

REGULAR MEETING – JANUARY 2, 2007

The regular meeting of the Common Council of the City of Marshall was held on January 2, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 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; Harry Weilage, Director of Community Services; Sheila Dubs, Assistant City Administrator; 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, Boedigheimer seconded, that the minutes of the regular meeting held on December 18, 2006 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – QUIET TITLE ACTION ISSUES ASSOCIATED WITH LOT 1, BLOCK 1, COLLEGE FOUNDATION ADDITION – A. ADOPTION OF ORDINANCE FOR DISPOSITION OF CITY OWNED REAL PROPERTY; B. ADOPTION OF ORDINANCE FOR THE VACATION OF EASEMENT:

This was the date and time set for a public hearing on the Quiet Title Action issues associated with Lot 1, Block 1, College Foundation Addition. City Attorney Dennis Simpson 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 the 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 line as a private line. The Settlement Agreement and Court Order also indicated that an existing 30 foot sanitary sewer easement would be vacated. Sanow moved, Doom seconded, the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 562, SECOND SERIES, and that the reading of the same be waived. Ordinance Number 562, Second Series is an ordinance providing for the Disposition of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance provides for the City of Marshall to transfer the old existing Sanitary Sewer Line to the present property owner. This Sanitary Sewer Line runs in a North/South direction on Lot 1, Block 1, College Foundation, and then continues Easterly on vacated portion of State Street. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 563, SECOND SERIES and that the reading of the same be waived. Ordinance Number 563, Second Series is an ordinance providing for the Vacation of an Easement as required by Marshall City Charter Section 12.06. This ordinance provides for the vacation of an existing 30 foot sanitary sewer easement located in Lot 1, Block 1, College Foundation Addition. All voted in favor of the motion.

PUBLIC HEARING – TO CONSIDER THE REQUEST OF WESTERN MENTAL HEALTH CENTER, INC., TO REZONE 104 CARROW STREET FROM AN R-2 ONE TO FOUR FAMILY RESIDENCE DISTRICT TO A B-1 LIMITED BUSINESS DISTRICT:

This was the date and time set for a public hearing to rezone 104 Carrow Street from an R-2 One to Four Family Residence District to a B-1 Limited Business District. Glenn Olson, Director of Public Works/City Engineer, reviewed the request to rezone 104 Carrow Street. He indicated that Western Mental Health Center intends to use this property for professional offices in the future. The dwelling immediately north is a single family dwelling located in a B-3 General Business District. The 104 Carrow Street lot is 150' wide. The two family dwelling immediately south is in an R-2 One to Four Family Residence District. Western Mental Health Center owns the property to the west that fronts on East College Drive. Mary Harrelson, owner of 105 Carrow Street, was concerned with a road off a Carrow Street to the Western Mental Health property. Kurt Reedstrom, Executive Director, indicated that there is no intent to put in a road. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of ORDINANCE NUMBER 564, SECOND SERIES and that the reading of the same be waived. Ordinance Number 564, Second Series is an Ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance to rezones 104 Carrow Street from an R-2 One to Four Family Residence District to a B-1 Limited Business District. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES FOR 2007; B. RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR 2007; C. LG 220 APPLICATION FOR EXEMPT PERMIT FOR HOLY REDEEMER CHURCH & SCHOOL FOR A RAFFLE; D. LG 220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOUNDATION FOR A RAFFLE; E. RENEWAL OF TRANSIENT MERCHANTS LICENSE FOR TNT FIREWORKS – CLERK FIREWORKS; F. RENEWAL OF TRANSIENT MERCHANTS LICENSE FOR TAP ENTERPRISES; G. TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR THE PRAIRIE HOME HOSPICE; H. BILLS/PROJECT PAYMENTS; I. BUILDING PERMITS:

Council Member Boedigheimer requested that item F, renewal of Transient Merchant License for TAP Enterprises be removed from the consent agenda.

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

The adoption of RESOLUTION NUMBER 2902, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2902, Second Series is a resolution Appointing the Official Depositories for the City of Marshall City Funds for the year 2007.

The adoption of RESOLUTION NUMBER 2903, SECOND SERIES and that the reading of the same be waived. Resolution Number 2903 Second Series is a resolution Designating the Marshall Minnesota "Independent" as the Official Newspaper for the City of Marshall.

REGULAR MEETING – JANUARY 2, 2007

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 Holy Redeemer Church and School for a raffle to be held at the Holy Redeemer School, 501 South Whitney Street on February 3, 2007 and that the 30 day waiting period be waived for each of these applications.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Applications for Exempt Permit –LG 220 for Southwest Minnesota State University Foundation for a raffle to be held at the SMSU-R/A Facility, 1501 State Street on February 23, 2007 and that the 30 day waiting period be waived for each of these applications.

The approval of a Transient Merchants License for TNT Fireworks – Clark Fireworks for the calendar year 2007 at a fee of \$300.00 contingent upon receipt of their bond.

The approval of a Temporary On-Sale Liquor License for Prairie Home Hospice to be used at Southwest Minnesota State University Conference Center, 1501 State Street, on January 27, 2007 and January 28, 2008, which is the snow date. The fee for this license is \$60.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 54239 through 54419.

All voted in favor of the motion.

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

1.	Daniel & Donna Calvin	804	Silvervine	Drive	Replace Windows	\$5,500
2.	Hy-Vee WEITZ Construction	904	East	Main Street	Repair Store Front	\$9,000
3.	Bladholm Construction, Inc.	219	West	Main Street	Interior Remodel	\$7,500

Council Member Boedigheimer was concerned about the Transient Merchant License for TAP Enterprises, Inc., the agenda packet did not include a complete copy of their application. He was informed that TAP Enterprises, Inc., sells tools at the National Guard Armory. Boedigheimer moved, Sanow seconded, the approval of a Transient Merchant License for TAP Enterprises Inc., for the calendar 2007 at a fee of \$300.00. All voted in favor of the motion.

CONSIDER ADOPTION OF ORDINANCE CHANGING THE NAME OF AND RENAMING THOROUGH-FARE NOW DESIGNATED AS ARTILLERY DRIVE IN THE CITY OF MARSHALL TO TIMMERMAN DRIVE:

Doom moved, Sanow seconded, the adoption of ORDINANCE NUMBER 565, SECOND SERIES and that the reading of the same be waived. Ordinance Number 565, Second Series is an Ordinance Changing the Name Of and Renaming Thorough-Fare Now Designated as Artillery drive in the City of Marshall to Timmerman Drive. All voted in favor of the motion.

AVERA MARSHALL REGIONAL MEDICAL CENTER –BEHAVIORAL HEALTH PROJECT:

Mary Maertens, Interim President/CEO; and Sharon Williams, Financial Director, were in attendance at the meeting to review the Behavioral Health Unit at Avera Marshall. They indicated that they have received bids for Phase I and are recommending that the bid be awarded to Doom & Cuypers, Inc. They also provided information describing Phase 2 of the project which includes construction on the basement or ground floor level of the medical center. No action is required on Phase 2 at this time. Reynolds moved, Sanow seconded, the contract for Phase I of the Behavioral Health Unit at Avera Marshall be awarded to Doom & Cuypers, Inc., in the amount of \$717,780.00. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING FINAL PLAT OF JACQUELINE'S ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Jacqueline's Addition. Mr. Olson indicated that Mr. Schilling has proposed a four-acre development with rental houses. Schilling will not have a paved street but said he will have a crushed concrete or crushed granite private road. The road will not have curb and gutter, but Mr. Olson indicated that the design accounts for drainage from rain storms. The developer has agreed to the following items subsequent to the direction by Council from the Preliminary Plat hearing held on December 18, 2006:

1. All street and/or roadway easements and storm sewer system shall remain under private ownership and maintenance until such time these items have been improved according to City specifications, have been approved by the City Engineer, and accepted by the City Council. This agreement is included both in the Development Contract and the Protective Covenants which will be recorded with the Subdivision Plat.
2. Sanitary sewer elevations have been lowered to accommodate at lease partial basements.
3. Storm sewer calculations for inlet/culverts and overland flow to receiving area have been provided.
4. A First Development Contract contains information concerning construction of any infrastructure intended to be transferred to the City for future ownership and maintenance.
5. Easements have been provided for utilities as requested by Marshall Municipal Utilities.
6. The developer has field-verified existing storm sewer location depths and size.
7. The title opinion has been provided and has been reviewed and approved by the City Attorney.
8. Payment of all fees has been received according to the First Development Contact for Jacqueline's Addition and according to the current Resolution Approving Specific Fees to be Charged by the City of Marshall (Resolution Number 2806, Second Series).

Comments from the council and city staff included:

1. Council Member Sanow was concerned with emergency vehicles being able to access this area due to the layout of the street.
2. It was indicated that the road would be 36" wide with crushed concrete or crushed granite. There would also be a public right-of-way on these roads. Mr. Olson indicated that the right-of-way would be available for emergency vehicles.

3. Because this road is private the city will not be responsible for snow removal or maintenance.
4. City code requires that any house that is moved into this area must be inspected and must meet city/state codes.
5. There was also a concern with lots being less than 70' wide. Mr. Olson indicated that if the street side of a lot is less than 70' wide it is required that the lot be 70' wide at the house set back location.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2904, SECOND SERIES and that the reading of the same be waived. Resolution Number 2904, Second Series is a resolution Approving the Final Plat of Jacqueline's Addition. The motion is contingent upon the lot width requirements being met. All voted in favor of the motion, except Sanow and Hulsizer who voted no

DOWNTOWN LANDSCAPING PLANS FOR HIGHWAYS NO. 68 RECONSTRUCTION PROJECT – GREENSPACE COMMITTEE:

Harry Weilage, Director of Community Services, indicated that during the past six months, the Greenspace Committee has carefully considered a variety of landscaping plans and amenity options that are cost effective, serving to enhance Marshall's downtown, and create a pedestrian-friendly experience. The Committee has submitted the Downtown Landscaping Plan to Mn/DOT for inclusion in the project.

The Downtown Landscaping Plan incorporates a vision of the downtown from Sixth Street to College Drive that encourages more vitality and vibrancy in the downtown. The amenities will create a more desirable atmosphere for residents, workers, visitors and tourists. The plan includes amenities promoting traffic-slowing and pedestrian-friendly experiences. Custom planter boxes and seating walls filled with trees and plants/flowers will serve to retain an aesthetic quality and provide a place for pedestrians to rest or convene while enjoying shopping, dining and entertainment. The colored crosswalks and bollards will heighten awareness for motorists that they are in/entering the downtown where pedestrian traffic must be observed. Under this plan, downtown Marshall is taking positive steps towards a more vibrant and sustainable regional center.

Lyle Patzer, Elaine Nyquist and Renee DeAustin, members of the Greenspace Committee, provided a presentation on their Plan. They indicated that several amenity items were considered by the Committee but due to cost or other factors some were not selected for the final plan. These items were provided in the agenda packet for information only. Lyle indicated that the committee tried to keep the cost reasonable.

It was indicated that this plan did not include 3rd Street or South 4th Street. If the special assessment process is used to help fund the project then the property owners would be assessed 20% of the project.

Ray Alderman asked about salvaging items that would be removed from downtown. Glenn Olson, Director of Public Works/City Engineer, indicated that the Parks Department would be salvaging the pavers and that the remaining items would become the property of the contractor.

**INSURANCE AD HOC COMMITTEE – CONSIDER RENEWAL OF WORKERS
COMPENSATION INSURANCE FOR JANUARY 1, 2007:**

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the recommendation of the Insurance Ad Hoc Committee. They are recommending to renew the City's Work Comp Insurance effective January 1, 2007 with the League of Minnesota Cities Insurance Trust with a \$5,000 medical deductible and with a 2% managed care credit. The estimated annual premium is \$119,831 in comparison to \$132,772 for 2006. Sanow moved, Ritter seconded, that the City's Work Comp Insurance be renewed effective January 1, 2007 with the League of Minnesota Cities Insurance Trust with a \$5,000 medical deductible and with a 2% managed care credit. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Ritter moved, Boedigheimer seconded, that Kathleen Ashe and Aneesa Schaeffer be re-appointed to the Library Board for 3 year terms to expire on December 31, 2009. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report.

Boedigheimer M.E.R.I.T. Center held an all day session with Interact.

Doom No report.

Hulsizer Was unable to attend the Human Rights Commission meeting.

Reynolds Hospital Board held a meeting earlier today; was unable to attend the Utilities Commission meeting.

Ritter Housing Commission and Public Improvement Transportation Committee have issues that will be coming forward.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: scheduling a Legislative and Ordinance Committee meeting along with the Planning Commission meeting on January 10th; Council Member Doom will not be at the next regular meeting; there was a concern that carbon monoxide detectors should be part of the building code.

REVIEW OF PENDING AGENDA ITEMS:

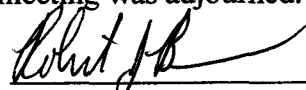
The agendas are being put together for the Joint EDA/City Council meeting on January 30th and for the Council Retreat on February 6th.

Glenn Olson, Director of Public Works/City Engineer, indicated that he has received the projected flood insurance rate map and there are several errors on the map.

REGULAR MEETING – JANUARY 2, 2007

The Special Assessment Litigation for North 6th Street and Hill / Marshall Streets have been completed for all but two parcels.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JANUARY 16, 2007

The regular meeting of the Common Council of the City of Marshall was held on January 16, 2007 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, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Doom. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Engineer Technician; Dale Howe, Building Official; Shane Waterman, Assistant 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, Sanow seconded, that the minutes of the regular meeting held on January 2, 2007 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. LG200R LAWFUL GAMBLING LICENSE RENEWAL APPLICATION FOR MARSHALL BASEBALL ASSOCIATION AT THE FOLLOWING LOCATIONS: THE GAMBLER, SAM'S PLACE AND VARSITY PUB; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR WHITETAILS UNLIMITED MARSHALL CHAPTER FOR A RAFFLE AT THE MARSHALL GOLF CLUB; C. NEW PLUMBERS LICENSE FOR NEIL KROGER, MASTER PLUMBER, FOR COTTONWOOD COOP OIL CO. (LICENSE EXPIRES MARCH 31, 2007); D. TEMPORARY ON-SALE LIQUOR LICENSE FOR LYON COUNTY PHEASANTS FOREVER AT SMSU; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

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

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Lawful Gambling License Renewal – LG200R for the Marshall Baseball Association to use at Sam's Place Restaurant, 236 West Main Street, Marshall, Minnesota; Gambler, 303 West Main Street, Marshall, Minnesota; and Varsity Pub, 128 West Main Street, Marshall, Minnesota for April 1, 2007 through March 31, 2009.

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 Whitetails Unlimited – Marshall Area Chapter for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive on February 10, 2007 and that the 30 day waiting period be waived.

A Plumbers License for Neil Kroger as master plumber for Cottonwood Coop Oil Company, Cottonwood Minneosta. This license will expire on Mach 31, 2007.

A Temporary On-Sale Intoxicating Liquor License for Lyon County Pheasants Forever to be used at the SMSU Conference Center at 1501 State Street on March 10, 2007.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 54420 through 54584.

All voted in favor of the motion.

REGULAR MEETING – JANUARY 16, 2007

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

	Applicant	Location Address				Description of Work	Valuation
1.	Tate & Tami Doom	1106	David	Drive		Finish Basement	\$6,500
2.	Richard Louwagie	300	Walnut	Street		Reroof Dwelling	\$5,000
3.	Mike Fox	800	Oak	Street		Finish Basement	\$5,000
4.	Chris Wilson	409	South	2nd	Street	Install Window	\$100
5.	Doom & Cuypers, Inc.	300	South	Bruce	Street	Behavioral Center Remodeling	\$645,000

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

Per the recommendation of the Planning Commission, Boedigheimer moved, Sanow seconded, that Linda Volden be granted a two-year renewal of a Conditional Use Permit for a home occupation to operate a beauty shop business in an R-1 One Family Residence District at 102 George Street. This permit was approved with the following conditions: that the permit expires in two years and that the hours of business be between 6:00 A.M. and 10:00 P.M. only. All voted in favor of the motion.

CONSIDER THE REQUEST OF O'REILLY AUTO PARTS FOR A VARIANCE ADJUSTMENT PERMIT FOR SIGNS IN A B-3 GENERAL BUSINESS DISTRICT AT 1210 FLOYD WILD DRIVE:

Dale Howe, Building Official, reviewed the request of O'Reilly Auto Parts, Springfield, MO for a Variance Adjustment Permit to erect business signs of 28 S.F. in excess of the surface area permitted by City Code in a B-3 General Business District at 1210 Floyd Wild Drive. They are proposing an 8' x 10' sign and a 4' x 8' changeable copy sign below with a total area of 112 S.F. The total adjusted sign area of the lot would be exceeded by 28 S.F. Mark Wold, Territory Manager for O'Reilly Auto Parts, was in attendance at the meeting and requested that the 4' x 8' changeable copy sign area be reduced to a 2' x 8' changeable copy sign resulting in 12 S.F. in excess of the surface area permitted by City Code in a B-3 General Business District at 1210 Floyd Wild Drive. Council Member Boedigheimer indicated that this was a reasonable request, therefore Boedigheimer moved, Ritter seconded, that a Variance Adjustment Permit be granted to O'Reilly Auto Parts to erect business signs of 12 S.F. in excess of the surface area permitted by City Code in a B-3 General Business District at 1210 Floyd Wild Drive. All voted in favor of the motion.

PRESENTATION OF THE 2007 BUDGET BY MARSHALL MUNICIPAL UTILITIES:

Brad Roos, General Manager Marshall Municipal Utilities and Roxy Moon, Finance Officer Marshall Municipal Utilities presented the 2007 Marshall Municipal Utilities Budget.

PROPERTY EXCHANGE AGREEMENT BETWEEN THE CITY OF MARSHALL AND SCHWAN'S DEVELOPMENT CORPORATION – INTRODUCTION OF ORDINANCE FOR SALE OF CITY OWNED REAL PROPERTY TO SCHWAN'S DEVELOPMENT CORPORATION AS REQUIRED BY MARSHALL CITY CHARTER SECTION 12.05:

Mike Johnson, City Administrator, reviewed the proposed ordinance for the Sale of City Owned Real Property to the Schwan's Development Corporation on a project that addressed the vacation of an alley and the proposed property transfer/sale of property as previously addressed on April 3, 2006 by the City Council. The property under consideration for sale is Parcels A-B-C-D for a total square footage of 47,697 (1.09 Acres); river square footage of 9,681 (.22 Acres) and useable square footage of 38,016 (.87 Acres). The proposed development plan for the property adjacent to the Landmark Bistro and Main Street appears to be a mixed use facility (3-story retail/office building) comprised of approximately 36,000 square feet. Demolition of existing building is expected to begin in February with new building construction being initiated in April.

Cal Barnett, Director of General Services/City Assessor, stated that the appraisal of Land Survey Parcels A, B, C and D within the Marshall downtown area were assigned to Mr. Owen Viker, Appraisal Services of Mankato, Inc., Mankato Minnesota. He was awarded the assignment based on experience, education, designation and the ability to complete the appraisal report within an identified time period. The appraisal was to be based on its fair market value. The concept of market value tends to imply that irregardless of the buyer, the most probable price that the property will sell for is identified. The fair market value for the parcels is as follows:

Parcel A & D	\$173,700
Parcel B	\$ 60,800
Parcel C	\$ 4,400
Total Value	\$238,900

Mr. Bill McCormack, Representative from Schwan's Development Corporation, requested approval of the appraisal amount and indicated that they would be making a presentation at the City Council meeting on February 20, 2007.

There were several comments from the City Council and Staff:

Council Member Sanow indicated that Schwan's is making a huge investment in the downtown area but felt that the price for Parcel A, which is a chunk of parking lot and the land as it leads to the Redwood River, should be set at \$8.25 per square foot and not \$5.00 as appraised.

Cal Barnett, Director of General Services/City Assessor, indicated that the appraisal is to be used to assist the council with the sale of the property.

Mr. McCormack, indicated that the City Council authorized that an appraisal be completed to determine the value of this land at their meeting on April 3, 2006 and that they should move forward with the sale of the property at the appraised value.

Council Member Boedigheimer indicated that Parcel A could be used for additional parking and since the City could not purchase land for parking at \$5.00 per square foot that this area should be worth more.

Council Member Ritter and Hulsizer also agreed with Council Member Sanow and Boedigheimer about the value of Parcel A.

Sanow moved, Reynolds seconded, the introduction of an ordinance For the Sale of City Owned Real Property to Schwan's Development Corporation as required by Marshall City Charter Section 12.05. All voted in favor of the motion.

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

HARRIETT DRIVE IMPROVEMENT PROJECT Y12 – CONSIDER RESOLUTION RECEIVING REPORT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

Shane Waterman, Assistant City Engineer, reviewed Project Y12 which is the improvement of Harriett Drive between the east line of North 6th Street and the west line of Esther Lane by the installation of sidewalk and driveway. This project was petitioned by the sole owner receiving an assessment; therefore no hearing or notice is required.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2905, SECOND SERIES and that the reading of the same be waived. Resolution Number 2905, Second Series is a resolution Receiving the Feasibility Report for Harriett Drive Improvement Project Y12. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2906, SECOND SERIES and that the reading of the same be waived. Resolution Number 2906, Second Series is a resolution Ordering Improvement and Preparation of Plans for Project Y12 Harriett Drive Improvement. All voted in favor of the motion.

NORTH 3RD STREET PROJECT Y13 – CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT:

Shane Waterman, Assistant City Engineer, reviewed Project Y13 which is the 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, Ritter seconded, the adoption of RESOLUTION NUMBER 2907, SECOND SERIES and that the reading of the same be waived. Resolution Number 2907, Second Series is a resolution Receiving Feasibility Report and Calling for a Hearing on Improvement. The public hearing will be held at 5:30 P.M. on February 20, 2007 in the Council Chambers. All voted in favor of the motion.

NORTH 4TH STREET PROJECT Y14 – CONSIDER RESOLUTION RECEIVING REPORT AND CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

Shane Waterman, Assistant City Engineer, reviewed Project Y14 which is the removal and replacement of existing curb, gutter and sidewalk on the South side of 4th Street to tie into the 2007 Main Street Project. This project was petitioned by 100% of the property owners receiving an assessment; therefore no hearing or notice is required. Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2908, SECOND SERIES and that the reading of the same be waived. Resolution Number 2908, Second Series is a resolution Receiving Feasibility Report for North 4th Street Project Y14. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2910, SECOND SERIES and that the reading of the same be waived. Resolution Number 2910, Second Series is a resolution Ordering Improvement and Preparation of Plans for North 4th Street Project Y14. All voted in favor of the motion.

CONSIDER RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT FOR- A. PROJECT Y03 2007 MAIN STREET PROJECT; B. X26 NORTH 3RD STREET PROJECT; C. Y19 EAST COLLEGE DRIVE SIDEWALK PROJECT; D. Y20 TIGER DRIVE SIDEWALK PROJECT:

Shane Waterman, Assistant City Engineer, reviewed Project Y03 which is the improvements to T.H. 68 (Main Street) from the intersection of T.H. 59 to southeasterly 1st Street; Project X26 which is improvements to North 3rd Street from East College Drive to West Marshall Street and improvements to Walnut Street from East College Drive northerly approximately 400 feet and the bridge replacement; Project Y19 which is sidewalk improvements to East College Drive from O'Connell Street east to Tiger Drive; and Project Y20 which is sidewalk improvements to Tiger Drive from East College Drive north to the existing crosswalk at the Marshall Senior High School. Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2911, SECOND SERIES and that the reading of the same be waived. Resolution Number 2911, Second Series is a resolution Ordering Preparation of Report on Improvements for Main Street Project Y03; North 3rd Street Reconstruction and Bridge Replacement Project X26; East College Drive Sidewalk Project Y19 and Tiger Drive Sidewalk Project Y20. All voted in favor of the motion.

RESOLUTION REALLOCATING BUDGET AMOUNTS FOR FISCAL YEAR ENDED DECEMBER 31, 2006:

Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the budget adjustments for the 2006 budget. Council Member Boedigheimer was concerned with a budget adjustment in the Street Department for an item that was removed from the Capital Budget for 2006. Mr. Meulebroeck indicated that the mower was not worth repairing; therefore they purchased a new mower. Mr. Boedigheimer also indicated that they have spent an additional \$420,000 on consultants and he is not sure if the City can legally take monies from the 2006 budget for items not completed and classify them as Designated Fund Balances as of 12/31/06. Mr. Boedigheimer also requested an expense report by account as of year end before any adjustments are completed and another report after the budget adjustments are completed. Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2912, SECOND SERIES and that the reading of the same be waived contingent up clarification on the mower purchased for Street Department and a legal response to classify 2006 budget items as Designated Fund Balances. Resolution Number 2912, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year Ended December 31, 2006. All voted in favor of the motion.

ESTABLISH A DATE FOR THE 2007 LOCAL BOARD OF APPEAL AND EQUALIZATION:

The 2006 Local Board of Appeal and Equalization be held at 5:30 P.M. on Tuesday, April 17, 2007 in the Council Chambers of the Marshall Municipal Building at 344 West Main Street.

CONSIDER APPOINTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Sanow moved, Reynolds seconded, and was unanimously approved that Doug Nawrocki be appointed to the Public Housing Commission for an unexpired term to expire on May 31, 2007.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA met last Tuesday; Fire Relief Association held their annual meeting and the status of their funds were discussed; Regional Development Commission met last Thursday.

Boedigheimer Airport Commission met last Monday.

Hulsizer Library Board met and is not interested in looking at new sites for the Library.

Reynolds Hospital Board will meet with the City Council on January 29th; Utilities Commission will meet next Tuesday.

Ritter EDA met but there is nothing new to report.

Sanow Cable Commission discussed their Market Strategy


COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the committee that has been appointed by Mayor Byrnes for the new library; there is a concern with parking along Marvin Schwan Drive during the day and there not being room for customers to park.

Sanow moved, Reynolds seconded, that the Council go into closed session pursuant to MN Statute 13D.05, Subd. 3(b) at 8:07 P.M. All voted in favor of the motion.

The City Council came out of closed session at 8:26 P.M.

Upon motion by Sanow, 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

SPECIAL MEETING – JANUARY 29, 2007

The special meeting of the Common Council of the City of Marshall was held on January 29, 2007 in the Education Rooms (3rd Floor) of the AVERA Marshall Regional Medical Center. 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; and Thomas M. Meulebroeck, Financial Director/City Clerk.

ANNEXATION PUBLIC HEARING (PORTION OF PAUL/DARLENE VANOVERBEKE PROPERTY) – ADOPTION OF ORDINANCE 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:

This was the date and time set for a public hearing on the annexation of land located in the township 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 which 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. Larry Hochstatter, Power of Attorney for the VanOverbeke's, was in attendance at the meeting. Mike Johnson indicated that the City did provide 30 days written notice by certified mail to the land owner and to all contiguous landowners the intent to annex as is required by Minnesota Statutes. Mike also, indicated that as per Minnesota Statute Section 414.036 the City would remit \$44.02 in 2008 and 2009 with respect to the property taxes for the area being annexed. Sanow, moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Ritter seconded, the adoption of ORDINANCE NUMBER 566, SECOND SERIES and that the reading of the same be waived. Ordinance Number 566, Second Series is an Ordinance of the City of Marshall Annexing 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 provides for the annexation property owned by Paul and Darlene VanOverbeke and contains approximately 60.02 acres. They have voluntarily requested annexation into the Marshall City Limits. All voted in favor of the motion.

Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned at 5:35 P.M. All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

JOINT CITY COUNCIL/WMMC BOARD OF DIRECTORS MEETING
JANUARY 29, 2007

A Joint City Council/WMMC dba AVERA Marshall Regional Medical Center Board of Directors meeting of the City of Marshall was held on January 29, 2007 in the Education Rooms (3rd Floor) of the AVERA Marshall Regional Medical Center. The meeting was called to order at 6:10 P.M. by WMMC Board Chairperson, Cliff Carmody and Mayor Byrnes. WMMC Board members in attendance were: Bill Cole, Joe Cool, Bill Kramer, Art Olson. Hospital staff present included: Mary Maertens, Curt Hohman, Irene Wolf, Brian Bohn, Chris Gilb, Sharon Williams and DeeAnn Holland. In addition to Byrnes the City Council Members present were: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; and Thomas M. Meulebroeck, Financial Director/City Clerk. Rae Krueger, Marshall Independent was also in attendance at the meeting.


