purchase of two new police cars and that they take delivery for one vehicle in September and the second vehicle in December. By taking delivery at two different times they will be able to put additional miles on the vehicle with fewer miles. All voted in favor of the motion.

Rob Yant, Director of Public Safety; Stan Brewers, Chair of the M.E.R.I.T. Center Committee; and Warren Jorgenson from MNSCU were in attendance at the meeting to discuss the request for funding a contract with Interact Business Group for the development of a Strategic Business Plan for the Minnesota Emergency Response and Industrial Training (M.E.R.I.T.) Center. The Interact Group is estimating the cost to be \$47,500 with a completion date of approximately 120 days from the start date of the contract. Boedigheimer moved, Doom seconded, that City Attorney Dennis Simpson prepare a contract with Interact Business Group for the development of a Strategic Business Plan for the Minnesota Emergency Response and Industrial Training (M.E.R.I.T.) Center and that City Administrator Mike Johnson provide a recommendation on the funding for this contract. All voted in favor of the motion.

Per the request of Rob Yant, Director of Public Safety, Doom moved, Sanow seconded, the proper city personnel be authorized to enter into a contract with West Central Environmental Consultants for Development of an Updated Emergency Operations Plan at a cost of \$12,500. This contract was reviewed and found to be acceptable by City Attorney Dennis Simpson. All voted in favor of the motions, except Boedigheimer who abstained.

Rob Yant, Director of Public Safety, provided an update on the Brown, Lyon and Redwood Counties Drug and Gang Taskforce. The City of Marshall has been a part of this Taskforce for the past 15 years, and the fiscal agent for the past 6 years. The City of New Ulm will be the fiscal agent effective January 1, 2007. This taskforce is funded through a blending of federal pass-thru funds, dues from each entity and forfeiture funds from the Taskforce activity as well as from any drug forfeitures. This taskforce also formed an Emergency Response Unit

REGULAR MEETING – SEPTEMBER 5, 2006

(E.R.U.), or S.W.A.T. unit, made up of two officers from each of the six entities that are members of the taskforce.

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

SOUTHWEST INITIATIVE FOUNDATION PRESENTATION – SHERRY RISTAU:

Sherry Ristau, President and Vice President David Paskach presented an update of the Southwest Initiative Foundation. They indicated that they continue to receive private donations for its programs and services, but that support from regional centers such as Marshall is also important. They reviewed their strategic plan which includes renewal energy and community development.

**SOUTHWEST MINNESOTA REGIONAL AIRPORT – MARSHALL/RYAN FIELD –
A. CONSIDER RESOLUTION AUTHORIZING EXECUTION OF THE MINNESOTA
DEPARTMENT OF TRANSPORTATION (MN/DOT) GRANT AGREEMENT FOR 2006
AIRPORT IMPROVEMENT; B. CONSIDER RESOLUTION AUTHORIZING
EXECUTION OF THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT
AGREEMENT FOR 2006 AIRPORT IMPROVEMENT:**

Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2860, SECOND SERIES and that the reading of the same be waived. Resolution Number 2860, Second Series is a resolution providing Authorization to Execute the Minnesota Department of Transportation Grant Agreement for 2006 Airport Improvements. This agreement provides for a Mn/DOT State Apportionment Grant in the amount of \$405,954 for Phase II (paving, lighting and land acquisition) for the 2006 SW Minnesota Regional Airport improvements. All voted in favor of the motion.

Maes moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2861, SECOND SERIES and that the reading of the same be waived. Resolution Number 2861, Second Series is a resolution providing Authorization to Execute the Federal Aviation Administration (FAA) Grant Agreement for 2006 Airport Improvement. This agreement provides for FAA Discretionary Grant in the amount of \$4,520,072 for Phase II (paving, lighting and land acquisition) for the 2006 SW Minnesota Regional Airport improvements. All voted in favor of the motion.

CONSIDER APPOINTMENT TO SENIOR CITIZEN CENTER COMMISSION:

Per the recommendation of Mayor Byrnes, Sanow moved, Doom seconded, and was unanimously approved that Angela Larson be appointed to the Senior Citizen Commission for an unexpired term to expire on May 1, 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.

Boedigheimer No report.

Doom No report.

Maes No report.

REGULAR MEETING – SEPTEMBER 5, 2006

Reynolds No report.

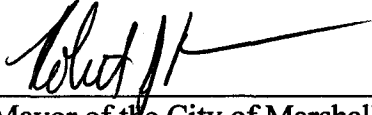
Ritter No report.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: parking issues on McLaughlin Drive behind the Bowling Alley will be discussed at the Public Improvement & Transportation Committee; there will be a Ways and Means Committee on September 13th; Glenn Olson, Director of Public Works/City Engineer, indicated there is an area by SMSU where dirt has been removed and billed accordingly. This area will be leveled and seeded. There needs to be a partnership meeting with Marshall Municipal Utilities to discuss fees.

Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned at 7:40 P.M.
All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – SEPTEMBER 7, 2006

A special meeting of the Common Council of the City of Marshall was held on September 7, 2006 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:34 P.M. In addition to Byrnes the following members were present: Doom, Maes, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Mike Johnson, City Administrator, and Thomas M. Meulebroeck, Financial Director/City. Also in attendance was Tom Thelen, League of Minnesota Cities Field Representative.

The purpose of the Special Meeting was to consider a resolution adopting a proposed budget for 2007; and to consider a resolution adopting the preliminary tax levy for 2007.

RESOLUTION ADOPTING A PROPOSED BUDGET FOR 2007:

Mike Johnson, City Administrator, reviewed with the City Council the various issues as it relates to the resolutions adopting the preliminary budget and tax levy for 2007.

Mike provided a handout on the 2006 "Preliminary" Property Tax Levy comparing the preliminary 2007 to the 2006 budget.


Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2862, SECOND SERIES and that the reading of the same be waived. Resolution Number 2862, Second Series is a resolution Adopting a Preliminary Budget for the General Fund of the City of Marshall for the Year 2007. The preliminary budget for the General Fund provides for revenues of \$9,569,427 and expenditures of \$13,997,857 of which the revenues are supported with a General Fund Tax Levy of \$2,910,026. All voted in favor of the motion.

RESOLUTION ADOPTING A PRELIMINARY TAX LEVY FOR 2007:

Linstrom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2863, SECOND SERIES and that the reading of the same be waived. Resolution Number 2863, Second Series is a resolution Adopting a Preliminary Tax Levy for the Year 2007. The proposed levy is in the amount of \$3,761,131 of which \$2,910,026 is the General Fund Portion of the Levy; a Debt Service Levy of \$53,986 for 1996 Storm Sewer Improvement; \$159,842 for 1999 Storm Sewer Improvement; \$205,521 for 2002 "A" Airport Improvements; \$27,099 for 2002 "B" Parkway Improvements; \$53,250 for 2004 Aquatic Center G. O. Equipment Certificates; \$28,088 for 2005 Finance Department G. E. Equipment Certificates; \$86,379 for 2005 "A" G. O. Public Improvements; \$30,440 for 2006 "B" G. O. Public Improvement Bonds; and \$75,000 for 2007 G. O. Public Improvement Bonds. A Special Levy in the amount of \$10,000 was included for PERA Contributions for coordinated members and \$121,500 for the Economic Development Authority. All voted in favor of the motion.

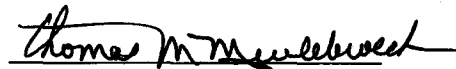
SPECIAL MEETING – SEPTEMBER 7, 2006

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 – SEPTEMBER 18, 2006

The regular meeting of the Common Council of the City of Marshall was held on September 18, 2006 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, Sanow, Reynolds and Boedigheimer. Absent: Maes (sick) and Ritter (out of town on business). Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with item number 13, which is Personnel Committee recommendations on cellular phones and vehicle allowances and item number 2b, which is to consider a Resolution Approving the Final Plat of Greeley Extension Addition being removed from the agenda.

APPROVAL OF THE MINUTES:

Doom moved, Sanow seconded, that the minutes of the regular meeting held on September 5, 2006 and the minutes of the special meeting held on September 7, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING - CONSIDER APPROVAL OF PRELIMINARY PLAT FOR GREELEY EXTENSION ADDITION:

This was the date and time set for a public hearing to consider the Preliminary Plat for Greeley Extension Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed this preliminary plat. This preliminary plat provides for Greeley Street to be extended to Saratoga Street near the Schwan corporate headquarters. He also indicated that 1st Street will be vacated at a later date. Council Member Sanow asked when this would happen. Jeff Thompson from Schwan's indicated that South 1st Street would be closed this fall after the following conditions have been met:

1. Verification of petitioner's ownership of all property adjacent to the right-of-way petitioned to be vacated.
2. The City's retention of public utility easements through the vacated right-of-way.
3. Completion of an approved development agreement for the extension of East Greeley Street to South Saratoga Street in conformance with City specifications.
4. Completion of the extension of East Greeley Street to South Saratoga Street prior to the recording of the vacation of the petitioned area of South 1st Street.
5. Costs associated with the vacation of the right-of-way shall be responsibility of the petitioner and included in the development agreement.

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

Sanow moved, Doom seconded, the approval of the Preliminary Plat for Greeley Extension Addition with the condition that there be a 10 foot utility easement bordering the entire addition and that there be a public utility easement over all of Lot 1, Block 2. All voted in favor of the motion.

PUBLIC HEARING - CONSIDER RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF MEDICAL CENTER GROSS REVENUE BONDS (AVERA MARSHALL REGIONAL MEDICAL CENTER), SERIES 2006:

Sharon Williams, Avera Marshall Regional Medical Center, and Terri Heaton, Senior Vice President Springsted, reviewed the proposed 2006 \$9,825,000 Medical Center Gross Revenue Bonds. These bonds would be issued to refinance the Medical Centers \$8,000,000 Medical Center Gross Revenue Bonds (Weiner Memorial Medical Center Project), Series 1999 and to finance a Computed Tomography (CT) Scanner costing \$1.2 million. The term for this portion of the bonds would be 5 years rather than lease this equipment from the supplier. The equipment would be added to the Refunding Bond issue to save interest costs and issuance costs. John Utley from Kennedy & Graven was also in attendance at the meeting and reviewed the bond sale. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2864, SECOND SERIES and that the reading of the same be waived. Resolution Number 2864, Second Series is a resolution Authorizing the Issuance and Sale of Medical Center Gross Revenue Bonds (Avera Marshall Regional Medical Center), Series 2006, of the City of Marshall, Minnesota, for the Benefit of Weiner Memorial Medical Center, doing business as Avera Marshall Regional Medical Center. This resolution was approved contingent upon the bonds to be issued in the principal amount not to exceed \$11,000,000 and the council be provided a summary when the sale is complete. All voted in favor of the motion.

AWARD OF BID – AIP 3-27-0056-07 / SP 4201-67 / CITY PROJECT Y02 RUNWAY 12/30 PHASE II – CONSIDER RESOLUTION AWARDDING CONTRACT:

Bids were received, opened and read for Runway 12/30 Extension Phase II Project Y02 on July 21, 2006. Bids received, opened and read were from:

	Base Bid	Alternate #1	Total Bid
McLaughlin & Schulz, Inc. Marshall, Minnesota	\$3,761,544.60	\$333,745.60	\$4,095,290.20
Central Specialties, Inc. Alexandria, Minnesota	\$3,925,501.30	\$318,922.40	\$4,244,423.70
Duininck Bros, Inc. Prinsburg, Minnesota	\$4,140,487.74	\$297,119.75	\$4,437,607.49

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2865, SECOND SERIES and that the reading of the same be waived. Resolution Number 2865, Second Series is a resolution Awarding Contract. This resolution provides for the approval of the award of the contract and authorization to enter into an agreement with McLaughlin & Schulz, Inc., Marshall, Minnesota for the Runway 12/30 Extension Project – Phase II in the amount of \$4,095,290.20 subject to final review and approval by the City Attorney. All voted in favor of the motion.

**CONSENT AGENDA – A. PROJECT X79 TIGER LAKE SEDIMENT REMOVAL
PROJECT CONSIDER CHANGE ORDER NO. 1; B. BILLS/PROJECT PAYMENTS; C.
BUILDING PERMITS:**

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

Change Order No. 1 for Project X79 Tiger Lake Sediment Removal with R & G Construction Co., extending the substantial completion date of the contract to 60 calendar days after September 11, 2006 (November 10, 2006), with final completion by November 30, 2006.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 52829 through 53026.

All voted in favor of the motion.

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

	Applicant		Location Address			Description of Work	Amount
1.	Babcock Construction	510	Kendall	Street		Reside Dwelling	\$12,400
2.	Babcock Construction	1108	Horizon	Drive		Reside Dwelling	\$8,700
3.	Babcock Construction	202	East Saratoga	Street		Reside Dwelling	\$6,100
4.	Dulas Construction, Inc.	1101	East Main	Street		Replace Doors	\$4,700
5.	Babcock Construction	406	South Whitney	Street		Reside Dwelling & Install Windows	\$11,200
6.	Joseph V. Bot, Jr.; c/o Clifford J. Dahm	405	West Main	Street		Exterior Remodeling	\$29,000
7.	Ryan & Charlea Mortensen	611	West Thomas	Avenue		Basement Remodeling and Install Window	\$3,000
8.	David & Susan Mory	503	Mercedes	Drive		Finish Basement	\$5,800
9.	True Value Home Center	1132	David	Drive		Dwelling	\$148,000
10.	Daniel Jacobson	1101	Travis	Road		Addition	\$30,000
11.	Bob St. Aubin	712	West College	Drive		Construct Floor and Plumbing	\$4,000
12.	Lozinski Construction	105	George	Street		Reroof	\$5,000
13.	Timothy & Kelly Stegner	224	North Whitney	Street		Reroof Dwelling	\$3,000
14.	Chad Rykhous Construction	603	Elm	Street		Install Windows	\$1,000
15.	Greig & Gregerson	406	West Saratoga	Street		Reside Dwelling, Reroof Garage and Install Front Step	\$9,500
16.	Greig & Gregerson	313	West Main	Street		Replace Stoop	\$1,000
17.	Andy Hatlestad	102	Whitney	Circle		Bathroom Remodel	\$600
18.	D&G Excavating, Inc.	114	East Main	Street		Demolish Dwelling	\$0
19.	Jeana Watts	604	West Southview	Drive		Basement Remodel & Install Window	\$800
20.	Robert Carr	1601	Thunderbird	Road		Dwelling	\$150,000
21.	Patrick Louwagie	805	Viking	Drive		Installing Inground Pool	\$13,500
22.	Cooreman Contracting	223	North Hill	Street		Demolish Dwelling	\$0
23.	Lozinski Construction	107	South 4th	Street		Reroof	\$19,500

CONSIDER THE REQUEST OF PRIDE NEON SIGN INC., FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A BILLBOARD ADVERTISING SIGN IN A B-3 GENERAL BUSINESS DISTRICT AT 1101 EAST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Pride Neon Sign Inc., to construct a billboard advertising sign in a B-3 General Business District at 1101 East Main Street. The proposed sign would be located on Runnings property and advertise Culver's Restaurant as well as Runnings Farm and Fleet Store. The proposed 182 square foot sign request is in addition to the allowable area permitted by City Code, Section 86-185. Per the recommendation of the Planning Commission, Reynolds moved, Doom seconded, the approval of Pride Neon Sign Inc., for a Conditional Use Permit to construct a 182 square foot billboard advertising sign in a B-3 General Business District at 1101 East Main Street not to exceed 30' in height or exceed the dimensions proposed. All voted in favor of the motion.

CONSIDER THE REQUEST OF DONNA MAGNUSON FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT AN EAVE WITH A FRONT YARD SETBACK OF LESS THAN REQUIRED BY ORDINANCE IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 1206 PARKSIDE DRIVE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Donna Magnuson to construct an eave that extends a distance of 6 feet into the front yard in lieu of 4' 6" at 1206 Parkside Drive. The front line of the dwelling is located 26 feet from the front property line. Ms. Magnuson plans to construct a landing extending 6 feet out from the dwelling wall which is permitted by City Code. She desires to construct an eave with support posts over the landing with an overhang extending 7 feet from the wall of the dwelling. The front yard required by City Code is 25 feet. The dwelling is one foot beyond the required front yard. The eave is proposed to extend 6 feet into the required front yard in lieu of the 4' 6" allowance, or one and one half feet more than the allowable. Per the recommendation of the Planning Commission, Reynolds moved, Doom seconded, that Donna Magnuson be granted a Variance Adjustment Permit to construct an eave that extends a distance of 6 feet into the front yard in lieu of 4' 6" as permitted by code in an R-1 One Family Residence District at 1206 Parkside Drive with the undue hardship with not having a useable addition onto the front of her house. All voted in favor of the motion.

CONSIDER THE REQUEST OF THE SCHWAN FOOD COMPANY TO REZONE 201 SOUTH 1ST STREET FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT – A. INTRODUCE ORDINANCE; B. CALL FOR PUBLIC HEARING:

Doom moved, Sanow seconded, the introduction of an ordinance and the calling for a public hearing to Amend Chapter 86 of the City Code Relating to Zoning. This ordinance would provide for Block 1, Greeley Extension Addition (201 South 1st Street) to be rezoned from an R-1 One Family Residence District to a B-3 General Business District. The public hearing will be held at 5:30 P.M. on October 2, 2006. All voted in favor of the motion.

CONSIDER RECOMMENDATION FROM THE INSURANCE ADVISORY COMMITTEE TO RENEW THE CITY'S PROPERTY, AUTO, LIABILITY, AIRPORT AND BOILER INSURANCE:

Sheldon Kimpling, agent of record for the City of Marshall's general liability, property, auto, boiler, airport and liquor insurance, was in attendance at the meeting and reviewed the General Liability, Property, Auto, Boiler, Airport and Liquor Liability insurance coverage for 10-1-06 to 10-1-07. The major changes addressed were:

1. Total property coverage increased by \$11,600,813. This increase in coverage is the reason for the premium increase in this area as the rate charged by the LMCIT has decreased by 3% from 2005. There are a couple of major changes effective on this renewal effecting property coverage. The first change is the LMCIT is no longer offering the property coverage on a "blanket" basis. Property coverage is now limited to the amount of coverage requested for a specific location. The second change is the PIO (Property In Open Coverage) is now limited to specific items unless a request is made (in advance of any claims) to add items not listed.
2. Expenditures for the City increased by \$8,798,803. This is primarily due to Capitol Improvements Fund increases. The liability rate for the City has decreased by just over 19%.
3. Due to the excellent claims history the City is currently experiencing, the LMCIT has agreed to decrease the aggregate claims limit from \$75,000 annually to \$50,000 annually for no additional premium. The per claim deductible would remain @ \$25,000 per claim with a \$2,500 maintenance deductible if the aggregate limit is reached. The excess liability premium also decreased as the premium for this coverage mirrors the underlying general liability premium.
4. The Hartford Steam Boiler (mechanical breakdown) Coverage premium has increased by \$1,851 (7.9%) due to increased coverage.
5. Total premium increase from 2005 is \$3,775.00.

There was a brief discussion on LMCIT no longer offering the property coverage on a "blanket" basis and the Property In Open Coverage being limited to specific items unless a request is made (in advance of any claims) to add items not listed.

Boedigheimer moved, Reynolds seconded, that the General Liability, Property, Auto and Liquor Liability be renewed with the League of Minnesota Cities at a cost of \$241,684; that the Airport Liability be renewed with ACE USA in the amount of \$5,250; and that the Boiler Coverage be renewed with Hartford Steam Boiler in the amount of \$23,367. All voted in favor of the motion.

Boedigheimer moved, Sanow seconded, there be an internal process of review to make sure all of the Property In Open is covered accurately. It was indicated that the buildings would be covered at the appraised value. All voted in favor of the motion.

At this time Glenn Olson, Director of Public Works/City Engineer, introduced Shane Waterman the new Assistant City Engineer.

REGULAR MEETING – SEPTEMBER 18, 2006

City Administrator, indicated that the EDA Covenants from Parkway II Addition apply to this addition. All voted in favor of the motion.

PROJECT J00 PARKWAY ADDITION II IMPROVEMENT – CHANGE ORDER NO. 2:

Doom moved, Reynolds seconded, the approval of Change Order No. 2 for the Parkway Addition II Improvement Project J00 which results in an increase in the contract sum of \$13,300 and a contract time extension of the Interim Completion Date from August 11, 2006 to August 18, 2006. All voted in favor of the motion.

CONSIDER AMENDMENTS TO SERVICES AGREEMENT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION FOR SAFETY PROGRAM:

Sanow moved, Reynolds seconded, the approval of the Amendment to Services Agreement with Minnesota Municipal Utilities Association for the City's current safety program. This amendment extends the contract to include October 1, 2006 through September 30, 2007 to coincide with MMUA's fiscal year. The annual contract for this time period is \$17,316.46, an increase of \$684.94 (4.0%). All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA met last week and discussed Parkway II Addition; Regional Development Commission discussed the contract for providing meals at the Senior Center.