Steve Draxler and Jeremy Zabel, Auditor McGladrey & Pullen, were in attendance at the meeting to give an overview of Weiner Memorial Medical Centers audited financial report for the year ending September 30, 2006.

Kramer moved, Olson seconded, the adoption of a Resolution Authorizing the Use of Data in Tax Statements and the Annual Charitable Organization Report and the Authorization to Submit the Same. All voted in favor of the motion.

Mary Maertens, Interim President and CEO Avera Marshall Regional Center reviewed their significant accomplishments; key strategies and projects; and reviewed the trends and implications.

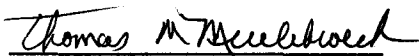
Upon motion by Kramer, seconded by Olson, to adjourn the AVERA Marshall Regional Medical Center Board of Directors meeting. All voted aye.

Sanow moved, Ritter seconded, that the meeting of the City Council be adjourned at 7:40 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

JOINT CITY COUNCIL / EDA COMMITTEE MEETING
JANUARY 30, 2007

A Joint City Council / EDA Committee was held on January 30, 2007 in the Board Room of Marshall Municipal Utilities. The City Council meeting was called to order at 5:30 P.M. by Mayor Byrnes and Stan Finnestad called the EDA Meeting to order at 5:30 P.M. 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; Sheila Dubs, Assistant City Administrator; Mark Hanson, EDA Director; Doris Huber, Assessing Secretary; and Thomas M. Meulebroeck, Financial Director/City Clerk. EDA members included: Bob Kaufman, Stan Finnestad, Dave Edens and John DeCramer. Marshall Industries Foundation members included: Brad Roos, Loren Stomberg, Ron Halgerson, Roger Madison and Jay Cattoor. Others in attendance included: Mark Goodenow, Lyon County Commissioner; Mike Norton, Kennedy & Graven; Terri Heaton and Mikaela Hout, Springsted; and Traci Veglahn, Marshall Area Chamber of Commerce.

The primary purpose of this meeting was to serve as an educational session on Tax Increment Financing (TIF). Mike Norton, Mikaela Hout and Terri Heaton began the session by addressing the TIF background which included: what is TIF; the TIF Act; TIF Powers, Creation of TIF Districts; and TIF Reporting. The City of Marshall currently has seven (7) TIF Districts and two (2) Project Areas within the TIF Plan. Mikaela reviewed the financial information for each district.

Mike Johnson reviewed the 1996 and 1997 TIF Bonding as it relates to the downtown redevelopment projects and industrial development projects. The summary of project accomplishment was addressed.

As it related to the Economic Development Financing the 2006 TIF Report was discussed as well as the available monies in the 1996 and 1997 Bond Funds, the Industrial Park Land Sales Account and the EDA Community Reinvestment Fund (CRIF).

The future economic development opportunities were reviewed as it relates to future projects, TIF Plan Modifications/Changes Process and the MMU Partnership for Development.

An overview was provided on other Economic Development Tools consisting of JOBZ, Tax Abatement, Tax Exempt Financing, Minnesota Investment Fund (MIF) and the Paireland Economic Development Corporation and Southwest MN Initiative Foundation.

Other items hi-lighted in the conversation were that in order for a project to be done within a TIF District it must meet the "BUT-FOR" Test and be a lawful TIF expenditure. It was also indicated that the "Pay-Go" or the bonding for an improvement may be utilized for a project with the bond being repaid through increments.

Mike Johnson briefly reviewed a handout addressing the Summary of the TIF Program Project Accomplishments for 1997 – 2006.

JOINT CITY COUNCIL / EDA COMMITTEE MEETING
JANUARY 30, 2007

Eden moved, DeCramer seconded, that the EDA meeting be adjourned. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess for the City Council.

Sanow moved, Boedigheimer seconded, that the City Council go into closed session pursuant to Minnesota Statute 13D.05, Subd. 3.c.(1.). All voted in favor of the motion.

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

Upon motion by Doom, seconded by Ritter, the meeting was adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – FEBRUARY 5, 2007

The regular meeting of the Common Council of the City of Marshall was held on February 5, 2007 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; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; Shane Waterman, Assistant City Engineer; Bob VanMoer, Wastewater Superintendent; and Thomas M. Meulebroeck, Financial Director/City Clerk.

Mayor Byrnes welcomed members of the Boy Scout Troop 320.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Reynolds moved, Sanow seconded, that the minutes of the regular meeting held on January 16, 2007, the minutes of the special meeting held on January 29, 2007, the minutes of the Joint City Council / Hospital Board meeting held on January 29, 2007 and the minutes of the Joint City Council / EDA meeting held on January 30, 2007 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. RENEWAL FOR GROUP SELF-INSURED ACCIDENT PLAN FOR VOLUNTEERS FROM 01/01/07 TO 01/01/08; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR A RAFFLE FOR RMEF SW GREAT DIVIDE CHAPTER; C. BLR GANG/DRUG TASKFORCE STATE GRANT AMENDMENT NO. 1; D. BILLS AND PROJECT PAYMENTS; E. BUILDING PERMITS:

Council Member Sanow requested that item D, bills and project payments be removed from the consent agenda.

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

That the Group Self-Insured Accident Plan for City Volunteers be renewed with the League of Minnesota Cities for 2007 at a premium of \$1,847.

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 RMEF Southwest Great Divide Chapter for a raffle to be held at the Best Western Marshall Inn, 1500 East College Drive on March 31, 2007 and that the 30 day waiting period be waived.

The approval of Amendment No. 1 to Grant Contract No. 2006-NGTF-00373/9300-2198. This amendment provides for \$32 75 in additional funds. There is no match and this will slightly

off-set taskforce expenses for 2006 as the grant doesn't cover all the operating expenses. Those expenses are funded through dues and forfeitures.

All voted in favor of the motion.

Council Member Sanow questioned why there were two page 17 and was told that it was a duplicate. Sanow moved, Boedigheimer seconded that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 54585 through 54836. All voted in favor of the motion.

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

1.	Robert L. Carr	1702	Thunderbird	Road	Four Unit Apartment	\$200,000
2.	Matt Weller	300	Athens	Avenue	Finish Basement	\$9,000
3.	Joshua Buysse	617	West Thomas	Avenue	Install Window	\$500
4.	James Carr	1000	East Southview	Drive	Interior Remodel	\$45,000
5.	Larry Magrath & Lori Baker	408	South Hill	Street	Finish Garage	\$4,000
6.	Tim & Darcy Wall	902	Boxelder	Avenue	Interior Remodel	\$6,000
7.	Myron & Bobbi Ruesch	202	East Thomas	Avenue	Install Stove	\$2,800
8.	REM Southwest Services, Inc.	1007	North 4th	Street	Remodel Interior	\$2,500
9.	Mark Malingen	1229	Patricia	Court	Refinish Basement	\$5,000
10.	Lawrence Sign c/o Jennifer Johnson	208	East College	Drive	Construct Sign	\$29,900
11.	D & G Excavating	606	Charles	Avenue	Demolish Garage	\$0
12.	Troy & Sherry Woitzel	516	Jaguar	Court	Finish Basement	\$5,000
13.	Bakke's Home Repair & Construction	405	West College	Drive	Install Door	\$1,500
14.	St. Aubin Drywall	1604	Superior	Road	Office Expansion & Remodel	\$800,000

PROPERTY EXCHANGE AGREEMENT BETWEEN THE CITY OF MARSHALL AND SCHWAN'S DEVELOPMENT CORPORATION – A. RESOLUTION AMENDING RESOLUTION NUMBER 2825, SECOND SERIES GRANTING A PETITION FOR VACATION OF AN ALLEY RIGHT-OF-WAY; B. ADOPTION OF ORDINANCE FOR SALE OF CITY OWNED REAL PROPERTY TO SCHWAN'S DEVELOPMENT CORPORATION AS REQUIRED BY MARSHALL CITY CHARTER SECTION 12.05:

Bill McCormack and Jeff Thompson, representatives from Schwan's, addressed "A Vision for Downtown". Mr. McCormack addressed some improvements Schwan's has made such as the demolition of the records storage facility; the development of a triangular parking lot; the acquiring of the Masonic Building and the plans to demolish four (4) buildings on Main Street and start new construction. Mr. Thompson addressed the design for the new structure downtown, indicating there would be a 16' covered and lighted walkway from Main Street to the

back parking lot; that the new building would be three stories with retail on the main level and the other two levels would be for professional offices. Each level would be approximately 13,000 square feet.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2913, SECOND SERIES and that the reading of the same be waived. Resolution Number 2913, Second Series is a resolution Amending Resolution Number 2825, Second Series, 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 an alley adjacent to Lots 1 through 7 and the walkway of Block 3, Original Plat to the City of Marshall. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of ORDINANCE NUMBER 567, SECOND SERIES and that the reading of the same be waived. Ordinance Number 567, Second Series is an ordinance for Sale of City Owned Real Property to Schwan's Development Corporation as Required by Marshall City Charter Section 12.05. These parcels are identified as A, B, C and D that are within Block 3 of the Original Plat for the City of Marshall and Lot 1 and 2, Block 5 Marshall Right-of-Way Addition. All voted in favor of the motion.

RESOLUTION ACCEPTING THE GRANT OF PERSONAL PROPERTY FROM DALE R. AND DEBORAH BISBEE BY THE CITY OF MARSHALL, MINNESOTA:

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2914, SECOND SERIES and that the reading of the same be waived. Resolution Number 2914, Second Series is a resolution Accepting the Grant of 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 Marshall Volunteer Fire Department's Memorial at the Downtown Park. All voted in favor of the motion.

Council Member Boedigheimer requested a letter be sent to the Bisbee's expressing the City's appreciation for their support.

PROJECT X76 (2005-008) WASTEWATER TREATMENT FACILITY DIGESTER PROJECT – A. AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC., B. CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT WITH KHC CONSTRUCTION INC.:

Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into Amendment No. 1 to Professional Services Agreement with Bolton & Menk, Inc. This amendment provides for design and construction inspection services for the Wastewater Treatment Facility Digester Improvement Project. They will bill the city on an hourly rate plus expenses not to exceed \$28,700. All voted in favor of the motion.

Doom moved, Sanow seconded, the approval of Change Order No. 1 with KHC Construction Inc., for the Wastewater Treatment Facility Digester Improvement Project which results in an increase in the contract sum of \$83,474.14, for a total contract amount of \$4,640,474.14 and extended the substantial completion date by 15 days extending it to March 16, 2007 for the completion of the proposed change order items as follows: the first proposal request

is for the repairing damaged concrete walls on the interior of the digester tanks in the amount of \$13,317.79 and the second proposal request is for the addition of a Programmable Logic Controller (PLC) and associated equipment in the amount of \$70,156.35. This will be necessary to tie in the controls and information from Gravity Belt Thickening Building into the process controller for the new ATAD process. This is also a building block for the future SCADA Monitoring System of the treatment facility. All voted in favor of the motion.

PROJECT Y15 – TREE STREET AREA IMPROVEMENT PROJECT – A. RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING PREPARATION OF PLANS; C. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Tree Street Area Improvement Project Y15. This project provides for improvements in the area bounded by East College Drive on the south, Whitney Street on the west, North Bruce Street on the east and just north of Boxelder Avenue on the North. Proposed improvements include: relocation and replacement of the sanitary sewer main and sanitary sewer services, replacement of the storm sewer main and miscellaneous improvements. The watermain portion of this project has been removed and added to Project Y08, now called East College Drive/Tree Street Area Watermain Replacement Project. Mr. Olson indicated that they do not have adequate easements in the backyards; therefore MMU is recommending to move the watermain to the front of the properties. He also indicated that any easements needed will be addressed with each individual property owner.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2915, SECOND SERIES and that the reading of the same be waived. Resolution Number 2915, Second Series is a resolution Receiving Feasibility Report and Calling for Public Hearing on Improvement for Project Y15 Tree Street Area Improvement. This public hearing will be held at 5:30 P.M. on February 20, 2007. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2916, SECOND SERIES and that the reading of the same be waived. Resolution Number 2916, Second Series is a resolution Ordering Preparation of Plans for Project Y15 Tree Street Area Improvement. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2917, SECOND SERIES and that the reading of the same be waived. Resolution Number 2917, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Y15 Tree Street Area Improvement. Bids are to be submitted to the Finance/Clerk's Office by 10:00 A.M. on March 7, 2007. All voted in favor of the motion.

PROJECT Y08 – EAST COLLEGE DRIVE AND TREE STREET AREA WATERMAIN IMPROVEMENT – A. RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING PREPARATION OF PLANS; C. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Watermain Improvement Project for East College Drive and the Tree Street Area Project Y08. This project provides for relocation and replacement of the watermain and water services for the area adjacent to East College Drive from Mustang Trail to North Bruce Street and the area bounded by East College Drive on the south, Whitney Street on the west, North Bruce Street on the east and just north of Boxelder Avenue on the North.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2918, SECOND SERIES and that the reading of the same be waived. Resolution Number 2918, Second Series is a resolution Receiving Feasibility Report and Calling for Public Hearing on Improvement for Project Y08 East College Drive and Tree Street Area Watermain Replacement Project. This public hearing will be held at 5:30 P.M. on February 20, 2007. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2919, SECOND SERIES and that the reading of the same be waived. Resolution Number 2919, Second Series is a resolution Ordering Preparation of Plans for Project Y08 East College Drive and Tree Street Area Watermain Replacement Project. All voted in favor of the motion.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2920, SECOND SERIES and that the reading of the same be waived. Resolution Number 2920, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Project Y08 East College Drive and Tree Street Area Watermain Replacement Project. Bids are to be submitted to the Finance/Clerk's office by 10:00 A.M. on March 7, 2007. All voted in favor of the motion.

PROJECT Y19 EAST COLLEGE DRIVE SIDEWALK PROJECT – A. RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING PREPARATION OF PLANS:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y19 which is sidewalk improvements to East College Drive from O'Connell Street east to Tiger Drive. Glenn did indicate the project would be a challenge and the intent is to complete it by August, 2007, prior to school opening.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2921, SECOND SERIES and that the reading of the same be waived. Resolution Number 2921, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement for Project Y19 East College Drive Sidewalk Project. The public hearing will be held at 5:30 P.M. on February 20, 2007. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2922, SECOND SERIES and that the reading of the same be waived. Resolution Number 2922, Second Series is a resolution Ordering Preparation of Plans for Project Y19 East College Drive Sidewalk Project. All voted in favor of the motion.

PROJECT Y20 TIGER DRIVE SIDEWALK PROJECT – A. RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING PREPARATION OF PLANS:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y20 which is sidewalk improvements to Tiger Drive from East College Drive north to the existing crosswalk at the Marshall Senior High School.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2923, SECOND SERIES and that the reading of the same be waived. Resolution Number 2923, Second Series is a resolution Receiving Feasibility Report and Calling for Hearing on Improvement Y20 Tiger Drive Sidewalk Project. The public hearing will be held at 5:30 P.M. on February 20, 2007. All voted in favor of the motion.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2924, SECOND SERIES and that the reading of the same be waived. Resolution Number 2924, Second Series is a resolution Ordering Preparation of Plans for Project Y20 Tiger Drive Sidewalk Project. All voted in favor of the motion.

PROJECT Y03 – 2007 MAIN STREET PROJECT – A. RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING PREPARATION OF PLANS; C. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y03 which includes grading, concrete surfacing, curb and gutter, signal systems, sidewalk, watermain and services, sanitary sewer main and services, storm sewer, lighting, amenities and landscaping on Main Street from the intersection of T.H. 59 to southeasterly 1st Street.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2925, SECOND SERIES and that the reading of the same be waived. Resolution Number 2925, Second Series is a resolution Receiving Report and Calling for a Hearing on Improvement Y03 2007 Main Street Project. This public hearing will be held at 5:30 P.M. on February 20, 2007. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2926, SECOND SERIES and that the reading of the same be waived. Resolution Number 2926, Second Series is a resolution Ordering Preparation of Plans for Project Y03 2007 Main Street Project. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2927, SECOND SERIES and that the reading of the same be waived. Resolution Number 2927, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement

for Bids for Project Y03 2007 Main Street Project. Bids will be received by the Finance/Clerk's Office by 10:00 A.M. on March 23, 2007. All voted in favor of the motion.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR VEHICLES AND EQUIPMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request to advertise for bids for vehicles and equipment. He is requesting to receive bids for the following:

Engineering – Pickup	Wastewater Department – Skid loader
Public Ways Maintenance – Pickup	Street Department – Skid loader
Wastewater Department – Pickup	Wastewater Department – Used semi trailer
Parks Department – Pickup	

The minimum specifications included in the agenda packets were briefly reviewed. Ritter moved, Doom seconded, that the authorization to advertise for bids for various vehicles and equipment be tabled to the February 20, 2007 City Council meeting to allow time for a more detailed review of specs to be completed. Mayor Byrnes requested Doom and Ritter to be involved in the review of the specs. All voted in favor of the motion.

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

2006 AUDIT PROPOSAL WITH LARSON, ALLEN, WISHAR & CO., LLB (LAWCO):

Boedigheimer moved, Reynolds seconded, the approval of the proposal received from Larson, Allen, Weishar & Co., LLP for the 2006 Audit at a fee estimated between \$40,750 to \$42,750 representing a 3% increase from the previous year. In addition, there will be a one-time \$800 to \$1,200 fee for new requirements related to Audit Standard No. 112 which required more in-depth analysis, documentation, and reporting on the City's internal control process. It was the general consensus of the City Council that in the summer of 2007, the city seek proposals for auditing services. All voted in favor of the motion.

FINANCE REPORT ON YEAR-END FUND BALANCE DESIGNATIONS:

At the January 16, 2007 City Council meeting during the review of the resolution considering adjustments to the 2006 budget a concern was expressed with expenditure recognition, encumbrances, and carry over balances and fund balance designation. These concerns were forwarded to Larson, Allen, Weishar, Auditor for the City of Marshall for their direction. A copy of Chapter 7 of the City of Marshall's City Charter addressing Taxes and Finance; a copy of the response from Tom Koop, Larson, Allen, Weishar; and a copy of the response from City Attorney, Dennis Simpson was provided to the City Council.

There were a number of expenditure items included in the 2006 budget that had not been expended in 2006 and that were requested to be identified as designated Fund Balances as of 12/31/06. The intent is that once these amounts are finalized a resolution will be brought forth to consider a budget amendment for 2007 and a resolution encumbering funds as of 12/31/06 for projects that the monies were not expended in 2006 will be provided.

SAFE ROUTE TO SCHOOL PROGRAM GRANT APPLICATION:

Mike Johnson, City Administrator, and Glenn Olson, Director of Public Works, reviewed the Safe Routes to School (SRTS) program, a new program created by the Federal Surface

Transportation Act, establishes a grant program providing communities with the opportunity to improve conditions for bicycling and walking to school. The goals of the program are threefold:

1. To enable and encourage children, including those with disabilities, to walk and bicycle to school;
2. To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
3. To facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

Community Services Department has submitted an application for \$175,000 (the maximum allowed) in grant funding. STRS projects are funded at 100% with no local match required. The proposed project will expand and improve the sidewalk infrastructure leading from the Parkway Housing Additions to the West Side Elementary and Marshall Middle Schools. Mr. Weilage indicated that if this plan is selected by MN/DOT, the project would be brought to the City Council for approval and acceptance of the funding. Grant recipients will be notified in March, 2007.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Reynolds moved, Doom seconded, and was unanimously approved that Andrea Swenson be appointed to the Human Rights Commission for an unexpired term to expire on May 31, 2007 and John Lind be appointed to the Human Rights Commission for an unexpired term to expire on May 31, 2008.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes No report

Boedigheimer Enterprise Development meet in Cottonwood; M.E.R.I.T Center will met on February 8th; Airport Commission has a meeting coming up; Legislative & Ordinance Committee will have a meeting with the Planning Commission to discuss Downtown District Boundaries and lot sizes.

Doom No report

Hulsizer Human Rights Commission minutes are included in the agenda packet – they discussed the Martin Luther King contest; Visitors Bureau – Mark Hanson EDA Director was the guest speaker and they addressed the choir contest sponsor by Schwan's to be held in Marshall.

Reynolds Hospital Board held a joint meeting with the City Council on January 29th; Utilities Commission will meet on February 21st; the Personnel Committee needs to schedule a meeting.

REGULAR MEETING – FEBRUARY 5, 2007

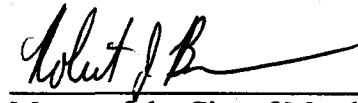
Ritter No report

Sanow Marshall Area Transit reviewed the plan for their bus facility.

COUNCIL MEMBER INDIVIDUAL ITEMS:

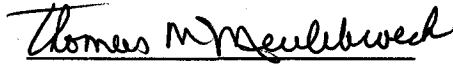
Other items brought forth by the Mayor and Council Members included: earmarking the money from the sale of the land to Schwan's for parking in the downtown area; the Personnel Committee needs to meet and review the City Administrators evaluation; they would also like to receive feedback on concerns previously discussed such as the: Youth in Town, naming of parking lots, and parking on Camden Drive. A special City Council meeting was scheduled for 6:00 P.M. on February 12, 2007 and Michael Boedigheimer was appointed as the liaison to the Prairie Net Consortium.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

**CITY COUNCIL PLANNING RETREAT
FEBRUARY 6, 2007**

A Planning Retreat of the Common Council and City Staff of the City of Marshall was held on February 6, 2007 in the Board Room of the Marshall Municipal Utilities. Mayor Byrnes called the meeting to order at 4:00 P.M. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: none. Staff present at the meeting included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Rob Yant, Director of Public Safety; Harry Weilage, Director of Community Services; Calvin Barnett, Director of General Services/City Assessor; and Thomas M. Meulebroeck, Financial Director/City Clerk.

The planning session was facilitated by Bruce Miles from Big River Consulting Group, LLC out of St. Cloud, Minnesota. Mike Johnson provided an overview of the materials he had provided to the City Council and staff in preparation for the retreat.

The goals for the session were to: review the survey results Bruce had received from the council and staff members; identify past community successes and issues; to identify Council/Mayor/Administration past successes and issues; to refine the vision for the City of Marshall; to review growth initiatives and current projects; identify priorities; develop new goals and bench marks aligned with priorities; identify/refine desired communication routes and methods; to evaluate the session; and to review the planning funnel.

Mr. Miles divided the attendees into small groups to first determine a five year outcome and second to determine the Council/Mayor/Administration outcomes by those events or projects that were: positive intended; positive unintended; less than positive intended and less than positive unintended.

Mr. Miles utilized the small group approach to brain storm ideas for the Vision of Marshall. The vision was summarized as:

1. Marshall will be a vibrant community of values, neighborhoods, families, education, diversity, business; all building a sense of community.
2. And to continue private/public partnerships as we progress toward being a regional commercial, educational, medical, retail and cultural center of 18,000 citizens.

Mr. Miles continued to utilize small groups to identify priorities and goals for the city from the list of priorities and goals that were identified. They were summarized as follows:

1. Purchase Land for Expansion – Direct MIF to identify land options and EDA to identify funding recommendations; Implement Resolution 54 (MMU/City)
2. Library Planning Process – Major partners review and describe new plan – articulate the need; joint meeting with Council and Library Board.
3. Diversity of Employment – Industrial Park expansion; cross check major employers for opportunities (i.e., packaging)
4. Affordable Housing – identify old home stock incentives (sweat equity) for ownership and continue development of entry/affordable housing with proper incentives.
5. Job Growth and Recruit Labor Force – identify fiscal incentives to encourage moving to Marshall

CITY COUNCIL PLANNING RETREAT
FEBRUARY 6, 2007

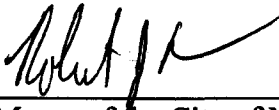
Mr. Miles then led a discussion by identifying the top four (4) Quality Indicators and Bench Marks consisting of:

1. Identifying Fiscal Incentives to encourage moving to Marshall
2. Library planning process
3. Purchase land for expansion
4. Affordable housing

With each of these indicators Mr. Miles continued to discuss what the City wanted to accomplish; what steps may be taken; and what will the City see if they are making progress.

Mr. Miles concluded the retreat by reviewing the planning funnel and how all that was discussed at this retreat follows this process.

Upon motion made by Sanow, seconded by Reynolds, the meeting was adjourned at 9:00 P.M. 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 February 12, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 6:00 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: Mike Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; and Thomas M. Meulebroeck, Finance Director/City Clerk.

**PROJECT Y03 2007 MAIN STREET PROJECT – CONSIDER RESOLUTION
APPROVING THE COOPERATIVE CONSTRUCTION AGREEMENT – MN/DOT
AGREEMENT NO. 90606-R:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the Cooperative Construction Agreement provided by MN/DOT. This agreement encumbers up to \$1,805,551.38 of City funds for State participating items. The total estimated city construction costs are \$2,654,850 which includes participation by MMU; Wastewater Fund; City Funds and 429 Special Assessments. Glenn did address the proposed amenities included in the project and the cost allocation for these between state and local. The time frame for this project is to have a bid opening the end of the month, the bid awarded in mid to the end of April with the project being completed by mid October, 2007. Glenn provided an update on the proposed improvements on 3rd Street and North 4th Street from Main Street to Lyon Street.

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER, 2929, SECOND SERIES and that the reading of the same be waived. Resolution Number 2929, Second Series is a resolution Authorizing Execution of Cooperative Construction Agreement and Amendments. This resolution provides for payment by the City to the State of the City's share of the costs of the utilities, parking, lighting, aesthetics and signal construction and other associated construction to be performed upon, along and adjacent to Trunk Highway 68 from 176 feet northwest to the west junction of Trunk Highway No. 59 to the junction of Trunk Highway No. 19 within the corporate City limits under State Project No. 4201-38. All voted in favor of the motion.

**RESOLUTION APPROVING ZERO DOLLAR PERMIT TO CONSTRUCT TO STATE
OF MINNESOTA DEPARTMENT OF TRANSPORTATION FOR TRUNK HIGHWAY
#68 RIGHT-OF-WAY:**

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2930, SECOND SERIES and that the reading of the same be waived. Resolution Number 2930, Second Series is a resolution Approving a Zero Dollar Permit to Construct to the State of Minnesota Department of Transportation for the Trunk Highway #68 Reconstruction Project. The purpose of the permit is for the City of Marshall to authorize Mn/DOT to perform highway reconstruction within the downtown right-of-way that is owned by the City of Marshall. All voted in favor of the motion.

MS4 PERMIT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the MS4 Permit Application. The Environmental Protection Agency's (EPA) Storm Water Phase II Rule establishes an MS4 storm water management program for the reduction of pollutants that storm

water pickups up and carries into the storm sewer systems and ultimately to the waters of the state. The City of Marshall is a designated MS4 by the state and therefore is required to submit a National Pollutant Discharge Elimination System (NPDES) MS4 General Permit. The MS4 General Permit requires the City to develop, implement, and enforce Storm water Pollution Prevention Program (SWPPP). The SWPPP is designed to reduce the discharge of pollutants from MS4s to protect water quality, and to satisfy the water quality requirements of the Clean Water Act to the maximum extent practicable. The MS4 permit will be renewed on a five year term basis. The MS4 General Permit and SWPPP will require the City to do the following:

1. Evaluate the current city ordinances with regard to storm water issues.
2. Revise existing ordinances or establish new ones to address issues concerning storm water quality.
3. Evaluate the current design standards for storm water treatment and effluents.
4. Establish a public outreach and education program to address storm water quality issues.
5. Establish an educational program for city personnel addressing storm water issues and good housekeeping practices.
6. Develop an enforcement program for construction activities disturbing one acre or more of area.
7. Establish policies to address the identified six minimum control measures outlined in the SWPPP.

This program is a federal mandate and the report is required to be filed in February. Glenn indicated that everything addressed in the application has to be enforced and that in order to make the public more aware of the program, the city needs to work with the County and School District and the information should be made available on the City's web site and cable channel.

CONSIDER RESOLUTION ABATING DELINQUENT SPECIAL ASSESSMENTS FOR THE NORTH 6TH STREET IMPROVEMENT PROJECT AND EAST AREA SANITARY INTERCEPTOR SEWER PROJECT:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2931, SECOND SERIES and that the reading of the same be waived. Resolution Number 2931, Second Series is a resolution Authorizing Abatement of Certain Special Assessments. This resolution provides for special assessments and applicable interest for the properties within the North 6th Street Improvement Project and East Area Interceptor Project to be abated. All voted in favor of the motion.

Reynolds moved, Ritter seconded, that the meeting be 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 February 20, 2007 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; Kim Jergenson, Engineer Technician; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the deletion of item no. 16, which is to Consider Change Order No. 6 (Final) and Acknowledgement of Final Payment Application for Downtown Alley and Storm Sewer Replacement Project Y01; and the addition of item no. 14 A, which is the Preliminary Plat for ALA Addition.

APPROVAL OF THE MINUTES:

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on February 5, 2007, be approved as corrected; the minutes of the Council Retreat held on February 6, 2007 and the minutes of the special meeting held on February 12, 2007 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

RESOLUTION OF APPRECIATION FOR JOSEPH J. BLANCHETTE:

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2928, SECOND SERIES and that the reading of the same be waived. Resolution Number 2928, Second Series is a resolution expressing the City of Marshall's Appreciation to Joseph J. Blanchette, a Maintenance Worker II for the Street Department. Mayor Byrnes read the resolution. Joe took this opportunity to thank everyone for their help and support for the past 27 years. All voted in favor of the motion.

PUBLIC HEARING – 2007 MAIN STREET PROJECT Y03 – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT:

This was the date and time set for a public hearing on 2007 Main Street Project Y03. Glenn Olson, Director of Public Works, Director of Public Works/City Engineer, reviewed this project. This project provides for grading, concrete surfacing, curb and gutter, signal systems, sidewalk, watermain and services, sanitary sewer main and services, storm sewer, lighting, amenities and landscaping for TH 68 (Main Street) from the intersection of TH 59 to southeasterly 1st Street. There were a few questions and concerns on this project:

1. Russ Labat from Marshall Independent was concerned with their truck traffic getting in and out of their parking lot if there is parking along Main Street by the Independent
2. Bill Ziegenhagen, Marshall Small Engine, indicated that the only access to his business is off of 8th Street and requested an additional access during construction. He also indicated that he purchased Marshall Labs and the only access is off of Main Street.
3. Al Greig of Greig and Gregerson was concerned with the assessment and the time table for the construction.
4. LeRoy Affolter, 121 North 3rd Street, asked about the amenities. He was concerned with children climbing on the bollards. He was also concerned that motorists would see pedestrians and mistake them for bollards.

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

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2932, SECOND SERIES and that the reading of the same be waived. Resolution Number 2932, Second Series is a resolution Ordering the Improvement. This resolution provides for the 2007 Main Street Project Y03. All voted in favor of the motion, except Hulsizer who voted no.

PUBLIC HEARING – NORTH 3RD STREET SIDEWALK PROJECT Y13 – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT; C. CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

This was the date and time set for a public hearing on North 3rd Street Sidewalk Project Y13. Glenn Olson, Director of Public Works/City Engineer, reviewed this project. This project provides 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. Council Member Boedigheimer asked about the sidewalk replacement on North 4th Street. Mr. Olson indicated that the North 4th Street project was requested by 100% of the property owners, therefore no public hearing was required. LeRoy Affolter was concerned with the amount of ice along the curb and if this could be resolved. Council Member Hulsizer asked if 3rd Street would have the same amenities as Main Street. Glenn Olson indicated that 3rd Street would have the same amenities but they would not be replacing the water and sewer. Doom moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2933, SECOND SERIES and that the reading of the same be waived. Resolution Number 2933, Second Series is a resolution Ordering the Improvement. This resolution provides for the improvements for the North 3rd Street Sidewalk Improvement Project Y13. All voted in favor of the motion, except Hulsizer who voted no.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2934, SECOND SERIES and that the reading of the same be waived. Resolution Number 2934, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for 3rd Street Sidewalk Improvement Project Y13. These bids will be received at 2:00 P.M. on March 21, 2007. All voted in favor of the motion.

PUBLIC HEARING – EAST COLLEGE DRIVE / TREE STREET AREA WATERMAIN REPLACEMENT PROJECT Y08 - A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT:

This was the date and time set for a public hearing on East College Drive / Tree Street Area Watermain Replacement Project Y08. Glenn Olson, Director of Public Works/City Engineer, reviewed this project. This project provides for the relocation and replacement of the watermain and water services for the area adjacent to East College Drive from Mustang Trail to North Bruce Street and the area bounded by East College Drive on the south, Whitney Street on the west, North Bruce Street on the east and just north of Boxelder Avenue on the north. Sanow moved, Boedigheimer seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2935, SECOND SERIES and that the reading of the same be waived. Resolution Number 2935, Second Series is a resolution Ordering the Improvement. This resolution provides for the improvements for the East College Drive and Tree Street Area Watermain Replacement Project Y08. All voted in favor of the motion.

**PUBLIC HEARING – TREE STREET AREA IMPROVEMENT PROJECT Y15 –
A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION
ORDERING IMPROVEMENT:**

This was the date and time set for a public hearing on Tree Street Improvement Project Y15. Glenn Olson, Director of Public Works/City Engineer, reviewed this project. This project provides for the relocation and replacement of the sanitary sewer main and sanitary sewer services, replacement of the storm sewer main and miscellaneous improvements for the area bounded by East College Drive on the south, Whitney Street on the west, North Bruce Street on the east and just north of Boxelder Avenue on the north. Mark Senkyr, 401 North Minnesota, indicated that this should be considered a maintenance project and that there should be money available for this project. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2936, SECOND SERIES and that the reading of the same be waived. Resolution Number 2936, Second Series is a resolution Ordering the Improvement. This resolution provides for the improvements for the Tree Street Area Improvement Project Y15. All voted in favor of the motion.

**PUBLIC HEARING – EAST COLLEGE DRIVE SIDEWALK PROJECT Y19 –
A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION
ORDERING IMPROVEMENT; C. CONSIDER RESOLUTION APPROVING PLANS
AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS;
C. CONSIDER RESOLUTION TO REQUEST FUNDING FROM MN/DOT THROUGH
THE COOPERATIVE AGREEMENT PROGRAM:**

This was the date and time set for a public hearing on East College Drive Sidewalk Project Y19. Glenn Olson, Director of Public Works/City Engineer, reviewed this project. This project provides for the installation of a sidewalk/bikeway and miscellaneous improvements to East College Drive from O'Connell Street east to Tiger Drive. The City of Marshall, in cooperation with the Minnesota Department of Transportation, is in the process of the construction of the portions of a comprehensive sidewalk and bike trail system within the City of Marshall, Minnesota and adjacent to TH 19 (East College Drive) from O'Connell Street east to Tiger Drive. Doom moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2937, SECOND SERIES and that the reading of the same be waived. Resolution Number 2937, Second Series is a resolution Ordering the Improvement. This resolution provides for the improvements for the East College Drive Sidewalk Project Y19. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2938, SECOND SERIES and that the reading of the same be waived. Resolution Number 2938, Second Series is a resolution Approving the Plans and Specifications and Ordering Advertisement for Bids for East College Drive Sidewalk Project Y19. These bids will be received at 2:00 P.M. on March 21, 2007. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2939, SECOND SERIES and that the reading of the same be waived. Resolution Number 2939, Second Series is a resolution to Request Funding from the Minnesota Department of Transportation Through the Cooperative Agreement Program for East College Drive Sidewalk Project Y19. MN/DOT desires to include their portion of this work with the City of Marshall project, and the project will be of mutual benefit to both MN/DOT and the City of Marshall. The City of Marshall is requesting financial participation in the project from MN/DOT through to Cooperative Agreement Program. All voted in favor of the motion.

**PUBLIC HEARING – TIGER DRIVE / HARRIETT DRIVE SIDEWALK PROJECT Y20
A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION
ORDERING IMPROVEMENT; C. CONSIDER RESOLUTION APPROVING PLANS
AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:**

This was the date and time set for a public hearing on Tiger Drive / Harriett Drive Sidewalk Project Y20. Glenn Olson, Director of Public Works/City Engineer, reviewed this project. This project provides for the installation of a sidewalk/bikeway, driveway and miscellaneous improvements to Tiger Drive from East College Drive north to the existing crosswalk at the Marshall Senior High School and on Harriett Drive between the east line of North 6th Street and the west line of Esther Lane. Reynolds moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2940, SECOND SERIES and that the reading of the same be waived. Resolution Number 2940, Second Series is a resolution Ordering the Improvement. This resolution provides for the improvements for the Tiger Drive/Harriett Drive Sidewalk Project Y20. All voted in favor of the motion.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2941, SECOND SERIES and that the reading of the same be waived. Resolution Number 2941, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for the Tiger Drive / Harriett Drive Sidewalk Project Y20. These bids will be received at 2:00 P.M. on March 21, 2007. All voted in favor of the motion.

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

**APPROVAL OF CONSENT AGENDA – A. CONSIDER THE REQUEST OF THE
MARSHALL AREA CHAMBER OF COMMERCE FOR ST. PATRICK'S DAY
PARADE ON FRIDAY, MARCH 16, 2007; B. BILLS/PROJECT PAYMENTS;
C. BUILDING PERMITS:**

Council Member Boedigheimer requested that item B, bills and project payments be removed from the consent agenda.

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

Contingent upon the approval of MN/DOT, the closure of Main Street from the corner of “C” Street and Main Street, so that traffic can be detoured down “C” Street to Saratoga Street to North 6th Street was approved for the St. Patrick’s Day Parade on March 16, 2007 from 5:00 P.M. to 6:00 P.M. The parade will be start at 100 East Main Street (Casey’s General Store) and continue to North on 5th Street.

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.
Dan & Kandy Stevens	206	DeSchepper	Street	Demolish Interior Wall	\$0		
Dean & Jenny Lanoue	608	South	Saratoga	Street	Finish Basement	\$18,000	
Karla Mettling	224	Athens	Avenue	Finish Basement	\$1,500		
Amanda Stattelmann	505	East	Main	Street	Interior Remodel	\$1,500	
D&G Excavating	223	West	Main	Street	Demolish Retail Building	\$0	
D&G Excavating	215	West	Main	Street	Demolish Retail Building	\$0	
D&G Excavating	209	West	Main	Street	Demolish Retail Building	\$0	
Snyder Sign & Awning, LLC	1217	East	College	Drive	Install Signs	\$3,000	

Council Member Boedigheimer was concerned with the amount of money that was spent on the consultant for the Council Retreat. Sanow moved, Reynolds seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE Voucher No. 54837 through 55031. All voted in favor of the motion.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR VEHICLES AND EQUIPMENT – PUBLIC WORKS:

Representatives of the Public Works Department requesting replacement vehicles and equipment met with Council Members Ritter and Doom to review the minimum specifications for the requested replacement vehicles and equipment. The specifications were revised as follows:

1. Replace “2007” with “New or Current Model”
2. Revise the 4x4 portions from “push button” to “push button preferred”
3. Change wheel base specifications from a dimension to a type of box required
4. Change “color” to “color preferred”, except for Parks which must be green

Per Council Member Ritter a department head indicated that he had to have green and felt that there was too much red tape. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to advertise for bids for vehicles and equipment for Public Works as follows:

Engineering – pick-up	Parks Department – pick-up
Public Ways Maintenance – pick-up	Wastewater Department – skid loader
Wastewater Department – pick-up	Street Department – skid loader
Wastewater Department – used semi tractor	

The bids requested will be with or without trade-in. Glenn Olson, Director of Public Works/City Engineer, indicated that he has information on the State Bids that they will review when bids are received. All voted in favor of the motion.

CONSIDER THE REQUEST OF DAVE HORSTMANN FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A FIVE-UNIT APARTMENT ON THE SECOND FLOOR OF THE RETAIL BUILDING IN A B-2 CENTRAL BUSINESS DISTRICT LOCATED AT 225 WEST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Dave Horstmann for a conditional use permit to construct a five-unit apartment on the second floor of the retail building in a B-2 Central Business District located at 225 West Main Street. Glenn indicated that this was approved by the Planning Commission with the conditions that the owner provides 10 off-street parking spaces for tenants within three blocks of the building and the apartment be completed within one year of the approval of this permit. Mr. Horstmann indicated that he may not do 5 apartments right away, but he wanted to make sure that there was allowance for those apartments in the approval in case they decided to expand. Council Member Boedigheimer was concerned with the enforcement of the parking requirements in 2 to 3 years. Mr. Olson indicated that this would be part of the conditional use permit and that it would be self regulating. Doom moved, Ritter seconded, the approval of the request of Dave Horstmann for a Conditional Use Permit to construct a five-unit apartment on the second floor of the retail building in a B-2 Central Business District located at 225 West Main Street with the condition that the owner provide 2 off-street parking spaces per unit for the tenants within three blocks of the building and that the apartment be completed within one year. All voted in favor of the motion.

CONSIDER THE REQUEST OF THE CITY OF MARSHALL TO REZONE 2661 AIRPORT ROAD FROM AN A-AGRICULTURAL DISTRICT AND PLACED IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT – INTRODUCTION OF AN ORDINANCE AND CALL FOR A PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of the City of Marshall to rezone 2661 Airport Road from an A-Agricultural District to a R-1 One-Family Residence District. This property is located on the west side of Airport Road (County Road 7) and just south of the Evangelical Free Church. This property is owned by Rita Tople and will be annexed into the City in February at her request so that her dwelling could be serviced by city sewer. Ritter moved, Doom seconded, the introduction of an ordinance and called for a public hearing on the request to rezone 2661 Airport Road from an A-Agricultural District to a R-1 One-Family Residence District. The public hearing will be held at 5:30 P.M. on March 5, 2007. All voted in favor of the motion.

PRELIMINARY PLAT OF NWAKAMA ADDITION – INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of Nwakama Addition. The proposed plat will provide 15 lots for commercial development and 1 outlot for storm water detention. The City is intending to do a comprehensive review of this subdivision in conjunction with the proposed Menard Subdivision, as well as existing storm sewer facilities in this area in order to verify property management of storm water. Doom moved, Sanow seconded, the introduction of the Preliminary Plat of Nwakama Addition and called for a public hearing to be held at 5:30 P.M. on March 5, 2007. All voted in favor of the motion.

PRELIMINARY PLAT OF STONEBRIDGE – INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of Stonebridge. The proposed plat will provide 86 lots for single-family residential development and 3 outlots. A concept plan was provided to show the relationship of Stonebridge with that concept plan. Ritter moved, Sanow seconded, the introduction of the Preliminary Plat of Stonebridge and called for a public hearing to be held at 5:30 P.M. on March 5, 2007. All voted in favor of the motion.

PRELIMINARY PLAT OF ALA ADDITION – INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of ALA Addition. The proposed plat will allow for the subdivision of a metes and bounds description parcel for inclusion with an adjacent metes and bounds description parcel in the Code of Ordinances. Ritter moved, Doom seconded, the introduction of the Preliminary Plat of ALA Addition and called for a public hearing to be held at 5:30 P.M. on March 5, 2007. All voted in favor of the motion.

CONSIDER REQUESTS OF MENARD, INC. – A. PRELIMINARY PLAT OF MENARDS SUBDIVISION - INTRODUCE PLAT AND CALL FOR PUBLIC HEARING; B. REZONE PROPOSED MENARD SUBDIVISION FROM AN A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS – INTRODUCE AN ORDINANCE AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of Menards Subdivision. The proposed plat will provide 1 large lot for the potential development of a Menards store and an outlot for adjacent future commercial development. Doom moved, Sanow seconded, the introduction of the Preliminary Plat of Menards Subdivision and called for a public hearing to be held at 5:30 P.M. on March 5, 2007. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City engineer, reviewed the request of Menard, Inc., to rezone Menard Addition, a 60-acre plat, from A-Agricultural to B-3 General Business District. The property is located to the east of J-C Boyer Addition and east of the Wal-Mart Super Center. This property will be annexed into the City in February. Doom moved, Boedigheimer seconded, the introduction of an ordinance to rezone proposed Menard Subdivision from an A-Agricultural District to a B-3 General Business District and called for a public hearing to be held at 5:30 P.M. on March 5, 2007. All voted in favor of the motion.

RUNWAY 12/30 PROJECT – A. PHASE I – CONSIDER SUPPLEMENTAL AGREEMENT NO. 4 WITH TKDA; B. PHASE II – CONSIDER CONSTRUCTION TESTING SERVICES AGREEMENT WITH AMERICAN ENGINEERING TESTING INC.:

Boedigheimer moved, Sanow seconded, that the proper city personnel be authorized to enter into Supplemental Agreement No. 4 with TKDA for Professional Services for the Runway 12/30 Extension Project. This agreement covers changes to Phase I construction engineering for Runway 12/30 Project. This agreement provides for an addition cost of \$95,000 and is federally eligible for reimbursement at a participating rate of 95%. The City's portion shall be an additional \$4,750.00. All voted in favor of the motion.

Boedigheimer moved, Sanow seconded, that the proper city personnel be authorized to enter into an Agreement with American Engineering Testing, Inc., for construction testing services related to Phase II construction for the Runway 12/30 Extension Project. This agreement provides for an additional cost of \$54,222 and is federally eligible for reimbursement at a participating rate of 95%. The City's portion shall be an additional \$2,711.10. All voted in favor of the motion.

COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN LYON COUNTY AND THE CITY OF MARSHALL – SARATOGA STREET (FORMER CT 67) FROM TH 23 TO SOUTH CITY LIMITS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the County and the City desire to reconstruction Saratoga Street from the South City Limit to Trunk Highway 23. Saratoga Street is under the jurisdiction of the City of Marshall as of January 1, 2005, and TH 23 is under the jurisdiction of the State of Minnesota for purposes of maintenance and improvements. It is the desire of both the City and County to enter into a written document regarding the reconstruction of South Saratoga Street, (formerly CR 67) from TH 23 to South City Limits. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into a Cooperative Construction Agreement between Lyon County and the City of Marshall for the reconstruction of Saratoga Street from the South City Limits to Trunk Highway 23. City Attorney Dennis Simpson has reviewed this contract. The City's share of this construction contract is to be paid from the Municipal State Aid account. All voted in favor of the motion.

RESOLUTION RELATING TO PARKING RESTRICTIONS – SARATOGA STREET (FORMER CT 67) FROM TH 23 TO SOUTH CITY LIMITS:

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 2942, SECOND SERIES and that the reading of the same be waived. Resolution Number 2942, Second Series is a resolution Relating to Parking Restrictions for S.A.P. 42-635-01 on South Saratoga Street (formerly CR 67) from TH 23 to South City Limits in the City of Marshall. All voted in favor of the motion.

PUBLIC SAFETY DEPARTMENT – A. RENEWAL OF FIRE CONTRACTS WITH TOWNSHIPS FOR 2007/2008 AND 2008/2009; B. AUTHORIZATION TO APPLY FOR A GRANT TO CONTINUE THE CHEMICAL ASSESSMENT TEAM; C. AUTHORIZATION TO PURCHASE NEW EQUIPMENT FOR THE CHEMICAL ASSESSMENT TEAM; D. AUTHORIZATION FOR OUT OF STATE TRAVEL:

Rob Yant, Director of Public Safety, and Marc Klaith, Fire Chief, were in attendance at the meeting to review the agreements with the surrounding townships for fire protection services for 2007/2008 and 2008/2009. It was indicated that the agreements provide for an increase of \$5.00 per section per year. Boedigheimer moved, Sanow seconded, the approval of the Agreements with Townships for Fire Protection Services for 2007-2008 at a rate of \$170.00 per section and 2008-2009 at a rate of \$175.00 per section. All voted in favor of the motion.

Rob Yant, Director of Public Safety, reviewed the request to apply for a Grant to continue the Chemical Assessment Team (CAT). He indicated that the applications for this grant are due by February 27, 2007. Rob indicated that he only had preliminary information and that the funding levels would be \$45,000 for five years to field eleven (11) Chemical Assessment Teams and there is no match required. Sanow moved, Ritter seconded, that Rob Yant, Director of Public Safety, be authorized to

apply for a five year Grant to continue the Southwest Chemical Assessment Team. All voted in favor of the motion.

Rob Yant, Director of Public Safety, indicated that the Southwest Chemical Assessment Team (CAT) was awarded \$50,000 from the Division of Homeland Security and Emergency Management on June 22, 2005. This money was used to purchase four SCBA's which are CBRNE (chemical, biological, radiological, neurologically equipped) in the amount of \$23,200; and ten face masks which are CVBRNE compliant. Four years ago the CAT purchased four SCBA's from the Marshall Fire Department, which they purchased from ISI. The CAT also purchased four additional 60-minute air tanks and twelve face masks. The SCBA tanks are only authorized for fifteen years and these will soon be at the fifteen year point. There are also new mandates which have established new standards that these units don't meet. Each company has their own specifications and if the city purchased the SCBA's and face masks from another vendor they would not be able to integrate the new equipment with the other departmental SCBA equipment, therefore the Southwest Chemical Assessment Team is requesting authorization to purchase the new SCBA's and face masks from ISI without a bid, and declare the four original SCBA units as surplus property.

Boedigheimer moved, Reynolds seconded, that the Southwest Chemical Assessment Team be authorized to purchase four new SCBA's and ten face masks from ISI in the amount of \$27,128.00. All voted in favor of the motion.

Ritter moved, Reynolds seconded, that Detective Tim Tomasek be authorized out-of-state travel to attend the Mid-States Organized Crime Information Center's (MOCIC) annual training conference in Springfield Missouri from March 27 through 29, 2007. Tim is on their State Review Committee and MOCIC will pay his travel costs, including food, hotel, airfare and mileage. The major cost to the City would be his wages during the conference and travel days and some incidental costs. All voted in favor of the motion.

ENGAGEMENT AGREEMENT WITH MOSS & BARNETT FOR CABLE TELEVISION FRANCHISE TRANSFER:

Mike Johnson, City Administrator, reviewed the FCC 394 from "Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise" from PrairieWave Telecommunications, Inc., (Sioux Falls, SD) to Knology, Inc., (West Point, GA). Included with this form is a copy of the PrairieWave press release announcing the merger with Knology, Inc., and a copy of the transferee's/assignee's technical qualifications for Knology, Inc. Mr. Johnson also reviewed a brief overview of the cable television process from Mr. Grogan and an engagement agreement between the City of Marshall and Moss & Barnett to review the legal, technical and financial qualifications of Knology, Inc. based on the proposed transfer of control. It is anticipated that the legal expenses associated with this proposed transfer will be reimbursed from the cable operator.

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into an Engagement Agreement with Moss & Barnett for the Cable Television Franchise Transfer. It is anticipated that Mr. Grogan's report on Knology, Inc., and resolution on the proposed cable franchise transfer would be scheduled for the March 5, 2007 City Council meeting. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:

Per the recommendation of Mayor Byrnes, Doom moved, Reynolds seconded, and was unanimously approved that Frank Moore, Jeff Kruse, Gwen Mukomela and Ricky Signh each be

appointed to the Marshall Community Services Advisory Board for 3-year terms to expire on February 28, 2010.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes EDA met last week – discussed the status of marketing and Mark Hanson talked about commercial loans.

Boedigheimer Airport Commission items were acted on earlier in the meeting; Lyon County Enterprise Development will meet next week; M.E.R.I.T. Center reviewed the Interact Group Plan; Ways and Means Commission met earlier this evening and discussed proposed changes to the Special Assessment Policy; Legislative and Ordinance Committee met last week with the Planning Commission.

Doom Marshall Community Services Advisory Board met earlier this month; Planning Commission items were acted on earlier in the meeting.

Hulsizer Library Board indicated that the Foundation will be making a public announcement on Monday, February 27th at 8:00 a.m.

Ritter No report.

Sanow Marshall Area Transit met on February 15th

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a concern about parking in the parking lot behind the Municipal Building and people going the wrong way on the one-way entrance; Council Member Boedigheimer wanted to know how the Construction Bulletin received information on and new city hall and pool. He was informed that they get this from the paper – it is public information. A trial date has been set for May 1, 2007 in regard to the lawsuit for the fire escape on the building next to the Municipal Building.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

The regular meeting of the Common Council of the City of Marshall was held on March 5, 2007 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 and Ritter. Absent: Boedigheimer. 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. Fire Chief Marc Klaith arrived late.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 19a, which is to Consider the Sale of City Owned Property to Schwan's Corporation.

APPROVAL OF THE MINUTES:

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on February 20, 2007 be approved as corrected and that the reading of the same waived. All voted in favor of the motion.

MARTIN LUTHER KING JR. POSTER CONTEST – HUMAN RIGHTS COMMISSION:

At this time Linda Baun, Andrea Swenson and John Lind 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:

Grade 1	Annabelle Lecy
Grade 3	Marah Mulso
Grade 5	Tie: Cassie Pieschke and Megan Vogl
Grade 6	Tie: Maci Louwagie and Kim Scholtes

RESOLUTION APPROVING THE PROPOSED TRANSFER OF CONTROL OF PRAIRIE WAVE TELECOMMUNICATIONS, INC., TO KNOLOGY, INC. – BRIAN GROGAN:

Brian Grogan from Moss and Barnett and Bill Heaston from Prairie Wave in Sioux Falls, South Dakota were in attendance at the meeting. Mr. Heaston talked briefly about Knology, Inc., and the transfer of Prairie Wave. Brian Grogan has reviewed the legal, technical and financial qualifications of the Franchisee as controlled by Prairie Wave Holdings, Inc., and Knology, Inc. Ritter moved, Reynolds seconded, the adoption of RESOLUTION 2943, SECOND SERIES and that the reading of the same be waived. Resolution Number 2943, Second Series is a Resolution Approving the Proposed Transfer of Control of Prairie Wave Telecommunications, Inc. This resolution provides for the transfer of control of Prairie Wave Telecommunications, Inc., to Knology, Inc. All voted in favor of the motion.

**PUBLIC HEARING – CONSIDER REZONING 2661 AIRPORT ROAD FROM AN A-AGRICULTURAL DISTRICT TO AN R-1 ONE-FAMILY RESIDENCE DISTRICT:
A. ADOPTION OF ORDINANCE REZONING PROPERTY.**

This was the date and time set for a public hearing to consider the rezoning of 2661 Airport Road from an A-Agricultural District to an R-1 One-Family Residence District. Glenn Olson, Director of Public Works indicated that this is the request of the City of Marshall. The

property is located on the west side of the Airport Road (County Road 7) and just south of the Evangelical Free Church. The property is owned by Rita Tople and will be annexed into the City at her request so that her dwelling could be served by city sewer. Doom moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of ORDINANCE NUMBER 568, SECOND SERIES and that the reading of the same be waived. Ordinance Number 568, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 2661 Airport Road to be rezoned from A-Agriculture to R-1 One-Family Residence District. All voted in favor of the motion.

PUBLIC HEARING – NWAKAMA ADDITION: A. APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the Preliminary Plat of Nwakama Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of Nwakama Addition. The plat will provide 15 lots for commercial development and 1 outlot for storm water detention located North of Susan Drive and East of Baseline Road. The City is intending to do a comprehensive review of this subdivision in conjunction with the proposed Menard Subdivision, as well as existing storm sewer facilities in this area in order to verify property management of storm water. Reynolds moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Sanow seconded, the approval of the Preliminary Plat of Nwakama Addition subject to two conditions. These conditions were: change Nwakama Drive to Nwakama Street and to review the drainage flow prior to the final plat approval. All voted in favor of the motion.

PUBLIC HEARING - ALA ADDITION: A. APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the Preliminary Plat of ALA Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of ALA Addition. The plat will allow for the subdivision of a metes and bounds description parcel for inclusion with an adjacent metes and bounds description parcel in the Code of Ordinances. Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the approval of the Preliminary Plat of ALA Addition located at the intersection of North Bruce Street and East College Drive. All voted in favor of the motion.

PUBLIC HEARING – STONEBRIDGE ADDITION: A. APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the Preliminary Plat of Stonebridge Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of Stonebridge. The plat will provide 86 lots for single-family residential development and 3 outlots. A concept plan was provided to show the relationship of Stonebridge with that concept plan. Council Member Hulsizer asked about cul-de-sacs. Mr. Olson indicated that they work hard to reduce the number of cul-de-sacs in a subdivision and only use them when absolutely necessary. Reynolds moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the approval of the Preliminary Plat of Stonebridge Addition which consists of 86 lots for single-family residential and 3 outlots to the South of Windstar Avenue. All voted in favor of the motion.