Boedigheimer Airport Commission meeting was postponed; Insurance Advisory Commission items were discussed earlier in the meeting; Lyon County Enterprise Development will meet on September 26th; M.E.R.I.T. Center met last Thursday; Ways and Means items were discussed earlier in the meeting.

Doom Marshall Community Services Advisory Board discussed the After School Program; Planning Commission items were discussed earlier in the meeting.

Reynolds Library Board discussed the location for the proposed new library; Utilities Commission will be meeting on September 20th; and the Council Personnel Committee met on August 16th.

Sanow No report

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a concern with the curb on Marshall Street – this area is painted yellow to draw attention to the problem.

REGULAR MEETING – SEPTEMBER 18, 2006

REVIEW OF PENDING AGENDA ITEMS:

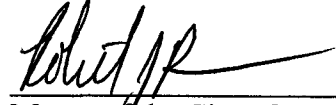
Mayor Byrnes indicated that he has a conflict with the October 23rd Budget Workshop.

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

Mayor Byrnes called for a 5-minute recess.

The Council came out of closed session at 7:14 P.M.

Reynolds moved, Sanow seconded, that the meeting be adjourned at 7:15 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – OCTOBER 2, 2006

The regular meeting of the Common Council of the City of Marshall was held on October 2, 2006 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, Sanow, Reynolds and Boedigheimer. Absent: Ritter. 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; Sheila Dubs, Assistant to 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 number 6, which is Personnel Committee recommendations on cellular phones and vehicle allowances being postponed to the regular meeting on November 6, 2006.

APPROVAL OF THE MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on September 18, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – RESOLUTION APPROVING THE FINAL PLAT OF GREELEY EXTENSION ADDITION:

This was the date and time set for a public hearing on the Final Plat for Greeley Extension Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Greeley Extension Addition. George Jacob asked if there would be an assessment and it was indicated that there would not be any assessment. There was also a concern about drainage in this area. Mr. Olson indicated that all of the drainage from this area will go to Tiger Lake. Reynolds moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2867, SECOND SERIES and that the reading of the same be waived. Resolution Number 2867, Second Series is a resolution Approving the Final Plat of Greeley Extension Addition. This resolution was approved contingent upon the following:

1. City Attorney review and approval of the abstract of title and title opinion or other property ownership documentation as required by City Attorney.
2. Execution of a First Development Contract subject to approval of the City Attorney.
3. Payment of all fees according to the current Resolution Approving Specific Fees to be Charged by the City of Marshall (Resolution Number 2806, Second Series.

All voted in favor of the motion.

PUBLIC HEARING – REQUEST OF THE SCHWAN FOOD COMPANY TO REZONE 201 SOUTH 1ST STREET FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to rezone 201 South 1st Street from an R-1 One Family Residence District to a B-3 General Business District. It is the intent to use this property for a parking lot. Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING – OCTOBER 2, 2006

Doom moved, Maes seconded, the adoption of ORDINANCE NUMBER 558, SECOND SERIES and that the reading of the same be waived. Ordinance Number 558, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance rezones 201 South 1st Street from an R-1 One Family Residence District to a B-3 General Business District. All voted in favor of the motion.

AUTHORIZATION TO PURCHASE TWO 2007 SQUAD CARS FOR PUBLIC SAFETY:

Bids were received, opened and read on September 25, 2006 for two 2007 Squad Cars for Public Safety. The bids received, opened and read were from:

	<u>Proposal A</u>	<u>Proposal B</u>	<u>Proposal C</u>	<u>Proposal D</u>	<u>Proposal E</u>	<u>Proposal F</u>
Anton Chevrolet Marshall, Minnesota	\$33,282.00	\$38,782.00	No bid	\$16,641.41	\$19,391.41	No bid
Marshall Ford Marshall, Minnesota	\$38,830.00	\$43,830.00	No bid	No bid	No bid	No bid
Lockwood Motors Marshall, Minnesota	\$37,200.00	\$43,200.00	\$39,700.00 \$40,700.00	\$18,100.00 \$19,100.00	\$21,600.00	No bid
Proposal A:	Furnish two (2) Police Type Squad Car Vehicles and trade-in of two 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 with no trade-in.					
Proposal E:	Purchase two (2) trade-in existing vehicles only.					

Rob Yant, Director of Public Safety, is recommending purchasing two police vehicles with trade-in from Anton Chevrolet in the amount of \$35,123.80, which includes the bid of \$33,282 plus three factory add on options: a Trunk Mounted Auxiliary Equipment Tray (\$240.00 each), which accommodates the electronic equipment in a smaller trunk; Push Bumper (359.60 each); and a Prisoner Transport rear seat (\$642.60), which somewhat offsets the smaller interior in the back of the car. This is a total of \$1,841.80. The trade-in vehicles would be a 2003 and 2004 Chevrolet Impala. Council Member Boedigheimer suggested keeping one of the trade-in vehicles for Mr. Yant to drive. Following a brief discussion Boedigheimer moved, Sanow seconded, to table the awarding of two 2007 Squad Cars for Public Safety to the Special City Council Meeting to be held on Monday, October 9, 2006 at 5:30 P.M. All voted in favor of the motion.

CONSENT AGENDA – A. AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY AT A PUBLIC AUCTION TO BE HELD ON OCTOBER 19, 2006; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

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

Authorization to dispose of surplus City property at a public auction to be held on October 19, 2006 at 5:30 P.M. at the City of Marshall Street Maintenance Building area at 901 Oak Street.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 53027 through 53236.

All voted in favor of the motion.

REGULAR MEETING – OCTOBER 2, 2006

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

	Applicant	Location Address				Description of Work	Valuation
1.	Vlaminck Construction	306	East	Lyon	Street	Garage	\$12,500
2.	Dulas Construction	606	West	Redwood	Street	Repair Porch	\$1,500
3.	Dulas Construction, Inc.	1501		Lake	Road	Storage Building	\$499,000
4.	Trillion Partners, Inc. c/o Dick Hasse	1420	East	College	Drive	Tower	\$15,000
5.	Elmer Guth	116 ½	South	4th	Street	Garage Addition	\$10,200
6.	Geske Home Improvement Co.	104	South	Minnesota	Street	Reside Dwelling	\$7,000
7.	Mike Buysse Construction	316	South	6th	Street	Exterior Remodel	\$10,000
8.	Avera Marshall Regional Medical Center	300	South	Bruce	Street	Nursery Remodel and Restroom Remodel	\$25,000
9.	Timothy Lundquist	507	West	Southview	Drive	Garage	\$7,000
10.	B & G Properties	1217	East	College	Drive	Remodel Office	\$6,000
11.	Shawn Whyte	601	North	Minnesota	Street	Install Window	\$1,000
12.	Independent Lumber of Marshall, Inc.	400	West	Southview	Drive	Addition	\$73,900
13.	Thomas Percy	303	West	Main	Street	Replace Doors & Install Windows	\$7,500
14.	Bernie's Roofing	606	North	4th	Street	Shingling	\$4,700
15.	Jeff Gladis	1307		Westwood	Drive	Reroof	\$5,900
16.	R&G Construction Co.	818	West	Main	Street	Demolish Dwelling	\$0
17.	Sussner Construction, Inc.	361	West	Main	Street	Remodel Entrance	\$3,300
18.	Carr Properties	601		Village	Drive	Garage Addition	\$36,000
19.	Beverly Seehusen	1310		Parkside	Drive	Reroof	\$2,000
20.	Bernie's Roofing	504	North	High	Street	Reroof	\$3,000
21.	Mark Driessen Construction	409		Hudson	Avenue	Partial Reroof	\$400
22.	Jason & Julie Phillipp	503	North	Minnesota	Street	Reside Dwelling	\$3,000
23.	Joseph Tillemans	102		Ranch	Avenue	Reroof and Addition	\$25,000
24.	Service Master	1408		Parkside	Drive	Finish Garage	\$9,300
25.	Bladholm Construction, Inc.	1500	East	College	Drive	Interior Renovation	\$96,000
26.	Evan Carlson	1312		Horizon	Drive	Interior Remodel	\$4,000
27.	Dan & Deb Westby	1401		Cumberland	Road	Finish Basement	\$6,000
28.	Jeremy Lyons	523		Viper	Circle	Dwelling	\$170,000
29.	Kris DeBoer	360	North	O'Connell	Street	Chiller Loop Construction	\$48,400
30.	Sussner Construction, Inc.	601		Michigan	Road	Interior Demolition Work	\$0
31.	Richard Louwagie	300		Walnut	Street	Install Window	\$1,000
32.	Joseph Pallansch Construction Services	606		Prospect	Circle	Install Windows	\$2,000

AUTHORIZATION TO HIRE TWO FULL-TIME POLICE OFFICERS AND APPROVE RESOLUTIONS ON PERA:

Upon the recommendation of Director of Public Safety Robert Yant, Sanow moved, Maes seconded, that Jared William Peterson be employed as a fulltime Police Officer with the City of Marshall at the rate of \$17.30 effective October 16, 2006. The following resolution was adopted: BE IT RESOLVED that Jared William Peterson be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

Upon the recommendation of Director of Public Safety Robert Yant, Sanow moved, Maes seconded, that Matthew Scott Loeslie be employed as a fulltime Police Officer with the City of Marshall at the rate of \$17.30 effective October 17, 2006. The following resolution was adopted: BE IT RESOLVED that Matthew Scott Loeslie be duly appointed, qualified and acting fulltime police officer for the City of Marshall, Minnesota, possessing the power of arrest by warrant and otherwise and other authority generally conferred upon and possessed by the Municipal Police Officers in Minnesota with the specific duty of enforcing the laws of the State of Minnesota and the ordinances of the City of Marshall in apprehending violators thereof and engaging in the hazards of protecting the safety and property of others and said employee shall become a member of the Public Employees Retirement Association Police and Fire Fund. All voted in favor of the motion.

APPROVAL FOR AVERA MARSHALL REGIONAL MEDICAL CENTER TO PURCHASE REAL ESTATE:

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 property which is included in the "Targeted Area" for future expansion: 602 Charles Avenue in the amount of \$229,000.00. Sanow moved, Maes seconded, that Avera Marshall Regional Medical Center be authorized to purchase the following property which is included in the "Targeted Area" for future expansion: 602 Charles Avenue in the amount of \$229,000.00. All voted in favor of the motion.

RESOLUTION APPROVING AMENDMENTS TO THE BY-LAWS OF THE MARSHALL VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION:

John Full, 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, Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2868, SECOND SERIES and that the reading of the same be waived. Resolution Number 2868, 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 \$4,600 per year effective January 1, 2007. All voted in favor of the motion. Mr. Full indicated that they are reviewing the dates in Section 2 of Article VIII Amendments to the Bylaws.

RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT – HARRIETT DRIVE IMPROVEMENT PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition for Harriett Drive Improvement Project. This petition submitted by REM, Inc., is for the installation of sidewalk and driveway along the property abutting Harriett Drive between the East line of North 6th Street and the West line of Esther Lane. Sanow moved, Maes seconded, the adoption of RESOLUTION NUMBER 2869, SECOND SERIES and that the reading of the same be waived. Resolution Number 2869, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement on Harriett Drive. All voted in favor of the motion.

DOWNTOWN ALLEY & STORM SEWER REPLACEMENT PROJECT Y01 – CHANGE ORDER NO. 3:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 3 with D & G Excavating Inc., for the Downtown Alley & Storm Sewer Replacement Project Y01 in the amount of \$4,290.42. This change order provides for an increase in unit cost of the 8 inch colored concrete pavement and an increase in unit cost of the 6 inch colored concrete walk within the project area. Boedigheimer moved, Sanow seconded, the approval of Change Order No. 3 for the Downtown Alley and Storm Sewer Replacement Project Y01 with D & G Excavating Inc., for an increase in the amount of \$4,290.42. These funds will be paid for from account number 494-62066-5570. All voted in favor of the motion.

At this time Glenn Olson, Director of Public Works/City Engineer, provided a brief update on this project. He indicated that they are working with the general contractor to find a new subcontractor that would be able to stripe the parking lots this week. He also indicated that the remainder of the downtown parking lot projects should be completed in two weeks.

RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT – A. NORTH 3RD STREET BETWEEN MAIN STREET AND LYON STREET; B. NORTH 4TH STREET BETWEEN MAIN STREET AND THE ALLEY (BETWEEN MAIN STREET AND LYON STREET):

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition for North 3rd Street Sidewalk Improvement Project Y13. This petition is for the removal and replacement of existing sidewalk and trees on North 3rd Street between Main Street and Lyon Street to tie into the 2007 Main Street Project. Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2870, SECOND SERIES and that the reading of the same be waived. Resolution Number 2870, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement for North 3rd Street sidewalk. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition for North 4th Street Sidewalk Improvement Project Y14. This petition is for the removal and replacement of existing curb, gutter, and sidewalk and trees on the North 4th Street between Main Street and Lyon Street to tie into the 2007 Main Street Project. Maes moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2871, SECOND SERIES and that the reading of the same be waived. Resolution Number 2871, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement for North 4th Street. All voted in favor of the motion.

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

Mike Johnson, City Administrator, reviewed a Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan for Commercial Project #C-8, Marshall Appliance Building – Joe Ektonitphong. In addition to funding from the current SCDP project, the waiver request is for funding not to exceed \$9,000.00 from current program funds. As recommended by the Marshall Design Committee, Reynolds moved, Maes seconded, the approval of a Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan for Commercial Project #C-8, Marshall Appliance Building – Joe Ektonitphong for \$9,000. All voted in favor of the motion.

APPOINTMENT TO POLICE CIVIL SERVICE COMMISSION:

Per the recommendation of Mayor Byrnes, Maes moved, Reynolds seconded, that Robert Mann be appointed to the Police Service Commission for a term to expire on May 1, 2008. 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 Airport Commission met last Monday – Gary Schmidt indicated that the League of Minnesota Cities does provide airport coverage; M.E.R.I.T. Center continues to work on their Business Plan.

Doom Adult Community Center will celebrate 40 years this week.

Maes No report.

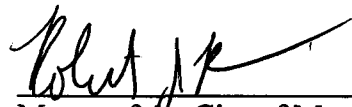
Reynolds Library Board will meet next week.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Part of the grass median along Country Club Drive has been replaced by concrete.

Upon motion by Reynolds, seconded by Maes, the meeting was adjourned at 6:30 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 9, 2006

A special meeting of the Common Council of the City of Marshall was held on October 9, 2006 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:35 P.M. In addition to Byrnes the following members were present: Maes, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Mike Johnson, City Administrator, Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor and Thomas M. Meulebroeck, Financial Director/City. Also in attendance were Don Edblom and David Sturrock.

AUTHORIZATION TO PURCHASE TWO 2007 SQUAD CARS FOR PUBLIC SAFETY:

Bids were received, opened and read on September 25, 2006 for two 2007 Squad Cars for Public Safety. The bids received, opened and read were from:

	<u>Proposal A</u>	<u>Proposal B</u>	<u>Proposal C</u>	<u>Proposal D</u>	<u>Proposal E</u>	<u>Proposal F</u>
Anton Chevrolet Marshall, Minnesota	\$33,282.00	\$38,782.00	No bid	\$16,641.41	\$19,391.41	No bid
Marshall Ford Marshall, Minnesota	\$38,830.00	\$43,830.00	No bid	No bid	No bid	No bid
Lockwood Motors Marshall, Minnesota	\$37,200.00	\$43,200.00	\$39,700.00 \$40,700.00	\$18,100.00 \$19,100.00	\$21,600.00	No bid

Proposal A: Furnish two (2) Police Type Squad Car Vehicles and trade-in of two 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 with no trade-in.
Proposal E: Purchase two (2) trade-in existing vehicles only.

Rob Yant, Director of Public Safety, is recommending purchasing two police vehicles with trade-in from Anton Chevrolet in the amount of \$35,123.80, which includes the bid of \$33,282 plus three factory add on options: a Trunk Mounted Auxiliary Equipment Tray (\$240.00 each), which accommodates the electronic equipment in a smaller trunk; Push Bumper (359.60 each); and a Prisoner Transport rear seat (\$642.60), which somewhat offsets the smaller interior in the back of the car. This is a total of \$1,841.80. The trade-in vehicles would be a 2003 and 2004 Chevrolet Impala. Boedigheimer moved, Maes seconded, that the bid be awarded to Anton Chevrolet for Two 2007 Squad Cars for Public Safety in the amount of \$35,123.80 and no authorization to purchase a new vehicle for the Director of Public Safety. The Director of Public Safety will continue with mileage reimbursement. All voted in favor of the motion.

2007 BUDGET WORKSHOP – SESSION 1:

This was the date and time set for Session 1 of the 2007 Budget Workshop. Mike Johnson, City Administrator, prefaced the meeting reflecting back on the 2005/2006 activities and topics discussed at the 2005 City Council Retreat. The activities/topics addressed were: the downtown issues; economic development; housing – tax base – annexation; airport and air service; special assessment projects; wastewater facility improvements; new commercial developments in 2005/2006; new city staffing and future retirements; and the study on various

SPECIAL MEETING – OCTOBER 9, 2006

facilities. Mike reviewed the General Fund Budget comparison overview for personnel services, operation and maintenance, capital outlay and transfers for the 2007 budget requests in comparison to the 2006 budget.

Glenn Olson, Director of Public Works/City Engineer, provided to the City Council a summary of the 2006 accomplishments and the 2007 issues confronting the City of Marshall including the 2007 special assessment projects; airport projects; annexations; private development projects for public infrastructure; Surface Water Management Utility and Planning. Glenn also addressed the need for additional staff for the airport and public ways maintenance and the various capital expenditure requests.

Rob Yant, Director of Public Safety, addressed the various budget concerns and activities for 2007 for the police department, fire department, chemical assessment team, emergency management services and animal control. Rob indicated his top priority for 2007 was to hire a full-time assistant. Rob addressed the capital expenditures for the various Public Safety Departments specifically discussing the in car computer terminals, red light actuators, a civil defense siren and the replacing of fencing at the animal impound.

Cal Barnett, Director of General Government Services, briefly addressed the budgets request for 2007 for Assessing, Municipal Building Maintenance, Finance/Clerk and Transit.

Harry Weilage, Director of Community Services, addressed with the City Council a report on "Building a Sense of Community" which is a result of a Marshall Community Services Survey done in May of 2006. The areas Harry addressed as a part of the Community Services were the Cable Access, Marshall Aquatic Center, Parks and Green Space, and the After School Program. Harry also reviewed the Community Services 2007 Capital Expenditures and also the potential of adding another slide at the Marshall Aquatic Center and the redoing of the Downtown Park area.

There was no other discussion or concerns addressed.

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

Mayor of the City of Marshall

ATTEST:

Financial Director/City Clerk

REGULAR MEETING – OCTOBER 16, 2006

The regular meeting of the Common Council of the City of Marshall was held on October 16, 2006 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, Sanow, Boedigheimer and Ritter. Absent: Reynolds. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Thomas M. Meulebroeck, Financial Director/City Clerk; 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 8a, which is to consider Change Order No. 2 with R & G Construction Co., for Project X75 Wastewater Treatment Facility Equalization and that item number 11 the approval of the 2007 Partnership Agreement with Marshall Municipal Utilities be tabled.

APPROVAL OF THE MINUTES:

Boedigheimer moved, Sanow seconded, that the minutes of the regular meeting held on October 2, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

Boedigheimer moved, Maes seconded, that the minutes of the special meeting held on October 9, 2006 be approved as corrected and that the reading of the same be waived. The correction is there be no authorization to purchase a new vehicle for the Director of Public Safety. The Director of Public Safety will continue to receive the mileage reimbursement. All voted in favor of the motion.

APPROVAL OF THE CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FROM THE AMERICAN LEGION POST 113 TO BE USED AT THE NATIONAL GUARD ARMORY; 2. BILLS/PROJECT PAYMENTS; 3. BUILDING PERMITS:

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

The approval of a Temporary On-Sale Intoxicating Liquor License for the American Legion Post 113 to be used on November 18, 2006 at the National Guard Armory.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 53237 through 53385.

All voted in favor of the motion.