PUBLIC HEARING - MENARD SUBDIVISION: A. APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the Preliminary Plat of Menard Subdivision. Glenn Olson, Director of Public Works/City Engineer, reviewed the Preliminary Plat of Menard Subdivision. The plat will provide 1 large lot for the potential development of a Menards store and an outlot for adjacent future commercial development. He also indicated that a complete storm water review will be completed for this area. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Ritter seconded, the approval of the Preliminary Plat of Menard Subdivision subject to the review and approval of the drainage system. Menard Subdivision is the property to the North of Windstar Street, East of Clarice Avenue and South of Susan Drive. All voted in favor of the motion.

PUBLIC HEARING - CONSIDER REZONING MENARD SUBDIVISION FROM AN A-AGRICULTURAL DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT: A. ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing to consider rezoning Menard Subdivision from an A-Agricultural District to a B-3 General Business District. Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Menard, Inc., to rezone Menard Addition, a 60-acre plat, from A-Agricultural to B-3 General Business District. The property is located to the east of J-C Boyer Addition and east of the Wal-Mart Super Center. This property will be annexed into the City in February. It is the recommendation that this rezoning be subject to the completion of the land acquisition by Menards. Doom move, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of ORDINANCE NUMBER 569, SECOND SERIES and that the reading of the same be waived. Ordinance Number 569, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 1401 Clarice Avenue to be rezoned from A-Agricultural to B-3 General Business District subject to the completion of the land acquisition by Menards. All voted in favor of the motion.

APPROVAL OF THE CONSENT AGENDA – A. BILLS/PROJECT PAYMENTS; B. BUILDING PERMITS:

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

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 55032 through 55202. 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.	Paul Puetz	1228A	Patricia	Court		Finish Basement	\$10,000
2.	Rev. Brent J. & Molly J. Richter	203	South	4th	Street	Remodel Basement	\$3,500
3.	D&G Excavating, Inc.	206	South	1st	Street	Demolish Dwelling	\$0
4.	Good Shephard Lutheran Church	1600	East	College	Drive	Entrance Remodel	\$1,000
5.	Thor's Handyman Service	602		Jefferson	Circle	Finish Basement	\$2,000
6.	Bladholm Construction, Inc.	501	South	Highway 23		Interior Office Finish	\$108,000
7.	348 West Main Co.	348	West	Main	Street	Interior Remodel	\$1,000
8.	Daniel Wyffles	1109	West	Main	Street	Install Sign	\$100
9.	George Jacob	511		Kendall	Street	Reside Dwelling	\$2,000
10.	Anthony LaSota	222		Rainbow	Drive	Finish Basement	\$2,800
11.	The Schwan Food Company; c/o Dave Edens	901	North	Highway 59		Install Windows & Remodel Conference Room	\$10,300
12.	Pride Neon, Inc.	1210		Floyd Wild	Drive	Install Signs	\$9,000
13.	Mark & Renee DeAustin	214	North	Whitney	Street	Remodel Basement	\$3,000

CONSIDER REQUESTS FROM MENARD, INC., - A. CONDITIONAL USE PERMIT FOR A LUMBERYARD USE IN A B-3 GENERAL BUSINESS DISTRICT LOCATED AT 1401 CLARICE AVENUE; B. VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT BUSINESS SIGNS WITH AN ADJUSTED AREA IN EXCESS OF ALLOWABLE AREA AND CONSTRUCT A FREE STANDING BUSINESS SIGN WITH A HEIGHT IN EXCESS OF HEIGHT PERMITTED BY CODE IN A B-3 GENERAL BUSINESS DISTRICT; C. VARIANCE ADJUSTMENT FOR LESS OFF-STREET PARKING SPACES THAN REQUIRED BY CODE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request for a Conditional Use Permit for a lumberyard in a B-3 General Business District. The lumberyard is a part of Menards retail sales business conducted outside of the building where building materials are stored. Glenn indicated that this conditional use permit is subject to the completion of the land acquisition by Menards.

Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, the request of Menard, Inc., for a Conditional Use Permit for a lumberyard in a B-3 General Business District located at 1401 Clarice Avenue be approved subject to the completion of the land acquisition by Menards and the following conditions:

1. The permit be issued to Menard, Inc., and is not transferable to any other person, firm or corporation.
2. All open storage must be screened from view of adjacent properties.
3. Screening structures and sales activities must respect the required yard regulations of the zoning district.

All voted in favor of the motion.

Scott Nuttelman representative from Menards was in attendance at the meeting to discuss the sign request. He indicated that signage is a big deal for them and that they want a sign that is visible over Wal-Wart and their sign. He indicated that the recent snow storm

prevented him from providing photos showing how the store sign would look at varying heights, including 50 feet and less as viewed from Highway 59. He indicated that Menard's would be willing to wait on a decision on the sign height if the council wants to look at the photos. This delay would not delay the planned construction of Menards. Doom moved, Reynolds seconded, that the Variance Adjustment Permit to construct Business Signs with an adjusted area in excess of allowable area and to construct a free standing Business Sign with a height in excess of height permitted by Code in a B-3 General Business District be tabled until the next regular City Council meeting and that this request also be reviewed by the Planning Commission before the next regular City Council meeting. All voted in favor of the motion, except Sanow who voted no.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Menard, Inc., for a Variance Adjustment Permit to provide 533 off-street parking spaces in lieu of 745 spaces as required for a retail and warehouse in a B-3 General Business District at 1401 Clarice Avenue. Mr. Nuttelman proposed a revision to the request for 525 off-street parking spaces in lieu of 745 spaces or 220 spaces less than required by City Code. Mr. Nuttelman indicated that a lot of their stores have 450 spaces or less and that this store would have the second most spaces in any of their 200-plus stores. He also indicated that their parking lots are rarely full and that it does not have big holiday rush, but has consistent business which usually requires 300 to 350 parking spaces at a time. Council Member Sanow indicated that the city needs to change its ordinance on required parking spaces for big box retailers. Sanow moved, Ritter seconded, the approval of the Variance Adjustment Permit for Menard's Inc., to provide 525 off-street parking spaces in lieu of 745 spaces required for a retail and warehouse use in a B-3 General Business District at 1401 Clarice Avenue. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:03 P.M.

2006 ANNUAL FINANCIAL REPORT FOR NORTH AMBULANCE – DAN DESMET, MANAGER:

Pat Coyne along with Dan DeSmet, Manager of the North Ambulance System, were in attendance at the meeting to present the 2006 annual financial report to the City Council for the North Ambulance operations.

AUTHORIZATION TO INCREASE VOLUNTEER FIREFIGHTER ROSTER:

Marc Klaith, Fire Chief, was in attendance at the meeting to request authorization to add two more firefighters to their roster including the three that they already have authorization to put on. Marc indicated that the classes are close to Marshall and the cost will be minimal, due to the fact that they already have three going to firefighter training class. The department currently has 42 members. This will bring their roster to 47, but with the possibility of having two firefighters retiring in 2007 the roster would be at 45. With the training requirements, it will take about 2 years to complete. Ritter moved, Sanow seconded, that authorization be granted to increase the Volunteer Firefighter Roster. All voted in favor of the motion.

PROJECT Y01: DOWNTOWN ALLEY AND STORM SEWER REPLACEMENT PROJECT – CONSIDER CHANGE ORDER NO. 6 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 6 (Final) with D & G Excavating, Inc., for the Downtown Alley and Storm Sewer Replacement Project Y01. This Change Order provides for an increase in the contract sum in the amount of

\$141,395.73. Most of the change order involves additional concrete removal and replacement to accommodate the final location of the power lines for MMU and will be reimbursed by MMU. Reynolds moved, Sanow seconded, the approval of Change Order No. 6 (Final) in the amount of \$141,395.73 and the Acknowledgement of the Final Payment in the amount of \$262,326.80 with D & G Excavating, Inc., for the Downtown Alley and Storm Sewer Replacement Project Y01. 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-17 The Last Stop CD Shop. In addition to funding from the current SCDP project, the waiver request is for funding not to exceed \$32,956 from current program funds. As recommended by the Marshall Design Committee, Reynolds moved, Doom seconded, the approval of a Waiver Request for the City's Small Cities Development Program Downtown Revitalization Loan for Commercial Project #C-17 The Last Stop CD Shop for \$32,956. All voted in favor of the motion.

PROPOSED REMOVAL OF TRAFFIC SIGNALS AT EAST COLLEGE DRIVE (T.H. 19) AND WHITNEY STREET:

John Henslin, Jordan Schwarze and Tom Behm, representatives from MN/DOT, were in attendance at the meeting to discuss the proposed removal of the traffic signals at East College Drive and Whitney Street and the implementation of two-way stop control on Whitney Street. Mr. Schwarze provided a power point presentation which indicated that the traffic volume doesn't warrant the traffic installation requirements. He also indicated that the removal of the traffic signal will reduce fuel consumption, reduce fuel costs to motorists and reduce accidents by one per year. Mr. Schwarze indicated that during a 16-hour period at least 20 motorists crossed the intersection when the signal was completely on red. Mayor Byrnes was concerned with the City not having any say in the removal of this stop light. This is a MN/DOT decision, but any comments or concerns should be presented to City Engineer Glenn Olson who will pass them on to MN/DOT. Mr. Schwarze is recommending that the City keep the crossing guard at this location. There was a concern with keeping the crossing guard and there not being a light at the intersection, but Council Member Hulsizer indicated that there is a crossing guard at the corner of South 4th Street and West College Drive and there is no light there.

Mr. Henslin indicated that MN/DOT is working on installing flashers to indicate that the light at the corner of Highway 19 and 23 will be changing. The sidewalk project along Highway 19 is also being worked on.

Tom Behm provided a brief update on the closing of the roads in Lyon County due to the winter storm. He indicated that everything went fairly well.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR VEHICLE FOR STREET DEPARTMENT:

Ritter moved, Doom seconded, that the proper city personnel be authorized to advertise for bids for a pick-up truck for the Street Department. The specs were changed to eliminate the minimum GVWR weight and the color red preferred. All voted in favor of the motion.

CONSIDER RECOMMENDATIONS FROM JOINT PLANNING COMMISSION / L & O COMMITTEE – A. DISCUSSION OF THE LIMITS OF THE DOWNTOWN

DISTRICT; B. INTRODUCTION OF AN ORDINANCE AMENDING CITY CODE SECTION 62-6 “PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS:

Glenn Olson, Director of Public Works/City Engineer, indicated that there was a joint meeting with the Legislative and Ordinance Committee and the Planning Commission concerning the limits of the Downtown District. Several issues were discussed with the major items being:

1. Current limits of the Downtown District
2. Zoning District designated as the Central Business District
3. Other Zoning Districts within the Downtown District
4. Benefits/exemptions from off-street parking and building setback in the Downtown District.
5. Where does the “Downtown” begin/end?
6. Should there be signing for the “Downtown”?

It was the recommendation of Mr. Olson that the Council establish a committee or subcommittee of Community Services to review the area referred to as the “Downtown” to recommend any changes to the information shown with possible signing or special features to designate the “place of downtown”.

Reynolds moved, Sanow seconded, the introduction of an ordinance and called for a public hearing to be held at 5:30 p.m. on March 19, 2007. This ordinance would amend Section 62-6 in regard to private use of public streets and parking lots. All voted in favor of the motion.

CONSIDER PROPOSED REVISIONS TO SPECIAL ASSESSMENT POLICY:

Glenn Olson, Director of Public Works/City Engineer, indicated that after a review of the current policy, the results of the three projects previously assessed, review by Marshall Municipal Utilities and the discussion with the Ways and Means Committee they are recommending the elimination of the 25% participation by property owners for the replacement of water, sewer and storm sewer mains. Sanow moved, Reynolds seconded, that a public hearing be held at 5:30 p.m. March 19, 2007 on the proposed changes to the Special Assessment Policy. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE ON SALE OF CITY OWNED PROPERTY TO SCHWAN’S CORPORATION:

Reynolds moved, Sanow seconded, the introduction of an ordinance and called for a public hearing to be held at 5:30 p.m. on March 19, 2007. This ordinance would provide for the sale of City Owned Real Property to Schwan’s Development Corporation as required by Marshall City Charter Section 12.05. All voted in favor of the motion.

MAYOR AND COUNCIL MEMBER REPORTS:

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

Byrnes	<u>EDA</u> met on Tuesday – they discussed the Home Show that is to be held on March 9 th to March 11 th ; <u>Regional Development Commission</u> will meet on Thursday.
Doom	No report.
Hulsizer	Human Rights Commission - the winners of the Martin Luther King Poster Contest were presented earlier in the meeting.

REGULAR MEETING – MARCH 5, 2007

Reynolds Hospital Board met earlier but was unable to attend; Utilities Commission discussed the Tree Street Area Project; Personnel Committee needs to schedule a meeting the week of March 26th; he will be out of town from March 12th to March 23rd.

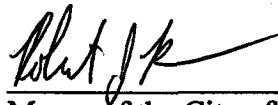
Ritter No report.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: a thank you to all of the City personnel on the removal of the snow during the last snow storm.

Upon motion by Reynolds, seconded by Ritter, 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

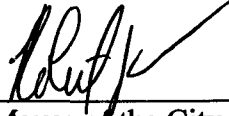
SPECIAL MEETING – MARCH 12, 2007

A special meeting of the Common Council of the City of Marshall was held on March 12, 2007 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 and Ritter. Absent: Reynolds and Boedigheimer. Staff present included: Mike Johnson, City Administrator; Rob Yant, Director of Public Safety and Thomas M. Meulebroeck, Finance Director/City Clerk.

RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT WITH THE STATE OF MINNESOTA FOR A REGIONAL CHEMICAL ASSESSMENT TEAM:

Rob Yant, Director of Public Safety, reviewed a resolution and an agreement between the City of Marshall and Minnesota Department of Public Safety for the Chemical Assessment Team (C.A.T.). This agreement is for a two-year period from July 1, 2007 through June 30, 2009 and is renewable for the next three (3) years without re-bidding the grant. This agreement provides for the reimbursement of \$45,000 per year for hazards material activities as are performed by this contract. Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2944, SECOND SERIES and that the reading of the same be waived. Resolution Number 2944, Second Series is a resolution Authorizing Execution of Agreement between the City of Marshall and Minnesota Department of Public Safety for Chemical Assessment Team (C.A.T.). This contract is for the period July 1, 2007 through June 30, 2009 and is renewable for the next three (3) years without re-bidding the grant. All voted in favor of the motion.

Upon motion by Sanow, second 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 – MARCH 19, 2007

The regular meeting of the Common Council of the City of Marshall was held on March 19, 2007 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, 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; Rob Yant, Director of Public Safety; Calvin Barnett, Director of General Services/City Assessor; Kim Jergenson, Engineer Technician; Bob VanMoer, Wastewater Superintendent; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item 14e, which is to consider a Resolution to Request Funding from the MN/DOT through the Cooperative Agreement Program for Project Y19 East College Drive Sidewalk and item 14f which is to consider Railroad Permits for Watermain and Sanitary Sewer Main Crossings for Project Y03 / S.P. 4210-38 2007 Main Street. Council Member Ritter also requested that item 6a and 6b, which is to consider award of bids for a skid loader for Wastewater and Street be discussed at the same time.

APPROVAL OF MINUTES:

Doom moved, Sanow seconded, that the minutes of the regular meeting held on March 5, 2007, and the minutes of the special meeting of March 12, 2007 be approved as filed and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING - CONSIDER RESOLUTION AMENDING PROPOSED SPECIAL ASSESSMENT REVISIONS TO THE SPECIAL ASSESSMENT POLICY DATED AUGUST 1, 2005:

This was the date and time set for a public hearing on the revisions to special assessment policy dated August 1, 2005. Glenn Olson, Director of Public Works/City Engineer, indicated that the major revisions to the policy include the elimination of the 25% participation by property owners for the replacement of water, sewer and storm sewer mains. It is intended that there will be not special assessment for the replacement of watermain, replacement of water services up to and including the curb stop and reduced participation in special assessments for watermain and services for developer constructed improvements.

Dan Schrunk, 306 East Marshall Street, indicated that the city made a mistake in its special assessments on projects for East Marshall Street, Hill Street and North 6th Street and shouldn't try to correct it by increasing utility rates. He indicated that to use a rate increase to correct past problems is not a good way to rectify a wrong. He also, indicated that it was not fair to increase the rates of property owners, who have already paid special assessments for sewer,

REGULAR MEETING – MARCH 19, 2007

sanitary sewer and watermain project and does not want to be considered as one of the people who increased utility rates for everyone in town.

Dennis Simpson, City Attorney, indicated that the City was not trying to correct a mistake they were looking for a way to fund future projects. He also indicated that the city assessed approximately 20% of the improvement which is required by law in order to us specific bonding to finance the project. Council Member Sanow requested that an increase in water and sewer fees for future improvement projects be listed as a separate item on the utility billing and he was not in favor of the residents recently assessed for utility improvements to have to pay for future utility improvements. Brad Roos, General Manager Marshall Municipal Utilities, indicated that if they billed this way the utility bills could be several pages long.

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

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2946, SECOND SERIES and that the reading of the same be waived. Resolution Number 2946, Second Series is a resolution Amending Resolution Number 2757 Second Series, Amending Resolution Number 2673, Second Series Establishing and Providing for the City of Marshall Special Assessment Policy. All voted in favor of the motion, except Sanow who voted no.

PUBLIC HEARING – ADOPTION OF ORDINANCE AMENDING CITY CODE SECTION 62-6, PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS:

This was the date and time set for a public hearing on amending City Code Section 62-6 for Private Use of Public Street and Parking Lots. Glenn Olson, Director of Public Works/City Engineer, indicated that this ordinance would allow for private use of public streets, public right-of-ways or publicly owned parking lots. He indicated that the application may include, but not be limited to, establishment of private or leased parking, loading zones, display of merchandise on sidewalks, block parties, temporary dumpster locations or construction activities. The Director of Public Works/City Engineer would review the application and approve, conditionally approve, deny or refer the application with a recommendation to the City Council. Compensation, other than for the permit itself, for issues such as leased parking or other long-term use of public areas shall be determined by the City Council. This change could allow dumpsters on public property or allow public parking to be leased for rental tenants. Al Greig and Roger Bell, downtown property owners were not in favor of this. Council Member Boedigheimer was not in favor of putting dumpsters on public property. Mr. Bell indicated that these lots have been paid for by the property owners and should remain public parking. Mr. Olson indicated that they City has reserved some stalls for city parking and leases stalls from Qwest for city parking. He also indicated that they are working on additional parking and that employees in the downtown area should be asked to park further away. Council Member Sanow indicated that this change is not intended to allow lots of private use of prime and downtown parking. The intent is to allow city staff to streamline the process such as when a private owner wanted to have a dumpster temporarily outside his business in a public lot instead of having to

REGULAR MEETING – MARCH 19, 2007

wait for the City Council to approve the request. Sanow moved, Doom seconded, the public hearing be closed. All voted in favor of the motion, except Ritter who abstained.

Boedigheimer moved, Sanow seconded, the adoption of ORDINANCE NUMBER 570, SECOND SERIES and that the reading of the same be waived. Ordinance Number 570, Second Series is an ordinance Amending Section 62-6 of the Code of Ordinances of the City of Marshall. This ordinance provides for the Private use of public streets and parking lots. All voted in favor of the motion, except Ritter who abstained.

**AWARD OF BIDS - PROJECT Y15 TREE STREET AREA IMPROVEMENT PROJECT
A. RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING
PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION
DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF
EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS;
C. RESOLUTION ACCEPTING BID (AWARD CONTRACT):**

Bids were received, opened and read for Project Y15 Tree Street Area Improvement on March 13, 2007 (revised via Addendum #1 from 3/7/07). Bids received, opened and read were from:

Chad Monson Excavating LLC
Willmar, Minnesota
\$1,985,666.44

Quam Construction Company, Inc.
Willmar, Minnesota
\$2,131,521.15

Glenn Olson, Director of Public Works/City Engineer, indicated that the bid for the service line from the main line to the residence is very high and they will be recommending that each property owner have someone else complete this portion of the project. He also indicated that he did not have time to do any checking on the low bidder. Since they have not done any projects for the City of Marshall he wanted to check with the City of Willmar on the job performance and is recommending that the bid be awarded contingent upon a satisfactory report.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2947, SECOND SERIES, contingent upon a satisfactory report on the low bidder and that the reading of the same be waived. Resolution Number 2947, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project Y15 Tree Street Area Improvement. This resolution provides for the assessment to be paid over an 8 year period at an interest rate of 6.25%. All voted in favor of the motion.

Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2948, SECOND SERIES and that the reading of the same be waived. Resolution Number 2948, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project Y15, Tree Street Area Improvement Project. All voted in favor of the motion.

REGULAR MEETING – MARCH 19, 2007

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 2949, SECOND SERIES contingent upon a satisfactory report on the low bidder and that the reading of the same be waived. Resolution Number 2949, Second Series is a resolution Accepting Bid (Award Contract) for Project Y15, Tree Street Area Improvement. This contract was awarded to Chad Monson Excavating, LLC, Willmar, Minnesota in the amount of \$1,985,666.44 contingent upon a satisfactory report on the low bidder. All voted in favor of the motion.

AWARD OF BIDS - PROJECT Y08 EAST COLLEGE DRIVE/TREE STREET AREA WATERMAIN REPLACEMENT PROJECT CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Bids were received, opened and read for Project Y08 East College Drive / Tree Street Area Watermain Replacement on March 13, 2007 (revised via Addendum #1 from 3/7/07). Bids received, opened and read were from:

GM Contracting Inc.	Chad Monson Excavating LLC	Quam Construction Co., Inc.
Lake Crystal, Minnesota	Willmar, Minnesota	Willmar, Minnesota
\$1,442,831.54	\$1,481,237.00	\$1,939,033.00

Glenn Olson, Director of Public Works/City Engineer, indicated that he has reviewed the three bids and that Brad Roos, General Manager of Marshall Municipal Utilities, has also reviewed these bids. It is their recommendation that the bids be awarded to GM Contracting, Inc., in the amount of \$1,442,831.54.

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2950, SECOND SERIES and that the reading of the same be waived. Resolution Number 2950, Second Series is a resolution Accepting Bid (Award Contract) for Project Y08 East College Drive / Tree Street Area Watermain Replacement. Marshall Municipal Utilities concurs with this and will be formally reviewed by the Utilities Commission on Wednesday, March 21, 2007 for approval of award of the bid. All voted in favor of the motion.

AWARD OF BIDS - CONSIDER AWARD OF BIDS FOR VEHICLES AND EQUIPMENT FOR PUBLIC WORKS & PARKS DEPARTMENTS:

A. WASTEWATER SKID LOADER; B. STREET DEPARTMENT SKID LOADER; C. VEHICLES FOR PUBLIC WORKS AND PARKS DEPARTMENTS; D. CONSIDER AUTHORIZATION TO PURCHASE USED SEMI TRACTOR FOR THE WWTF:

Bids were received, opened and read on March 8, 2007 for a new skid loader and attachments with trade-in of existing tractor/loader and attachments for the Wastewater

REGULAR MEETING – MARCH 19, 2007

Department and for a new skid loader and attachments for the Street Department. Bids received, opened and read were from:

D & M Implement Marshall, MN Gehl 5640	D & M Implement Marshall, MN John Deere 325	Titan Machinery Marshall, MN Case 445	Ziegler Inc. Marshall, MN Cat 262C	Swede's Service Minneota, MN Bobcat S250
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INDIVIDUAL SKID LOADER BID:

Skid Loader #1 with attachments (No trade-in) including sales tax	\$34,719.00	\$39,048.23	\$43,628.79	\$57,155.35	\$38,557.26
Skid Loader #1 with attachments (With trade-in) including sales tax	\$14,484.00	\$18,813.23	\$28,079.79	\$42,245.35	\$23,647.26
Skid Loader #2 with attachments Including sales tax	\$48,095.00	\$51,380.93	\$56,074.38	\$74,374.28	\$50,095.47

COMBINATION SKID LOADER BID:

Skid Loader #1 with attachments & Skid Loader #2 with attachments Including sales tax	\$82,814.40	\$90,413.18	\$99,703.17	\$131,529.63	\$88,652.73
Skid Loader #1 with attachments & Skid Loader #2 with attachments (With trade-in) including sales tax	\$63,644.40	\$69,113.18	\$84,154.17	\$116,619.63	\$73,742.73

PURCHASE TRADE-IN BID:

Trade-in #1 (Tractor / loader)	No bid	No bid	No bid	No bid	No bid
Delivery Date	4 – 6 weeks	4 – 6 weeks Same attachments As no. 1	30 – 90 days	90 days	30 – 45 days

Glenn Olson, Director of Public Works/City Engineer, reviewed the bids received for the Skid Loader for the Wastewater Department. He indicated that D & M Implement of Marshall, Minnesota, was the apparent low bidder with a Gehl 5640 unit. This did not meet the minimum specifications in several significant areas, including a radial boom lift instead of vertical, lower breakout forces than specified, lower pump pressures than specified, and alarms and lights instead of gauges with no diagnostic capability. They are not recommending the award of this bid.

D & M Implement, Marshall, Minnesota, was also the next apparent low bidder with a John Deere 325 unit with attachments and trade-in in the amount of \$18,813.23. There were two minor deviations from the minimum specifications, including the lift breakout force of 4,800 lbs. versus 4,830 lbs. and a vinyl seat versus a cloth seat. Also, in reviewing the bids, it was found that the snow blower that was bid was not compatible with the high flow hydraulics specified for this skid loader. D & M is offering to upgrade to the proper sized snow blower to best fit the

REGULAR MEETING – MARCH 19, 2007

work load of the skid loader for an additional \$2,959.25. With the upgraded snow blower D & M Implement is still the apparent low bidder, with a total cost of \$21,772.48.

Per the request of Council Member Ritter, the bids received for the Skid Loader for the Street Department was reviewed at this time. Mr. Olson indicated that D & M Implement of Marshall, Minnesota, was the apparent low bidder with a Gehl 5640 unit. This did not meet the minimum specifications in several significant areas, including a radial boom lift instead of vertical, lower breakout forces than specified, lower pump pressures than specified, and alarms and lights instead of gauges with no diagnostic capability. They are not recommending the award of this bid. Swede's Service Center of Minneota, Minnesota, was the next apparent low bidder with a Bobcat S250 unit with attachments in the amount of \$50,095.47. This unit meets all minimum specifications.

Mr. Olson indicated that their recommendation is to award the bid for the Skid Loader for the Wastewater Department to D & M Implement, Marshall, Minnesota for a John Deere 325 unit with attachments and trade-in in the amount of \$18,813.23; plus the upgraded snow blower in the amount of \$2,959.25 for a total bid of \$21,772.48 and to award the bid for the Skid Loader for the Street Department to Swede's Service Center, Minneota, Minnesota for a Bobcat S250 in the amount of \$50,095.47. With these two recommendations the total for two skid loaders is \$71,867.95.

Council Member Ritter indicated that the combination bid from D & M Implement, Marshall, Minnesota, for both skid loaders is in the amount of \$69,113.18 which is \$204.48 less than the bid that staff is recommending (not including the upgrade for the snow blower in the amount of \$2,959.25). He indicated that the City will save more than \$204.48 in expenses by not having to travel to Minneota for any repairs and or maintenance on the Bobcat S250.

Ritter moved, Sanow seconded, that the bid for two Skid Loaders for the Wastewater Department and Street Department be awarded to D & M Implement, Marshall, Minnesota in the amount of \$69,113.18 plus \$2,959.25 for the upgraded snow blower for a total bid of \$72,072.43. Voting in favor of the motion were: Ritter, Sanow, Hulsizer and Boedigheimer. Voting no was Byrnes and Doom abstained.

REGULAR MEETING – MARCH 19, 2007

Bids were received, opened and read on March 8, 2007 for vehicles for Engineer, Parks, Wastewater and Public Ways Maintenance. Bids received, opened and read were from:

Anton Chevrolet Marshall, MN No. 1	Anton Chevrolet Marshall, MN No. 2	Lockwood Motors Inc. Marshall, MN	Marshall Ford Marshall, MN	Tholen Auto Sales Marshall, MN	Boyer Ford Trucks Minneapolis, MN
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INDIVIDUAL VEHICLE BID:

Engineer Vehicle #1 No trade-in Includes sales tax	\$21,553.70 WT	\$23,198.10	\$24,814.50	\$27,463.63	\$27,140.19	\$23,852.59 (includes \$200 delivery fee)
Engineer Vehicle #1 With trade-in Includes sales tax	\$21,453.70 LT	\$22,798.10	\$24,282.00	\$26,931.13	\$26,607.18	\$23,748.09 (includes \$200 delivery fee)
Parks Vehicle #2 No trade-in Includes sales tax	\$22,635.78	\$22,635.78	\$21,859.13	\$25,965.17	\$26,130.15	\$24,969.92 (includes \$200 delivery fee)
Parks Vehicle #2 With trade-in Includes sales tax	\$20,785.78	\$20,785.78	\$19,729.13	\$22,150.67	\$22,613.65	\$22,637.42 (includes \$200 delivery fee)
Wastewater Vehicle #3 Includes sales tax	\$19,652.33	\$22,033.93	\$21,459.75	\$24,692.50	\$26,237.81	\$19,339.12 (includes \$200 delivery fee)
Public Ways Maint. Vehicle #4 Includes sales tax	\$19,652.33	\$22,033.93	\$21,513.00	\$24,692.50	\$26,237.81	\$19,339.12 (includes \$200 delivery fee)

COMBINATION VEHICLE BID:

Vehicle #1, #2, #3, #4 Includes sales tax	No bid	No bid	\$89,646.38	No bid	No bid	\$85,700.75 (includes \$800 delivery fee)
Vehicle #1, #2, #3, #4 With trade-in for #1 & #2 Includes sales tax	No bid	No bid	\$86,983.88	No bid	No bid	\$85,061.75 (includes \$800 delivery fee)

PURCHASE TRADE-IN BID:

Trade-in Vehicle #1	No bid	No bid	No bid	No bid	No bid
Trade-in Vehicle #2	No bid	No bid	No bid	No bid	No bid
Delivery Date	8 – 10 weeks	8 - 10 weeks	90 days	60 -90 days	8 weeks from PO

Glenn Olson, Director of Public Works/City Engineer, reviewed the bids received for vehicles for Engineering, Parks, Wastewater and Public Ways Maintenance. He indicated that

REGULAR MEETING – MARCH 19, 2007

the apparent low bidder for vehicle number 2 for the Parks Department did not have green available. After review, dark blue was acceptable. Also, the battery size in the bid did not meet minimum specifications. The dealership indicated that a larger battery meeting minimum specs would be installed prior to delivery at no additional cost.

Boyer Ford of Minneapolis was the apparent low bidder on vehicle no. 3 and 4 for Wastewater and Public Ways Maintenance at \$19,139.12 each. While comparing the qualifications with minimum specifications, it was discovered that Boyer Ford included a 4.6 Liter V8 Engine in their bid. The 4.6 Liter Engine is rated 248 HP. Boyer Ford offered the option to go to 5.4 Liter V8 Engine for an additional \$743.00. The 5.4 Liter Engine is rated for 300 HP and is comparable to the 4.8 Liter Engine 295 HP Engine that Anton Chevrolet bid. Mr. Olson indicated that they had contacted the local Ford dealer and their response was that the City would not be happy with the 4.6 Liter Ford Motor and that the City should consider upgrading to the 5.4 Liter Ford Engine for the additional \$743.00. With the additional cost to upgrade the Ford Engine, Anton Chevrolet would then be the apparent low bidder for these two vehicles. Also, in reviewing the proposals, it is recommended that there be an upgrade in the axle ratio from 3.42 to 4.10 for an additional \$100.

Boedigheimer moved, Ritter seconded, that the bid for vehicles for Engineering, Parks, Wastewater and Public Ways Maintenance be awarded as follows:

DEPARTMENT/VEHICLE #	BIDDER	MAKE/MODEL	BID AMOUNT
Engineering / Vehicle #1 (No trade-in)	Anton Chevrolet Marshall, Minnesota	2007 Chevrolet 1500 4WD Extended Cab	\$21,553.70
Parks / Vehicle #2 (No trade-in)	Lockwood Motors Marshall, Minnesota	2007 Dodge Ram 1500 2WD Quad Cab	\$21,859.13
Wastewater / Vehicle #3	Anton Chevrolet Marshall, Minnesota	2007 Chevrolet 1500 4WD Regular Cab	\$19,752.33
Public Ways Maintenance Vehicle #4	Anton Chevrolet Marshall, Minnesota	2007 Chevrolet 1500 4WD Regular Cab	\$19,752.33

All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposal from Olson & Johnson International Inc., for the purchase of one 2002 used International 9200i Semi Tractor. The sale would include the trade-in of an existing 1994 Ford L9000 Semi Tractor and State Sales Tax. He indicated that the Wastewater Facility Staff had been soliciting proposals from several truck dealers in the area. This vehicle was by the far the best value. Ritter moved, Sanow seconded, the approval to purchase a used 2002 International 9200i Semi Tractor in the amount of \$33,015.00 from Olson & Johnson, International, Inc. The purchase includes the trade-in of the 1994 Ford L9000 and sales tax. All voted in favor of the motion.

REGULAR MEETING – MARCH 19, 2007

APPROVAL OF CONSENT AGENDA – A. ANNUAL RENEWAL OF CONSUMPTION & DISPLAY LICENSES FOR APRIL 1, 2007 THROUGH MARCH 31, 2008; B. ANNUAL RENEWAL OF REFUSE HAULERS LICENSES FOR APRIL 1, 2007 THROUGH MARCH 31, 2008; C. ANNUAL RENEWAL OF PLUMBERS LICENSES FOR APRIL 1, 2007 THROUGH MARCH 31, 2008; D. NEW PLUMBERS LICENSE FOR EDWARD THOOFT DBA ET HEATING & COOLING; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

Per the request of Council Member Ritter, item B, which is the annual renewal of Refuse Haulers Licenses for April 1, 2007 through March 31, 2008 was removed from the consent agenda.

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

The renewal of Consumption and Display Licenses for the period April 1, 2007 through March 31, 2008 at a fee of \$125.00 for the following applicants:

Daily Grind Prairie Event Center Southwest Minnesota State University

The annual renewal of Plumbers Licenses for the period April 1, 2007 through March 31, 2008 at a fee of \$75.00 for the following individuals:

Scott Williams dba Bisbee Plumbing & Heating
Rodney Bruflat dba Bruflat Plumbing & Heating
Scott Christianson dba Christianson Plumbing, Heating & AC Inc
Neil Kroger – Cottonwood Co-op Oil Company
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.
Clinton Sixta dba Plumbing & Heating of Willmar Inc.
Scott Quist dba Quist Plumbing & Heating Inc.
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 approval of a Plumbers License for Edward Thooft dba ET Heating & Cooling for the period March 1, 2007 through April 31, 2008 at a fee of \$75.00.

REGULAR MEETING – MARCH 19, 2007

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 55203 through 55368.

All voted in favor of the motion.

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

Application Number	Applicant	Address	Description	Amount
1.	D&G Excavating, Inc.	701 North 7th Street	Demolish Storage Building	\$0
2.	Bakke's Home Repair & Construction	309 Jean Avenue	Interior Remodel	\$2,000
3.	Glen & Mary Bruns	1119 Fairview Street	Interior Remodel	\$10,000
4.	CornerStone of Willmar, Inc.	1420 East College Drive	Interior Remodeling / Space 800	\$26,800
5.	French Construction	117 South High Street	Replace Portion of Floor	\$8,100
6.	B and G Properties	1217 East College Drive	Remodel Retail	\$8,500

Sanow moved, Doom seconded the approve the renewal of Refuse Haulers Licenses for the period April 1, 2007 through March 31, 2008 at a fee of \$150.00 for the following applicants:

Southwest Sanitation Inc. Waste Management

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

Mayor Byrnes called for a 5-minute recess at 6:56 p.m.

CONSIDER REQUESTS FROM MENARD, INC. - A. VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT BUSINESS SIGNS WITH AN ADJUSTED AREA IN EXCESS OF ALLOWABLE AREA AND CONSTRUCT A FREE STANDING BUSINESS SIGN WITH A HEIGHT IN EXCESS OF HEIGHT PERMITTED BY CODE IN A B-3 GENERAL BUSINESS DISTRICT:

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, Boedigheimer moved, Sanow seconded, that the request from Menard, Inc., for a variance adjustment permit to construct business signs with an adjusted area in excess of allowable area

REGULAR MEETING – MARCH 19, 2007

and construct a free standing business sign with a height in excess of height permitted by code in a B-3 general business district be removed from the table and re-tabled to the April 2, 2007 City Council meeting. All voted in favor of the motion.

ADOPTION OF AMENDED ORDINANCE FOR SALE OF CITY OWNED REAL PROPERTY TO SCHWAN'S DEVELOPMENT CORPORATION AS REQUIRED BY MARSHALL CITY CHARTER SECTION 12.05:

Sanow moved, Doom seconded, the adoption of ORDINANCE NUMBER 571, SECOND SERIES and that the reading of the same be waived. Ordinance Number 571, Second Series is an ordinance Amending Prior Ordinance for Sale of City Owned Real Property referred to as Parcels A, B, C, and D in Section 5 of the February 5, 2007 Ordinance to Schwan's Development Corporation as required by Marshall City Charter Section 12.05. All voted in favor of the motion.

APPROVAL OF INFORMATION TECHNOLOGY UPGRADE – AVERA MARSHALL REGIONAL MEDICAL CENTER – SHARON WILLIAMS:

Sharon Williams, Vice President of Financial & Informational Services for Avera Marshall Regional Medical Center, reviewed the Technology Upgrade for Avera Marshall Regional Medical Center. She indicated that they have viewed the Meditech system and feels that it would provide the means to improve the information technology for the facility and is a long-term solution. The Meditech system is a fully integrated system and Avera Marshall would look at implementing applications throughout the entire facility. This system would have most of the hardware reside in the Avera Data Center in Sioux Falls. Avera Marshall would sign a contract with Avera Health who would then sign a contract with Meditech. The total cost of this project is \$1,457,935.00. Avera Health will initially make a payment to Meditech of \$978,700 for the hardware and software costs. Avera Marshall will be responsible to pay back the Meditech costs over a five-year period (interest free) starting from the period the Meditech programs become operational at Avera Marshall.

Ms. Williams also indicated that if Avera Marshall stayed with their current vendor the license fees, hardware costs and implementation fees were projected to be \$2,137,150; and if Avera Marshall were to sign all contracts directly with Meditech the total cost of the project would be \$2,238,000. Therefore Avera Marshall is saving approximately \$680,000. In addition the yearly service fees under this contract are approximately \$83,000 compared to the current vendor estimate of \$181,200.

Boedigheimer moved, Sanow seconded, the approval of the Information Technology Upgrade for Avera Marshall Regional Medical Center with Meditech at a cost of \$1,457,935.00. All voted in favor of the motion.

REGULAR MEETING – MARCH 19, 2007

This plan was prepared by Interact. He indicated that the MERIT Center has always been planned as a phased process. The Apparatus, Maintenance and Classroom Building and the 5-Story Fire Tower were completed before the 2003 LGA cuts. Their plan is to request funding from the Legislature in the amount of \$30 million. They are requesting approval from the City to retain Lobbyist Ed Cain to assist in the lobbying process for the MERIT Center site development.

Boedigheimer moved, Sanow seconded, that City Administrator Mike Johnson negotiate an agreement with Ed Cain from Legislative Associates, Inc., to lobby for the City of Marshall to obtain additional funding for the Training Center in the 2008 Bonding Bill. The fee for this service will be approximately \$1,500 per month for a total cost not to exceed \$9,000 and City Administrator Mike Johnson is to recommend a funding source for this fee. All voted in favor of the motion.

RESOLUTION TO REQUEST FUNDING FROM THE MN/DOT THROUGH THE COOPERATIVE AGREEMENT PROGRAM FOR PROJECT Y19 EAST COLLEGE DRIVE SIDEWALK:

The City of Marshall in cooperation with the Minnesota Department of Transportation is in the process of construction of the sidewalk along T.H. 19 (East College Drive) from O'Connell Street to Tiger Drive. Included in this project is a 10-ft. wide sidewalk to provide pedestrian and bicycle traffic to the new Marshall High School. In order to secure funding from MN/DOT for the project, a Cooperative Agreement is necessary defining the work to be done and the relative responsibility for project costs and future maintenance. Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 2952, SECOND SERIES and that the reading of the same be waived. Resolution Number 2952, Second Series is a resolution Requesting Funding from the Minnesota Department of Transportation through the Cooperative Agreement Program for Project Y19 East College Drive Sidewalk. All voted in favor of the motion.

CONSIDER RAILROAD PERMITS FOR WATERMAIN AND SANITARY SEWER MAIN CROSSINGS FOR PROJECT Y03 / S.P. 4210-38, 2007 MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, indicated that he received a letter from the BNSF Railway Company Insurance Compliance Division of Hemet, California, concerning insurance coverage and crossing permits. Mr. Olson is recommending that the City participate in the BNSF's Railroad Protective Policy in the amount of \$1,000 per contract and payment of the license fees of \$1,500 per license. The Pipeline License for Sanitary Sewer (Tracking No. 07-31802) is to be paid from the Main Street Project Construction Fund and will be reimbursed by the Wastewater Fund; and the Pipeline License for Watermain (Tracking No. 07-31801) is to be paid from the Main Street Project Construction Fund and will be reimbursed by Marshall Municipal Utilities. The Railroad Protective Liability Insurance under BNSF's Railroad Protective Policy in the amount of \$2,000 will be paid from the Main Street Construction Fund and that the Wastewater Fund and Marshall Municipal Utilities will each reimburse \$1,000 to the Main Street Construction Fund. Bill Ziegenhagen, Marshall Small Engine, indicated that he recently reviewed the Minnesota Department of Transportation plan for

REGULAR MEETING – MARCH 19, 2007

Main Street. He indicated that there are two raised sections of street near the Burlington Northern Santa Fe Railroad crossings near Marshall Small Engine and the former Marshall Labs property. Mr. Olson indicated that according to MN/DOT the median is a safety feature for the railroad crossing to prevent drivers from driving around the stop arms. Mr. Ziegenhagen is concerned that this will cause congestion problems near his property and will prevent drivers from turning left from Marshall Small Engine or turn left into his business. Mr. Olson indicated that the city doesn't have final say on the design but they can advocate his concerns. Sanow moved, Doom seconded, that the proper city personnel be authorized to enter into the Pipeline License for Sanitary Sewer (Tracking No. 07-31802) in the amount of \$1,500; the Pipeline License for Watermain (Tracking No. 07-31801) in the amount of \$1,500; and the Railroad Protective Liability Insurance under BNSF's Railroad Protective Policy in the amount of \$2,000 and that the Wastewater Treatment Facility fund and the Marshall Municipal Utilities each be billed \$2,500 for this license and insurance. These agreements were approved contingent upon review and approval of the City Attorney. All voted in favor of the motion.

COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes EDA has not met; Regional Development Commission will be meeting on Thursday and Friday.

Boedigheimer No report.

Doom Marshall Community Services Advisory Board is busy with spring activities, Planning Commission met last week but did not have a quorum so the will be meeting next Wednesday.

Hulsizer Library Board is working on automation and budget options for the new library.

Ritter Housing Commission received two appraisals for the lot next to the Hi-Rise at 202 North 1st Street.

Sanow Cable Commission discussed purchasing a van; Marshall Area Transit – was not able to attend.

COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Hulsizer questioned the follow-up on items discussed at the Council Retreat. It was suggested that the Library Board be asked to come to a council meeting to discuss funding for the new library.

REGULAR MEETING – MARCH 19, 2007

RESOLUTION APPROVING THE ISSUANCE OF PUBLIC UTILITY REVENUE BONDS, SERIES 2007A, PUBLIC UTILITY REVENUE REFUNDING BONDS, SERIES 2007B, AND AUTHORIZING CERTAIN ACTIONS TO BE TAKEN BY THE MARSHALL MUNICIPAL UTILITIES COMMISSION WITH RESPECT TO THE ISSUANCE OF THE SERIES 2007A BONDS AND THE SERIES 2007B BONDS:

Terri Heaton, Springsted Inc., reviewed the issuance of the Public Utility Revenue Bonds Series 2007A and the Public Utility Revenue Refunding Bonds, Series 2007B. Brad Roos, General Manager Marshall Municipal Utilities, was also in attendance at the meeting. Boedigheimer moved, Doom seconded, the adoption of RESOLUTION NUMBER 2951, SECOND SERIES and that the reading of the same be waived. Resolution Number 2951, Second Series is a resolution Approving the Issuance of Public Utility Revenue Bonds, Series 2007A, Public Utility Revenue Refunding Bonds, Series 2007B, and Authorizing Certain Actions to be Taken by the Marshall Municipal Utilities Commission with Respect to the Issuance of the Series 2007A Bonds and the Series 2007B Bonds. The Public Utility Revenue Bonds, Series 2007A is in the amount of \$4,500,000.00 and the Public Utility Revenue Refunding Bonds, Series 2007B is in the amount of \$5,045,000.00. All voted in favor of the motion.

INTRODUCTION OF ORDINANCE AMENDING SECTIONS 18.41-18.55, MOVING BUILDINGS PERMIT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed ordinance amending Sections 18.41-18.55, Moving Buildings Permit. He indicated that when the City Code was recodified in 2000, Section 4.05, "Special Requirements for Moving Buildings," was erroneously omitted in the new City Code. The City continues to have requests for the moving of buildings on City right-of-way. Sanow moved, Doom seconded, the introduction of an ordinance Amending Sections 18.41 – 18.55. All voted in favor of the motion.

CONSIDER AGREEMENT BETWEEN WESTERN COMMUNITY ACTION, INC., THE CITY OF MARSHALL AND LYON COUNTY FOR THE MARSHALL AREA TRANSIT BUILDING PROJECT - A. CONSIDER APPROVAL OF ARCHITECTURAL SERVICES AGREEMENT WITH GROUP II ARCHITECTS FOR TRANSIT BUILDING PROJECT:

Jeanette Aguirre, Western Community Action, Inc., was in attendance at the meeting to review the agreement with the City of Marshall for the proposed transit facility building. The proposed transit building project includes a 10,000 sq. ft. garage and a 1,640 sq. ft. dispatch office (11,640 sq. ft. total building area) on an approximately 1.03 acre site at the Marshall Street Department. The total estimated project cost is estimated to be \$717,000 to \$760,000. Primary funding for the proposed project is scheduled to come from a \$500,000 MN/DOT capital facility grant to WESCAP for construction of the building facility. The remaining portion of \$217,000 to \$260,000 is proposed to be split between the City of Marshall (75%) and Lyon County (25%).

With those splits, the City would be responsible for \$162,750 to \$195,000 and Lyon County would be responsible for \$54,250 to \$65,000.

REGULAR MEETING – MARCH 19, 2007

Per the recommendation of the Public Improvement/Transportation Committee, Sanow moved, Ritter seconded, that the proper city personnel be authorized to enter into a Joint Transit Building Agreement with WESCAP and Lyon for the construction of a transit facility building at the Marshall Street Department location. The City funding up to a maximum of \$195,000 for the project will be funded from either the Liquor Fund and/or the "429" account. All voted in favor of the motion.

Jeanette Aquirre, Western Community Action Inc., reviewed the proposal from Group II Architects for Architectural Services for the Transit Building. Their proposal is a lump sum of \$49,000, plus reimbursable expenses not to exceed \$3,000. Because the building construction cost alone is \$495,000 - \$521,000 (MN/DOT Grant of \$500,000), the initial out-of-pocket costs for architectural services will need to come from the City/County share of the project. Sanow moved, Doom seconded, the proper city personnel be authorized to enter into an Architectural Services Agreement with Group II for the Transit Facility. This was approved contingent upon review and approval of the City Attorney. All voted in favor of the motion.

PUBLIC SAFETY - A. DECLARATION/DISPOSAL OF SURPLUS PROPERTY; B. APPROVAL OF AMENDMENT NO. 1 TO CAT TERRORISM GRANT CONTRACT NO. 2005-SHSP-00474; C. PRESENTATION OF STRATEGIC BUSINESS PLAN FOR MERIT TRAINING CENTER; D. AUTHORIZATION TO REQUEST STATE FUNDING FOR THE DEVELOPMENT OF THE MERIT CENTER/RETENTION OF A LOBBYIST TO SUPPORT MERIT DEVELOPMENT:

Rob Yant, Director of Public Safety, indicated that the Department of Public Safety has several bicycles that they have kept past the required 90 days that they would like to have declared as surplus property. He is recommending that these bicycles be donated to the Bikes for Kids Program of the Department of Corrections. They will refurbish these bicycles and provide them to low income kids. Boedigheimer moved, Ritter seconded, that these bicycles be declared surplus City property and be donated to the Department of Corrections Bikes for Kids Program. All voted in favor of the motion.

Rob Yant, Director of Public Safety, indicated that the Minnesota Homeland Security and Emergency Management has approved an extension of the Terrorism Grant of \$50,000, number #2005-SHSP-00474, to perform the services and tasks covered by that grant. This was awarded to the City of Marshall for the Chemical Assessment Team primarily to fund new SCBA/Face masks for the team, but also for other equipment, training and exercises for the team. The grant originally was due to end March 31, 2007 but will be extended to December 31, 2007. There is no City match for this grant. Doom moved, Sanow seconded, that the proper city personnel be authorized to enter into Amendment No. 1 to Grant Contract #2005-SHSP-00474. This amendment provides for this grant in the amount of \$50,000 to be extended to December 31, 2007. All voted in favor of the motion.

Stan Brewers, Chair for the M.E.R.I.T Center, and Warren Jorgenson of the M.E.R.I.T. Center, provided a presentation of the Strategic Business Plan for the MERIT Training Center.

REGULAR MEETING – MARCH 19, 2007

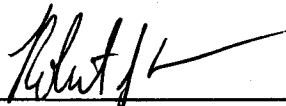
REVIEW OF PENDING AGENDA ITEMS:

It was suggested that a temporary two-hour parking limit in the downtown area be added to the pending agenda.

**DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION
PURSUANT TO MINNESOTA STATUTE 13D.05, SUBD. 3(C.1):**

Ritter moved, Sanow seconded, to table the request to go into closes session pursuant to Minnesota Statute 13D.05, Subd. 3(c.1) until the next regular city council meeting. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – MARCH 27, 2007

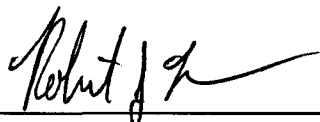
A special meeting of the Common Council of the City of Marshall was held on March 27, 2007 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes, the following members were present: Doom, Sanow, Reynolds and Ritter. Absent: Boedigheimer and Hulsizer.

Motion was made by Ritter, seconded by Doom to go into closed session pursuant to MN Statute 13D.05 (Subd. 3) to review the evaluation of City Administrator Mike Johnson. All voted in favor of the motion.

The City Council came out of closed session at 5:46 P.M.

Motion was made by Ritter, seconded by Doom to adjust the annual salary of City Administrator Mike Johnson equal to the cost of living adjustment granted to the non-union employees of 3% effective January 1, 2007. All voted in favor of the motion.

Upon motion by Sanow, seconded by Reynolds, the meeting was adjourned at 5:55 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – APRIL 2, 2007

The regular meeting of the Common Council of the City of Marshall was held on April 2, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were present: 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; Thomas M. Meulebroeck, Financial Director/City Clerk; Calvin Barnett, Director of General Services/City Assessor; Sheila Dubs, Assistant City Administrator; Dale Howe, Building Official; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item no. 6a, which is a presentation by MN/DOT on the Road Safety Audit for the intersection of Highway 23 and County Road 7.

APPROVAL OF THE MINUTES:

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on March 19, 2007 be approved as corrected and that the minutes of the special meeting held on March 27, 2007 be approved as filed and that the reading of the same be waived. All voted in favor of the motion.

AWARD OF BIDS - A. RECONSIDER AWARD OF BIDS FOR VEHICLES (PICK-UP FOR ENGINEERING, PICK-UP FOR WASTEWATER, PICK-UP FOR PUBLIC WAYS MAINTENANCE); B. PICK-UP FOR STREET DEPARTMENT:

Glenn Olson, Director of Public Works/City Engineer indicated that on March 19, 2007 the City Council awarded the bids for the purchase of vehicles for the Public Works and Parks Departments. At that meeting the Council approved the award of bids for the vehicles as follows:

Department/Vehicle #	Bidder	Make/Model	Bid Amount
Engineering/Vehicle #1 (No trade-in)	Anton Chevrolet Marshall, MN	2007 Chevrolet 1500 4WD Extended Cab	\$21,553.70
Parks/Vehicle #2 (No trade-in)	Lockwood Motors Marshall, MN	2007 Dodge Ram 1500 2WD Quad Cab	\$21,859.13
Wastewater/Vehicle #3	Anton Chevrolet Marshall, MN	2007 Chevrolet 1500 4WD Regular Cab	\$19,752.33
Public Ways Maint./Vehicle #4	Anton Chevrolet Marshall, MN	2007 Chevrolet 1500 4WD Regular Cab	\$19,752.33

On March 20, 2007, after award of the bids, Anton Chevrolet of Marshall indicated that they neglected to include State sales tax in each of their bids. After discussion with the City Attorney, Anton Chevrolet was requested to provide written verification of their procedure for the preparation of each of their bids submitted. That information was submitted, and it was verified that sales tax was not included in the bids.

REGULAR MEETING – APRIL 2, 2007

Glenn indicated that he discussed the issue of bid bond with both Anton Chevrolet's bonding company and the City Attorney concerning the conditions by which the City may collect from the bid bonding company. Upon that review, it was found that obvious clerical errors may not be a reason to consider collection on the bid bond.

After review and inclusion of the State sales tax with the bids submitted, the following is the revised apparent low bidders:

Department/Vehicle #	Bidder	Make/Model	Bid Amount
Engineering/Vehicle #1 (No trade-in)	Anton Chevrolet Marshall, MN	2007 Chevrolet 1500 4WD Extended Cab	\$22,954.69
Parks/Vehicle #2 (No trade-in)	Lockwood Motors Marshall, MN	2007 Dodge Ram 1500 2WD Quad Cab	Awarded as per 3/19/07 Council meeting
Wastewater/Vehicle #3	Boyer Ford Trucks Minneapolis, MN	2007 Ford F-150 4WD Regular Cab	\$20,130.42 *
Public Ways Maint./Vehicle #4	Boyer Ford Trucks Minneapolis, MN	2007 Ford F-150 4WD Regular Cab	\$20,130.42 *

* Includes upgrade to 5.4L V8 engine and \$200 delivery charge.

Council Member Boedigheimer indicated that if there is an error it is the bidder's error. Council Member Sanow indicated that if he bids a job he is held to his bid. Boedigheimer indicated that in the future cashiers checks should be required and not bid bonds. Ritter moved, Reynolds seconded that the bids for the Engineering, Wastewater and Public Ways Maintenance be awarded as recommended. All voted in favor of the motion, except Boedigheimer and Sanow who voted no.

Bids were received, opened and read on March 21, 2007 for a pickup for the Street Department. The bids received, opened and read were from:

	Proposal A	Proposal B	Proposal C
Anton Chevrolet Marshall, Minnesota	\$19,204.08	\$21,174.33	
Lockwood Motors, Inc Marshall, Minnesota	\$18,211.50	\$20,661.00	
Marshall Ford Marshall, Minnesota	\$19,755.50	\$22,631.00	
Tholen Auto Sales Marshall, Minnesota	\$21,957.20	\$24,832.70	
Boyer Ford Trucks Inc Minneapolis, MN	\$18,941.03 (No trade)	\$18,941.03	

The specifications allow for bidding as follows:

Proposal A: Furnish one (1) new or current model regular cab two-wheel drive ¾-ton truck for Street Department with trade-in of 1997 Ford F150 ½-ton regular cab long box pickup.