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

Building Permits						
1.	Roger Kulla	1315	Horizon	Drive	Garage Addition - Footings & Foundation	\$2,100
2.	Lozinski Construction	413	North	3rd Street	Reroof	\$5,500
3.	North Star Building Systems	1300	Cheryl	Avenue	Modular Dwelling	\$80,700

REGULAR MEETING – OCTOBER 16, 2006

4.	Ronald Schilling	610	West	Redwood	Street	Deck	\$1,000
5.	Babcock Construction	605	East	Main	Street	Reroof and Reside Dwelling, Install Front Door and Overhead Garage Door	\$5,500
6.	Chad Springborg	612	West	James	Avenue	Deck	\$1,000
7.	Jan #2 LP	1111		Paris	Road	Two Family Dwelling	\$170,000
8.	Sussner Construction, Inc.	515	East	College	Drive	Reroof Garage	\$5,100
9.	Sussner Construction, Inc.	310	North	O'Connell	Street	Entry Stoop - Student Center West	\$2,700
10.	Babcock Construction	903		Pine	Avenue	Reroof Dwelling	\$4,900
11.	Babcock Construction	408		Legion Field	Road	Reroof, Reside & Install Entrance Doors	\$9,200
12.	Ali & Patricia Jaffery	410	North	7th	Street	Reside Dwelling	\$5,000
13.	Elizabeth DeVos	512	East	Main	Street	Storage Shed	\$3,900
14.	Marshall Residential Properties, LLC	116½	South	4th	Street	Move Out Garage	\$0
15.	Marshall Residential Properties, LLC	307		Rainbow	Drive	Move In Garage	\$3,800
16.	Marshall Residential Properties, LLC	205	West	Redwood	Street	Reroof	\$4,200
17.	Marshall Residential Properties, LLC	434	North	7th	Street	Reroof	\$2,800
18.	William Weber	103		Circle	Drive	Install Window	\$800
19.	Carr Properties	321	West	Main	Street	Exterior Remodeling	\$70,000
20.	True Value Home Center	402		Berlin	Circle	Dwelling	\$117,900
21.	True Value Home Center	308		Warsaw	Circle	Dwelling	\$123,500
22.	True Value Home Center	318		Warsaw	Circle	Dwelling	\$117,600
23.	Pride Neon, Inc. c/o Al Mayer	1210		Floyd Wild	Drive	Install Sign	\$3,700
24.	Pride Neon, Inc. c/o Al Mayer	1101	East	Main	Street	Install Signs	\$8,500
25.	D&G Excavating, Inc.	106	East	Saratoga	Street	Demolish Dwelling	\$0
26.	D&G Excavating, Inc.	112	East	Saratoga	Street	Demolish Dwelling	\$0

PRESENTATION ON PROPOSED LIBRARY BUILDING PROJECT:

Kahtleen Ashe, Library Board President, and Ron Halgerson, Group II Architects, provided the council with an update on the progress for a new library. Kathleen provided a summary of the process that has taken place up to this point. Mr. Halgerson indicated that after reviewing possible sites it was determined that the middle school site at the corner of "C" Street and Saratoga Street was the best location. There would be enough room for staff and public parking and would easily accommodate a 28,000 square foot one-story library. Mr. Halgerson will have a site design, as well as a cost estimate for the Library Board and Council by mid-November. Ms. Ashe indicated that the Library Board wants the City to negotiate with Mr. Carr regarding his donation.

Mayor Byrnes indicated that the next step would be to accept the property from the school district. Michael Johnson, City Administrator, indicated that the city would need to work with the school district to clarify the purchase of this property. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to negotiate with the school for

the purchases of this piece of property. All voted in favor of the motion. Boedigheimer moved, Sanow seconded, that there be a committee appointed to work on a Developers Agreement. This committee shall consist of a representative appointed by the Mayor, a representative appointed by the School Board, a representative from the Library Board, representatives from the school, City Staff, City Attorney and a County representative. All voted in favor of the motion.

REQUEST OF GARY AND MARJ BECKER FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A THIRD ACCESSORY BUILDING ON ONE LOT IN LIEU OF NO MORE THAN TWO ACCESSORY BUILDINGS AS REGULATED BY CITY CODE AT 136 "E" STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Gary and Marj Becker for a Variance Adjustment Permit to construct a third accessory building on one lot in lieu of no more than two accessory buildings as regulated by City Code at 136 "E" Street. This is a 3-acre lot and already has two accessory buildings. Mr. Becker is requesting to build a carriage house for his vehicles. The Planning Commission recommended approval of the request to construct third accessory building on one lot in lieu of no more than two accessory buildings as regulated by City Code at 136 "E" Street with the undue hardship that would force Mr. Becker to undergo a replatting procedure. Council Member Boedigheimer indicated that this is not a normal size lot and that they need to use common sense. Per the recommendation of the Planning Commission Doom moved, Sanow seconded, the approval of the request of Gary and Marj Becker for a Variance Adjustment Permit, as requested, to construct a third accessory building on one lot in lieu of no more than two accessory buildings as regulated by City Code at 136 "E" Street with the undue hardship that would force Mr. Becker to undergo a replatting procedure. All voted in favor of the motion.

REQUEST OF THE SCHWAN FOOD COMPANY TO REZONE 100 & 102 WEST GREELEY STREET AND 206 THROUGH 214 SOUTH 1ST STREET FROM R-1 ONE FAMILY RESIDENCE DISTRICT TO B-3 GENERAL BUSINESS DISTRICT:

Per the recommendation of the Planning Commission, Doom moved, Sanow seconded, the introduction of an ordinance and called for a public hearing on the request of the Schwan Food Company to rezone 100 & 102 West Greeley Street and 206 through 214 South 1st Street from an R-1 One Family Residence District to a B-3 General Business District. The public hearing will be held at 5:30 P.M. on November 6, 2006. All voted in favor of the motion.

REQUEST OF THE SCHWAN FOOD COMPANY TO REVISE THE DEFINITION OF DOWNTOWN DISTRICT AND LIMITS OF THE DOWNTOWN DISTRICT TO INCLUDE BLAKES ADDITION, BLOCK 6 AND VACATED SOUTH 1ST STREET:

Per the recommendation of the Planning Commission, Ritter moved, Doom seconded, the introduction of an ordinance and called for a public hearing on the request of the Schwan Food Company to revise the definition of the Downtown District and limits of the Downtown District to include Blakes Addition, Block 6 and vacated South 1st Street. There was a friendly amendment to refer this request to the Public Improvement & Transportation Committee for review. All voted in favor of the motion.

PROJECT Y01 – DOWNTOWN ALLEY & STORM SEWER REPLACEMENT – CHANGE ORDER NO. 4:

Doom moved, Ritter seconded, the approval of Change Order No. 4 with D & G Excavating, Inc., for Project Y01 – Downtown Alley and Storm Sewer Replacement. This change order provides for an increase in the amount of \$5,662.95 for a total contract cost of

\$1,259,820.17 and an increase in contract time of 5 calendar days, extending the Substantial Completion Date from October 25, 2006 to October 30, 2006. All voted in favor of the motion.

PROJECT X29 (2002-008) EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) CHANGE ORDER NO. 3:

Doom moved, Sanow seconded, the approval of Change Order No. 3 with Quam Construction, Inc., for Project X29 (2002-008) East Area Sanitary Interceptor Sewer (Lift Station No. 3). This project provides for an increase in the amount of \$2,645.00 for a total contract cost of \$1,520,457.00. All voted in favor of the motion.

PROJECT X75 WASTEWATER TREATMENT FACILITY EQUALIZATION CHANGE ORDER NO. 2:

Doom moved, Ritter seconded, the approval of Change Order No. 2 with R & G Construction for Project X75 Wastewater Treatment Facility Equalization. This change order provides for an increase in the amount of \$14,440.00 for a total contract cost of \$733,846.70. All voted in favor of the motion.

**PUBLIC IMPROVEMENT/TRANSPORTATION COMMITTEE MEETING –
A. HANDICAPPED PARKING REQUEST AT HOLY REDEEMER; B. US
BANCORP REQUEST FOR PARKING RESTRICTIONS – RESOLUTION ON “NO
PARKING” ON MADRID STREET; C. VACATION OF PARKS; D. COLLECTOR
AND ARTERIAL STREET DESIGNATIONS; E. MAT BUS PARKING LOCATIONS
– RESOLUTION FOR LOADING ZONE IN FRONT OF MUNICIPAL BUILDING:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from Holy Redeemer for handicapped parking. Following discussion of the Public Improvement/Transportation Committee it was agreed that the church should retain the handicapped parking that exists, recommend that they provide any additional handicapped parking in their parking lot northwest of the rectory. In addition, they may utilize traffic cones and church ushers to try to assist the restrictions to parking as needed by the church during Holy Days and church services. These restrictions will not be enforced, and if complaints are made, the church will be contacted concerning the complaints. They are recommending no action and that a response letter be sent to the Holy Redeemer representative.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of US Bancorp for parking restrictions. Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2873, SECOND SERIES and that the reading of the same be waived. Resolution Number 2873, Second Series is a resolution Providing for Signage in the City of Marshall. This resolution provides for the installation of “No Parking” signs on both sides of Madrid Street from the East side of London Road Westerly to Channel Parkway. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the vacation of Michael and Elaine Parks. Following discussion of the Public Improvement/Transportation Committee it was agreed not to proceed with the vacation of these parks with the understanding that the area residents continue to maintain them.

Glenn Olson, Director of Public Works/City Engineer, reviewed with the Public Improvement/Transportation Committee the public process of designating the thoroughfare

plan including changes to arterial and collector streets within the revised City limits. It was decided to proceed with the development of the arterial and collector system as proposed. This will be brought to a future City Council meeting for review and approval.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Marshall Area Transit (MAT) for a MAT Bus parking location in front of City Hall. Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2874, SECOND SERIES and that the reading of the same be waived. Resolution Number 2874, Second Series is a resolution Providing for Signage in the City of Marshall. This resolution provides for the installation of a loading zone and signage for Marshall Area Transit Bus Parking in front of City Hall. This will be part of the 2007 Main Street Project. All voted in favor of the motion.

REQUEST TO PURCHASE VACANT LOT/EXPAND PARKVIEW PARKING – PUBLIC HOUSING COMMISSION:

Mark Farrell, Executive Director Public Housing Commission, was in attendance at the meeting to review the request of the Public Housing Commission to purchase a lot measuring 50' x 140' adjacent North 1st Street and the Public Housing Commission Facility located at 202 North 1st Street. The lot is legally described as Lot 6, Block 12, Auditor's Plat No. 1. The City of Marshall acquired this lot in 1988 for \$5,500, with the intent of making the lot available to the Public Housing Commission for over-flow parking. Following the property acquisition, the structures were demolished by the Marshall Street Department. In 1997 it was recommended to sell this parcel to the Marshall Housing Commission at a cost of \$15,000, but the sale never took place. Based on an assumed appreciation of 6% per year, the adjusted 2006 sale price would be \$25,340. Land which is being purchased along South 1st Street, Saratoga Street and Greeley Street indicated land is currently selling for approximately \$10 per square foot for parking. This method indicates an asking price of \$70,000 for this piece of property. Sanow moved, Ritter seconded, that the City of Marshall offer to sell this lot to the Marshall Housing Commission for parking for not less than \$35,000, or \$5.00 per square foot, which reflects a 6% inflationary increase in the original offer to sell per year, plus considering what competitive lots are selling for. All voted in favor of the motion.

APPROVE MOTOR VEHICLE RENTAL CONCESSION LEASE AGREEMENT WITH ENTERPRISE LEASING COMPANY:

Ritter moved, Maes seconded, the proper city personnel be authorized to enter into an agreement with Enterprise Leasing Company for an Airport Motor Vehicle Rental Concession Lease Agreement. This agreement provides for Enterprise Leasing Company of Spring Lake Park, Minnesota, to operate a motor vehicle rental concession at the Southwest Minnesota Regional Airport to expire on December 31, 2011. All voted in favor of the motion.

FIRST DEVELOPMENT CONTRACT WITH JAMES SKEWES (SKEWES JEWELRY):

Glenn Olson, Director of Public Works/City Engineer, reviewed the First Development Contract with James Skewes (Skewes Jewelry) for the installation of a sanitary sewer main on Susan Drive from the City's trunk sanitary sewer main westerly to Lot 1 of ShopKo Addition. This sanitary sewer main would provide service to two additional parcels of property immediately adjacent to this project. The intent would be for the City to participate in the project in the amount of two-thirds City and one-third Developer, with the

City portion paid for from reserves from the Wastewater Fund with reimbursement to the Wastewater Fund upon connection from future property connections. Boedigheimer moved, Ritter seconded, the approval of the First Development Contract with James Skewes (Skewes Jewelry) for the construction of a sanitary sewer main on Susan Drive from the City's trunk sanitary sewer main westerly of Lot 1 of ShopKo Addition. All voted in favor of the motion.

RESOLUTION AUTHORIZING SETTLEMENT OF PENDING APPEALS FOR THREE (3) PROPERTIES IN EAST AREA SANITARY INTERCEPTOR SEWER PROJECT:

Sanow moved, Maes seconded, the adoption of RESOLUTION NUMBER 2875, SECOND SERIES and that the reading of the same be waived. Resolution Number 2875, Second Series is a resolution Authorizing Settlement of Pending Appeals. This resolution provides for the City Attorney to sign the appropriate documentation and submit those documents to the Court dismissing pending action as follows:

1. Appellant TLM of Marshall, Inc., (Traveler's Lodge) shall pay the appraised principal amount of \$14,000 as full and final special assessment levied against parcel no. 27-249-009-0.
2. Appellant Hess Properties (Tony's Plaza) shall pay the appraised principal amount of \$4,000 as full and final special assessment levied against parcel no. 27-249-005-0.
3. Appellant Lyon Lodging, LLC (Comfort Inn) shall pay the appraised principal amount of \$16,000 as full and final special assessment levied against parcel no. 27-250-003-0.

All voted in favor of the motion.

APPROVAL OF LABOR AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, INC., (POLICE OFFICERS) FOR 2006:

Maes moved, Doom seconded, that 2006 Labor Agreement with Law Enforcement Labor Services (LELS) Union (Police Officers Local #190) be approved. The changes for 2006 are based on the arbitration award by Mr. John Remington, Arbitrator that was rendered on September 8, 2006. This agreement would provide for a wage rate increase of 4% effective January 1, for 2006. There was no change to the uniform allowance (including footwear allowance), field training officer compensation or shift differential per the employer's proposal. 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 Airport Commission minutes are included in the agenda packet; M.E.R.I.T. Center has met with Interact Business Group on the development of a Strategic Business Plan.

Doom Marshall Community Services minutes are included in the agenda packet; Planning Commission items were acted on earlier in the meeting; Adult Community Center Commission held their 40th Anniversary.

Maes Hospital Board minutes from previous meetings were included in the agenda packet; Human Rights Commission will meet next week.

REGULAR MEETING – OCTOBER 16, 2006

Ritter EDA met last week and indicated that three (3) more houses have been sold.

Sanow Cable Commission met last week.

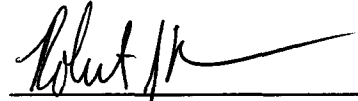
COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a brief discussion on the trash containers in the business district. Glenn Olson, Director of Public Works/City Engineer, will be sending letters to the waste haulers. There was also a brief discussion on the status of construction contracts.

REVIEW OF PENDING AGENDA ITEMS:

The budget workshop scheduled for November 13, 2006 has been changed to November 15, 2006.

Upon motion by Maes, seconded by Doom, the meeting was adjourned at 7:05 P.M.
All voted in favor of 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 October 25, 2006 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were present: Maes, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Mike Johnson, City Administrator; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; Marc Klaith, Fire Chief; and Thomas M. Meulebroeck, Financial Director/City. Also in attendance were Don Edblom, David Sturrock, Jennie Hulsizer, Steve Knutson, Doug Brunsvold, Bruce Furhman, Tim DeSaer and Terri Heaton.

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006C, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7,225,000:

This refunding bond issue was discussed and recommended by the Ways and Means Committee at a meeting held at 4:30 P.M. on October 25, 2006. The bonds being considered for refunding under the bond issue are the G.O. Wastewater System Revenue Refunding Bonds, Series 1998C; the G. O. Storm Sewer District Bonds, Series 1999B; and the G. O. Sewer Revenue Bonds, Series 2000A. Terri Heaton, Springsted, addressed the refunding and indicated that the net present value savings for this bond is estimated at \$255,142 which is the net after expenses are paid. Terri did indicate the rates over the past 5 years are near the lowest level at this time. The competitive sale of these bonds would be scheduled for November 27, 2006.

Council Member Sanow was not sure that this was the proper time to do a refunding and that if the City were to wait the savings maybe greater.

Boedigheimer moved, Reynolds seconded, to adopt RESOLUTION NUMBER 2876, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2876, Second Series is a Resolution Authorizing the Issuance and Sale of General Obligation Refunding Bonds, Series 2006C, in the Aggregate Principal Amount of \$7,225,000 with paragraph 2 on page 2 of the resolution being modified. All voted in favor of the motion, except Sanow who voted no.

2007 BUDGET WORKSHOP – SESSION 2:

This was the date and time set for Session 2 of the 2007 Budget Workshop. Marc Klaith, Fire Chief, addressed the proposed 2007 budget for the Marshall Volunteer Fire Department. Marc indicated that the plans are to add 3 personnel to the Fire Department, to get them trained, to cover for members who will be retiring in the near future. Marc also indicated that the Fire Department is planning to request a new truck in the 2008 budget; that the City should start to consider the hiring of a fulltime Fire Marshal in the next 2 to 5 years; that he and a number of other firemen are reaching 20 years of service on the department so there may be some changes in personnel in the up coming years; that the grant for the exhaust system has been amended thereby reducing the City cost of the project to approximately \$800; that the City's current ISO rating is a 4 and that in order to improve this rating fulltime personnel would need to be added and that the Fire Department will be coming forward with a resolution for the City Council to consider as it relates to the removal of fire damaged structures.

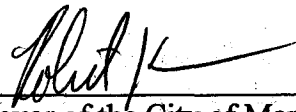
SPECIAL MEETING – OCTOBER 25, 2006

Ellayne Conyers and Kristi Coudron were in attendance at the meeting to discuss a budget allocation in 2007 for the Lyon County Historical Society. Their request was for \$13,600, which is up \$600 from 2006. The Society is considering the hiring of an employee for 4 hours on Saturdays. Kristi reviewed the Society budget in comparison to prior year revenues and expenses.

Paula Nemes and Peg Koska were in attendance at the meeting representing the request of the Marshall Area Fine Arts Council (MAFAC) for \$3,000 in 2007. MAFAC has moved their location to North 3rd Street and this has proved to be a very valuable move for them. MAFAC is placing emphasis on expanding the educational segment of their operation.

Wendy Wendt, Director of the Marshall Lyon County Library, and Kathleen Asche, Chairperson of the Marshall Lyon County Library Board, addressed the City Council with their proposed budget for 2007. The budget includes the funding for a Teen Librarian. The Library has received a grant (LSTA) to help fund a consultant for Story Time and the After School Program. The priority of the Marshall Lyon County Library Board is to have a balanced budget. Wendy did indicate that it is the wishes of the board to acquire 5 new computers in 2007.

A continuation of Budget Workshop 2 is scheduled for October 30, 2006 at 5:30 P.M. in the Cottonwood Room of the Marshall Municipal Building. Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 30, 2006

A special meeting of the Common Council of the City of Marshall was held on October 30, 2006 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were present: Maes, Doom, Sanow, Boedigheimer and Ritter. Reynolds arrived late. Absent: None. Staff present included: Mike Johnson, City Administrator; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; and Thomas M. Meulebroeck, Financial Director/City. Also in attendance were Don Edblom, David Sturrock, and Jennie Hulsizer.

2007 BUDGET WORKSHOP – SESSION 2 (CONTINUED):

This was the date and time set for the continuation from October 25, 2006 of Session 2 of the 2007 Budget Workshop. Mike reviewed the budgets for Mayor & Council; Human Rights; Planning Commission & Zoning Commission; Administration; Legal; Community Development; Safety Committee; Data Processing; Duplication; Motor Pool and Transit.

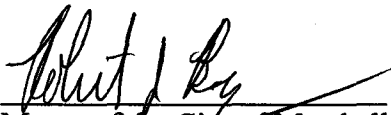
Tom reviewed the proposed 2007 General Fund budgeted revenues by line item. Mike continued a review on the 2007 General Fund Summary by addressing proposed revenues and expenses and reducing three (3) major capital expenses which then reflect a difference of 2007 revenues over expenses by \$871,005. Mike also addressed the difference between 2006 budgeted and 2007 requested expenditures which reflects an increase of \$835,458. The budget comparison overview as of 10/6/06 was discussed along with the overview as of 10/30/06. The proposed General Fund personnel budget for 2007 was reviewed along with the cost of adding personnel and the changing of a position from part time to full time. The handout for the major changes in Operating & Maintenance Expenses, Capital Expenses for 2005, 2006 and 2007 along with the itemized capital outlay for the 2007 General Fund Budget were discussed.

It is the intent to cover the proposed 2007 budget for all other funds at the November 15, 2007 Budget Workshop meeting.

A brief discussion was held on the General Fund reserves.

There was no other discussion or concerns addressed.

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


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 November 6, 2006 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 of the following members were present: Maes, Doom, Sanow, 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; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 16a, which is to consider Personnel Committee recommendations on cellular phones and vehicle allowances.