Proposal B: Furnish one (1) new or current model regular cab two-wheel drive ¾-ton truck for Street Department

Proposal C: Purchase one (1) 1997 Ford F150 ½-ton regular cab long box pickup

Glenn Olson, Director of Public Works/City Engineer, reviewed the bids and indicated that Lockwood Motors, Inc., and Boyer Ford Trucks, Inc., did not meet the minimum specifications for GVW, one of the important items on this bid as it is to be used to tow the asphalt equipment. Boedigheimer moved, Sanow seconded, that the bid for the pickup for the Street Department be awarded to Anton Chevrolet, Marshall, Minnesota in the amount of \$19,204.08, including trade-in and sales tax. This vehicle is to be paid from account number 101-60211-5540. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. RENEWAL OF PLUMBERS LICENSE FOR JENNIGES PLUMBING & HEATING, INC.; B. RENEWAL OF A SPECIAL VEHICLE LICENSE FOR LESLIE FAWCETT; C. MINNESOTA LAWFUL GAMBLING LG220 APPLICATION FOR EXEMPT PERMIT FOR SOUTHWEST MINNESOTA DUCKS UNLIMITED FOR A RAFFLE; D. REFUND OVERPAYMENT OF SPECIAL ASSESSMENTS ON HILL STREET AND NORTH 6TH STREET; E. AMENDED BUSINESS SUBSIDY AGREEMENT FOR RALCO NUTRITION, INC.; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Per the request of Council Member Boedigheimer item e, which is the Amended Business Subsidy Agreement for Ralco Nutrition, Inc., was removed from the consent agenda.

Sanow moved, Doom seconded, that the following consent agenda items be approved.

The renewal of a Plumbers License for John Jenniges dba Jenniges Plumbing & Heating, Inc., to expire on March 31, 2008 at a fee of \$75.00.

The renewal of a Special Vehicle License for Leslie Fawcett to expire on December 31, 2007 at a fee of \$30.00.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Application for Exempt Permit –LG 220 for Southwest Minnesota Ducks Unlimited for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive on April 13, 2007 and that the 30 day waiting period be waived.

As a result of the assessments for Hill Street and North 6th Street being revised and ultimately settled by the Court System, the following reimbursements were approved:

1. Property ID# 27-541023-0, 306 South Hill Street, James Butler / Barbara Hawer. The original assessment was reduced from \$4,752.31 to \$4,720.00 reflecting a reduction of \$32.31. The interest effective date was changed to 1-1-07; therefore the interest paid in 2006 of \$357.61 was overpaid. The total overpayment is \$389.92 (\$32.31 + \$357.61).
2. Property ID# 27-825071-0, 600 West Lyon Street, Randy Wartner. The original assessment was \$8,560.25 which was paid in full. Prior to the court settlement the

REGULAR MEETING – APRIL 2, 2007

assessment was reduced to \$5,000.00; therefore \$3,560.25 was refunded. The court settlement was set at \$4,720.00; therefore a refund of \$280.00 is being recommended.

3. Property ID# 27-191001-0, 416 North 6th Street, Mary Nelson. The original assessment was \$10,035.47 which was paid in full. Prior to the court settlement the assessment was reduced to \$5,000.00; therefore \$5,035.47 was refunded. The court settlement was set at \$4,720.00; therefore a refund of \$280.00 is being recommended.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 55369 through 55584.

All voted in favor of the motion.

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

1.	Pride Neon, Inc.	501 South Highway 23	Install Sign	\$2,200
2.	George J. Jacob Construction	110 South 8th Street	Installing Doorway	\$1,000
3.	Babcock Construction	503 West Saratoga Street	Reroof, Reside, Replace Doors & Exterior Stoop	\$17,500
4.	Vlaminck Construction	208 South 5th Street	Reroof Dwelling, Deck, Replace Doors & Windows	\$9,500
5.	Lozinski Construction	604 Peltier Street	Reroof Dwelling	\$5,500
6.	Coudron Construction	504 Kennedy Street	Interior Remodel	\$1,400
7.	John & Kristy Thomsen	200 DeSchepper Street	Garage Addition, Reside & Reroof Dwelling, & Remodel Porch	\$40,000
8.	Hiller Development Co.	1620-1626 Thunderbird Road	Four-Unit Condominium	\$375,000
9.	William Curwick	1101 East Fairview Street	Remodel Kitchen & Living Room Walls	\$1,700
10.	Greggory & Becky Swanson	1213 Horizon Drive	Addition and Garage	\$40,000

Council Member Boedigheimer questioned the date of the Business Subsidy Agreement with Ralco Nutrition, Inc. It was indicated that the only change to this agreement is to clarify and accurately define the property subject to the Business Subsidy Agreement and that the date will remain the same. Boedigheimer moved, Sanow seconded, the approval of the Business Subsidy Agreement with Ralco Nutrition, Inc. All voted in favor of the motion.

ADOPTION OF ORDINANCE AMENDING SECTIONS 18-41 – 18-55 REGARDING MOVING BUILDINGS PERMIT:

Glenn Olson, Director of Public Works/City Engineer, indicated that when the City Code was recodified in 2000, Section 4.05, "Special Requirements for Moving Buildings," was erroneously omitted in the new City Code. The City continues to have requests for the moving of buildings on City right-of-ways. Doom moved, Reynolds seconded, the adoption of

ORDINANCE NUMBER 572, SECOND SERIES and that the reading of the same be waived. Ordinance Number 572, Second Series is an ordinance Amending Sections 18-41 – 18-55 of the Code of Ordinances of the City of Marshall. This ordinance provides for Special Requirements for Moving Buildings. All voted in favor of the motion.

CONSIDER REQUEST FROM MENARD, INC., FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT BUSINESS SIGNS WITH AN ADJUSTED AREA IN EXCESS OF ALLOWABLE AREA AND CONSTRUCT A FREE STANDING BUSINESS SIGN WITH A HEIGHT IN EXCESS OF HEIGHT PERMITTED BY CODE IN A B-3 GENERAL BUSINESS DISTRICT:

Sanow moved, Reynolds seconded, that the request from Menard, Inc., for a Variance Adjustment Permit be removed from the table. All voted in favor of the motion.

Scott Nuttelman, representative from Menard, Inc., was in attendance at the meeting to review the request for a variance adjustment to construct business signs with an adjusted area in excess of allowable area and to construct a free standing business sign with a height in excess of height permitted by code in a B-3 General Business District. Mr. Nuttelman provided a power point presentation showing several options for the size of the sign and different heights. He indicated that the sign height is important because the store will not be at the intersection of a major highway and will be located behind Wall-Mart Super center. The sign needs to be visible above Wal-Mart and from Highway 23 and Highway 59. Boedigheimer moved, Sanow seconded, the approval of a Variance Adjustment Permit for Menard, Inc., to construct Business Signs with an adjusted area in excess of allowable area and to construct a free standing business sign with a height in excess of height permitted by Code in a B-3 General Business District. This permit will allow for a total of 285 S.F. for signs which is an excess of 120 S.F. and for a free standing sign with a height of 45'. All voted in favor of the motion.

LIBRARY BOARD PRESENTATION – KATHLEEN ASHE:

Kathleen Ashe, President Marshall/Lyon County Library Board, was in attendance at the meeting to formally request a contribution from the City of Marshall of \$2 million for the proposed new library. They are requesting at least \$500,000 by May 30 to meet a deadline to match a \$2 million match contribution by Robert and Phyllis Carr. Kathleen indicated that they will also be asking Lyon County for a contribution. Council Member Boedigheimer was in favor of a financial commitment. Council Member Sanow is also in favor of a financial commitment, but wants to know where the money will come from. Ritter moved, Hulsizer seconded, that the City of Marshall contribute \$1 million towards the new Marshall/Lyon County Library over three years from the Liquor Fund. City Administrator Mike Johnson indicated that the city has already earmarked money from the Liquor Fund to help fund an airport project and a new transit building, therefore he was not sure if there was enough money to fund the library. Council Member Boedigheimer amended the motion to refer this to the Ways and Means Committee to discuss funding options. Reynolds moved, Doom seconded, that the request of the Library Board for a contribution from the City of Marshall be tabled to the next regular meeting on April 16, 2007. Voting in favor of the motion were: Reynolds, Doom, Boedigheimer and Byrnes. Voting no were: Hulsizer, Ritter and Sanow.

SAFETY AUDIT REVIEW – JOHN HENSLIN, MN/DOT:

John Henslin and Tom Behm, representatives from MN/DOT, were in attendance at the meeting to provide a presentation on the Road Safety Audit that was conducted on the intersection of Minnesota Trunk Highway 23 and Lyon County State Aid Highway 7. The report

identified 15 short-term improvements; 5 long-term improvements and 2 other considerations. The short-term improvements identified are:

1. Upgrade the signing at the TH 23/CSAH 7 intersection to conform to current MN/DOT standards for expressway facilities.
2. Increase the size of the STOP AHEAD sign on the northbound approach of CSAH 7 to bring the sign into compliance with the MMUTCD.
3. Increase the size of the advance BIKE CROSSING and BIKE CROSSING signs to 36 x 36 signs.
4. Add BIKE ROUTE sign with LEFT ARROW sign to eastbound TH 23 west of CSAH 7.
5. Add flashers to the BIKE CROSSING signs.
6. The yellow delineators marking the right side of the curve in CSAH 7 immediately north of TH 23 should be replaced with white delineators to conform to MMUTCD guidelines.
7. The yellow delineators marking the right side of the curve in CSAH 7 immediately north of CSAH 7/Country Club Drive should be replaced with white delineators to conform to MMUTCD guidelines.
8. Add rumble strips adjacent to the edge lines along TH 23, especially west of CSAH 7. The rumble strips will alert drivers not only that they may be leaving the road, but also that they are encroaching onto a shoulder that may be used by bicyclists.
9. Use longer lasting materials (epoxy or plastic) for the pavement markings on the CSAH 7 approaches to TH 23.
10. Mark yield lines in the median crossover. This is suggested in an attempt to alert northbound and southbound drivers that they may have to stop at the YIELD signs and to have them take a better look at approaching traffic on TH 23.
11. Reconstruct the median ends on TH 23 at CSAH 7 to provide raised concrete median island ends conforming to the latest MN/DOT standards.
12. Add crosswalk markings for the bike crossing. These markings should only be added if the improvements under items 4 and 10 are also undertaken.
13. Add a high-intensity activated crosswalk (HAWK) signal for the bike crossing.
14. Increase the corner radius in the northwest and southeast corners of the TH 23/CSAH 7 intersection to better accommodate large trucks.
15. Add crashworthy end treatments to the bridge railing ends for the bridge on CSAH 7 south of TH 23.

The long-term improvements identified are:

1. Change the TH 23/CSAH 7 intersection to a grade-separated interchange.
2. Reconfigure the intersection to provide offset left turn lanes for the TH 23 approaches.
3. Reconfigure the intersection to provide a free right turn lane for southbound CSAH 7 with an acceleration lane on TH 23 for this movement. (The southbound right turn movement is the heaviest CSAH 7 movement at the intersection).
4. Reconfigure the intersection to allow only eastbound and westbound left turns from TH 23 across the median crossover.
5. Reconstruct the CSAH 7/Country Club Drive intersection. Realign the north and west legs of the intersection so that CSAH 7 becomes the through road and is straight all the way to TH 23. Realign Country Club Drive to the north and tee it into CSAH 7.

The other considerations identified are:

1. Provide sidewalks or trails along CSAH 7 and alternate off-road facilities along TH 23 to better accommodate pedestrians and bicyclists.
2. The County and City should consider forming a safe community's coalition (SCC). Funding programs for education and safety improvements are available through the SCC. Grants from the "Safe Routes to School" program could be used to help educate students on safe road crossing practices, as well as to help fund improvement along specific routes. The "Drive Alive" program could be used for educational outreach to senior citizens for safe driving and safe roadway crossing practices.

Mr. Behm indicated that Safety Audits could be conducted at other locations. He also indicated that funding for the Interchange would not be available for 15 or more years.

Mayor Byrnes called for a 15-minute recess at 7:08 P.M.

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

Michael Johnson, City Administrator, indicated that as part of the 2007 budget process, included in the General Fund Budget was \$458,575 as bond proceeds for capital equipment expenditures. In order for the City's General Fund to be reimbursed from the bond proceeds for these capital equipment expenditures, a resolution needs to be adopted. Doom moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2953, SECOND SERIES and that the reading of the same be waived. Resolution Number 2953, Second Series is a resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds. This resolution is for Capital Equipment Expenditures identified within the General Fund 2007 Budget. All voted in favor of the motion.

RESOLUTION AUTHORIZING ABATEMENT OF CERTAIN SPECIAL ASSESSMENT CHARGES:

Dennis Simpson, City Attorney, indicated that during the process of obtaining necessary easements for the construction of the East Area Sanitary Interceptor Sewer Project, a Non-Exclusive Sanitary Sewer and Road Easement was obtained from the State of Minnesota, owner of Parcel 27-627005-0. The easement that was obtained and filed of record December 7, 2005, indicated that the property owner would pay special assessment up to \$32,000. However, the payment would not be made until the completion of the construction project. The total special assessment levied for this parcel of property totaled \$31,045.80 was paid in full. However, because annual payments were not made, penalty, interest and costs incurred against this property in the amount of \$658.51. Dennis indicated that it was never the understanding or agreement that penalty, interest or costs would be paid. Payment of the original assessed amount has been made, therefore it is appropriate that the penalty, interest and costs be waived and abated. Boedigheimer moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2954, SECOND SERIES and that the reading of the same be waived. Resolution Number 2954, Second Series is a resolution Authorizing Abatement of Certain Special Assessment Charges. This resolution provides for the abatement of \$658.51 for parcel no. 27-627005-0. All voted in favor of the motion.

FARM LEASES - A. PAUL DEUTZ – 10.71 ACRES; B. WAYNE DEBAERE – 10.1 ACRES; C. WAYNE DEBAERE – 83.7 ACRES; D. DAN GREGOIRE – 18.19 ACRES; E. PAUL WAMBEKE – 31.1 ACRES; F. PAUL WAMBEKE – 9.59 ACRES; G. CRAIG DEUTZ – 2.11 ACRES; H. MIKE MORTIER – 30.03 ACRES:

Dennis Simpson, City Attorney, briefly reviewed the proposed farm leases of City owned property. Glenn Olson, Director of Public Works/City Engineer, indicated that there has been some discussion on bidding the farm leases. He indicated that these leases are for the 2007 crop year only. He indicated that any changes to the leases or procedures for leasing will be addressed in future leases.

Boedigheimer moved, Doom seconded, and it was unanimously approved that the property city personnel be authorized to enter into the following farm leases and that the Ways and Means Committee review these leases in July or August:

Paul Deutz	10.71 acres for January 1, 2007 through November 1, 2007 in the amount of \$964.00
Wayne DeBaere	10.13 acres, Industrial Park property for January 1, 2007 through November 1, 2007. This is for weed control; therefore there is no rent due. Tenant can take hay crop if any.
Wayne DeBaere	83.7 acres, 77.6 acres rented at a reduced rate of \$50/acre for January 1, 2007 through November 1, 2007 in the amount of \$3,880.00. Reduced rate for rental due to condition of property. Hay can be taken from 6.1 acres.
Dan Gregoire	18.19 tillable acres (future Parkway III Addition) for January 1, 2007 through November 1, 2007 in the amount of \$1,819.00
Paul Wambeke	31.1 acres, land acquired from Mathiowetz Channel Parkway north of US Bank for January 1, 2007 through November 30, 2007 in the amount of \$3,110.00.
Paul Wambeke	9.59 acres, McLaughlin Industrial Park II for January 1, 2007 through November 1, 2007 in the amount of \$479.50. This rate was reduced because of condition of property. The black dirt store on site needs to be worked into the property.
Craig Deutz	2.11 acres, newly acquired from Regnier (airport acquisition from condemnation action) for January 1, 2007 through November 1, 2007 at a rate of \$190.00.
Mike Mortier	30.03 acres for January 1, 2007 through November 1, 2007 at a rate of \$3,003.00. This land is part of the property acquired from Mike Mortier through airport condemnation action in 2006.

CALL FOR A PUBLIC HEARING ON REQUEST TO MOVE DWELLINGS INTO A RESIDENTIAL DISTRICT – A. 608 HERITAGE PLACE; B. 600 HERITAGE PLACE; C. 605 HERITAGE PLACE; D. 613 HERITAGE PLACE:

Boedigheimer moved, Sanow seconded, that a public hearing be held on April 16, 2007 on the request to move dwellings into a residential district. The dwellings to be moved have been reviewed by the Building Inspection and Zoning Department and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. The dwellings to be moved are:

208 South 1st Street to 608 Heritage Place

23886 Aspen Avenue, Milroy, Minnesota to 600 Heritage Place

102 West Greeley Street to 605 Heritage Place

100 West Greeley Street to 613 Heritage Place

All voted in favor of the motion.

CONSIDER RESOLUTION ESTABLISHING A PUBLIC NEED FOR A ROADWAY IMPROVEMENT PROJECT – NORTH 3RD STREET RECONSTRUCTION PROJECT AND WINDSTAR STREET EXTENSION PROJECT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the need for the acquisition of private property for the construction of two significant street improvement projects. The reconstruction of North 3rd Street and the replacement of the North 3rd Street Bridge near the intersection of T.H. 19 (College Drive) is currently on an existing State Aid route and has been included in the approval for bridge bonding funds available in 2007. In the development of the replacement project for the bridge located near the intersection of North 3rd Street and T.H. 19 (College Drive), it was decided that a significant safety issue existed at the intersection of North 3rd Street, Walnut Street and T.H. 19 (College Drive), which recommended a realignment of North 3rd Street to intersect with T.H. 19 (College Drive) at more of a right angle and the relocation of Walnut Street to an independent intersection with North 3rd Street. As a result of this redesign, it was determined that two small parcels of private property would be necessary for these street relocations for safety purposes.

Mr. Olson also reviewed the construction of the extension of Windstar Street from Scott Street to T.H. 59 South. In June 2003, a Comprehensive Infrastructure Planning Study was completed by Bolton & Menk, Inc., the City's consultant concerning the development of a Master Plan for Proposed Collector and Arterial Streets in certain study areas within and surrounding the City of Marshall. This Master Plan was approved by the City and included the development of Windstar Street as a minor arterial south of T.H. 23. This area has been developing for both residential and commercial purposes on both the west and east sides of T.H. 59. Because of the most recent current development plans of Stonebridge (Mathiowetz Development, LLC), the Super Wal-Mart area, the proposed Menards Subdivision, University Park addition, Wilke-Miller-Buesing Additions, and the Club 59 Addition area, it has become necessary to include the Windstar connection to T.H. 59 at this time.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 2955, SECOND SERIES and that the reading of the same be waived. Resolution Number 2955, Second Series is a resolution Establishing a Public Need for Acquisition of Property for a Roadway Improvement Project. This resolution provides for the establishment of the public need for the acquisition of the properties included in the North 3rd Street Reconstruction Project and Windstar Street Extension Project, and that this public use will be for the possession,

occupation, ownership, and enjoyment of the land by the general public for street and utility purposes. All voted in favor of the motion.

CONSIDER REQUEST FROM THE REDWOOD RIVER SPORTSMAN CLUB (RRSC) TO PLACE NESTING STRUCTURES AT TIGER LAKE:

Bob Aufenthie indicated that the Redwood River Sportsman Club is very interested in placing three nesting structures at Tiger Lake pond. This is an attempt on the part of the Club to bring itself into Marshall and meet the Club's goal to be a Sportsman Club. It is the Club's desire to construct three 4'x4' nesting platforms to be located on the pond at Tiger Lake. The nesting platforms will float on Tiger Lake, but will be securely anchored so that they will not interfere with the function of Tiger Lake. All liability and responsibility for the nesting structures will be the responsibility of the RRSC. The Club will remove all structures associated with this project annually or at the direction of the City Council. It is the intent of the RRSC to place no more than one pair of geese and two pair of ducks at this location. The bird's wings will be clipped and removed each fall. Glenn Olson, Director of Public Works/City Engineer, indicated that there should be a formal agreement between the City of Marshall and the Redwood River Sportsman Club. City Administrator Mike Johnson indicated that this should be referred to the Public Improvement and Transportation Committee. Council Member Boedigheimer was in favor of this request. Sanow moved, Doom seconded, that the request from the Redwood River Sportsman Club to place nesting structures at Tiger Lake be referred to the Public Improvement and Transportation Committee. All voted in favor of the motion, except Boedigheimer who voted no.

WAYS AND MEANS COMMITTEE – CONSIDER ULTRASOUND JOINT VENTURE “MEMBER CONTROL AGREEMENT FOR MARSHALL MEDICAL SERVICES, LLC” BETWEEN WEINER MEMORIAL MEDICAL CENTER, INC., DBA AVERA MARSHALL REGIONAL MEDICAL CENTER AND AFFILIATED COMMUNITY MEDICAL CENTERS, PA:

Mary Maertens, Interim President and CEO of Avera Marshall Regional Medical Center, along with Denise Christopherson, Director of Diagnostic Services, were in attendance at the meeting to review the joint venture between Avera Marshall and Affiliated Community Medical Center for ultrasound services. The joint venture will greatly increase access to ultrasound services in Marshall. They will not only provide services both at the Market Street and Bruce Street locations, but will also provide 24/7 emergency services. The Member Control Agreement for Marshall Medical Services LLC provides for a 50% ownership by Avera Marshall and a 50% ownership by Avera Marshall. This joint venture will be controlled by a governing board consisting of two members appointed by Avera Marshall and two by Avera Marshall. Per the recommendation of the Ways and Means Committee, Boedigheimer moved, Reynolds seconded, the approval of the Member Control Agreement for Marshall Medical Services, LLC. All voted in favor of the motion.

PUBLIC IMPROVEMENT AND TRANSPORTATION COMMITTEE – CONSIDER RESOLUTION ESTABLISHING MUNICIPAL STATE AID HIGHWAYS; CAMDEN DRIVE PARKING – INTRODUCTION OF AN ORDINANCE AMENDING SECTION 74-130(B)(9); LIBERTY PARK BRIDGE – MN/DOT SAFETY CONCERN; TEMPORARY RESTRICTED PARKING ON WEST SARATOGA STREET DURING THE 2007 MAIN STREET RECONSTRUCTION PROJECT:

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2956, SECOND SERIES and that the reading of the same be waived. Resolution Number 2956, Second Series is a resolution Establishing Municipal State Highways. This resolution provides

for the following streets to be designated as Municipal State Aid Streets under the provisions of Minnesota Law:

1. Windstar Street from T.H. 59 to Clarice Avenue and Clarice Avenue from Windstar Street to T.H. 23; 1.04 miles
2. Madrid Street extension and connection to T.H. 68; 0.94 miles
3. Southview Drive from South 4th Street to Country Club Drive; 0.32 miles
4. Birch Street / State Street extension to Amiret Street; 0.48 miles

All voted in favor of the motion.

Sanow moved, Doom seconded, the introduction of an ordinance and call for a public hearing to be held at the April 16, 2007 City Council meeting. This ordinance would provide for Section 74-130(b)(9) be revised to restrict parking only on the northwest side of Camden Drive from West Southview Drive to James Avenue. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed a letter from MN/DOT requesting the City's official position concerning a safety issue regarding obstructed sight distance at Marshall Street caused by the bridge rail and its close proximity to the intersection. Accident reports indicate that this condition has been a contributing factor. One alternative under consideration by MN/DOT to address this situation is to close Marshall Street access on both sides of T.H. 19 (College Drive). Per the recommendation of the Public Improvement Transportation Committee, Sanow moved, Doom seconded, to not close the Marshall Street access on both sides of T.H. 19 (College Drive) and to recommend the elimination or relocation of the railing of the bridge upon reconstruction in 2012. All voted in favor of the motion.

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 2957, SECOND SERIES and that the reading of the same be waived. Resolution Number 2957, Second Series is a resolution Providing for Control Signage in the City of Marshall. This resolution provides for the following restricted parking areas:

1. "No Parking" on the northeast side of West Saratoga Street from College Drive to South 6th Street
2. "No Parking Here to Corner" on the southwest side of West Saratoga Street from South 6th Street southeasterly approximately 100 feet.
3. "No Parking" on the southwest side of West Saratoga Street from College Drive to Hampden Street.
4. "No Parking" on the southwest side of West Saratoga Street from South 4th Street northwesterly approximately 175 feet.

All voted in favor of the motion.

COUNCIL MEMBER COMMISSION / BOARD LIAISON REPORTS:

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

Byrnes EDA will meet on Tuesday; Regional Development Commission will meet later this week.

Boedigheimer Lyon County Enterprise Development met last Tuesday but was unable to attend meeting.

Doom Marshall Community Services Advisory Board will meet on Wednesday; Planning Commission items were discussed earlier in the meeting; Public

REGULAR MEETING – APRIL 2, 2007

Improvement / Transportation Committee items were discussed earlier in the meeting.

Hulsizer Human Rights Commission met last Monday but was unable to attend;
Convention and Visitors Bureau took a tour of SMSU.

Reynolds Hospital Board and Utilities Commission met but was unable to attend.

Ritter Left the meeting so there is no report.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Council Member Sanow requested that a discussion on the user fees for water and sewer for improvement projects be added to the pending agenda.

REVIEW OF PENDING AGENDA ITEMS:

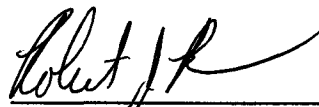
No comments.

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.05, SUBD. 3(C.1):

Motion was made by Boedigheimer, seconded by Sanow to go into closed session pursuant to Minnesota Statute 13D.05, Subd. 3(c.1) at 8:30 P.M. All voted in favor of the motion.


The City Council came out of closed session at 9:00 P.M.

Doom moved, Sanow 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 – APRIL 16, 2007

The regular meeting of the Common Council of the City of Marshall was held on April 16, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were in attendance: Hulsizer, Sanow, Reynolds, Boedigheimer and Ritter. Council Member Doom arrived late. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Attorney; 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:

The agenda was approved as presented. Due to Mike Johnson, City Administrator, being out of town Harry Weilage was in attendance.

APPROVAL OF THE MINUTES:

Sanow moved, Ritter seconded, that the minutes of the regular meeting held on April 2, 2007 be approved as filed and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARINGS – REQUEST TO MOVE DWELLINGS INTO A RESIDENTIAL DISTRICT – A. 608 HERITAGE PLACE; B. 600 HERITAGE PLACE; C. 605 HERITAGE PLACE; D. 613 HERITAGE PLACE:

This was the date and time set for a public hearing on the request to move dwellings into a residential district. Glenn Olson, Director of Public Works/City Engineer, indicated that these dwellings have been reviewed by the Building Inspection and Zoning Department and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code.

Kay Nauman, 608 Soucy Drive, indicated that the value of the houses to be moved to Heritage Place are not the same as the value of other homes in this area. She felt that these homes were sub standard.

Glenn Olson indicated that these are single family homes and that they can be used for rental units with up to 3 people if not related.

Deb Picht, 612 Soucy Drive, was also not happy with the homes that were to be moved into this area. She indicated that these homes would downgrade the area. She also asked if the request to move homes into this area could be denied.

Mr. Olson indicated that this is up to the council. He indicated that the homes are structurally sound and the quality is adequate for relocation. They will need to be upgraded before anyone can move in.

Ron Schilling briefly reviewed each home that is to be moved into this area:

1. The home at 208 South 1st Street is a three bedroom house with a full basement and will be moved to 608 Heritage Place.
2. The home at 23886 Aspen Avenue, Milroy, MN is a three bedroom home with a full basement. This home also has a covered patio in the rear of the house. This home will be moved to 600 Heritage Place.

REGULAR MEETING – APRIL 16, 2007

3. The home at 102 West Greeley Street is a three bedroom house with a full basement. This home has a 3-season porch and a large dormer on the back of the house. This home also has wood floors. This home will be moved to 605 Heritage Place.
4. The home at 100 West Greeley Street is a one bedroom house. The attached garage will not be moved with this house. A new detached garage will be constructed. This home will be moved to 613 Heritage Place.

Deb Picht was also concerned with the draining of water in the area of 605 Heritage Place. Mr. Schilling indicated that the water will drain to the old river area.