APPROVAL OF THE MINUTES:

Reynolds moved, Doom seconded, that the minutes of the regular meeting held on October 16, 2006 and that the minutes of the Special Budget Workshops held on October 25, 2006 and October 30, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

CONSIDER RESOLUTION AMENDING RESOLUTION NUMBER 2837, SECOND SERIES GRANTING PETITION FOR VACATION OF RIGHT-OF-WAY (SOUTH 1ST STREET):

Glenn Olson, Director of Public Works/City Engineer, reviewed this request. Typically in a vacation process, half of the vacated street goes to each of the adjacent property owners. In this case, the petitioner, The Schwan's Development Corporation, has requested the entire vacated portion of South 1st Street be transferred to the adjacent properties located along the northwesterly boundary. The Schwan's Development Corporation is the owner of both sides of the vacated street. Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2877, SECOND SERIES and that the reading of the same be waived. Resolution Number 2877, Second Series is a resolution Amending Resolution Number 2837, Second Series Granting a Petition for Vacation of a Right-of-Way in the City of Marshall. This resolution provides for the following requirements:

1. Verification of petitioner's ownership of all property adjacent to the right-of-way petitioned to be vacated.
2. The City's retention of public utility easements through the vacated right-of-way.
3. Completion of an approved development agreement for the extension of East Greeley Street to South Saratoga Street in conformance with City specifications.
4. Completion of the extension of East Greeley Street to South Saratoga Street prior to the recording of the vacation of the petitioned area of South 1st Street.
5. Costs associated with the vacation of the right-of-way shall be responsibility of the petitioner and included in the development agreement.
6. That said vacated right of way describes as South 1st Street from the north line of West Greeley Street to the south line of East Saratoga Street be transferred in its entirety to the adjacent properties located along the northwesterly boundary.

All voted in favor of the motion.

PUBLIC HEARING – REQUEST OF THE SCHWAN FOOD COMPANY TO REZONE 100 & 102 WEST GREELEY STREET AND 206 THROUGH 214 SOUTH 1ST STREET FROM R-1 ONE FAMILY RESIDENCE DISTRICT TO B-3 GENERAL BUSINESS DISTRICT – A. ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing to rezone 100 & 102 West Greeley Street and 206 through 214 South 1st Street from R-1 One Family Residence District to B-3 General Business District. Glenn Olson, Director of Public Works/City Engineer, reviewed the request from The Schwan Food Company. The B-3 General Business District is intended for business uses appropriate to thoroughfare locations. Ritter moved, Sanow seconded, the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Sanow seconded, the adoption of ORDINANCE NUMBER 559, SECOND SERIES and that the reading of the same be waived. Ordinance Number 559, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 100 & 102 West Greeley Street and 206 through 214 South 1st Street to be rezoned from R-1 One Family Residence District to B-3 General Business District and for the Vacated South 1st Street from the North Line of West Greeley Street to the South Line of East Saratoga Street be placed in a B-3 General Business District. All voted in favor of the motion.

PUBLIC HEARING – REQUEST OF THE SCHWAN FOOD COMPANY TO REVISE THE DEFINITION OF DOWNTOWN DISTRICT AND LIMITS OF THE DOWNTOWN DISTRICT TO INCLUDE BLAKES ADDITION, BLOCK 6 AND VACATED SOUTH 1ST STREET – A. ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing to revise the definition of Downtown District and Limits of the Downtown District to include Blakes Addition, Block 6 and Vacated South 1st Street. Glenn Olson, Director of Public Works/City Engineer, reviewed this request. Sanow moved, Maes seconded, the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Maes seconded, the adoption of ORDINANCE NUMBER 560, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 560, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for the revision of the Definition of Downtown District and Limits of the Downtown District to include Blakes Addition, Block 6 and Vacated South 1st Street. All voted in favor of the motion.

APPROVAL OF THE CONSENT AGENDA – A. CONSIDER WAL-MART CURRENCY EXCHANGE LICENSE RENEWAL FOR CALENDAR YEAR 2007; B. SET A MEETING DATE TO CANVAS THE ELECTION BALLOTS FOR 7:30 A.M. ON THURSDAY, NOVEMBER 9, 2006; C. APPROVAL OF LABOR AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, INC., (POLICE SERGEANTS) FOR 2006; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

Per the request of Mayor Byrnes item D, Bills/Project Payments; and per the request of Boedigheimer C, Approval of Labor Agreement with Law Enforcement Labor Services, Inc., for the Police Sergeants for 2006 were removed from the consent agenda.

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

The Wal-Mart Currency Exchange License renewal for the calendar year 2007.

REGULAR MEETING – NOVEMBER 6, 2006

A Special City Council meeting be scheduled for 7:30 A.M. on Thursday, November 9, 2006 to canvass the results of the General Election.

All voted in favor of the motion.

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

	Applicant	Location	Address	Description of Work	Valuation
1.	Mike Buysse Construction	305	South 5th Street	Exterior Remodel	\$15,000
2.	Joseph Pallansch Construction Services	1206	Parkside Drive	Porch Addition	\$6,500
3.	Independent Lumber of Marshall, Inc.	521	Viper Circle	Dwelling	\$224,000
4.	George & Ketty Torres	103	North 6th Street	Kitchen Remodel	\$700
5.	Four Seasons Companies, LLP	800	West College Drive	Demolish Canopy & Repair Steps	\$800
6.	Dan & Deb Westby	1401	Cumberland Road	Install Window	\$2,000
7.	Lozinski Construction	1404	Parkside Drive	Install Window	\$1,000
8.	Paxton Signs, Inc.	1710	East College Drive	Sign	\$4,700
9.	St. Aubin Drywall	1604	Superior Road	Remodel Microbiology Labs	\$130,000
10.	B & G Properties	1217	East College Drive	Demolish Canopy	\$0
11.	Mark & Jennie Jensen	509	Lawrence Street	Install Window	\$1,000
12.	Bill Chukuske	801	South 2nd Street	Replace Doors	\$2,200
13.	Clifton & Erma Ellingson	415	South 4th Street	Install Windows	\$3,300
14.	Paul Puetz	409	Elaine Avenue	Replace Windows & Partial Reside	\$1,000
15.	The Schwan Food Co. c/o Dave Edens	233	West Main Street	Interior Demolition	\$0
16.	David & Anne Parker	502	West Southview Drive	Replace Windows	\$1,200
17.	The Schwan Food Co.	233	West Main Street	Interior Remodeling	\$46,200
18.	John Otto	1001	East Fairview Street	Reroof	\$2,400
19.	Jim Greeley Signs & Awnings	1211	Susan Drive	Install Signs	\$17,200
20.	Curtis VanMeveren Construction	107	South High Street	Reside Dwelling, Replace Windows, & Partial Reroof	\$16,200
21.	Corey & Rebecca Towne	700	North 4th Street	Exterior & Interior Remodeling	\$15,000
22.	Mike Buysse Construction	320	South 6th Street	Exterior Remodel	\$15,000

Council Member Boedigheimer questioned the Police Sergeants Union Contract being the same as the Police Officers Union Contract and whether or not it should go to arbitration. City Administrator Mike Johnson indicated that the Sergeants approved this contract but if the City wanted to, it could go to arbitration. Reynolds moved, Maes seconded, the approval of the Labor Agreement with Law Enforcement Labor Services, Inc., (Police Sergeants) for 2006. All voted in favor of the motion, except Boedigheimer who voted no.

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the list of additional bills that the City Council received today. Reynolds moved, Sanow seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 53386 through 53674. All voted in favor of the motion.

MAYOR'S PROCLAMATION WELCOMING FOREIGN EXCHANGE STUDENTS FOR 2006-2007:

At this time Mayor Byrnes read the Mayor's Proclamation Welcoming the following Foreign Exchange Students for 2006-2007:

Eduardo Walsh from Brazil
Fahsarng Parivudhiphongs from Thailand
Mariella Carneiro from Brazil
Laura Beaudouin from France
Yua Fujita from Japan

Sanow moved, Reynolds seconded, to adopt the Mayor's Proclamation Welcoming Foreign Exchange Students for 2006-2007. All voted in favor of the motion.

RESOLUTION AUTHORIZING QUIET TITLE ACTION ON GREELEY EXTENSION ADDITION:

Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2878, SECOND SERIES and that the reading of the same be waived. Resolution Number 2878, Second Series is a resolution Authorizing Quiet Title Action. This resolution provides authorization for Dennis Simpson, City Attorney, to take whatever legal action that may be necessary so as to clarify ownership of Greeley Street as may be deemed necessary to conclude approval of the plat of Greeley Extension Agreement. All voted in favor of the motion.

RESOLUTION AUTHORIZING EXECUTION OF MN/DOT GRANT AGREEMENT NO. 90374 – CRACK SEALING AT THE SOUTHWEST MINNESOTA REGIONAL AIRPORT. A. AUTHORIZATION TO AWARD PROPOSAL TO RH SEALCOATING AND ASPHALT MAINTENANCE:

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2879, SECOND SERIES and that the reading of the same be waived. Resolution Number 2879, Second Series is a resolution Providing Authorization to execute Minnesota Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition. This resolution provides for the proper city personnel to execute MN/DOT Grant Agreement No. 90374, which provides for project costs not to exceed \$30,000, with MN/DOT's maximum contribution of \$21,000 for Crack Sealing and Repair at the Southwest Minnesota Regional Airport. This agreement will remain in effect until June 30, 2008. All voted in favor of the motion.

Two proposals were received for this project from:

RH Sealcoating & Asphalt Maintenance
Russell, Minnesota
\$26,980.20

Bargen, Incorporated
Mountain Lake, Minnesota
\$30,798.00

Boedigheimer moved, Reynolds seconded, that the bid for the Crack Sealing and Repair at the Southwest Minnesota Regional Airport be awarded to RH Sealcoating & Asphalt Maintenance, Russell, Minnesota in the amount of \$26,980.20. Glenn Olson, Director of Public

Works/City Engineer, indicated that this project would be completed this fall. All voted in favor of the motion.

PROJECT X67 RUNWAY 12/30 EXTENSION PROJECT – PHASE I – CONSIDER CHANGE ORDER NO. 5 WITH R & G CONSTRUCTION COMPANY:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 5 with R & G Construction Company for Runway 12/30 Extension Project X67 – Phase I in the amount of \$162,387.59. This change order is an increase due to the changes to the contract relating to roadway modifications and field tile systems modification. Boedigheimer moved, Sanow seconded, the approval of Change Order No. 5 with R & G Construction Company for Runway 12/30 Extension Project X67 – Phase I in the amount of \$162,387.59. These funds will be paid for from account 424-60364-5530. All voted in favor of the motion.

PROJECT Y02 RUNWAY 12/30 EXTENSION PROJECT – PHASE II – CONSIDER CHANGE ORDER NO. 1 WITH MCLAUGHLIN & SCHULZ, INC.:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 with McLaughlin & Schulz, Inc., for Runway 12/30 Extension Project Y02 – Phase II in the amount of \$12,104.58. This change order is an increase due to the costs relating to the installation of a chain link fence and rolling gate in the terminal area. Boedigheimer moved, Maes seconded, the approval of Change Order No. 1 with McLaughlin & Schulz, Inc., for Runway 12/30 Extension Project Y02 – Phase II in the amount of \$12,104.58. These funds will be paid for from account 425-60364-5530. All voted in favor of the motion.

PROJECT Y01 DOWNTOWN ALLEY & STORM SEWER REPLACEMENT PROJECT – CONSIDER CHANGE ORDER NO. 5 WITH D & G EXCAVATING, INC.:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 5 with D & G Excavating, Inc., for Downtown Alley & Storm Sewer Replacement Project Y01 in the amount of \$690.00. This change order is an increase due to additional signage and stripe removal. Ritter moved, Sanow seconded, the approval of Change Order No. 5 with D & G Excavating, Inc., for Downtown Alley & Storm Sewer Replacement Project Y01 in the amount of \$690.00. These funds will be paid from account 494-62066-5570. All voted in favor of the motion.

REQUEST FOR SERVICES UNDER MN/DOT PARTNERSHIP AGREEMENT – MPCA PERMIT SERVICES:

Glenn Olson, Director of Public Works City Engineer, reviewed the request for Mn/DOT to provide services related to the necessary development of an MPCA permit application of contaminated soils in and around the T.H. 68 Main Street project in the vicinity of 5th Street and T.H. 68. The City of Marshall and Mn/DOT have entered into Partnership Contract No. 84592 in February, 2003. The purpose of this contract is to identify certain services that may be provided by Mn/DOT without the need for may separate agreements for services. This agreement expires on March 11, 2008. The City of Marshall is requesting Mn/DOT to provide services that are not included in the Partnership Contract. As per Section 2 of this Contract, the City may request transportation related services other than those provided in the Contract; therefore Doom moved, Boedigheimer seconded, that the City of Marshall requests Mn/DOT to provide services related to the necessary development of an MPCA permit application of contaminated soils in and around the T.H. 68 Main Street project in the vicinity of 5th Street and T.H. 68. The City will be contracting directly with an environmental services firm to provide the Mn/DOT with the necessary information for the development of this permit. All voted in favor of the motion.

AGREEMENT FOR MOTOR GRADER RENTAL WITH TITAN MACHINERY:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to lease two motor graders for the 2006-2007 winter season. Proposals were received as follows:

<u>Supplier</u>	<u>Rate per Month</u>	<u>Additional Information</u>
Titan Machinery	\$3,400/unit plus tax	5 months / 100 hours/month
Ziegler Equipment	\$3,780/unit plus tax	5 months / 60 hours/month
Ziegler Equipment	\$2,170/unit plus tax	12 months / 500 hours/year

Mr. Olson indicated that they will be checking into purchasing this equipment rather than leasing every year. He indicated that due to the increase in streets and the difficulty of removing snow from cul-de-sacs there was a need for additional motor graders. Council Member Ritter asked about eliminating cul-de-sacs in the City of Marshall. Boedigheimer moved, Doom seconded that the proper city personnel be authorized to enter into an agreement with Titan Machinery for the lease of two motor graders with wings for the 2006-2007 winter season. The cost for these motor graders is \$3,400 per unit plus tax per month. There is an additional charge of \$34.00 per hour for any hours over 100 per month. All voted in favor of the motion, except Ritter who voted no.

SNOW REMOVAL TRUCK RENTAL AGREEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed Snow Removal Truck Rental Agreement for the City of Marshall. This agreement has been reviewed by the City Attorney and will be used for the hiring of independent contractors for snow removal. It was indicated that the independent contractors should be required to provide a valid drivers license and a certificate of insurance.

RESOLUTIONS ADOPTING ASSESSMENT FOR DISEASED DUTCH ELM TREE REMOVALS:

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2880, SECOND SERIES and that the reading of the same be waived. Resolution Number 2880, Second Series is a resolution Adopting Assessment for Diseased Elm Tree Removal, setting the interest rate at 6.45% and the assessment being paid in equal annual installments extending over a period of 5 years. This resolution provides for specially assessing the cost of tree removal for Noplyn W. Cromwell, 307 Walnut Street, Parcel No. 27-757-083-0 in the amount of \$841.35. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2881, SECOND SERIES and that the reading of the same be waived. Resolution Number 2881, Second Series is a resolution Adopting Assessment for Diseased Elm Tree Removal, setting the interest rate at 6.45% and the assessment being paid in equal annual installments extending over a period of 5 years. This resolution provides for specially assessing the cost of tree removal for Burlington Northern Santa Fe Railroad, Parcel No. 27-999-019-0 which is along the Railroad Right-of-Way in the amount of \$285.22. All voted in favor of the motion

INSURANCE AD HOC COMMITTEE – A. APPROVAL OF HEALTH INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2007; B. APPROVAL OF DENTAL INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2007; C. APPROVAL OF LIFE INSURANCE RENEWAL RATES EFFECTIVE JANUARY 1, 2007; D. APPROVAL OF LONG-TERM DISABILITY INSURANCE RENEWAL RATES

EFFECTIVE JANUARY 1, 2007; E. AUTHORIZE PROPOSALS FROM TASC FOR ADMINISTRATION OF THE CITY'S HEALTH INSURANCE, CO-INSURANCE AND FLEX BENEFIT PROGRAM:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the renewal of the City's health insurance rates with Blue Cross/Blue Shield of Minnesota administered through Appletree Institute at a 7 ½ % increase effective January 1, 2007. The rates would increase on single coverage from \$317.50 per month to \$341.50 per month and on family coverage from \$850.00 per month to \$914.00 per month. City Administrator, Mike Johnson, recommended that the Personnel Committee review the employee and city share due to this increase. Reynolds moved, Sanow seconded, that the renewal of the City's health insurance with Blue Cross/Blue Shield administered through Appletree Institute be approved at an increase of 7 ½% effective January 1, 2007 and that the Personnel Committee review the employee and city share of the increase. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the renewal of the City's Dental Insurance with Delta Dental effective January 1, 2007. The rates would increase for single coverage from \$27.55 to \$34.45 per month and family coverage would be increased from \$74.15 to 92.70 per month. The City's Dental Insurance Agent, National Insurance Services, has received quotes from other companies. Staff has met and discussed the options with National Insurance Services, and it is their recommendation to continue coverage with Delta Dental. Reynolds moved, Sanow seconded, that the renewal of the City's dental insurance with Delta Dental be approved effective January 1, 2007 and that the Personnel Committee review the employee and city share of the increase. The rates would increase for single coverage from \$27.55 to \$34.45 per month and family coverage would be increased from \$74.15 to 92.70 per month. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the renewal of the City's Life Insurance coverage for City employees with MII Life with no change in premium effective January 1, 2007. The premium will remain at \$.18 per \$1,000 of Basic Group Term Life, \$.02 per \$1,000 for Accidental Death and Dismemberment and \$.98 for Dependent Life Insurance/Family Unit. Reynolds moved, Maes seconded, that the renewal of the City's life insurance with MII Live be approved effective January 1, 2007. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the renewal of the City's Long-Term Disability Insurance for City employees with Madison National Life effective January 1, 2007 with no increase in rate. The rate will remain at .425% of covered payroll. The coverage of long-term disability was changed to increase the maximum annual covered salary to \$120,000 which is an increase from the previous of \$100,000. Maes moved, Reynolds seconded, that the City's long-term disability insurance with Madison National Life be approved effective January 1, 2007. All voted in favor of the motion.

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that in the past the City has utilized Flexible Benefit Administration as the Third Party to administer the co-insurance (direct pay) payments for the City health insurance. The cost for this service is \$10.00 per employee per month. The City has utilized Legal Systems as the Plan Administrator for the Flex Program offered to the City employees. Legal Systems was acquired by TASC (Total Administrative Service Corporation) in 2005. The City and MMU staff had met with the local representative, Steve Kielman from the Brandon, S.D. Regional Office, in 2005. MMU did elect to utilize the services of TASC for the health insurance co-insurance (direct pay program) and

flex benefit program beginning January 1, 2006. Upon further review of the services offered by TASC it is the recommendation of City staff to utilize the services of TASC for the administration of the City health insurance co-insurance (direct pay program) and flex benefit program. TASC provides services locally through insurance agencies and accounting firms. By utilizing the services of TASC there would be a savings to the City monetarily and in time. One of the most important advantages of utilizing TASC is Data Privacy. Reynolds moved, Maes seconded, that the proper City personnel be authorized to begin utilizing the services with TASC to administer the City's health insurance co-insurance (direct pay plan) and flex benefit program effective January 1, 2007. All voted in favor of the motion.

CONSIDER PERSONNEL COMMITTEE RECOMMENDATIONS ON CELLULAR PHONES AND VEHICLE ALLOWANCES:

There was a brief discussion at this time on cell phone use by city departments. Council Member Sanow asking about having a written policy on who gets reimbursed and why. City Administrator Mike Johnson indicated that there is no written policy, but they look at what is most cost effective. He also indicated that cell phones cannot be used as a bargaining unit for the Unions. Glenn Olson, Director of Public Works/City Engineer, indicated that they his department uses cell phones on a daily basis. Council Member Boedigheimer indicated that the city went from paying for 6 cell phones in 1993 to 34 in 2006 therefore he felt that there should be a policy. Council Member Boedigheimer also indicated that someone should not be reimbursed for cell phone use when they are on leave. Reynolds moved, Maes seconded, that the reimbursement of cell phones be left as is and that this be referred back to the Personnel Committee to develop a policy on cell phone use and reimbursement. All voted in favor of the motion.

There was a discussion at this time on the vehicle allowance that the Division Heads and Liquor Store Manager receive. Reynolds moved, Maes seconded, that the vehicle allowance of \$250.00 per month for the Division Heads and the Liquor Store Manager be approved. Council Member Sanow asked what the payment is for. City Administrator Mike Johnson indicated that the Division Heads and Liquor Store Manager provide and make available their personal vehicle for City business in town. He also indicated that they receive mileage reimbursement for out of town travel. Council Member Sanow suggested that for three months they track their daily mileage for city business. Sanow suggested that the City maybe could save money by providing motor pool cars. Council Member Reynolds indicated that the \$250.00 helps to recruit and retain employees. Council Member Ritter agrees with Sanow. Reynolds moved, Maes seconded, to amend the motion to require the Division Heads and Liquor Store Manager to track their daily mileage for city business for three months. This is to be reviewed after the three month period. Council Member Sanow also asked about reviewing the employment agreements that the City currently has with employees on an annual basis. All voted in favor of the motion as amended.

Mayor Byrnes called for a 5-minute recess at 7:15 P.M.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report.

Boedigheimer Airport Commission will meet this week; M.E.R.I.T. Center Committee will meet on Thursday.

REGULAR MEETING – NOVEMBER 6, 2006

Doom Marshall Community Services Advisory Board met last week; Planning Commission meets this Wednesday.

Maes Human Rights Commission member Nicole Enersen received the 2006 Human Rights Award.

Reynolds Library Board will meet on November 13th and the Library Board Building Committee will meet on November 21st; Utilities Commission will meet on November 15th.

Ritter Convention and Visitors Bureau met last week, but did not have a quorum.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included a concern with noise from the generator located by the High Rise on 201 North First Street. The Housing Commission is working on a solution. The work being done on the Third Street Alley will be finalized with the street renovations in 2007. Council Member Reynolds will not be available for the special meeting to be held at 7:30 A.M. on Thursday, November 8, 2006 to canvas the ballots.

REVIEW OF PENDING AGENDA ITEMS:


The Budget Workshop originally scheduled for November 13th has been changed to November 15, 2006.

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05 SUB. 3(B):

Sanow moved, Maes seconded, that the City Council go into closed session pursuant to Minnesota Statute 13D.05, Subd. 3 (b). All voted in favor of the motion.

The Council came out of closed session at 8:01 P.M.

Reynolds moved, Maes seconded, that the meeting be adjourned at 8:02 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 9, 2006

A special meeting of the Common Council of the City of Marshall was held on November 9, 2006 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 7:30 A.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Maes, Doom, Sanow, Boedigheimer and Ritter. Absent: Reynolds. Staff present included: Thomas M. Meulebroeck, Financial Director/City Clerk.

The purpose of this special meeting was to canvas the ballots of the General Election held on November 7, 2006.

Election returns as filed by the election judges for the General Election held on November 7, 2006 were provided by the Finance Director/City Clerk Thomas M. Meulebroeck. The summary of the votes cast for Council Members were as follows for said election:

	Ward I	Ward II	Ward III	Total
Number of Registered Voters	2,183	2,666	2,371	7,220
New Registrations Election Day	320	253	238	811
TOTAL	2,503	2,919	2,609	8,031
Total Voted	1,267	1,758	1,441	4,466
% Voted	50.62%	60.23%	55.23%	55.61%
City Council				
Donald L. Edblom	484	-----	-----	484
Michael Reynolds	642	-----	-----	642
Michael Boedigheimer	-----	958	-----	958
David Sturrock	-----	729	-----	729
Shelly Maes	-----	-----	614	614
Jennie Hulsizer	-----	-----	705	705
Other (write-ins & blanks)	141	71	122	334
TOTAL	1,267	1,758	1,441	4,466

Write-ins for each ward included:

Ward I
Aaron Bass

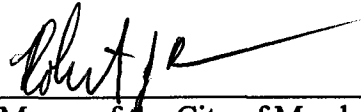
Ward II
Alfred Lee
John McDonald
Linda Blomseat
John Fedra

Ward III
Howard Bennett
Anna Haedhel
Stuart Kirchner
Joshua Burch
Eileen Rowe
Allen Deutz

SPECIAL MEETING – NOVEMBER 9, 2006

Sanow moved, Doom seconded, Michael G. Reynolds be declared duly elected as council member for Ward 1; Michael Boedigheimer be declared duly elected as council member for Ward 2; and Jennie Hulsizer be declared duly elected as council member for Ward 3 of the City of Marshall and that the term for all of these elected positions expired on December 1, 2010. All voted in favor of the motion.

Upon motion made by Maes, seconded by Ritter, the meeting was adjourned. All voted aye.



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 November 15, 2006 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 5:30 A.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Maes, Doom, Sanow, Boedigheimer, Reynolds 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; Harry Weilage, Director of Community Services; Cal Barnett, Director of General Services/City Assessor; Jim VanHyfte, Liquor Store Manager; Bob VanMoer, Wastewater Treatment Facility Superintendent; and Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: Jennie Hulsizer, new elected Council Member; Community Services Committee – Matt Coleman, Bruce Mitlyng and Cindy McKittrick, Tom James and Ben Schaefer from US Aquatics; and Rae Kruger from the Independent.

**RESOLUTION FOR HEARING ON PROPOSED REVISED ASSESSMENT –
A. PROJECT X12 (2001-004) SOUTH HILL STREET / EAST MARSHALL STREET
RECONSTRUCTION PROJECT; B. PROJECT X71 (2005-003) NORTH 6TH STREET
RECONSTRUCTION PROJECT:**

City Attorney Dennis Simpson addressed the order issued by Lyon County District Court dated October 6, 2006, finding that the benefit derived by the improvement projects to North 6th Street and East Marshall Street and South Hill Street equaled \$4,720.00 per residential property. All special assessment appeals are governed by M.S.A. 429.081. That Statute concludes with the following: “the Court shall either affirm the assessment or set it aside and order a reassessment as provided by M.S.A. 429.071, subd. 2.” The effective result of the Court Order of October 6th, is to set aside the prior assessment and then order a reassessment pursuant to Statute.

Mr. Simpson also indicated that per M.S.A. 429.071, subd 2, it provides as follows: “when an assessment is, for any reason whatever, set aside by a Court of competent jurisdiction as to any parcel or parcels of land..., the Council may, upon notice and hearing as provided in the original assessment, make a reassessment or a new assessment as to such parcel or parcels.”

Therefore, it is necessary to provide notice and hold a hearing regarding the reassessed amounts pursuant to the District Court Order. An Attorney General’s Opinion dated May 2, 1967, provides as follows: “If a municipality precedes under 429.071, subd. 2, notice must be given to all persons designated as owners of property in the original assessment roll.” Therefore, notice must be given to all parcel owners within each project.

The Notice of Hearing must be given to all owners of property as designated in the original assessment roll. However, that notice will indicate that the vast majority of property owners are unaffected and that their assessment will be unchanged. The residential lot owners who perfected their appeals, however, will be affected by this hearing and their notice will indicate that for the most part, the assessment will be reduced from \$5,000 per parcel to \$4,720.00 per parcel.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2882, SECOND SERIES and that the reading of the same be waived. Resolution Number 2882,

SPECIAL MEETING – NOVEMBER 15, 2006

Second Series is a resolution Calling for a Hearing on the Proposed Revised Reassessment. This resolution provides for a public hearing to be held at 5:30 P.M. on December 4, 2006 to consider the Proposed Revised Reassessment for Project X12 (2001-004) South Hill Street / East Marshall Street Reconstruction Project. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2883, SECOND SERIES and that the reading of the same be waived. Resolution Number 2883, Second Series is a resolution Calling for a Hearing on the Proposed Revised Reassessment. This resolution provides for a public hearing to be held at 5:30 P.M. on December 4, 2006 to consider the Proposed Revised Reassessment for Project X71 (2005-003) North 6th Street Reconstruction Project. All voted in favor of the motion.

Harry Weilage introduced Tom James and Ben Schaefer from U. S. Aquatics to address needed improvements and amenity expansion at the Aquatic Center and surrounding area. The items Tom James addressed included a second waterslide, floor replacement in the lap pool, addition of a splash deck to the existing wading pool and the addition of a 9-hole mini-putt golf course. Ben Schaefer addressed the estimated cost associated with the suggested improvement and the amenity expansion. Glenn Olson also addressed the problem with the current condition of the pool along with the finding that he and Bob VanMoer addressed with the leakage at the pool filtering into the sanitary sewer system which also needs to be replaced.

2007 BUDGET WORKSHOP – SESSION 3:

This was the date and time set for the third budget workshop for the 2007 budget. The 2007 budget reviewed included the Municipal Liquor Store; the Wastewater Treatment Facility, a discussion on including the process for the NPDES Permits; the EQ Basin and Digester Improvements, the work that is being done with Springsted to update the rate study report and the impact that changes to the special assessment will have on rates and available funds with Wastewater operations. Bob addressed the various line items within the budget and suggested some minor adjustments and also reviewed the proposed capital expenditures. Glenn discussed the problem with a number of watermain breaks in the tree street area and suggested that the sanitary sewer be replaced at the same time water lines are and the situation they may encounter with the location of the sewer lines and the type of line that currently exists. The discussion also included a consideration of an incentive in working with the residents adjacent to the sewer line and to encourage them to replace the line from the homes to the sewer line at the same time the sewer line is installed.

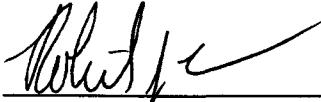
Mayor Byrnes called for a 5-minute recess at 7:00 P.M.

The other budgets reviewed included the Wastewater Debt Service Funds (Tom); Surface Water Utility (Glenn); Municipal State Aid (Glenn); Capital Equipment Fund (Tom); Insurance Reserve Fund (Tom); Special Revenue (Tom); Debt Service (Tom); and the Capital Project Fund (Tom). Mike Johnson updated the council on the proposed 2007 General Fund budget which currently reflects a deficit of \$461,422 (Revenues \$9,677,270 and Expenditures \$10,138,692). Mike addressed the increase in personnel, operation and maintenance, and capital expenditures from budgeted 2006 to the proposed 2007. Mike suggested that the \$114,750 budget request for the M.A.T. Facility be taken from the General Fund, Fund Balance, since this is a one time

SPECIAL MEETING – NOVEMBER 15, 2006

request. Mike along with the council members expressed their thoughts on areas where there may be some possibilities for changes in the proposed 2007 General Fund Budget. The consensus was that Mike work with the Division Heads and review the requested additional positions and capital expenditure request and a recommendation be made at the next budget meeting on November 27, 2006.

Upon motion made by Doom, seconded by Sanow, 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 20, 2006

The regular meeting of the Common Council of the City of Marshall was held on November 20, 2006 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, Sanow, 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; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; Sheila Dubs, Assistant to City Administrator; Mark Hanson, Economic Development Director arrived late; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the removal of item no. 5, which is Project Y03 – Main Street Project – Award of Proposal and Entering into a Professional Engineering Services Agreement with Delta Environmental Consultants, Inc., for Environmental Services Related to MPCA-Volunteer Investigation Program (VIC).

APPROVAL OF THE MINUTES:

Boedigheimer moved, Sanow seconded, that the minutes of the regular meeting held on November 6, 2006 and that the minutes of the special meeting held on November 9, 2006 be approved as presented; that the minutes of the Special Budget Workshop held on November 15, 2006 be approved as corrected; and that the reading of all the minutes be waived. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PICKUP OF GARBAGE AND TRASH FOR VARIOUS CITY LOCATIONS; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

Per the request of Council Member Ritter item A, Authorization to Advertise for bids for the Pickup of Garbage and Trash for Various City Locations and per the request of Council Member Boedigheimer item B, Bills/Project Payments were removed from the consent agenda.

Sanow moved, Doom seconded, that the proper city personnel be authorized to advertise for bids for the pickup of garbage and trash for various city locations. These bids are to be received at 4:00 P.M. on December 11, 2006. All voted in favor of the motion, except Ritter who abstained.

Council Member Boedigheimer questioned the efficiency of issuing checks for under \$20.00. There were 25 checks cut for under \$20.00 and suggested that maybe they be paid from petty cash. Sanow moved, Reynolds seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 53675 through 53902. All voted in favor of the motion.

REGULAR MEETING – NOVEMBER 20, 2006

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

Applicant		Location Address			Description of Work	Valuation
1.	Geske Home Improvement Co.	234		Legion Field Road	Reside Dwelling	\$6,500
2.	Babcock Construction	511		Lynd Street	Partial Roof Replacement, Replace Exterior Steps, & New Stoop	\$1,900
3.	Arlington Trust	405		Genesis Avenue	Two-Family Dwelling -- Footings & Foundation	\$8,800
4.	French Construction	205	North	5th Street	Deck	\$4,700
5.	Leroy Signs Inc.	321	West	Main Street	Install Signs	\$3,000
6.	Bakke's Home Repair & Construction	1102		Cheryl Avenue	Deck Replacement	\$4,000
7.	Stein Sign Display	1200		Susan Drive	Install Sign	\$3,200
8.	George J. Jacob Construction	711		Nuese Lane	Install Window	\$800
9.	Ernie & Deb Johnson	1404		Parkside Drive	Dwelling Addition	\$15,000
10.	Tom Blomme	113	West	Maple Street	Garage	\$12,500
11.	Babcock Construction	208	West	Main Street	Replace Windows	\$9,500
12.	Cynthia Rogers	404		Kossuth Street	Construct Bathroom	\$1,000
13.	Pride Neon, Inc.	501	South	Highway 23	Install Sign	\$3,300
14.	Pride Neon, Inc.	1101	East	Main Street	Construct Advertising Sign	\$36,100
15.	Susan Arvidson	705	North	4th Street	Reside Dwelling	\$5,300
16.	James & Patricia Skewes	1300		Susan Drive	Retail Store	\$208,000
17.	Andrew & Diane Schmitt	1304		Horizon Drive	Deck	\$1,200
18.	Bierschenk, Inc.	1300	East	College Drive	Exterior Remodel	\$30,000
19.	Raymond L. Alderman	237	West	Main Street	Exterior Remodel, Replace Windows & Install Signs	\$44,900
20.	Jeff Gladis	210	North	Whitney Street	Reroof Dwelling	\$5,600
21.	Roger Kulla	1315		Horizon Drive	Garage Remodel	\$2,000

APPROVAL OF LEASE PROPOSAL FOR DIAGNOSTIC IMAGING CT EQUIPMENT FOR AVERA MARSHALL REGIONAL MEDICAL CENTER:

Mary Maertens, Sharon Williams, Pam Peyton and Denise Christopherson from Avera Marshall Regional Medical Center were in attendance at the meeting to review the request for the purchase of a 64 Slice CT. It is the recommendation of Avera Marshall Regional Medical Center to go with the AMD/Toshiba 60 month FMV lease that includes the professional support services. This option provides them with cutting edge CT technology and comprehensive professional services that are vital to the growth and enhancement of services provided at Avera Marshall. The total cost for this 60 month Fair Market Value Lease is \$1,785,000 or \$29,750 per month. Sanow moved, Ritter seconded, that Avera Marshall Regional Medical Center be authorized to enter into a 60 month Fair Market Value Lease with AMD/Toshiba for a 64 Slice CT in the amount of \$1,785,000 or \$29,750 per month. All voted in favor of the motion.

INFORMATIONAL PRESENTATION BY MINNESOTA DEPARTMENT OF TRANSPORTATION (MN/DOT) – DAVE TROOIJEN:

Dave Trooijen and Tom Behm representatives from Mn/DOT were in attendance at the meeting. Dave Trooijen provided an update on the pending projects in the Marshall Area. These projects include:

S.P. 4210-38 (TH 68) – West Jct. TH 59 to TH 19. Mn/DOT's plan includes removing the surfacing, excavating approximately 3 feet, storm sewer, sanitary sewer, replacing the surfacing, sidewalk, curb and gutter and miscellaneous work. Mr. Trooijen indicated that upon taking routine soils borings they discovered extensive contamination in the soils and ground water (dry cleaning solvent) in and near 5th Street. Mn/DOT immediately notified MPCA and met with City staff. Glenn Olson, Director of Public Works/City Engineer, indicated that an action plan will need to be submitted for Minnesota Pollution Control Agency approval. Because of this contamination the bid letting for this project has been delayed from February 23, 2007 to March 23, 2007.

S.P. 4205-35 (TH 19) – TH 23 to ¾ mile East. This project is designed. Right of Way is purchased (except from the City by High School), and the project is ready for letting.

S.P. 4203-40 (TH 23) – TH 19 to Cottonwood. This project consists of completing the 4-lane section to North of CSAH 33, a passing lane section South of Cottonwood, and concrete surfacing on the entire project.

S.P. 4204-33 (TH 19) – CSAH 7 to Bruce Street. This project is scheduled for 2012 and 2013. This project could be delayed further and possibly constructed over a 3-year period. Much depends on the real cost of the project, funding, availability and etc. City staff has discussed the possibility of constructing a "roundabout" at the intersection with Country Club Drive.

Sidewalk. The City has requested Mn/DOT to participate in sidewalk construction along TH 19 from O'Connell Drive to Tiger Drive.

Safety issues along Highway 23 included: doing a safety audit on CSAH 7; the overpass at the intersection of Saratoga Drive; advance flashers on TH 59 and TH 19; the possibility of closing Baseline Road; and it was indicated that the flashers by the High School are working very well.

Mr. Trooijen briefly discussed safety concerns at intersections where there is signal usage.

INTRODUCTION OF ORDINANCE TO SELL PORTIONS OF OUTLOTS A, D AND E, TIGER PARK ADDITION TO MN/DOT AND GRANTING A TEMPORARY EASEMENT:

Calvin Barnett, Director of General Services/City Assessor, indicated that the Mn/DOT is proposing to acquire part of the City of Marshall's property for the improvement of T.H. #19. The fee acquisition will be all of the following: That part of Outlot A, D and E Tiger Park Addition, shown as parcel 307F on the Minnesota Department of Transportation Right of Way Plat Numbered 42-13 as the same is on file and of record in the office of the County Recorder in and for Lyon County Minnesota; and a temporary easement for highway purposes as shown on said plat as to Parcel 307F by the temporary easement symbol, said easement shall cease on December 1, 2011, or on such earlier date upon which the

Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes. The monetary damage to the City of Marshall due to this acquisition is \$73,500. Sanow moved, Reynolds seconded, the introduction of an Ordinance for the Sale of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance would provide for the sale of That part of Outlot A, D and E Tiger Park Addition, shown as parcel 307F on the Minnesota Department of Transportation Right of Way Plat Numbered 42-13 as the same is on file and of record in the office of the County Recorder in and for Lyon County Minnesota; and a temporary easement for highway purposes as shown on said plat as to Parcel 307F by the temporary easement symbol, said easement shall cease on December 1, 2011, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes. All voted in favor of the motion.

PRELIMINARY PLAT OF JACQUELINE'S ADDITION – A. INTRODUCTION OF PLAT; B. CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of Jacqueline's Addition. Mr. Olson indicated that the developer, represented by Ron Schilling, has proposed 14 lots for residential construction. Schilling would construct a private street, and it would be owned and maintained privately until it would meet the requirements for a public street. Mr. Olson indicated that there were several issues that would need to be addressed before the public hearing. Reynolds moved, Doom seconded, the introduction of the Preliminary Plat of Jacqueline's Addition and called for a public hearing to be held at 5:30 P.M. on December 4, 2006. All voted in favor of the motion.

RESOLUTION AMENDING RESOLUTION NUMBER 2712, SECOND SERIES, "RESOLUTION APPROVING THE FINAL PLAT OF CARR SUBDIVISION I":

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Carr Subdivision I. Resolution Number 2712, Second Series stated that the resolution shall become void 90 days after adoption, unless the plat is filed for record within such time, that date being July 3, 2005. Contingencies for filing were placed on the adoption of the resolution. Those contingencies were not fulfilled until after the 90-day limit. However, the resolution did not contain wording referring to those contingencies. The Resolution and Plat were filed for record at the Lyon County Recorder's Office on August 10, 2005 via Document Number 161289, which was after the 90-day time frame. Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2884, SECOND SERIES and that the reading of the same be waived. Resolution Number 2884, Second Series is a resolution Amending Resolution Number 2712, Second Series – Approving the Final Plat of Carr Subdivision I. This resolution reaffirms Council approval of the Final Plat of Carr Subdivision I and further approves the recording of said Final Plat of Carr Subdivision I as Document No. 161289 in the Office of the County Recorder of Lyon County, Minnesota, on August 10, 2005. All voted in favor of the motion.

PROJECT X39 (2003-003) CANOGA PARK DRIVE IMPROVEMENT – CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Doom moved, Reynolds seconded, the approval of Change Order No. 2 (Final) with D & G Excavating for an increase in the amount of \$24,773.48 and the acknowledgement of the final payment in the amount of \$36,562.78 for Canoga Park Drive Improvement Project X39 (2003-003). The change order is a result of the final measurements and quantities. All voted in favor of the motion.

**PROJECT Y07 BITUMINOUS OVERLAY ON VARIOUS CITY STREETS –
CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL
PAYMENT APPLICATION:**

Doom moved, Sanow seconded, the approval of Change Order No. 2 (Final) with McLaughlin & Schulz, Inc., for a decrease in the amount of \$8,356.88 and the acknowledgement of final payment in the amount of \$177,194.32 for Bituminous Overlay on Various City Streets Project Y07. The change order is a result of the final measurements and quantities. All voted in favor of the motion.

**PROJECT X70 (2005-002) SOUTHVIEW DRIVE WATERMAIN REPLACEMENT –
CHANGE ORDER NO. 3 (FINAL) AND ACKNOWLEDGEMENT OF FINAL
PAYMENT APPLICATION:**

Doom moved, Sanow seconded, the approval of Change Order No. 3 (Final) with Thompson Excavating for an increase in the amount of \$22,513.34 and the acknowledgement of final payment in the amount of \$55,647.45 for Southview Drive Watermain Replacement Project X70 (2005-002). The change order is a result of the final measurements and quantities. All voted in favor of the motion.