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

Boedigheimer moved, Doom seconded, that these homes be moved with the following conditions:

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

All voted in favor of the motion, except Ritter and Sanow who voted no.

PUBLIC HEARING - ADOPTION OF ORDINANCE AMENDING SECTION 74-130(B)(9) – CAMDEN DRIVE PARKING:

This was the date and time set for a public hearing on amending Section 74-130(b)(9) in regard to parking on Camden Drive. Don Kinker, 615 Camden Drive and Lee Warne, 701 South Bend indicated that they were in favor of the proposed change for parking on Camden Drive, which is to restrict parking only on the northwest side of Camden Drive from West Southview Drive to James Avenue. Boedigheimer moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of ORDINANCE NUMBER 573, SECOND SERIES and that the reading of the same be waived. Ordinance Number 573, Second Series is an ordinance Amending Section 74-130 of the Code of Ordinances of the City of Marshall. This ordinance amends Section 74-130(b)(9) to restrict parking only on the northwest side of Camden Drive from West Southview Drive to James Avenue between 2:00 a.m. and 9:00 a.m. between November 1 and April 1 of every year. All voted in favor of the motion.

CONSENT AGENDA – A. ANNUAL RENEWAL OF A TRANSIENT MERCHANT LICENSE FOR THE COUNTRY STOP, INC.; B. TEMPORARY BEER LICENSE FOR THE MARSHALL SOFTBALL ASSOCIATION; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

Reynolds moved, Doom 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, 2007.

A Temporary On-Sale Non-Intoxicating Beer License for the Marshall Softball Association for the period May 7, 2007 through September 7, 2007 at a fee of \$200.00.

REGULAR MEETING – APRIL 16, 2007

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 55585 through 55821.

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.	Coudron Construction	615	Kathryn	Avenue	Replace Windows	\$1,600
2.	Bill Ziegenhagen	100	North	Highway 59	Remodel Door Openings	\$30,000
3.	Tutt Construction	116	Circle	Drive	Basement Remodel	\$24,500
4.	Larry & Sandy Hanson	801	DeSchepper	Street	Remodel Basement	\$3,300
5.	Marshall Holdings, LLP	200	South	11th Street	Addition	\$17,800
6.	The Schwan Food Co.	901	North	Highway 59	Remodel Computer Room	\$34,000
7.	Randall Wartner	1216	Westwood	Drive	Replace Windows & Install Bathroom	\$20,000
8.	Independent Lumber of Marshall, Inc.	414	North	7th Street	Garage	\$10,500
9.	Tom & Melanie Werner	307	North	High Street	Addition	\$40,000
10.	Dorothy Yochem	510	West	Lyon Street	Demolish Shed	\$0

RE-ROOF PROJECT FOR LONG TERM CARE BUILDING AT AVERA MARSHALL REGIONAL MEDICAL CENTER:

Kevin Schroeder, Director of Environmental Services, was in attendance at the meeting to review the request to re-roof the Long-Term Care Building at Avera Marshall Regional Medical Center. He indicated that the deterioration of the rubber membrane in many areas put this section of the roof at risk for leakage necessitating re-roofing at this time. Mr. Schroeder indicated that they received three bids and that they were all higher than the \$120,000 that was budgeted for this project. The bids received were as follows:

Buyse Roofing	Guaranteed Roofing	BHI Construction
Marshall, Minnesota	Sioux Falls, South Dakota	Harrisburg, South Dakota
\$171,485	\$192,655	\$162,700

Mr. Schroeder also indicated that although the re-roof exceeds the budget, there are a number of smaller items in the 2007 budget that will be deferred and thus maintain the overall capital budget. Per the recommendation of Kevin Schroeder, Director of Environmental Services,

Sanow moved, Ritter seconded, that the bid be awarded to BHI Construction, Harrisburg, South Dakota in the amount of \$162,700. All voted in favor of the motion.

PROJECT X70 – TIGER LAKE STORM WATER DETENTION AND SEDIMENT RETENTION POND SEDIMENT REMOVAL – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer; Doom moved, Reynolds seconded, the approval of Change Order No. 2 and the acknowledgement of final payment for R & G Construction, Co., for Project X70 Tiger Lake Storm Water Detention and Sediment Retention Pond Sediment Removal. The Change Order is for an increase in the amount of \$5,656.07 due to changes in quantities and the final payment is in the amount of \$15,169.07. All voted in favor of the motion.

PROJECT Y15 – TREE STREET AREA IMPROVEMENT – RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that the contractor plans to begin work on the Tree Street Area on Monday, April 16th. Mr. Olson indicated that the property owners were given the option of replacing the service line for sanitary sewer to their house. He also indicated that they are working on getting all of the necessary easements. Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 2958, SECOND SERIES and that the reading of the same be waived. Resolution Number 2958, Second Series is a resolution Calling for a Public Hearing on the Proposed Assessment for Project Y15 Tree Street Area Improvement. This public hearing will be held at 5:30 P.M. on May 7, 2007. All voted in favor of the motion.

**PROJECT Y03 / S.P. 4210-38 – 2007 MAIN STREET RECONSTRUCTION PROJECT
A. CONSIDER REQUEST FOR TEMPORARY OFF-PREMISE ADVERTISING SIGNAGE; B. TEMPORARY PUBLIC PARKING EASEMENT:**

Glenn Olson, Director of Public Works/City Engineer, indicated that he had received a request form downtown business owners concerning the possibility of installation of temporary off-premise advertising signs for their business during the Main Street Reconstruction Project. Mr. Olson indicated that according to our current ordinances it is not permissible to allow advertising signs in residential districts or off-premise signs in the business districts. Boedigheimer moved, Ritter seconded, that the Director of Public Works/City Engineer be granted authorization to review signage requests within the areas affected by the Main Street Reconstruction Project and be authorized to approve any reasonable, temporary off-premise advertising signage requests during the time of reconstruction project, contingent on such signage may not adversely impact the safety or visibility for pedestrians or vehicular traffic. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the proposed temporary public parking easement between the City of Marshall and Southwest Minnesota Housing Partnership (SWMHP) for the use of portions of their property located at the former Marshall Middle School site for temporary public parking during the 2007 Main Street Reconstruction Project and continued temporary public parking for a term of up to 5 years depending on the SWMHP needs for the site. Council Member Ritter asked about the costs involved with the parking lot. Mr. Olson indicated that he does not have the costs at this time, but that it would be considered part of the 2007 Main Street Reconstruction Project. Boedigheimer moved, Sanow seconded, the proper city personnel be authorized to enter into a Parking Easement Agreement with Southwest Minnesota Housing Partnership for a public parking lot to be located on portions

of their property located at the former Marshall Middle School. This agreement is for 5 years with a 90-day written notice to terminate. All voted in favor of the motion.

PROJECT Y22 – SOUTH 8TH STREET STORM SEWER PROJECT – CONSIDER RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition that was received for Project Y22 – South 8th Street Storm Sewer Project. Mr. Olson indicated that the petition did not contain the 35% of the property owners that is required for a project to be declared adequate; therefore he is recommending that this project be initiated by the city. Pat Foley, owner of 707 West Main and 801 West Main, indicated that this project affects his property more than any other property in the area. Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2959, SECOND SERIES and that the reading of the same be waived. Resolution Number 2959, Second Series is a resolution Ordering Preparation of Report on Improvement for Project Y22 – South 8th Street Storm Sewer. This project would provide installation of a storm sewer system on South 8th Street from West Main Street to approximately 400 feet southwesterly and from the Burlington Northern right-of-way approximately 450 feet northwesterly to the existing storm sewer. All voted in favor of the motion, except Boedigheimer who abstained.

Mayor Byrnes called for a 5-minute recess at 7:00 p.m.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS – A. TRACTOR/LOADER BACKHOE FOR THE STREET DEPARTMENT; B. INTERMEDIATE TRUCK FOR THE COMMUNITY SERVICES OFFICER FOR THE PUBLIC SAFETY DEPARTMENT:

Doom moved, Reynolds seconded that the proper city personnel be authorized to advertise for bids for a tractor/loader backhoe for the Street Department and for an Intermediate Truck for the Community Services Officer for the Public Safety Department. All voted in favor of the motion.

INTERFUND LOAN FOR 2007 PUBLIC IMPROVEMENT PROJECTS:

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that City Staff is in the process of formulating and gathering information for the bonding of the 2007 Public Improvement Projects. Tom indicated that the intent is for proceeds from the bond issue to be received in late June or July, 2007. Prior to the receipt of the bond proceeds, the City will need to make payments to the contractors for the 2007 Improvement Projects.

Boedigheimer moved, Sanow seconded, the approval of temporary interfund loans to finance the Tree Street Area Sanitary Sewer Project from the Wastewater Fund Budget for monies in excess of \$300,000 from the Wastewater Capital Reserve Fund at a rate of 5% until the bond proceeds are received and the Main Street Project will be financed with monies available from the Municipal Liquor Fund, General Fund, the “429” Revolving Fund or the MSA Revolving Fund at a rate of 5% until the bond proceeds are received. All voted in favor of the motion.

ALLOCATION FROM MAYOR AND COUNCIL CONTINGENCY FOR DOCUMENT IMAGING:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that when the 2007 budget was adopted, \$20,000 was included for a document imaging program. Based on the

proposal to move forward on document imaging utilizing Lazer Fiche with Crab Tree Companies, Inc., from Egan, Minnesota, the City's allocation of cost are estimated to be \$30,000; therefore Tom is requesting an allocation of \$10,000 from the Mayor and Council Contingency, 101-40141-7210, to the duplication budget, 101-41731-5560. Council Member Boedigheimer indicated that in the past allocations from contingency are not done until the actual amount is known. Boedigheimer moved, Ritter seconded, to set aside an allocation of \$10,000 from the Mayor and Council Contingency for the document imaging program and an adjustment to be made at the time the actual costs are known. All voted in favor of the motion.

COUNCIL COMMITTEE RECOMMENDATIONS – A. PUBLIC IMPROVEMENT AND TRANSPORTATION: 1. REQUEST FROM THE REDWOOD RIVER SPORTSMAN CLUB (RRSC) TO PLACE NESTING STRUCTURES AT TIGER LAKE:

Harry Weilage, Director of Community Services, indicated that the Parks department is interested in supporting the natural habitat, but that Tiger Pond and its proximity to residential development with the nesting area was probably not an ideal location. Per the recommendation of the Public Improvement and Transportation Committee, Doom moved, Ritter seconded, that the proper city personnel be authorized to develop an agreement with the Redwood River Sportsman Club to locate a nesting area at the holding pond North of the SMSU campus with the following stipulations:

1. A "Hold Harmless" clause for the City of Marshall
2. Contacting the County Ditch Administrator as to their approval of the nesting structures as well.

All voted in favor of the motion.

B. WAYS AND MEANS: 1. DISCUSS COUNCIL DECISION TO UTILIZE \$1,000,000 FROM LIQUOR FUND FOR PROPOSED LIBRARY BUILDING PROJECT; 2. CONSIDER UPDATED OBSERVATIONS/RECOMMENDATIONS FROM LS ENGINEERS ON MUNICIPAL BUILDING AND TO PROVIDE NOTICE TO MINNESOTA WEST CONCERNING BUILDING LEASE – A. AUTHORIZATION FOR ADDITIONAL TESTING OF GARAGE FLOOR WITH LS ENGINEERS; B. TERMINATION OF MINNESOTA WEST BUILDING LEASE:

The Ways and Means Committee is recommending that a \$1,000,000 contribution from the City's Liquor Fund to the proposed Library Building Project and that the contribution be spread over four (4) years. If any additional funds are needed beyond this amount, a referendum should be required. Council Member Sanow suggested that the council tie the contribution to the sale of general obligation bonds so it could provide the money sooner than over four years if needed. He indicated that the city could sell general obligation bonds to fund the \$1 million and pay it back using liquor store funds. Hulsizer moved, Ritter seconded that that the City contribute \$1,000,000 from the Liquor Fund to the proposed Library Building Project and that the contribution be spread over four (4) years. Council Member Boedigheimer indicated that if the Library has a short fall in up front money then they would need to do a referendum. Kathleen Ashe, Chairman of the Marshall Lyon County Board; and John Bowden from the Library Foundation indicated that donations should increase once the City's donation is approved. All voted in favor of the motion, except Doom who voted no.

Glenn Olson, Director of Public Works/City Engineer, reviewed the additional investigative report from LS Engineers on the municipal building garage floor. Based on the report, the structural engineers are recommending that the city remove people (staff) that are located below the garage floor as soon as possible and no later than four (4) months. He also indicated that as a result of this report, additional testing is necessary. A proposal from LS

Engineers at an estimated cost of \$12,000 is being recommended. Boedigheimer moved, Reynolds seconded, the approval of the additional testing on the municipal building garage floor to be completed by LS Engineers at an estimated cost of \$12,000. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, that the proper city personnel be authorized to issue a 90-day lease cancellation to Minnesota West. This is necessary to provide additional space for city staff to relocate from the lower lever of the Municipal Building. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION / BOARD LIAISON REPORTS:

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

Byrnes EDA minutes are included in the agenda packet; Fire Relief Association will have their quarterly meeting on Tuesday; Regional Development Commission met last week.

Boedigheimer Airport Symposium was held last week – Glenn indicated that they met with MN/DOT and FAA to discuss joint airport zoning; scheduled air service and change of funding level.

Doom Marshall Community Services met last week; Planning Commission will meet on Wednesday; Adult Community Center Commission will meet on Thursday; Public Improvement and Transportation items were acted on earlier in the Council meeting.

Hulsizer Library Board met last week and discussed the book sale

Reynolds Hospital Board met earlier today and discussed remodeling costs for the chemo area; Utilities Commission will review their annual audit on Wednesday.

Ritter EDA, Housing Commission and Public Improvement and Transportation met.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Harry Weilage, Director of Community Services indicated that there will be two additional soccer fields at Middle School.

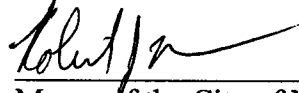
REVIEW OF PENDING AGENDA ITEMS:

Review of pending agenda items included: establishing Zoning Board Members; the Board of Review will be held on Tuesday, April 17th at 5:30 P.M. and there will be a closed Special City Council meeting on Tuesday, April 17th at 6:30 P.M.

Glenn Olson, Director of Public Works/City Engineer, indicated that the special assessment roll for the Main Street project should be available for the May 7th meeting; Harry Weilage, Director of Community Services, is working with Judge Harrelson on the Equal Justice Program.

REGULAR MEETING – APRIL 16, 2007

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



Mayor of the City of Marshall

Attest:



Financial Director/City Clerk

Minutes of the City of Marshall Local Board of Appeal and Equalization
5:30 p.m. – April 17, 2007

Council Members Present: Byrnes, Boedigheimer, Ritter, Doom, Hulsizer

Council Members Absent: Reynolds, Sanow

Staff Present: C Barnett, C Snyder, D Huber

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

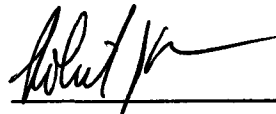
The 2007 City of Marshall Local Board of Appeal and Equalization was called to order at 5:30 p.m. by Mayor Byrnes in the Marshall City Council Chambers. Byrnes stated a quorum was present, and three of the members present had completed the required training. Byrnes outlined the procedure to be followed 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 only member of the audience declined to give his name and did not have any questions.

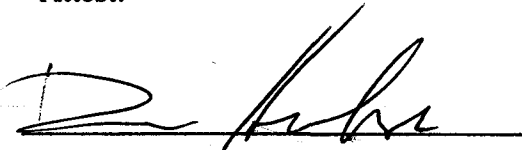
Mayor Byrnes inquired if there were any written letters to be presented to the Local Board of Review and Equalization. Barnett indicated there were no letters, but there were some properties which had contacted the office prior to the meeting. These properties are being reviewed. A final recommendation will be presented with the May 7, 2007 report.

There being no further comments or questions, Mayor Byrnes recessed the 2007 Local Board of Appeal and Equalization at 6:05 p.m. The 2007 Local Board of Review and Equalization will reconvene on Monday, May 7, 2007. At that time, the Assessor's staff will return with recommendations for the property owners who had contacted the office prior to the meeting. MOTION BY RITTER, SECONDED BY BOEDIGHEIMER, to recess the meeting to May 7, 2007. ALL VOTED IN FAVOR OF THE MOTION.



Mayor Robert Byrnes

Attest:



Assessment Technician

SPECIAL MEETING – APRIL 17, 2007

A special meeting of the Common Council of the City of Marshall was held on April 17, 2007 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 6:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes, the following members were present: Doom, Ritter, Boedigheimer and Hulsizer. Absent: Reynolds and Sanow. Staff present included: Sheila Dubs, Assistant to the City Administrator and Calvin Barnett, Director of General Services/City Assessor. Also in attendance, was Ann Antonsen from Springsted, Inc.

Motion was made by Ritter, seconded by Doom, to go into closed session pursuant to MN Statute 13D.03 (Subd. 1) to review the compensation plan presented by Springsted, Inc. All voted in favor of the motion.

The City Council came out of closed session at 7:58 P.M.

Motion was made by Ritter, seconded by Boedigheimer, to adopt the following compensation plan (Option 2 with relevant points 1-6) per the Personnel Committee recommendation:

Option 2

1. Approval of the amended pointing schedule resulting from the Hay Group, Inc. analysis of 24 positions.
2. Approval of the proposed 2007 Amended Wage Schedule.
 - This wage schedule assumes and incorporates a 3% increase in 2007 for the LELS Police and LELS Police Supervisors Unions.
3. Approval of implementation Option 2 as recommended by Springsted, Inc.

This implementation option entails the following:

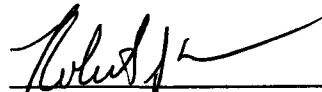
 - Placement of individual employees into the proposed 2007 Amended Wage Schedule on the step closest to their current wage without a decrease in pay.
 - Employees will not be eligible for further step adjustments in 2007 on their anniversary dates.
 - Employees will be eligible for a cost of living adjustment beginning on 1/1/08 and further step adjustments effective on their anniversary dates beginning in 2008 and beyond.
 - Placement of the incumbent PT Police Officer into the 2007 Amended Wage Schedule for FT Police Officers.
4. Approval of a 2007-08 Adjusted Implementation Schedule:

Under the existing compensation plan, several employees have incurred a step adjustment in 2007. A majority of these step increases result in wages above that provided in the implementation of Option 2 requiring an adjusted implementation schedule. The adjusted implementation schedule will result in delaying implementation until 2008 for employees who have incurred a step increase in 2007. Employees would receive the City Council approved cost of living increase in 2008 and move to the next nearest step onto the 2008 Wage Schedule without a decrease in pay on their respective anniversary dates. These employees will not receive a step adjustment in 2008. Further movement in following years will be on their anniversary dates.

5. Approval of placement of the Director of Public Safety on the proposed 2007 Amended Wage Schedule at Step 4 and the corresponding wage rate. (This change is reflected in Option 2 of the Final Report.)
 6. Approval of the following funding mechanisms
 - A. General Fund
 - Carryover from 2006 \$ 30,000.00
 - 2007 Budget Appropriation \$ 40,000.00
 - Mayor / Council Contingency \$ 36,599.10
 - B. Library Fund Balance \$ 14,196.02
 - C. Wastewater Treatment Facility Fund Balance \$ 22,903.71
 - D. Liquor Fund Balance \$ 5,629.98
- Total Estimated Cost of Implementation \$149,328.71

The compensation plan will be implemented and made retroactive to January 1, 2007. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 7, 2007

The continuation of the Local Board of Appeal and Equalization was called to order at 5:25 P.M. by Mayor Byrnes in the Council Chambers of the Marshall Municipal Building. In addition to Byrnes the following members were present: Hulsizer, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Doom.

Boedigheimer moved, Ritter seconded, that the minutes of the Local Board of Appeal and Equalization held on April 17, 2007 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 17, 2007. 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:

27-677-044-0 27-677-045-0 27-677-046-0 Joseph V. Bot - 401-405 West Main Street

Concern: Mr. Bot was unable to attend the 2007 Local Board of Appeal and Equalization on April 17, 2007, contacting this office relative to his appeal. Mr. Bot indicated he was concerned about the dollars of increase on the three parcels constituting the Bot TV and Appliance building. Mr. Bot indicated the work he had done the previous year on the building constituted repair and maintenance to the building and did not increase the value of the property. The value of 401-405 West Main Street collectively was increased from \$162,900 to \$182,500.

Findings: Mr. Bot agreeably supplied certain income and expense information relative to the subject property. The contract rent and market rent appeared to the assessor to be similar. Expenses supplied by Mr. Bot were utilized in the analysis of the value. The analysis using an income approach tended to support the assessors' estimated market value.

Recommendation: No change

27-420-005-0 - Paul E. Stoneberg – Susan Drive

Concern: Mr. Stoneberg informed the Marshall Assessor's office that a Declaration of Restrictions had been made by Clarice Boyer which accompanied the sale of 8.45 acre tract to himself. Mr. Stoneberg had purchased the subject lot July 31, 2006, for \$176,400. Mr. Stoneberg indicated that some areas of the Declaration do put limitations on the future use of the property.

Findings: The assessor obtained a copy of the property's Declarations of Restrictions. It does restrict potential uses and excludes certain property types from constructing on the 8.45 acres.

LOCAL BOARD OF APPEAL AND EQUALIZATION

MAY 7, 2007

The assessor's office, in response to the limitations of the Declaration, makes the following recommendation:

Recommendation: Reduce the value for the 2007 assessment from \$221,800 to \$190,100. Had the Declaration of Restrictions been available earlier to the Assessing Department, the adjusted value would have been used in the first place.

27-128-003-0 - Starlite Partnership - 1005 Emerald Court

Concern: Mr. Scott Hiller contacted the Assessing Department relative to the value increase of a three unit apartment building at 1005 Emerald Court. The value increased from \$149,600 to \$168,200 for the 2007 assessment. Mr. Hiller was shown recent sales of comparable three unit apartment buildings and did not question further the value of the property.

Recommendation: No change

27-677-141-0 – John Scott Hiller – 230 West Lyon Street

Concern: Mr. Hiller was concerned about the dollar increase of 230 West Lyon Street which consists of the Marshall Theatre property, rental retail property, and apartments. The value increased from \$558,800 to \$607,700. Mr. Hiller requested to be contacted relative to his questions. Voice mail has been left with Mr. Hiller without any follow-up on his part.

Recommendation: No change

27-258-023-0 – Curtis VanMevern – 104 Ranch Avenue

Concern: Mr. VanMevern was concerned about the increase in value to his property of \$6,300

Findings: Homes in Mr. VanMevern's neighborhood were increased 5% for the 2007 assessment. After inspecting the home and adjusting for some changes since the previous interior inspection, it was determined the value should be changed slightly.

Recommendation: Lower value from \$69,800 to \$68,800.

27-745-023-0 – Dennis Welter – 807 North 4th Street

Concern: Mr. Welter was concerned about the value of his property which had increased \$3,100 to \$48,900

Findings: Mrs. Snyder inspected his home and compared it to similar homes which had sold. They indicated a sale price of \$48,400 to \$52,300

LOCAL BOARD OF APPEAL AND EQUALIZATION
MAY 7, 2007

Recommendation: No Change

27-199-011-0 – Mark Senkyr – 401 North Minnesota Street

Concern: Mr. Senkyr contacted our office regarding the estimated market value of his property which had increased \$3,900 to \$105,000.

Findings: Mr. Senkyr's home was inspected and compared to others in his neighborhood which had sold. Homes in his neighborhood had been increased 4% for the 2007 assessment. After adjusting for differences, the indicated sale price ranged from \$108,500 to \$111,800.

Recommendation: No Change

27-572-045-0 – Emil & Louise Serreyn – 803 South 2nd Street

Concern: The Serreyn's were concerned about the value of their home compared to others because it doesn't have a basement.

Findings: The Serreyn home is a one-story Rambler of 1,484 square foot built in 1975 with a crawl space instead of a full basement. The 2007 assessor's estimated market value is \$123,600. Comparing their home to other Ramblers and adjusting for the lack of basement indicated a probable sale price of \$125,100 to \$128,500.

Recommendation: No Change

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

Concern: Mr. Tillemans contacted the office because his value had increased \$5,600 to \$80,500.

Findings: Homes in Mr. Tillemans's neighborhood had been increased by 5% for the 2007 assessment. His value had also been increased \$1,400 for improvements done in 2006. While Mr. Tillemans's home does need some work on the interior, he has made improvements to the exterior such as some new windows, garage floor, and electric service. Three homes in his neighborhood which sold were compared and indicated a sale price of \$83,800 to \$86,900 for Mr. Tillemans's property.

Recommendation: No Change

27-716-007-0 – Joyce Hoffman – 1213 Prospect Road

Concern: Ms. Hoffman is planning to sell her home this summer and was concerned the value was too low since she had made some improvements to the home.

LOCAL BOARD OF APPEAL AND EQUALIZATION

MAY 7, 2007

Findings: Mrs. Snyder inspected the property and noted there were improvements since the last interior inspection, which could increase the possible sale price.

Recommendation: Increase the value from \$111,300 to \$116,400

27-980-005-0 – Katherine B. Skarin-Bode – 105 Whitney Circle

Concern: Mrs. Bode contacted the office because the 2007 assessed market value of \$353,600 on her property is more than it is presently listed for.

Findings: Mrs. Bode home is a good quality one story brick home, built in 1996. It has 2,410 square feet with a large master bedroom, den, and laundry room on the first floor and two bedrooms and a family room on the lower level. It has good quality built-in cupboards, hutches, and storage. The home has been for sale since 2005, when it was listed at \$415,000. In 2006, the asking price was \$399,000, and later in the year \$375,000. It is presently listed at \$325,000. Potential buyers have mentioned the small rear yard and only one bedroom on the main floor as drawbacks to the home. A one story home of lesser quality built in 2003 with 1,690 square feet and a small rear lot located at 1101 East Lyon recently sold for \$305,000. It also has one bedroom, a den, and a laundry room on the main floor with two bedrooms on the lower level. After adjusting for size with no adjustments for quality, Mrs. Bode's home should sell for about \$370,000. The sale property is landscaped to give more exposure to the large basement windows in the bedrooms and family room, which makes the area lighter and more like an extension of the first floor. The Bode home has a single standard egress window in each bedroom and none in the family room which makes the area darker and not as pleasing. Also, the expectation with a home of this size and quality is to have more than one bedroom on the main floor.

Recommendation: Lower the value from \$353,600 to \$337,600

The following constitutes clerical cleanup for the 2007 assessment.

Parcel 27-600-086-0 – Howard & Lorraine Rensink 1215 West Main Street

Should be 201-0 (residential non homestead) as of 1-2-07

Parcel 27-677-189-0 – Schwan's Development Corp – 304 West Redwood Street

Should be 201-0 (residential non homestead) as of 1-2-07

Parcel 27-821-002-0 – James Hartke – 402 North Bruce Street

Should be 201-1 (homestead single family) as of 1-2-07

Parcel 27-995-105-0 – Abraham Tabares – 352 Timberlane Drive

Should be 201-1 (homestead single family) as of 1-2-07

LOCAL BOARD OF APPEAL AND EQUALIZATION

MAY 7, 2007

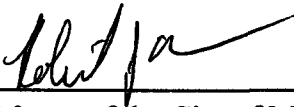
Parcel 27-630-032-0 – North Riverview Properties – 501 Darlene Drive

The 2007 Value should be as follows:

Land	\$	25,900
Building	\$	119,600
Total	\$	145,500

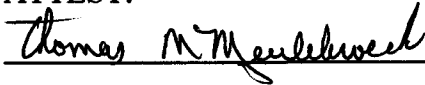
Sanow moved, Reynolds seconded, the report as presented by City Assessor, Calvin Barnett, be accepted. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – MAY 7, 2007

The regular meeting of the Common Council of the City of Marshall was held on May 7, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were present: Hulsizer, 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; 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 with the deletion of item number 10, which is to Consider a Resolution Approving the Final Plat of Nwakama Addition; the addition of item 10a, which is the Receipt of a Petition for the Vacation of a Utility Easement on the North side of Outlot A of J-C Boyer Addition and item 10b, which is a Zoning Code Request from Bill Ziegenhagen, owner of Marshall Small Engine Inc., located at 705 West Main Street.