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

**PROJECT Y15 TREE STREET IMPROVEMENT – CONSIDER RESOLUTION
ORDERING PREPARATION OF REPORT ON IMPROVEMENTS:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities is requesting a watermain replacement project in the Tree Street Area. Glenn also indicated that they are recommending to include the replacement of sanitary sewer mains and associated service lines as part of this project. Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2885, SECOND SERIES and that the reading of the same be waived. Resolution Number 2885, Second Series is a resolution Ordering Preparation of Report on Improvement. This resolution orders the preparation of report on improvement for the Tree Street Area Improvement Project Y15. All voted in favor of the motion.

**ECONOMIC DEVELOPMENT – A. DISCUSS “DRAFT” OF 2007 STRATEGIC
ECONOMIC DEVELOPMENT PLAN; B. – RESOLUTION APPROVING SUB-
ZONE MODIFICATIONS AND AUTHORIZING TAX EXEMPTIONS:**

Mark Hanson, Economic Development Director, briefly reviewed the “Draft” of 2007 Strategic Economic Development Plan. The 2007 Strategic Goals include: resident and employee population is increased; shopping, dining and entertainment sites are constructed; Marshall’s Regional Hub status is expanded; employment opportunities are diversified; and downtown economic vitality is strengthened.

Mark Hanson, Economic Development Director, presented a swap of 5.26 JOBZ tax-free zone parcel for two new JOBZ zones. The city will remove 5.26 acres in a JOBZ zone and add a 3.8 acre parcel near Ralco and a 1.46 acre parcel near West Main Street. Mark indicated that Ralco will be building a new truck maintenance facility, a new office and lab on the 3.8 acre parcel. Ralco is a manufacturing of livestock feed and nutritional additives, including its own line of products. They will add about 12 jobs within a year of the expansion. Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2886, SECOND SERIES and that the reading of the same be waived. Resolution Number 2886, Second Series is a Resolution Approving Sub-Zone Modifications and Authorizing

REGULAR MEETING – NOVEMBER 20, 2006

Tax Exemptions. This resolution will remove 5.26 acres in a JOBZ zone and add a 3.8 acre parcel near Ralco and a 1.46 acre parcel near West Main Street. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA met last week and discussed the 2007 Strategic Economic Development Plan; Regional Development Commission has not met but the Revolving Loan Fund Division has met.

Boedigheimer No report. He did indicate that the MERIT Group and Harry Weilage, Director of Community Services toured the Driving Facility in Willmar.

Doom Planning Commission met last week.

Reynolds Library Board, Utilities Commission and Council Personnel Committee all met last week.

Ritter Housing Commission and Convention & Visitors Bureau met, but he was unable to attend.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a request of the status of the Library Board and Carr's donation; a concern about installing sidewalks from Madrid Street to Kendall Street; the alley easement on Maple Street is still being worked on.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on pending agenda items.

Thomas M. Meulebroeck, Financial Director/City Clerk, provided a brief update on the upcoming bond issue. He indicated that the interest rate was 4.01% when the refunding was approved and that per Terri Heaton, Springsteds Inc., the interest rate as of November 8, 2006 is 4.033%, which would reduce the savings from \$255,142 to \$246,454. Michael Johnson, City Administrator, provided an Orientation Schedule for new council members. He also indicated that they need to schedule a Planning Retreat for the Council.

Upon motion by Ritter, seconded by Sanow, 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 27, 2006

A special meeting of the Common Council of the City of Marshall was held on November 27, 2006 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 5:30 A.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Doom, Sanow, Reynolds and Ritter. Absent: Maes and Boedigheimer. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Cal Barnett, Director of General Services/City Assessor; and Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: Jennie Hulsizer, new elected Council Member and Terri Heaton from Springsteds Inc.

PROJECT Y03 MAIN STREET PROJECT – AWARD OF PROPOSAL AND ENTERING INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT FOR ENVIRONMENTAL SERVICES:

Glenn Olson, Director of Public Works/City Engineer, reviewed the two proposals for Environmental Services from Wenck Associates, Inc., and Delta Environmental Consultants, Inc., for contamination issues associated with dry cleaning chemicals in the subgrade of T.H. 68 and 5th Street portions of the Main Street Reconstruction Project.

The professional engineering services involve assisting the City in enrolling in the MPCA's Volunteer Investigation (VIC) Program with the objective of receiving a "No Association Determination Letter." Included in this assessment will be direction for the disposal of materials removed from the 5th Street portion of the Downtown Alley Project in 2006 and stockpiled offsite until the necessary disposal method can be determined. The proposal will include the development of a Response Action Plan (RAP) consistent with the requirements of the MPCA, as well as the development of a Site Health and Safety Plan (SHSP) required for the development of the construction project.

Mn/DOT has retained Delta Environmental Consultants, Inc. to provide the same environmental services for their portion of the project. Glenn addressed the relative merits of the two consultants: 1) it may be better to have one consultant coordinate the activities and permits and action plans of both Mn/DOT and the City; or 2) it may be better to have an independent consultant representing the best interest of the City of Marshall rather than a potential conflict if the best interest of the City differs from the best interest of Mn/DOT. Delta Environmental's proposal for environmental services was \$17,394.50, and Wenck Associates, Inc. estimated amount is \$17,973.00. Wenck Associates cost may change due to changes in required meetings or presentations, but is the best estimate at this time for the scope of work that has been provided. Any significant changes to the concept scope of work would need to be addressed by separate contract.

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Ritter moved, Sanow seconded, the City of Marshall enter into an agreement with Wenck Associates, Inc. of St. Paul, Minnesota for environmental services for contamination issues associated with dry cleaning chemicals in the subgrade of the T.H. 68 and 5th Street portions of the Main Street Reconstruction Project in the amount of \$17,973.00, contingent upon City Attorney review and approval of contract documents. These costs are to be paid from the consulting services account under the Main Street Project and will be included in costs associated with the contamination issues with the Dry Cleaning fund. The City will have to "up

front” these project costs and will pay from the City’s “429” Fund. All voted in favor of the motion.

RESOLUTION AWARDING THE SALE OF \$7,225,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006C, FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT:

Terri Heaton, Springsted, revisited the refunding of the G.O. Wastewater System Revenue Refunding Bonds 1998C, the G.O. Storm Sewer District Bonds, Series 1999B and the G. O. Wastewater Sewer Revenue Bonds, Series 2000A. The original projection was that the City would save approximately \$255,142 from the refunding of these bonds. Based on the bids received the savings is estimated at \$294,041. Terri addressed Moody’s MBIA Insured Rating of Aaa and Moody’s Underlying Rating of A2. The bids received were as follows:

Bidder	Interest Rates	Price	Net Interest Cost	True Interest Rate
UBS Securities LLC; Citigroup Global Markets Inc; Cronin & Company, Incorporated; Wachovia Securities LLC	4.00% 2008 – 2021	\$7,264,737.50	\$1,953,990.28	3.9041%
Morgan Stanley DW Inc	4.00% 2008 - 2021	\$7,238,741.65	\$1,979,686.13	3.9660%
Piper Jaffray Companies Wells Fargo Brokerage Services LLC	4.00% 2008 – 2020 4.125% 2021	\$7,238,425.60	\$1,987,336.07	3.9796%
RBC Capital Markets	4.00% 2008 – 2020 4.125% 2021	\$7,215,744.36	\$2,010,047.31	4.0339%

Subsequent to the bid opening, the issue size decreased from \$7,225,000 to \$7,135,000. Terri also addressed the following remarks from Moody’s rating report. “The A2 rating is based on the city’s sound financial operations 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 burden with rapid amortization.” “Moody’s believes that the city’s conservative management and health reserves, supplemented by alternative liquidity in other funds, provide ample financial flexibility to mitigate the negative impact of possible state aid reductions in the future.”

Terri clarified the section of Moody’s report on the high debt burden and rapid payout.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 2887, SECOND SERIES and that the reading of the same be waived. Resolution Number 2887, Second Series is a resolution Awarding the Sale of \$7,135,000 General Obligation Refunding

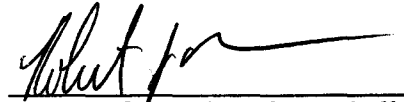
SPECIAL MEETING – NOVEMBER 27, 2006

Bonds, Series 2006C, Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment. All voted in favor of the motion.

2007 BUDGET WORKSHOP – SESSION 4:

This was the date and time set for the 4th Budget Workshop for the 2007 budget. Per the previous direction of the City Council, Mike Johnson, City Administrator, indicated that he had met with the Division Heads and Finance Director and now has a General Fund budget to present with revenues of \$9,566,270 and expenditures of \$9,565,367. Mike indicated that he had discussed with Terri Heaton, Springsteds, Inc., the potential of utilizing G. O. Equipment Certificates for acquiring \$458,575 of capital equipment items included in the General Fund Budget. Mike also indicated that the one time capital expenditure of \$114,750 for the Transit Facility has been removed from the General Fund Budget and that the Municipal Liquor Fund would finance this project. Sanow moved, Reynolds seconded the General Fund Budget be recommended to the Truth and Taxation hearing on December 6, 2006 as recommended with an amount included of \$7,500 for the SW Initiative Fund, the inclusion of the capital expenditures items totaling \$458,575 and to be funded utilizing G. O. Equipment Certificates and that the amount to balance the budget be included in the Mayor and Council Contingency. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – DECEMBER 4, 2006

The regular meeting of the Common Council of the City of Marshall was held on December 4, 2006 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: Hulsizer, Doom, Sanow, 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; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; Mark Hanson, EDA Director; 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.

Mayor Byrnes called upon Thomas M. Meulebroeck, Financial Director/City Clerk, to administer the Oath of Office to Michael Boedigheimer and Michael Reynolds, re-elected Council Members and to newly elected Council Member Jennie Hulsizer.

APPROVAL OF THE MINUTES:

Reynolds moved, Sanow seconded, that the minutes of the regular meeting held on November 20, 2006 and the Special Budget Workshop held on November 27, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – RESOLUTIONS ADOPTING REVISED REASSESSMENTS FOR: A. PROJECT X71 (2005-003) NORTH 6TH STREET RECONSTRUCTION; B. PROJECT X12 (2001-004) SOUTH HILL STREET / EAST MARSHALL STREET RECONSTRUCTION:

This was the date and time set for a public hearing on Revised Reassessments for Project X71 (2005-003) North 6th Street Reconstruction and Project X12 (2001-004) South Hill Street and East Marshall Street Reconstruction. Dennis Simpson, City Attorney, indicated that a public hearing notice was sent to all of the property owners as directed by Minnesota Statutes. The majority of those property owners will have their special assessments remain the same and will not be affected by the public hearing. However, the various appellants on the public improvement projects will have their property assessments modified. It is the recommendation of the City Attorney's Office that those property owners involved in Court challenges of their special assessments should have their special assessments modified to the amount of \$4,720.00. If the original assessment was less than that amount, then the assessment would remain as is. George Jacob owns property along North 6th Street and was concerned about being reassessed. Mr. Jacob was informed that he would only be assessed once for this project. Daniel Schunk owns three parcels along East Marshall Street and was informed that his total assessment would be \$4,720 for all three parcels. Council Member Ritter asked about those being assessed for these two projects being grandfathered out of future assessments. Dennis indicated that this would be up to the City Council. It was indicated that by paying your water bill, sanitary sewer bill and surface water management fee you would be paying into a fund for future projects, therefore no one would be grandfathered out of future special assessments. Reynolds moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2888, SECOND SERIES and that the reading of the same be waived. Resolution Number 2888, Second Series is a resolution Adopting Revised Reassessment for Project X71 (2005-003) North 6th Street Reconstruction Project, setting the interest rate at 6.2% and the balance of the revised reassessment being paid in equal annual installments extending over a period of 8 years. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2889, SECOND SERIES and that the reading of the same be waived. Resolution Number 2889, Second Series is a resolution Adopting Revised Reassessment for Project X12 (2001-004) South Hill Street / East Marshall Street Reconstruction Project, setting the interest rate at 6.2% and the balance of the revised reassessment being paid in equal annual installments extending over a period of 8 years. All voted in favor of the motion, except Ritter who abstained.

**PRELIMINARY PLAT OF JACQUELINE'S ADDITION – A. PUBLIC HEARING;
B. CONSIDER APPROVAL OF PRELIMINARY PLAT:**

This was the date and time set for a public hearing on the Preliminary Plat of Jacqueline's Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed this preliminary plat and indicated that the developer has agreed to the following items:

1. All street and/or roadway easements and storm sewer system shall remain under private ownership and maintenance.
2. Sanitary sewer elevations have been lowered to accommodate at lease partial basements.
3. Provide storm sewer calculations for inlet/culverts and overland flow to receiving area.
4. Must enter into a development contract concerning construction of any utilities intended to be transferred to the City.
5. Easements have been provided for utilities intended to be transferred to the City, as well as electrical utility easement areas.
6. Must include language in each deed for each lot concerning the private nature of the roadway, drainage, and any utilities not transferred to the City.
7. Must field verify existing storm sewer location depths and size.

Kay Nauman, 608 Soucy Drive; Peggy Hames, 103 Ranch Avenue and Deb Picht, 612 Soucy Drive; were concerned about drainage in the area. Mr. Olson indicated that an existing 12-inch storm water tile will be cleaned and additional storm sewer lines will be installed by Mr. Schilling to handle drainage from a 10-year storm. It was also indicated that the street will be a private street with a gravel-type material and that drainage will be designed as if the street were paved. Mr. Schilling indicated that the homes that are moved in will have a good longevity and create a neighborhood that looks like it has been there for a long time. It was indicated that the building codes will apply to the homes that are moved in. Council Member Sanow was concerned if parking would be an issue and wanted to make sure that emergency vehicles would be able to access this area. Council Member Doom was concerned with not having a paved street what would go into the catch basins.

City Engineer Glenn Olson indicated that if the preliminary plat was not approved Mr. Schilling could place homes in this area without separation.

REGULAR MEETING – DECEMBER 4, 2006

Reynolds moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion. Boedigheimer moved, Ritter seconded, the approval of the Preliminary Plat with the condition that the seven (7) items discussed be completed. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. APPROVAL OF RESOLUTION FOR THE APPOINTMENT OF JENNIE HULSIZER TO THE HOUSING AND REDEVELOPMENT AUTHORITY COMMITTEE; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU FOUNDATION FOR JANUARY 12, 2007; C. NON-INTOXICATING BEER LICENSE FOR COUNTY FAIR FOODS EFFECTIVE JANUARY 1, 2007 (NEW LICENSE); D. CALL FOR A PUBLIC HEARING REGARDING FY 2007 WASTEWATER USER RATES; E. CALL FOR A PUBLIC HEARING REGARDING FY 2007 SURFACE WATER MANAGEMENT UTILITY RATES; F. CONSIDER DECLARATION OF SURPLUS PROPERTY AND AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY – PUBLIC SAFETY DEPARTMENT; G. BILLS/PROJECT PAYMENTS; H. BUILDING PERMITS:

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

The adoption of RESOLUTION NUMBER 2890, SECOND SERIES be approved. Resolution Number 2890, Second Series is a Resolution Approving the Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution provides for Jennie Hulsizer to be appointed to the Housing and Redevelopment Authority for a 5 year term expiring December 4, 2011.

The approval of a Temporary On-Sale Intoxicating Liquor License for the Southwest Minnesota State University Foundation to be used at the SMSU Conference Center Ballroom at 1501 State Street, Marshall, Minnesota on January 12, 2007. The fee of this license is \$30.00.

The approval of an Off-Sale Beer License for County Fair Foods, 405 Country Club Drive, Marshall, Minnesota. This license will be effective January 1, 2007 at a fee of \$90.00.

A public hearing be held at 5:30 P.M. on December 18, 2006 to consider the proposed Wastewater User Rates for 2007.

A public hearing be held at 5:30 P.M. on December 18, 2006 to consider the proposed Surface Water Management Utility Rates for 2007.

Per the request of Rob Yant, Director of Public Safety, a Mobil-Vision video unit and two (2) Remington shotguns be declared surplus property. The old Mobil-Vision in-car video unit would be sold to Lyon County Sheriff's Office for \$400 plus sales tax and the two (2) 12-gauge Remington shotguns would be sold to the City of Minnesota for \$80 each plus tax.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 53903 through 54049.

All voted in favor of the motion.

REGULAR MEETING – DECEMBER 4, 2006

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

	Applicant	Location Address			Description of Work	Amount
1.	Babcock Construction	310	Legion Field	Road	Replace Doors, Install Garage Door, Reroof, Reside	\$14,300
2.	Geihl Construction, Inc.	1240	Floyd Wild	Drive	Commercial Building	\$382,000
3.	Tutt Construction	136	"E"	Street	Garage	\$72,000
4.	Independent Lumber of Marshall, Inc.	1006	Country Club	Drive	Garage Addition & Finish Basement	\$38,500
5.	Chris Johnson	201	East College	Drive	Temporary Transportable Sign	\$0
6.	Joe Ektanitphong	236	West Main	Street	Exterior Remodeling	\$41,500
7.	Arlington Trust	405	Genesis	Avenue	Two-Family Dwelling - Finish	\$132,000
8.	Ben Schamber	615	Mercedes	Drive	Finish Basement	\$4,000
9.	Jeffrey & Amy Larson	802	Viking	Drive	Finish Basement	\$3,700
10.	Habilitative Services, Inc.	603	South 1st	Street	Replace Windows	\$1,200

ADOPTION OF ORDINANCE TO SELL PORTIONS OF OUTLOTS A, D AND E, TIGER PARK ADDITION TO MN/DOT AND GRANTING A TEMPORARY EASEMENT:

Calvin Barnett, Director of General Services/City Assessor, indicated that the Mn/DOT is proposing to acquire part of the City of Marshall's property for the improvement of T.H. #19. The fee acquisition will be all of the following: That part of Outlot A, D and E Tiger Park Addition, shown as parcel 307F on the Minnesota Department of Transportation Right of Way Plat Numbered 42-13 as the same is on file and of record in the office of the County Recorder in and for Lyon County Minnesota; and a temporary easement for highway purposes as shown on said plat as to Parcel 307F by the temporary easement symbol, said easement shall cease on December 1, 2011, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes. The monetary damage to the City of Marshall due to this acquisition is \$73,500. Reynolds moved, Ritter seconded, the adoption of ORDINANCE NUMBER 561, SECOND SERIES and that the reading of the same be waived. Ordinance Number 561, Second Series is an Ordinance for the Sale of City Owned Real Property as Required by Minnesota City Charter Section 12.05. This ordinance provides for the sale of That part of Outlot A, D and E Tiger Park Addition, shown as parcel 307F on the Minnesota Department of Transportation Right of Way Plat Numbered 42-13 as the same is on file and of record in the office of the County Recorder in and for Lyon County Minnesota; and a temporary easement for highway purposes as shown on said plat as to Parcel 307F by the temporary easement symbol, said easement shall cease on December 1, 2011, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes. The proceeds from the sale are to be deposited into the City's "429" Revolving Fund and reserved for future sidewalks in the area. All voted in favor of the motion.

PRESENTATION ON PROPOSED LIBRARY BUILDING PROJECT – GROUP II ARCHITECTS:

Ron Halgerson from Group II Architects provided an update on the progress of the new library. He gave a brief presentation showing the drawing of what the library would look like and how it would be laid out. Mr. Halgerson also indicated that the projected budget would be \$5.4 to \$5.7 million. Kathleen Ashe, Library Board Chairwoman, indicated that it was important for the city to take the lead and encourage the public to give toward the new library. She also indicated that as the library representatives apply for grants, a resolution or concrete show of support from the city is important. It was indicated that the library must have enough pledges for the project before the school district will transfer the property. There was some concern about any stipulations on the \$2 million challenge donation made by Robert L. and Phyllis Carr. City Administrator Mike Johnson indicated that he will provide the council with information on the donation and the terms the school district has for transferring the property. Sanow moved, Ritter seconded, that the City of Marshall indicate their support of the new library. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:05 P.M. at which time cake was served in recognition of Mayor Byrnes 20 years of service as Mayor and Council Member to the City of Marshall.

RESOLUTION CALLING FOR A PUBLIC HEARING ON JOB OPPORTUNITY BUILDING ZONE BUSINESS SUBSIDY AGREEMENTS FOR RALCO NUTRITION, INC., AND KNOCHENMUS ENTERPRISES, LLP:

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2891, SECOND SERIES and that the reading of the same be waived. Resolution Number 2891, Second Series is a resolution Calling for a Public Hearing on Proposed Business Subsidies to Ralco Nutrition, Inc., and Knochenmus Enterprises, LLP, Inc. This public hearing will be held on December 18, 2006 at 5:30 P.M. and will address the JOBZ requirements. All voted in favor of the motion.

RENEWAL OF TRANSPORTATION AGREEMENT FOR 2007 WITH WESTERN COMMUNITY ACTION FOR TRANSIT OPERATIONS:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the Transportation Agreement for 2007 with Western Community Action for Transit Operations. The change is this contract from the year 2006 is in Section B.2, which reflects the City's projected share of cost in a new vehicle to be \$11,400. Doom moved, Reynolds seconded, the proper city personnel be authorized to enter into the Transportation Agreement for 2007 with Western Community Action for the Transit Operations. All voted in favor of the motion.

RECOMMENDATION ON CLOSEOUT OF DEBT SERVICE FUNDS:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the bond and interest payments for the Aquatic Center Senior Center Bond Issue (Fund 334); the 1993 Public Improvement Bond Issue (Fund 374); and the 1997 Public Improvement Bond Issue (Fund 394) have been paid in full. The bond documents provide for the remaining monies in the Debt Service Bond Funds to be used for any lawful purpose. The constructions costs associated with the 2001 Airport Improvement Capital Projects Fund (420) have been completed and it does reflect a deficit of \$97,924.77. Reynolds moved, Sanow seconded, that per the recommendation of Mr. Meulebroeck the remaining cash in Fund 334 of \$9,359.21, Fund 374 of \$56,359.13 and Fund 394 of \$32,206.43 be transferred to the Capital Project (420) to close that Fund and the balance of the cash in the 1997 Public Improvement

Fund (394) of \$84,926.87 and the balance of the special assessment receivable of \$5,939.02 be transferred to the City's Municipal State Aid Revolving Fund (103) and the balance of delinquent taxes receivable of \$34.93 in the 1997 Public Improvement Fund (394) and the balance of special assessment receivable of \$2,316.72 in the 1993 Public Improvement Fund (374) be transferred to the City's "429" Revolving Fund (495). All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Doom moved, Reynolds seconded, that Michael Dulas be appointed to an unexpired term on the Planning Commission to expire on May 31, 2008. All voted in favor of the motion.

RESOLUTION TO CONTRACT WITH A COUNCIL MEMBER FOR SNOW REMOVAL TRUCK RENTAL SERVICES:

Under this years Street Department's advertisement for snow removal truck rental haulers, all interested vendors are proposed to be paid the same hourly rental rate based upon the cubic yards of their truck/box and/or whether it contains a tailgate. Once the list of vendors is obtained, they will be called upon for snow removal hauling services on a rotating basis from one snow event to another. Southwest Sanitation, Inc. has offered to make available two (2) trucks for snow hauling if they are needed by the City. In order to consider using these two trucks, the council will need to approve a resolution on a unanimous vote. Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 2892, SECOND SERIES and that the reading of the same be waived. Resolution Number 2892, Second Series is a resolution to Contract with Councilmember Daniel T. Ritter for Snow Removal Truck Rental Services (under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2). All voted in favor of the motion, except Ritter who abstained.

APPOINTMENT OF COUNCIL MEMBERS TO BOARDS, COMMISSIONS, COMMITTEES:

Mayor Byrnes made the following appointments of the Council members to the various boards, commissions and committees:

Personnel Committee: Mike Reynolds, Larry Doom and Dan Ritter

Ways and Means Committee: Mike Boedigheimer, Mike Reynolds and Jennie Hulsizer

Legislative and Ordinance Committee: Charles Sanow, Mike Boedigheimer and Jennie Hulsizer

Public Improvement/Transportation Committee: Larry Doom, Dan Ritter and Charles Sanow

Airport Commission: Mike Boedigheimer

Cable Television Commission: Charles Sanow

Community Services Advisory Board: Larry Doom

Economic Development Authority: Bob Byrnes and Dan Ritter

Hospital Board: Mike Reynolds

Housing Commission: Dan Ritter

Human Rights Commission: Jennie Hulsizer

Insurance Advisory Commission: Charles Sanow

Library Board: Jennie Hulsizer

MERIT Board: Mike Boedigheimer

Planning Commission: Larry Doom

Police Commission: Mike Boedigheimer

Senior Citizen Center Commission: Larry Doom

Utilities Commission: Mike Reynolds

REGULAR MEETING – DECEMBER 4, 2006

Convention & Visitors Bureau: Jennie Hulsizer
Fire Relief Association: Bob Byrnes
Lyon County Enterprise Development: Mike Boedigheimer
Lyon County Ice Facility: Larry Doom, Dan Ritter and Jennie Hulsizer
Marshall Area Transit: Charles Sanow
Regional Development Commission: Bob Byrnes

City Council-County Board/Library Agreement & Operations: Jennie Hulsizer and Mike Reynolds
Joint Law Enforcement Committee: Dan Ritter and Larry Doom
Lyon County Historical Society: Charles Sanow and Dan Ritter

Each of these committees needs to meet by the end of January, 2006 to select a chairperson and review their responsibility as a committee.

SELECTION OF PRESIDENT PRO TEM BY COUNCIL:

Council Member Mike Boedigheimer was nominated as the President Pro-Tem, therefore Reynolds moved, Ritter seconded, that nominations cease and that a unanimous ballot be cast for Mike Boedigheimer as the President Pro-Tem for the City Council. All voted in favor of the motion.

APPOINTMENT OF CITY ATTORNEY AND APPROVAL OF MEMORANDUM OF UNDERSTANDING:

Mayor Byrnes recommended that Dennis Simpson be appointed as City Attorney for a two year term from December 4, 2006 to November 30, 2008. Ritter moved, Doom seconded, that Dennis Simpson be appointed as City Attorney and the approval of the Memorandum of Understanding. Council Member Sanow was concerned that there was no early termination provided in the agreement. Mr. Simpson indicated that this agreement is per the terms of the City Charter. All voted in favor of the motion, except Boedigheimer who voted no.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report.

Boedigheimer No report.

Doom No report.

Reynolds Library Board Building Committee met to review the proposed drawing of the new Library.

Ritter No report.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: no sidewalk on Greeley between Lawrence and Saratoga – Schwans will be installing a sidewalk in the spring; no parking signs on both sides of Camden Drive and South Bend – could this be changed to only one side; Council Member Boedigheimer indicated that the Legislative and Ordinance Committee should meet with the Planning Commission to discuss the Downtown District Boundaries.

REGULAR MEETING – DECEMBER 4, 2006

City Administrator Mike Johnson indicated that they have received the information from Hay's and are ready to meet with the Personnel Committee.

Glenn Olson, Director of Public Works/City Engineer, indicated that they had received proposals for scheduled commercial air service. He indicated that Northwest Airlines is no longer interested in providing scheduled air service from Marshall to the Twin Cities, but that Midwest Aviation of Marshall would be interested.

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

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 6, 2006

The Truth and Taxation Public Hearing was held on Wednesday, December 6, 2006 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Byrnes. In addition to Byrnes the following council members were in attendance at the meeting: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff in attendance at the meeting included: Mike Johnson, City Administrator; Cal Barnett, Director of General Services/City Assessor; Thomas M. Meulebroeck and Jane DeVries, Deputy City Clerk. There were 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 2007. 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 18, 2006 meeting.

At this time a brief video was shown on "Fourteen Reasons Why Property Taxes Vary from Year to Year" that was provided by the Association of Minnesota Cities, the Minnesota School Board Association and the League of Minnesota Cities. The Fourteen Reasons are as follows:

1. The Market Value of a property may change.
2. The Market Value of other properties in your taxing district may change, shifting taxes from one property to another.
3. The State General Property may change.
4. The City budget and levy may change.
5. The Township budget and levy may change.
6. The County budget and levy may change.
7. The School District's budget and levy may change.
8. A Special District's budget and levy may change.
9. Special assessments may be added to your property tax bill.
10. Voters may have approved a School, City, Township, County or Special District referendum.
11. Federal and State mandates may have changed.
12. Aid and revenue from the State and Federal governments may have changed.
13. The State Legislature may have changed the portion of the tax base paid by different types of properties.
14. Other state law changes may adjust the tax base.

Mike addressed the following 2006 Accomplishments:

- * Completed Construction of 2005 Special Assessment Projects (N. 6th St., Hill/Marshall St., East Area Sanitary Interceptor Sewer, Canoga Park Dr. and Southview Dr.)
- * Completed Phase I Construction of Airport Runway 12/30 Extension Including Land Acquisition, Roadway Relocation and Runway/Taxiway Grading
- * Solicited Proposals for Potential Scheduled Air Service Between Marshall and Minneapolis
- * Converted Wastewater Treatment System from Anaerobic Digestion to Aerobic Treatment

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 6, 2006

- * Refurbished Two (2) Wastewater Basins into One (1) Large Equalization Basin (Capacity of Seven (7) Million Gallons)
- * Worked with MN/DOT and Local Businesses on Downtown Planning/Greenspace/Landscaping Options for 2007 MN/DOT T.H. #68 Reconstruction Project
- * Hired New Economic Development Director
- * Tiger Lake Sediment Removal Project (Removed 30+ Years of Sediment)
- * Completed Planning Study on Municipal Building (Future Needs/Building Condition)
- * Completed Construction of EDA Parkway II Addition (82 Single Family Lots)
- * Implemented Additional Staffing Positions for Engineering Department (Engineering Technician I, Building Inspector I and Assistant City Engineer)
- * New Library Site Identified Along with Project Budget, Site Concept, Floor Plan Concept and Preliminary Building Sketch.
- * Initiated Job Profile Updating, Re-pointing of Positions, Market Wage/Benefit Surveys and Development of Revised Compensation Plan
- * Completed Construction of Downtown Parking Lot Improvements/Pedestrian Access/Storm Sewer Replacement/Burial of Overhead Electrical Power Lines in Alleys Adjacent to Main Street
- * Initiated Development of Strategic Business Plan for M.E.R.I.T. Center Operations and New Community Emergency Operations Plan
- * Public Safety Grant Funding for Gang Strike Force Operations, Tri-County Drug Task Forces, Chemical Assessment Team and Fire Department Training/Vehicle Exhaust System
- * Provided Engineering Construction Inspection (Streets/Underground Utilities) for Six (6) Private Residential Development Projects Encompassing Nearly 200 Residential Lots
- * Completed and Reported on Marshall Community Survey (Building a Sense of Community)
- * Marshall Area Senior Citizens, Inc. Celebrates 40th Anniversary
- * Significant Improvements to Cable Television Operation (Studio One) and in Enhanced Community Programming
- * Implementation of Joint After School Program Between School District and Community Services Department
- * Implemented "On-Line" Registration and 24-Hour Access to Community Services Programs
- * Refinanced Outstanding G.O. Bonds Resulting in a Savings of \$294,000 to the City of Marshall
- * Greeley Street Construction/South First Street Vacation/Parking Lot Improvement with The Schwan Food Company
- * Implementation of Health Care Savings Plan (HCSP) Program for City Employees

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 6, 2006

Following the review of the 2006 Accomplishments, Mike reviewed the 2007 Issues Confronting the City of Marshall:

- * MN/DOT T.H. #68 Reconstruction Project in the Downtown and City Water/Sanitary Sewer Replacement
- * Special Assessment Projects Including Main Street/3rd Street/4th Street in Downtown; 3rd Street Reconstruction from Marshall Street to East College Drive; East College Drive Watermain from Mustang Trail to Bruce Street; Preliminary Engineering Work in "Tree Streets" Area
- * North 3rd Street Bridge Replacement Project at East College Drive
- * Potential Reconstruction of County Road #67 South of Highway #23 by Lyon County/City of Marshall
- * Pedestrian Connection/Sidewalk Access From O'Connell Street to Tiger Drive for High School
- * Construction of Phase II Airport Runway 12/30 Extension Paving and Lighting Project
- * Review/Decision on Proposal for Scheduled Air Service Between Marshall and Minneapolis
- * Annexation of Proposed New Menard's Project Site, County Road #7 Residential Homeowner and 2006 Airport Runway Property Acquisitions
- * Development of MS4 (Municipal Storm Sewer System) Permitting and Maintenance Requirements
- * Evaluation of Updated Tax Increment Financing Report by Springsted, Inc. and Identification of Future Community Projects
- * Addition of New Personnel for Airport Maintenance, Public Way/Street Maintenance, Police Secretarial and Cable TV Operations
- * Completion of M.E.R.I.T. Center Strategic Business Plan and City Emergency Operations Plan
- * Future Replacement of Volunteer Firefighters (Senior Personnel Eligible for Retirement) and Fire Truck Replacement
- * Consider Adoption of and Implementation of Updated Organizational Compensation Plan
- * Industrial Park Planning and Development with MMU and Marshall Industries Foundation/EDA
- * Potential Redevelopment Project for Former Jr. High School Site
- * Proposed New Library Project Financing and Development
- * Issues/Challenges Identified in 2006 Municipal Building Planning Study
- * Personnel Retirements in Liquor Store and Assessing Departments
- * Swimming Pool Floor Replacement and Need for Expanded Aquatic Center Amenities

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 6, 2006

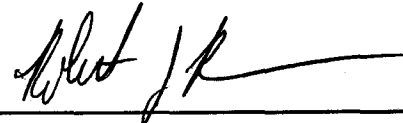
Other items that were briefly reviewed included: the Building Permit Summary of residential units from 1994 through November, 2006; 1995 to 2006 New Construction by Class – estimated market values; various summaries, graphs and pie charts of the 1994 to 2007 General Fund revenues and expenditures; the 2007 General Fund Capital Outlay; information on how property taxes are determined; property tax class rates for the State of Minnesota; the City of Marshall Tax Capacity comparisons for the period 1997 through estimated 2007; the State Aids and Property Tax Levy from 2000 through 2007; the proposed 2007 Marshall Property Tax Levy; the comparison of Marshall's Property Tax Levy from 1995 through 2007; a break down of total tax capacity rate paid by Marshall City residents from 1984 to 2007; the history of local Tax Capacity Rates from 1994 through 2007; and a comparison of 2006 Tax Capacity Rates for Greater Minnesota Cities with 8,000 population and above.

George Jacob questioned the value of his storage buildings located on West Main Street. Cal Barnett, Director of General Services/City Assessor, will set up a meeting to discuss this with Mr. Jacobs.

Doug Mosch also questioned the value of his property and a meeting with Mr. Barnett to discuss this.

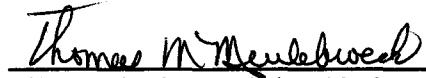
Mike acknowledged Doris Huber, Assessing Technician; Thomas M. Meulebroeck, Financial Director/City Clerk; Kathy Knutson, Assistant Finance Officer; and Eileen Christensen, Administrator Assistant; for their efforts in preparing the budget presentation.

Upon motion made by Sanow and seconded by Reynolds 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

The regular meeting of the Common Council of the City of Marshall was held on December 18, 2006 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: Hulsizer, Doom, Sanow, 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; Calvin Barnett, Director of General Services/City Assessor; Marc Klaith, Fire Chief; Sheila Dubs, Assistant City Administrator; Mark Hanson, EDA Director; Bob VanMoer, Wastewater Facility Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Reynolds moved, Sanow seconded, that the minutes of the regular meeting held on December 4, 2006 and the minutes of the Truth-in-Taxation Hearing on December 6, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – APPROVAL OF JOB OPPORTUNITY BUILDING ZONE (JOBZ) BUSINESS SUBSIDY AGREEMENTS FOR RALCO NUTRITION, INC., AND KNOCHENMUS ENTERPRISES, LLP:

This was the date and time set for a public hearing on the proposed JOBZ Business Subsidy Agreements for Ralco Nutrition, Inc., and Knochenmus Enterprises, LLP. Mark Hanson, EDA Director, indicated that the Business Subsidy Agreements would assist in the expansion of the company which works with livestock nutrition technology and production. Mr. Hanson indicated that the expansion will create 12 new well paying jobs. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Brian Knochenmus indicated that Ralco has been in Marshall for 35 years and that for the past three years they have focused on science and technology as it relates to livestock nutrition, food safety, and health and welfare in the food industry. About 15% of the staff has master's degree or PHD Level Credentials. Ritter moved, Reynolds seconded, the approval of the Job Opportunity Building Zone (JOBZ) Business Subside Agreements with Ralco Nutrition, Inc., and Knochenmus Enterprises, LLP. All voted in favor of the motion.

PUBLIC HEARING – WASTEWATER USER RATES FY 2007 – ADOPTION OF RESOLUTION REVISING THE USER RATES FOR WASTEWATER SERVICE:

This was the date and time set for a public hearing on the Wastewater user rates for the year 2007. 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 projection of the Wastewater Utility Fund. It was determined that a 3.85% increase in rates for 2007 and 4% increase in rates for each of the next four years will keep the fund stable. Reynolds moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2894 SECOND SERIES and that the reading of the same be waived. Resolution Number 2894, Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 2007 with a 3.55% increase. All voted in favor of the motion.

PUBLIC HEARING – SURFACE WATER MANAGEMENT UTILITY RATES – ADOPTION OF RESOLUTION REVISING THE USER RATES FOR 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 2007. 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 19% 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 \$2.40. Council Member Boedigheimer indicated that they do not need a one-year reserve for debt service or a six-month reserve for operating expenses attached to the surface water fee budget. Council Member Sanow was also not in favor of the 19% increase. Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2895 SECOND SERIES and that the reading of the same be waived. Resolution Number 2895, Second Series is a resolution Revising the User Rates for Surface Water Management Utility effective January 1, 2007 with a 19% increase and that the Ways and Means Committee review the recommended increase for future years. All voted in favor of the motion, except Boedigheimer who voted no.

RESOLUTION TO CONTRACT WITH A COUNCIL MEMBER FOR REFUSE HAULING SERVICES:

The following bids were received, opened and read on December 11, 2006 for the pickup of garbage and junk at numerous City of Marshall locations for the 2-year period January 1, 2007 through December 31, 2008.

UNIT BID SCHEDULE OF UNIT PRICES PER LOCATION

<u>LOCATION</u>	<u>JOB DESCRIPTION</u>	Waste Management Inc.	Southwest Sanitation Service
1. Wastewater Treatment Plant	Twice per week, two (2) one-yard containers	\$ 3,187.95	\$ 4,067.16
	Twice per week, one (1) one and one-half yard containers	\$ 2,033.04	Included Above
2. Municipal Airport	Once a week, one (1) one yard container	\$ 600.00	\$ 621.00
	Twice a week, one (1) three yard container	\$ 1,845.12	\$ 1,324.48

REGULAR MEETING – DECEMBER 18, 2006

3. Street Department Shops	Once per week, one (1) one yard container	\$ 600.00	\$ 802.48
4. Main Street between College Drive and 5th St. & 3 rd St. between Main St. & Lyon St.	Ten (10) sidewalk containers, once (1) per week. Pickup before 6:00 A.M.	\$ 750.00	\$ 24.00
5. Municipal Liquor Store	Two (2) times per week, one (1) one and one-half yard container	\$ 1,313.04	\$ 1,857.40
6. Municipal Building	Five (5) days per week two (2) 30 gallon containers	\$ 375.12	\$ 506.30
7. Senior Citizen Center Building	Two (2) times per week, one (1) one yard container	\$ 1,200.00	\$ 1,381.20
Sub Total		\$11,940.24	\$10,584.02
Sales Tax		\$ 2,032.72	\$ 1799.28
TOTAL BID		\$13,936.96	\$12,383.30
ALTERNATES			

PROVIDE THE FEE PER CONTAINER FOR THE FOLLOWING "ON CALL SAME DAY SERVICE" FOR THE FOLLOWING LOCATIONS:

		<u>Per Container Fee</u>	
A. One (1) yard container:			
	A (1) Municipal Airport	\$14.00	\$14.03
B. One and one-half (1 ½) yard container:			
	B (1) Fire Station	\$15.21	\$11.05
C. Three (3) yard container:			
	C (1) Legion Field Park	\$23.40	\$21.02
	C (2) Justice Park	\$23.40	\$23.40
	C (3) Softball Complex	\$23.40	\$19.81
	C (4) Swimming Pool	\$23.40	\$19.88
	C (5) Independence Park – Baseball Complex	\$23.40	\$23.40
	C (6) Park Maintenance Shop	\$23.40	\$15.08
D. Six (6) yard container:			
	D (1) Independence Park	\$46.80	\$42.80

FEE FOR ALTERNATE BID FOR RECYCLING:

1. Wastewater Treatment Plant	On Call	\$10.00	NC
2. Municipal Building	On Call	\$10.00	\$ 2.00

REGULAR MEETING – DECEMBER 18, 2006

3. Independence Park (Baseball Complex)	On Call	\$10.00	NC
4. Legion Park (Baseball Complex)	On Call	\$10.00	NC
5. Municipal Liquor Store	Recyclable corrugated cardboard 4 times/week	\$40.00	NC
6. Swimming Pool	On Call	\$10.00	NC

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 2896, SECOND SERIES and that the reading of the same be waived. Resolution Number 2896, Second Series is a Resolution to Contract with a Council Member for Refuse Hauling Services under Minnesota Statutes §§ 471.88, subd. 5 and 471.89, subd. 2. This contract is awarded to Southwest Sanitation Service for a two year period beginning January 1, 2007 in the amount of \$12,383.30. The contract also provides for a fee per container for "on call same day service" and the fee for recycling. All voted in favor of the motion, except Ritter who abstained.