APPROVAL OF MINUTES:

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on April 16, 2007 and the minutes of the special meeting held on April 17, 2007 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 - PROJECT Y15: TREE STREET AREA IMPROVEMENT PROJECT - A. PUBLIC HEARING ON PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on the Tree Street Area Improvement Project Y15. Glenn Olson, Director of Public Works/City Engineer, reviewed proposed assessment. He indicated that the low bidder was Chad Monson Excavating, LLC in the amount of \$1,985,666.44. The total project amount of \$2,418,541 includes the bid of \$1,985,666.44 plus 5% for contingencies and 16% for engineering and administrative costs. The Wastewater Fund will pay for \$2,067,134 which leaves \$351,407 to be assessed to the property owners.

Tom Larson who owns property at 312 North Whitney Street in Marshall was concerned with the cost to connect his sanitary sewer line to the city sewer line being too high. Mr. Olson indicated that the costs were higher than what was originally anticipated but that the property owner has the option of having their own contractor connect their sewer line to the city line. Mr. Larson indicated that the city should look out for its residents. Mr. Olson indicated that they do not look at each individual line item but they look for the lowest responsible total bid.

James Carr who owns property at 1000 and 1006 Willow wanted to know if there would be more assessments. Mr. Olson indicated that there would not be other assessments since Marshall Municipal Utilities will be paying for the water and electrical portion of this project.

REGULAR MEETING – MAY 7, 2007

Laurie VanOverbeke, 313 North Hill, indicated that they would have someone else hook up their sewer line.

Charles Neubeck, 310 North Whitney, also indicated that he would have someone else hook up his sewer line.

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

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2960, SECOND SERIES and that the reading of the same be waived. Resolution Number 2960, Second Series is a resolution Adopting Assessment for the Tree Street Area Improvement Project Y15. This resolution provides for the assessment to be paid over a period of 8 years at an interest rate of 6.25% beginning October 15, 2007. All voted in favor of the motion.

AWARD OF BIDS – RESOLUTION TO CONTRACT WITH A COUNCIL MEMBER FOR PORTABLE RESTROOM SERVICES:

Quotations were received by the Parks Department for Portable Restrooms at various locations for the summer months. Quotations received were as follows:

Location	SW Sanitation	Enviro Pump-Plus Inc	Laleman's Septic & Drain Service
Monthly cost/porta potty	\$ 76.68	\$ 79.88	\$ 133.13
Legion Field Skatepark April 1 – September 30 (6 months)	\$ 460.08	\$ 479.28	\$ 798.78
Legion Field Softball Fields May 1 – August 15 (3.5 months)	\$ 268.38	\$ 279.58	\$ 465.96
Liberty Park May 1 – September 30 (5 months)	\$ 383.40	\$ 399.40	\$ 665.65
Extra 2 weeks beyond A 4-week month	--	\$ 39.94	--
TOTAL PRICE	\$1,111.86	\$1,198.20	\$1 930.39

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2961, SECOND SERIES and that the reading of the same be waived. Resolution Number 2961, Second Series is a resolution Awarding a Contract with a Council Member for Portable Restroom Services under Minnesota Statutes Sections 471.88, subd. 5 and 471.89, subd. 2. This

REGULAR MEETING – MAY 7, 2007

resolution provides for the contract for Portable Restroom Services be awarded to SW Sanitation, Marshall, Minnesota in the amount of \$1,111.86. All voted in favor of the motion, except Ritter who abstained.

CONSENT AGENDA – A. NEW TOBACCO LICENSE FOR MARSHALL'S TOBACCO INC., 204 WEST MAIN STREET; B. TEMPORARY ON-SALE BEER LICENSE FOR MARSHALL BASEBALL ASSOCIATION; C. PLUMBERS LICENSE FOR JOSEPH BRUST DBA BRUST MECHANICAL CONTRACTING CO.; C. PLUMBERS LICENSE FOR SAMUEL SAHLSTROM DBA SAHLSTROM'S HEATING, COOLING & REFRIGERATION INC.; E. LG220 APPLICATION FOR EXEMPT PERMIT FOR WEINER MEMORIAL FOUNDATION FOR A RAFFLE AT THE MARSHALL GOLF CLUB ON SEPTEMBER 10, 2007; F. LG200R LAWFUL GAMBLING LICENSE RENEWAL APPLICATION FOR AMERICAN LEGION POST 113 FOR SEPTEMBER 1, 2007 TO AUGUST 31, 2009; G. AUTHORITY TO DISPOSE OF SURPLUS CITY PROPERTY AT A PUBLIC AUCTION TO BE HELD ON MAY 17, 2007; H. AUTHORIZATION TO APPLY FOR FEDERALLY FUNDED EQUIPMENT FOR PUBLIC SAFETY THROUGH THE CEDAP PROGRAM; I. RESOLUTION APPROVING AMENDMENT NO. 1 TO LEASE AGREEMENT NO. PS0082 WITH MINNESOTA DEPARTMENT OF PUBLIC SAFETY, DRIVER AND VEHICLE SERVICES; J. APPROVAL OF POLICE ACCREDITED TRAINING ONLINE (PATROL) SERVICE AGREEMENT; K. BILLS/PROJECT PAYMENTS; L. BUILDING PERMITS:

Per Council Member Boedigheimer, item J, which is the approval of police accredited training online (PATROL) service agreement was removed from the consent agenda.

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

The approval of a Tobacco License for Marshall's Tobacco Inc., 204 West Main Street, in the amount of \$72.00. This license will expire on December 31, 2007.

The approval of a Temporary 3.2 Percent Malt Liquor License for the Marshall Baseball Association for May 15, 2007 through September 15, 2007 at a fee of \$200.00.

The approval of a Plumbers License for Joseph Brust dba Brust Mechanical Contracting Co., Russell, Minnesota at a fee of \$75.00. This license will expire on March 31, 2008.

The approval of a Plumbers License for Samuel Sahlstrom dba Sahlstrom's Heating, Cooling & Refrigeration, Inc., Tracy, Minnesota at a fee of \$75.00. This license will expire on March 31, 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 –LG 220 for Weiner Memorial Foundation for a raffle to be held at the Marshall Golf Club, 800 Country Club Drive on September 10, 2007 and that the 30 day waiting period be waived.

REGULAR MEETING – MAY 7, 2007

That the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Minnesota Lawful Gambling Premises Permit Renewal Application –LG 220R for the American Legion Post 113, 412 West Main Street, Marshall, Minnesota for September 1, 2007 to August 31, 2009

Authorization be granted to dispose of surplus City property at a public auction to be held on May 17, 2007 at 5:30 P.M. at the City of Marshall Street Maintenance Building area at 901 Oak Street.

The proper city personnel be authorized to apply for Federally Funded Equipment for the Public Safety Department through the Commercial Equipment Direct Assistance Program (CEDAP) for FY2007.

The adoption of RESOLUTION NUMBER 2962, SECOND SERIES and that the reading of the same be waived. Resolution Number 2962, Second Series is a resolution Approving Amendment No. 1 to Lease Agreement No. PS0082 with Minnesota Department of Public Safety, Driver and Vehicle Services. This is for ongoing motorcycle skill testing and will be done as outlined in Lease Agreement Number PS0082 – Amendment 1. This agreement will be in effect for the period July 1, 2007 and June 30, 2012.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 55822 through 56031.

All voted in favor of the motion.

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

	Applicant	Location Address				Description of Work	Valuation
1.	The Country Stop	1206	East	College	Drive	Temporary Structure	\$0
2.	Geske Home Improvement Co.	210		DeSchepper	Street	Replace Doors	\$3,400
3.	Kesteloot Construction, Inc.	513		Viper	Circle	Dwelling	\$275,000
4.	PR Ventures	619		Mercedes	Drive	Dwelling	\$150,000
5.	Steve Jacobson	402		Legion Field	Road	Reside and Reroof Dwelling	\$3,000
6.	Nathan and Marilyn Nielsen	109		Marlene	Street	Stoop	\$700
7.	Anthony Mensink	511		Harriett	Drive	Deck	\$2,000
8.	Kevin Grimes	1300		Susan	Drive	Construct Signs	\$3,600
9.	Matthew Kush	421	South	4th	Street	Deck	\$7,500
10.	Matthew Ust	502		Harriett	Drive	Finish Basement	\$5,000

REGULAR MEETING – MAY 7, 2007

11.	James Lozinski Construction	206	West	James	Street	Install Windows	\$3,200
12.	James Lozinski Construction	614	West	Thomas	Avenue	Install Window	\$1,600
13.	Omaha Neon Sign Co.	1420	East	College	Drive	Install Sign	\$3,200
14.	Like Enterprises, LLC	1220		Susan	Drive	Retail Store	\$233,000
15.	Dan and Cindy Vogt	305	East	Thomas	Avenue	Dwelling	\$233,000
16.	Barry Hanson Construction	1102		Columbine	Drive	Reside Dwelling	\$5,600
17.	Coudron Construction, Inc.	504		Kennedy	Street	Install Door and Replace Windows	\$3,000
18.	Doom & Cuypers, Inc.	105		Carrow	Street	Reinforce First Floor	\$500
19.	Bladholm Construction, Inc.	708	West	College	Drive	Replace Roof Structure	\$8,000
20.	Darwin Madden	200		Jewett	Street	Install Window	\$500
21.	James C. Carr	1000	East	Southview	Drive	Reroof	\$75,000
22.	Marsha Rose	708		South Bend	Avenue	Install Window	\$1,000
23.	Michelle Schoeneck	104		Fremont	Avenue	Install Windows & Interior Remodel	\$5,000
24.	Tom Ellingson	304	North	Whitney	Street	Reroof Dwelling	\$3,000
25.	David & Lindsey Voigt	201		London	Road	Finish Basement	\$10,000
26.	Maple Street Construction	806		Silvertine	Drive	Install Windows	\$2,000
27.	Ace Neon Signs & Service, Inc.	1200		Susan	Drive	Install Sign	\$12,000
28.	Rick Slagel Construction, Inc.	506		Donita	Avenue	Reroof Dwelling	\$5,000
29.	Independent Lumber of Marshall, Inc.	1403		Ellis	Avenue	Dwelling	\$129,900
30.	John P. Wartner	110		E	Street	Reroof Dwelling	\$1,200
31.	Rick Slagel Construction, Inc.	1006		Country Club	Drive	Reroof Dwelling	\$6,000
32.	Rick Slagel Construction, Inc.	508		Jewett	Street	Reroof Dwelling	\$3,000
33.	Steven & Kathy Swain	505		Impala	Court	Finish Basement	\$7,500
34.	Mark Jensen	509		Lawrence	Street	Remodel Basement	\$4,000
35.	348 West Main Company	348	West	Main	Street	Interior Remodel	\$2,000
36.	Michelle Fales & Daniel Rorvik	408	North	High	Street	Finish Garage	\$1,000
37.	DI Construction	505	South	1st	Street	Garage Remodel	\$2,500

REGULAR MEETING – MAY 7, 2007

Council Member Boedigheimer questions if the Police Accredited Training Online (PATROL) would be replacing the current continuing education program or if this would be in addition to the current continuing education. City Administrator Mike Johnson indicated that this type of training is offered online and the officer's can complete the courses when they are less busy and they don't have to leave town to receive it. This will be used in addition to the other training that the police officers receive. Boedigheimer moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with the League of Minnesota Insurance (LMCIT) for the Marshall Police Department to subscribe to the PATROL on-line training at a cost of \$85.00 per officer per year. All voted in favor of the motion.

LEGISLATIVE AND ORDINANCE COMMITTEE – A. INTRODUCTION OF ORDINANCE AMENDING SEC. 86-163, "ACCESSORY BUILDING" REGARDING ACCESSORY BUILDING NUMBERS; B. INTRODUCTION OF ORDINANCE AMENDING SEC. 86-230, "PARKING REQUIREMENTS" REGARDING PARKING REQUIREMENTS FOR "BIG BOX" STORES:

Sanow moved, Reynolds seconded, the introduction of an ordinance Amending Chapter 86, Article VI, of the Marshall City Code of Ordinances Amending Accessory Building Regulations. This ordinance would allow up to three accessory buildings on a lot greater than seventh tenths of an acre. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the introduction of an ordinance Amending Chapter 86, Article VI, of the Marshall City Code of Ordinances Amending the Required Number of Off-Street Parking Stalls. This ordinance would reduce the minimum number of parking spaces for larger retailers. All voted in favor of the motion.

PROJECT Y03 / S.P. 4210-38: 2007 MAIN STREET PROJECT - A. RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. DECLARATION OF OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; C. RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Glenn Olson, Director of Public Works/City Engineer, indicated that MN/DOT received bids on March 23, 2007 for the 2007 Main Street Project Y03 / S.P. 4210-38. The low bidder was Midwest Contracting, LLC of Marshall, Minnesota in the amount of \$5,172,839.35. The estimated City portion of the project is \$3,017,571 for the following items:

Amenities	\$1,043,284
Steam Heat	9,026
Sanitary Sewer	683,535
Street	404,704
Electrical	176,030
Watermain	700,992

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2963, SECOND SERIES and that the reading of the same be waived. Resolution Number 2963, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for 2007 Main Street Project Y03. All voted in favor of the motion.

REGULAR MEETING – MAY 7, 2007

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2964, SECOND SERIES and that the reading of the same be waived. Resolution Number 2964, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for an amount not to exceed \$3,250,000 for 2007 Main Street Project Y03. All voted in favor of the motion.

Reynolds moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2965, SECOND SERIES and that the reading of the same be waived. Resolution Number 2965, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for 2007 Main Street Project Y03. This hearing will be held on June 4, 2007. All voted in favor of the motion.

PROJECT X76: WASTEWATER TREATMENT FACILITY DIGESTER PROJECT – CONSIDER CHANGE ORDER NO. 2:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 with KHC Construction, Inc., for the Wastewater Treatment Facility Digester Improvement Project. The change order is for an enclosure to house the ATAD Biobed scrubber fan, motor and water lines. Due to the warm temperature of the off gas, it was questionable at the time of the design if an enclosure would be needed. The City of Marshall installation is the coldest climate that Thermal Process Systems has installed their process. If problems arise with the extreme cold conditions during a Minnesota Winter, it could cause very costly repairs to the equipment that would be housed in this enclosure. Ritter moved, Sanow seconded, the approval of Change Order No. 2 with KHC Construction, Inc., for the Wastewater Treatment Facility Digester Improvement Project in the amount of \$23,604.15. All voted in favor of the motion.

Bob VanMoer, Wastewater Treatment Facility Superintendent, gave a brief update on the construction that is taken place at the Wastewater Plant. He indicated that they have been up and running for about 4 weeks with the new system and everything is going good.

APPROVAL OF PROPOSAL FOR REVIEW OF GARAGE FLOOR WITH AMERICAN ENGINEERING AND TESTING, INC. (AET):

Reynolds moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into an agreement with American Engineering and Testing, Inc., for professional services for the evaluation of the City Hall garage floor at a cost of up to \$9,000. The cost of this agreement are budgeted in 2007 under the Municipal Building account Number 101-41231-5520. All voted in favor of the motion.

REDWOOD RIVER RIPRAP PROJECT – STATE COST-SHARE ASSISTANCE CONTRACT – LYON COUNTY RCRCA:

Glenn Olson, Director of Public Works/City Engineer, indicated that the City has applied for and received approval from the Lyon County RCRCA for cost-sharing in a proposed bank stabilization repair of the Redwood River. The project consists of three areas including North Bruce Street (Skunk Hollow Road,), the Adult Community Center Area, and the Downtown Park. This agreement would provide for 25% of the project costs up to \$24,426.50 for the North Bruce Street section of the project. Sanow moved, Ritter seconded, that the proper city personnel be authorized to enter into the State Cost-Share Agreement with Lyon County RCRCA for up to \$24,426.50. All voted in favor of the motion.

CONSIDER PETITION FOR VACATION OF UTILITY EASEMENT LOCATION – NORTH SIDE OF OUTLOT “A” OF J-C BOYER ADDITION:

Glenn Olson, Director of Public Works/City Engineer, indicated that they have received a petition for vacation of a utility easement from the property owner for an easement on the North side of Outlot “A” of J-C Boyer Addition. Reynolds moved, Ritter seconded, that a public hearing be held on May 21, 2007 at 5:30 P.M. to consider the vacation of a utility easement on the North side of Outlot “A” of J-C Boyer Addition. All voted in favor of the motion.

ZONING CODE REQUEST FROM BILL ZIEGENHAGEN OWNER OF MARSHALL SMALL ENGINE, INC., 100 NORTH HIGHWAY 59.

Glenn Olson indicated that he received a letter from Bill Ziegenhagen, owner of Marshall Small Engine, Inc., located at 705 West Main Street. Mr. Ziegenhagen owns the former Marshall Labs building located at 100 North Hwy 59. The Marshall Small Engine location is within the area of the Main Street Reconstruction Project. The building at 100 North Hwy. 59 is a warehouse use and a Permitted Use within the I-2 General Business District in which it is located. Mr. Ziegenhagen is requesting to use part of the warehouse for his small engine sales and repair business. His business is not a Permitted Use or Conditional Use in the I-2 District. Mr. Olson indicated that there are not provisions in Zoning Code or the balance of City Code providing an exemption, temporary or otherwise, to the Zoning Code. A Variance Adjustment Permit is not permitted for uses not permitted in the zoning district. Boedigheimer moved, Ritter seconded, the approval for Mr. Ziegenhagen to use part of the warehouse located at 100 North Hwy. 59 for his small engine sales and repair business with the following conditions:

1. Review and approval by the City Attorney as to our ability to permit a temporary use not permitted the zoning district.
2. The use must be terminated by December 31, 2007.

All voted in favor of the motion.

ADDENDUM TO JOINT POWERS AGREEMENT WITH APPLETREE:

Boedigheimer moved, Reynolds seconded, the proper city personnel be authorized to enter into Addendum “B” to the Joint Powers Agreement with Southwest/West Central Education Cooperative for Insurance Pools. The addendum provides for three changes to the existing Joint Powers Agreement which have been reviewed and approved by the City Attorney. All voted in favor of the motion.

**CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS:
APPOINTMENTS TO BOARDS AND COMMISSIONS:**

Per the recommendation of Mayor Byrnes, Reynolds moved, Sanow seconded, and was unanimously approved that the following appointments be made to the various boards and commissions and to advertise for a position on the Planning Commission and the Senior Citizen Center Commission:

- Airport Commission – Gary Schmidt for a term to expire on May 31, 2010
- Airport Commission – Shane Hastings for a term to expire on May 31, 2010
- Cable Commission – Pam Larsen for a term to expire on May 31, 2010
- Cable Commission – Gael Coleman for a term to expire on May 31, 2010
- Economic Development Authority – Randy Serreyn for a term to expire on May 31, 2013
- Hospital Board – Dr. Steven Meister for a term to expire on May 31, 2012

REGULAR MEETING – MAY 7, 2007

- Housing Commission – Doug Nawrocki for a term to expire on May 31, 2012
- Housing Commission – Bruce Berg for a term to expire on May 31, 2012
- Human Rights Commission – Nikki Enersen for a term to expire on May 31, 2010
- Human Rights Commission – John Lind for a term to expire on May 31, 2010
- Planning Commission – John Harback for a term to expire on May 31, 2010
- Police Civil Service Commission – Joyce Arends for a term to expire on May 31, 2010
- Senior Citizen Center Commission – Gael Coleman for a term to expire on May 31, 2010
- Utilities Commission – Stan Finnestad for a term to expire on May 31, 2012

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes EDA met on Tuesday and the Regional Development Commission met on Tuesday

Boedigheimer No report.

Hulsizer Human Rights Commission discussed their brochure and ads for the paper

Reynolds No report.

Ritter No report.

Sanow No report.

COUNCILMEMBER INDIVIDUAL ITEMS:


Other items brought forth by the Mayor and Council Members included: a concern with adults playing on the fields at Legion Field; due to health issues with Council Member Doom it was suggested that other Council Members attend his committee meetings – they also took this opportunity to express their concern and wish him well. City Attorney Dennis Simpson will be providing the Legislative and Ordinance Committee with a model ordinance on fighting.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items.

REGULAR MEETING – MAY 7, 2007

Upon motion by Reynolds, seconded by Sanow, 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

REGULAR MEETING – MAY 21, 2007

The regular meeting of the Common Council of the City of Marshall was held on May 21, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were present: Hulsizer, Sanow, Boedigheimer and Ritter. Reynolds arrived late and Doom was absent. 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; Rich Herigon, Street 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:

Boedigheimer moved, Sanow seconded, that the minutes of the Local Board of Review held on May 7, 2007 and the minutes of the regular meeting held on May 7, 2007 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 – PETITION FOR VACATION OF UTILITY EASEMENT IN NWAKAMA ADDITION – A. CONSIDER RESOLUTION GRANTING PETITION FOR VACATION OF A UTILITY EASEMENT:

This was the date and time set for a public hearing to consider the vacation of a utility easement in Nwakama Addition. Glenn Olson, Director of Public Works/City Engineer, reviewed the request for the vacation of a utility easement described as the Northerly 10 feet of Outlot A of J-C Boyer Addition. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2966, SECOND SERIES and that the reading of the same be waived. Resolution Number 2966, Second Series is a resolution Granting a Petition for Vacation of a Utility Easement in the City of Marshall. This resolution provides for the vacation of the Northerly 10 feet of Outlot A of J-C Boyer Addition. All voted in favor of the motion.

AWARD OF BIDS – TRACTOR/LOADER FOR THE STREET DEPARTMENT:

Bids were received, opened and read on May 8, 2007 for a tractor/loader backhoe for the Street Department. Bids received, opened and read were as follows:

	Titan Machinery Marshall, MN Case 580	Weltch Equipment, Inc. Redwood Falls, MN New Holland B-95	Ziegler Inc. Marshall, MN Cat 420E
Tractor/Loader Backhoe (With trade-in) including sales tax	\$48,050.67	\$36,423.00	\$45,920.64
Tractor/Loader Backhoe (No trade-in) including sales tax	\$71,320.92	\$68,373.00	\$72,807.66

REGULAR MEETING – MAY 21, 2007

Titan
Machinery
Marshall, MN
Case 580

Weltsch
Equipment, Inc.
Redwood Falls, MN
New Holland B-95

Ziegler
Inc.
Marshall, MN
Cat 420E

PURCHASE TRADE-IN BID:

No bid

No bid

No bid

RDO Equipment, Marshall, Minnesota submitted a bid with no bid security, therefore per the recommendation of Dennis Simpson, City Attorney, this bid was not read.

The recommendation of city staff was to award this bid to Weltsch Equipment, Inc., Redwood Falls, Minnesota in the amount of \$36,423.00 including trade-in and sales tax. Rich Herigon, Street Department Superintendent, indicated that Weltsch Equipment, Inc., has offered a one-year warranty and if during that period there are any repairs needed, the dealer will pick up and return the equipment. During the discussion it was indicated that there was a concern with buying from an out-of-town dealer. Ritter moved, Sanow seconded, that all the bids be rejected and referred to the council sub-committee for review of the specs. All voted in favor of the motion, except Boedigheimer who voted no.

Bids were received, opened and read on May 14, 2007 for a new or current model club/extended cab four-wheel drive intermediate pickup for the Police Department. Bids received, opened and read were as follows:

	Proposal A	Proposal B	Proposal C
Lockwood Motors, Inc Marshall, Minnesota Dodge Dakota Club Cab 4 x 4	\$18,456.00	\$21,168.00	No bid
Marshall Ford Marshall, Minnesota Ford Ranger Super Cab	\$19,223.25	No bid	No bid
Tholen Auto Sales Marshall, Minnesota GMC Canyon Extended Cab	\$19,537.42	No bid	No bid
Proposal A	Furnish new or current model club/extended cab four-wheel drive truck for Police Department with trade-in of 2000 Jeep Cherokee 4-wheel drive from Police Department		
Proposal B	Furnish new or current model club/extended cab four-wheel drive truck for Police Department		
Proposal C	Purchase 2000 Jeep Cherokee 4-wheel drive vehicle from Police Department		

REGULAR MEETING – MAY 21, 2007

Rob Yant, Director of Public Safety, reviewed the bids with the council and is recommending that the bid from Tholen Auto Sales be accepted. The bid from Tholen Auto Sales is for a 2008 GMC Canyon Extended Cab in the amount of \$21,050 with a trade-in allowance of \$3,000. The Canyon is approximately \$300 dollars more than the 2008 Ford Ranger Super Cab and approximately \$100 less than the 2007 Dodge Dakota Club Cab. The Canyon is a 2008, is navy, is the only one with front and side airbags, has a full-sized spare tire, and being a V-5 would be the best one for fuel efficiency.

Sanow moved, Boedigheimer seconded, that the bid for a new or current model club/extended cab four-wheel drive for the Police Department be awarded to Tholen Auto Sales for a 2008 GMC Canyon Extended Cab 4-wheel drive in the amount of \$19,537.42 including trade-in. All voted in favor of the motion, except Ritter who voted no.

CONSENT AGENDA – A. TEMPORARY ON-SALE BEER LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR AG FEST; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR MARSHALL BOYS SOCCER BOOSTERS FOR A RAFFLE; C. FIREWORKS PERMIT FOR MARSHALL COMMUNITY SERVICES – MARSHALL VOLUNTEER FIRE DEPARTMENT FOR USE AT INDEPENDENCE PARK ON JULY 4, 2007; D. SPECIAL VEHICLE PERMIT FOR ERNEST JOHNSON; E. TWO (2) SPECIAL VEHICLE PERMITS FOR MORNINGSID HEIGHTS; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Per Council Member Boedigheimer, item D, which is for a Special Vehicle Permit for Ernest Johnson.

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

A Temporary On-Sale Beer License for the Marshall Area Chamber of Commerce for AgFest 2007 to be held at the Lyon County Fairgrounds on August 1, 2007 from 5:00 p.m. to 10:00 p.m. 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 Applications for Exempt Permit –LG 220 for the Marshall Boys Soccer Boosters for a raffle to be held at the Marshall High School Soccer Field on September 4, 2007 and that the 30 day waiting period be waived.

The approval of an application for Community Services to buy fireworks for display purposes on July 4, 2007 at Independence Park. Community Services will be making arrangements with the Marshall Volunteer Fire Department for the fireworks display.

The renewal of two Special Vehicle Permits for Morningside Heights Care Center for the year ending December 31, 2007 and that the fee be waived.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 56032 through 56211.

All voted in favor of the motion.

REGULAR MEETING – MAY 21, 2007

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

	Applicant	Location Address				Description of Work	Valuation
1.	James Lozinski Construction	508	West	Redwood	Street	Reroof Dwelling	\$3,200
2.	Lozinski Construction	113		"E"	Street	Reroof	\$4,000
3.	Bill Chukuske	603	South	1st	Street	Deck Addition	\$3,300
4.	Marshall Commercial Properties, LLC	252	West	Main	Street	Exterior & Interior Remodel	\$17,500
5.	BHI Construction, Inc. (Mike Powell)	300	South	Bruce	Street	Partial Reroof	\$100,000
6.	Ron Schilling	100	West	Greeley	Street	Move Out Dwelling	\$0
7.	Ron Schilling	102	West	Greeley	Street	Move Out Dwelling	\$0
8.	Alluvus, LLC	613		Heritage	Place	Move In Dwelling	\$56,000
9.	Alluvus, LLC	608		Heritage	Place	Move In Dwelling	\$76,700
10.	Alluvus, LLC	605		Heritage	Place	Move In Dwelling	\$73,000
11.	Alluvus, LLC	613		Heritage	Place	Move In Garage	\$2,000
12.	Ron Schilling	208	South	1st	Street	Move Out Dwelling	\$0
13.	Ron Schilling	102	West	Greeley	Street	Move Out Garage	\$0
14.	Lozinski Construction	123		"F"	Street	Reroof	\$4,800
15.	Sussner Construction, Inc.	702	West	Fairview	Street	Install Door	\$2,500
16.	Glenn Jones	600		Paul	Street	Deck	\$1,200
17.	Carol Serreyn	802		Columbine	Drive	Install Window	\$1,000
18.	Ronald & Barbara Mosch	1409		Carlson	Street	Reroof	\$2,500
19.	Geihl Construction, Inc