APPROVAL OF CONSENT AGENDA – A. CHANGE 2007 CITY COUNCIL MEETING DATES; B. ANNUAL RENEWAL OF 2007 LICENSES – ON-SALE INTOXICATING LIQUOR, SUNDAY ON-SALE INTOXICATING LIQUOR, OFF-SALE NON-INTOXICATING BEER; ON-SALE NON-INTOXICATING BEER; TOBACCO; TOWING AND STORAGE; AND TRANSIENT MERCHANTS; C. CONSIDER AMENDMENT NO. 1 TO YOUTH INTERVENTION PROGRAM GRANT CONTRACT WITH DEPARTMENT OF PUBLIC SAFETY; D. CONSIDER RESOLUTION AUTHORIZING ACCEPTANCE OF TRAFFIC SAFETY AWARD AGREEMENT; E. AUTHORIZATION TO ADVERTISE FOR FIREFIGHTERS FOR THE MARSHALL FIRE DEPARTMENT; F. AGREEMENT RELATING TO PAYING AGENT/REGISTRAR FOR THE CITY OF MARSHALL, MINNESOTA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006C; G. AMENDMENT TO ADDENDUM A OF AGREEMENT FOR CONTINUING DISCLOSURES SERVICES \$7,135,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006C; H. BILLS/PROJECT PAYMENTS; I. BUILDING PERMITS:

It was requested that the following items be removed from the consent agenda: B, annual renewal of the 2007 licenses; D. consider resolution authorizing acceptance of traffic safety award agreement; and H, bills/project payments.

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

That the four City Council meetings that fall on holidays in 2007 be changed as follows:

<u>Monday holidays</u>		<u>New meeting date</u>
January 1, 2007	New Years Day Observed	January 2, 2007
January 15, 2007	Martin Luther King	January 16, 2007
February 12, 2007	President's Day	February 20, 2007
September 3, 2007	Labor Day	September 4, 2007

The approval of Amendment No. 1 to Grant Contract No. 9300-2121/2006-YIP-00312 for Youth Intervention Program. This amendment to the grant for the period January 1, 2006 through December 31, 2007 provides for an increase in the grant in the amount of \$2,296.12.

REGULAR MEETING – DECEMBER 18, 2006

The proper city personnel be authorized to advertise for three (3) Firefighters to fill the Marshall Fire Department Roster to 45.

The approval of the Agreement Relating to Paying Agent/Registrar for the City of Marshall, Minnesota General Obligation Refunding Bonds, Series 2006C. The ACH Debit authorization is also being approved.

The approval of Amendment to Addendum A of Agreement for Continuing Disclosures Services for the \$7,135,000 General Obligation Refunding Bonds, Series 2006C.

All voted in favor of the motion.

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

Permit Number	Applicant	Address	Description of Work	Amount
1.	Bladholm Construction, Inc.	1210 Floyd Wild Drive	Entrance Modifications	\$6,000
2.	North Star Building Systems	400 Erie Road	Security Building	\$28,000
3.	American Legion Post 113	412 West Main Street	Sign	\$900
4.	Jim Zwach	1117 Sunset Circle	Remodel Basement	\$6,000
5.	Geske Home Improvement Co.	1206 Parkside Drive	Siding	\$10,500
6.	Lozinski Construction	408 North 5th Street	Addition	\$1,600
7.	Scott Kuecker (Marshall Animal Clinic)	704 Huron Road	Kennel Room	\$5,000
8.	Jeremy Morgan	807 North 5th Street	Basement Remodel	\$2,000

At this time Joan Johnson, 901 West Main Street, expressed her opposition to smoking in public places in the City of Marshall and suggested the City Council take action to not allow smoking in public places .

Reynolds moved, Ritter seconded, the approval of the following On-Sale Intoxicating Liquor Licenses at a fee of \$4,200 per year contingent upon receipt of a certificate of insurance, real estate taxes paid in full and that at least one half of the fee is paid. These licenses will expire on December 31, 2007.

American Legion
Best Western/Marshall Inn
Gambler
Landmark Bistro
Marshall Bowl
Pappy's
Varsity Pub

Applebee's Neighborhood Grill & Bar
Eagles Club
Hitching Post Eatery and Saloon
Mariachi Fiesta
Marshall Golf Club
Sam's Place
Wooden Nickel

All voted in favor of the motion, except Sanow who voted no.

REGULAR MEETING – DECEMBER 18, 2006

Doom moved, Reynolds seconded, the approval of the following On-Sale Intoxicating Sunday Liquor License at a fee of \$200.00 per year contingent upon receipt of a certificate of insurance, real estate taxes paid in full and that the fee is paid. These licenses will expire on December 31, 2007.

American Legion

Best Western/Marshall Inn

Gambler

Landmark Bistro

Marshall Bowl

Pappy's

Varsity Pub

Applebee's Neighborhood Grill & Bar

Eagles Club

Hitching Post Eatery and Saloon

Mariachi Fiesta

Marshall Golf Club

Sam's Place

Wooden Nickel

All voted in favor of the motion, except Sanow who voted no.

Doom moved, Reynolds seconded, the approval of the following Off-Sale Non-Intoxicating Beer Licenses at a fee of \$90.00 per year contingent upon receipt of a certificate of insurance and that the fee is paid. These licenses will expire on December 31, 2007.

Ampride West

Cattoor Oil/Phillipps 66

Numart

Hy-Vee Gas Station

Wal-Mart

Casey's General Store

Freedom Valu Center/Erickson Oil

Hy-Vee Food Store

La Mexicana

All voted in favor of the motion, except Sanow who voted no.

Doom moved, Reynolds seconded, the approval of the following On-Sale Non-Intoxicating Beer Licenses at a fee of \$250.00 per year contingent upon receipt of a certificate of insurance and that the fee is paid.. These licenses will expire on December 31, 2007.

Pizza Hut

Prairie Event Center

All voted in favor of the motion, except Sanow who voted no.

Doom moved, Reynolds seconded, the approval of the following Tobacco Licenses at a fee of \$72.00 per year contingent upon receipt of a certificate of insurance and that the fee is paid. These licenses will expire on December 31, 2007.

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

NuMart

Eagles Club

Gambler

Hy-Vee Gas Station

Marshall Golf Club

Pappy's

Super America

Wal Mart

All voted in favor of the motion, except Sanow who voted no.

REGULAR MEETING – DECEMBER 18, 2006

Reynolds moved, Doom seconded, the approval of the following Transient Merchants Licenses at a fee of \$300.00 per year. These licenses will expire on December 31, 2007.

Precision Hearing Instruments, Inc., dba Miracle Ear
All voted in favor of the motion.

Hometown Super Saver

Ritter moved, Reynolds seconded, the approval of the Towing and Storage License for Southwest Towing and Recovery at a fee of \$180.00. This license will expire on December 31, 2007. All voted in favor of the motion.

Council Member Doom wanted to acknowledge that the Marshall Police Department has been awarded First Place in the 2006 Minnesota Safe & Sober Challenge. Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2897, SECOND SERIES and that the reading of the same be waived. Resolution Number 2897, Second Series is a Resolution Authorizing Acceptance of a Traffic Safety Award. This Traffic Safety Award is in the amount of \$3,000. All voted in favor of the motion.

Council Member Boedigheimer questioned the payment to Kennedy & Graven for work involved with Marshall Middle School. It was indicated that this is for work on the old Marshall Middle School. Boedigheimer moved, Sanow seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 54050 through 54238. All voted in favor of the motion.

APPROVAL OF 2007 PARTNERSHIP AGREEMENT WITH MARSHALL MUNICIPAL UTILITIES:

Reynolds moved, Sanow seconded, the approval of the Partnership Agreement for 2007 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 2007. A summary of the agreement is as follows:

MMU payment in lieu of taxes	\$792,212
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	\$496,212

(1) Charges based on MMU's audit

MMU will invoice the City \$3,413 per month for the cost associated with billing/collection of the monthly Surface Water Management Fee and that MMU would provide \$25,000 in financial support in 2007 for the Economic Development Director Position. All voted in favor of the motion.

CONSIDER THE REQUEST OF AVERA MARSHALL REGIONAL MEDICAL CENTER FOR A CONDITIONAL USE PERMIT FOR A BOARDING HOUSE IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 600 CHARLES AVENUE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Avera Marshall Regional Medical Center for a boarding house in an R-1 One Family Residence District at 600 Charles Avenue. Avera Marshall owns the house and desires to provide on call staff with a facility nearby where hospital staff can rest and have meals. Per the recommendation of the Planning Commission, Doom moved, Reynolds seconded, the approval of a Conditional Use Permit for Avera Marshall Regional Medical Center for a Boarding House in an R-1 One Family Residence District at 600 Charles Avenue with the following conditions:

1. The maximum number of boarders will not exceed four.
2. All boarders will be employed at Avera Marshall Regional Medical Center.
3. No parking will be permitted behind the garage or on lawn areas.
4. No additional parking spaces will be permitted on the property and parking will be provided in the hospital parking lots.
5. The property will be maintained with a single family residential exterior.
6. The Conditional Use Permit is not transferable to any other person or entity.

All voted in favor of the motion.

CONSIDER THE REQUEST OF WESTERN MENTAL HEALTH CENTER, INC., TO REZONE 104 CARROW STREET FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT TO A B-1 LIMITED BUSINESS DISTRICT – A. INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Western Mental Health Center, Inc., to rezone 104 Carrow Street from an R-1 One Family Residence District to a B-1 Limited Business District. The intent is to use the property for professional offices. Doom moved, Sanow seconded, the introduction of an ordinance to rezone 104 Carrow Street from an R-1 One Family Residence District to a B-1 Limited Business District and call for a public hearing to be held at 5:30 P.M. on January 2, 2007. All voted in favor of the motion.

ADOPTION OF 2007 ECONOMIC DEVELOPMENT STRATEGIC PLAN:

Mark Hanson, Economic Development Director, reviewed the Strategic Plan for 2007. The 2007 Strategic Goals include: resident and employee population is increased; shopping, dining and entertainment sites are constructed; Marshall's Regional Hub status is expanded; employment opportunities are diversified; and downtown economic vitality is strengthened. This plan has been reviewed and approved by the Marshall EDA and the Marshall Industrial Development group. Sanow moved, Reynolds seconded, the adoption of the 2007 Economic Development Strategic Plan. All voted in favor of the motion.

ADULT COMMUNITY CENTER AGREEMENTS – A. AGREEMENT WITH MARSHALL AREA SENIOR CENTER, INC., FOR SENIOR CENTER RENTAL; B. LEASE AGREEMENT WITH LUTHERAN SOCIAL SERVICES FOR SENIOR CENTER NUTRITION PROGRAM:

Barb Lipinski, Director Adult Community Center, briefly reviewed the agreement with Marshall Area Senior Center, Inc., for Senior Center Rental. Per the Senior Citizen Commission Doom moved, Sanow 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, 2007 through December 31, 2007 at a cost of \$550.00 per month. All voted in favor of the motion.

Ms. Lipinski indicated that Nutrition Services, Inc., will no longer be providing nutrition services in Regions 6E, 8 and 9, therefore the Senior Citizen Commission is recommending that the contract for nutrition services be granted to Lutheran Social Services. Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into an agreement with Lutheran Social Services for the Senior Nutrition Program. This agreement is for the period January 1, 2007 through December 31, 2007 and provides for the City to be reimbursed 20 cents per meal prepared at the Marshall Senior Center. All voted in favor of the motion.

CONSIDER INTRODUCTION OF ORDINANCE CHANGING THE NAME OF AND RENAMING THOROUGH-FARE NOW DESIGNATED AS ARTILLERY DRIVE IN THE CITY OF MARSHALL TO LT TIMMERMAN DRIVE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request from the Minnesota Army National Guard to rename the street in front of the Marshall National Guard Training and Community Center. They are requesting that street now designated as Artillery Drive be renamed to LT Timmerman Drive. Glenn indicated that all of the letters wouldn't fit on a 36" sign which is required by City Code; therefore the recommendation is for the sign to say Timmerman Dr. Glenn also indicated that they are requesting the sign to be completed on or before the evening of Christmas Eve thus giving him and his family a very honorable gift this holiday season. Doom moved, Reynolds seconded, the introduction of an ordinance Changing the Name of and Renaming Thorough-Fare Now Designated as Artillery Drive in the City of Marshall to Timmerman Dr. All voted in favor of the motion.

QUIET TITLE ACTION ISSUES ASSOCIATED WITH LOT 1, BLOCK 1, COLLEGE FOUNDATION ADDITION – A. INTRODUCTION OF ORDINANCE FOR DISPOSITION OF CITY OWNED REAL PROPERTY; B. INTRODUCTION OF ORDINANCE FOR THE VACATION OF EASEMENT AND CALL FOR PUBLIC HEARING:

Dennis Simpson, City Attorney, indicated that the City of Marshall was recently involved in a Quiet Title Action, wherein title to property described as Lot 1, Block 1, College Foundation Addition, City of Marshall, Lyon County, Minnesota was quieted in the name of the present owner William LaBelle. Part of that Quiet Title Action authorized the City to install a new Sanitary Sewer Line along the Southerly property line. The City also acquired Public Utility Easement regarding the installation and maintenance of said Sanitary Sewer Line. During the course of the negotiations regarding the installation of new Sanitary Sewer Line and new Easement, it came to light that there was an old existing Sanitary Sewer Line and Public Sanitary Sewer Easement running in a North/South and the Easterly direction. The Settlement Agreement involving the City of Marshall and subsequent Court Order incorporating the Settlement Agreement requires the City of Marshall to transfer the old existing Sanitary Sewer Line to the present property owner. That property owner has a right to continue using the Sanitary Sewer Lien as a private line. Because of this it is necessary for the City to transfer the existing Sanitary Sewer Line to the property owner. Secondly, the Settlement Agreement and Court Order also indicated that an existing 30 foot Sanitary Sewer Easement would also need to be vacated. Reynolds moved, Boedigheimer seconded, the introduction of an ordinance for the Disposition of City Owned Real Property described at Lot 1, Block 1, College Foundation as Required by Marshall City Charter Section 12.05 and the introduction of an ordinance for the Vacation of Easement and the calling for a public hearing to be held on January 2, 2007 at 5:30 P.M. as Required by Marshall City Charter Section 12.06. All voted in favor of the motion.

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

ANNEXATION ACTIONS – A. APPROVAL OF JOINT RESOLUTION FOR ORDERLY ANNEXATION WITH LAKE MARSHALL TOWNSHIP; B. INTRODUCE ORDINANCE AND CALL FOR PUBLIC HEARING ON ANNEXATION BY ORDINANCE FOR ALL THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 111 NORTH, RANGE 41 WEST, LYON COUNTY, MINNESOTA, CONTAINING 60.02 ACRES MORE OR LESS:

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2898, SECOND SERIES and that the reading of the same be waived. Resolution Number 2898, Second Series is a Joint Resolution of the City of Marshall and the Township of Lake Marshall Designating Certain Areas as in Need of Orderly Annexation Pursuant to Minnesota Statutes, Section 414.0325. This resolution provides for the annexation of a 2.04 acre piece of property owned by Ms. Rita Tople and located at 2661 County Road 7. Ms. Tople has voluntarily requested annexation of her property to address a failing septic system and well. Since Ms. Tople's property is located within the boundaries of the 1982 Orderly annexation Area with the Lake Marshall Township, the annexation can occur between the City and the Township by approving a joint resolution. All voted in favor of the motion.

Sanow moved, Doom seconded, the introduction of an ordinance and call for a public hearing for the annexation of land located in the town of Lake Marshall, Lyon County, Minnesota to the City of Marshall, Lyon County, Minnesota Pursuant to Minnesota Statutes, Section 414.033, Subdivision 2(3), Permitting Annexation by Ordinance. This ordinance would provide for the annexation property owned by Paul and Darlene VanOverbeke and contains approximately 60.02 acres and who have voluntarily requested annexation into the Marshall City Limits. Due to the fact that the property is located outside of the 1982 Orderly Annexation Area with the Lake Marshall Township, annexation of this property is done by ordinance under the provisions of the Minnesota Statutes. All voted in favor of the motion.

RESOLUTION REQUESTING THAT THE COUNTY OF LYON DECERTIFY TAX INCREMENT FINANCING DISTRICT NUMBERS 1-4, 1-8 AND 1-10, AND ELIMINATE CERTAIN PARCELS FROM TAX INCREMENT FINANCING DISTRICTS 1-5, ALL IN REDEVELOPMENT PROJECT NO. 1:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2899, SECOND SERIES and that the reading of the same be waived. Resolution Number 2899, Second Series is a resolution Requesting that the County of Lyon Decertify Tax Increment Financing District No. 1-4, 1-8, and 1-10, and Eliminate Certain Parcels from Tax Increment Financing District No. 1-5, all in Redevelopment Project No. 1. All voted in favor of the motion.

RESOLUTIONS FOR PROPOSED 2007 CITY BUDGET – A. APPROVAL OF PROPOSED 2007 PROPERTY TAX LEVY; B. ADOPTION OF 2007 PROPOSED BUDGET:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2900, SECOND SERIES and that the reading of the same be waived. Resolution Number 2900, Second Series is a resolution Approving 2006 Tax Levy, Collectible in 2007. This resolution provides for a tax levy as follows:

General Fund	\$ 2,347,571
Library	451,455
PERA Employer Contribution Special Levy	10,000
Debt Service – Storm Sewer Improvement Bonds	213,828
Debt Service 2002 "A" Airport Improvement Bonds	205,521
Debt Service 2002 "B" Parkway Improvement Bonds	27,099

REGULAR MEETING – DECEMBER 18, 2006

Debt Service 2004 Aquatics Center Certificates	53,250
Debt Service 2005 Finance Department Certificates	28,088
Debt Service 2005 "A" G. O. Public Improvement Bonds	86,379
Debt Service 2006 "B" G. O. Public Improvement Bonds	30,440
Debt Service 2007 G. O. Public Improvement Bonds	75,000
Debt Service 2007 G. O. Equipment Certificates	111,000
Economic Development Authority	121,500
TOTAL LEVY	<u>\$3,761,131</u>

All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2901, SECOND SERIES and that the reading of the same be waived. Resolution Number 2901, Second Series is a resolution Adoption a Budget for 2007. This resolution provides for General Fund revenues of \$10,033,845 and expenditures of \$10,033,845 and of which the revenues will be supported with a tax levy of \$2,799,026. All voted in favor of the motion.

PERSONNEL COMMITTEE RECOMMENDATIONS – A. APPROVAL OF 2007 WAGE SCHEDULE; B. APPROVAL OF 2007 INSURANCE CONTRIBUTIONS:

Per the recommendation of the Personnel Committee Reynolds moved, Ritter seconded, the approval of the 2007 Wage Schedule for the City's non-union personnel and the AFSCME Union personnel. The 2007 Wage Schedule provides for a 3% increase. All voted in favor of the motion.

Per the recommendation of the Personnel Committee Reynolds moved, Doom seconded, the approval of the 2007 Health/Dental Insurance Contributions. The City's health insurance premiums increased 7.5% and the dental insurance premiums increased 25%. Below is a breakdown of the monthly contributions:

		Single Premium		Family Premium	
Health Insurance	City	\$ 324.42	(95.0%)	\$ 767.76	(84.0%)
	Employee	17.08	(5.0%)	146.24	(16.0%)
	Total	\$ 341.50		\$ 914.00	
Dental Insurance	City	\$ 29.45	(85.5%)	\$ 77.70	(83.8%)
	Employee	5.00	(14.5%)	15.00	(16.2%)
	Total	\$ 34.45		\$ 92.70	

Council Member Reynolds indicated that the city is working towards a 80/20 split of premiums between the City of Marshall and the Employees. 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 at the meeting; Regional Development Commission met last week and reviewed a report on aging.

Boedigheimer Lyon County Enterprise Development meets on Tuesday; M.E.R.I.T. will meet on Thursday with the Interact Group

REGULAR MEETING – DECEMBER 18, 2006

- Doom Marshall Community Services Advisory Board – was only able to attend part of the meeting; Adult Community Center Commission met this evening.
- Hulsizer Library Board discussed their budget and the Foundation provided an update.
- Reynolds Hospital Board met earlier today – they appointed Mary Maertens as the interim CEO; Utilities Commission meets later this week; Personnel Committee needs to review the Hay Report and they thanked Sheila Dubs for her hard work on the pay plan.
- Ritter Housing Commission minutes are included in the agenda packet.
- Sanow Cable Commission minutes are included in the agenda packet.

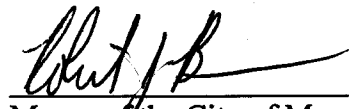
COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the status of the division heads tracking their mileage for a three month period, which started on November 15, 2006; there are several downtown lights that are not working – Glenn to check on this.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items. City Administrator Mike Johnson indicated that there will be a joint Council/EDA meeting on January 30, 2007; a joint City/Hospital meeting on January 29, 2007 and a City Council Retreat on February 6, 2007.

Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned at 7:45 P.M.
All voted aye.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk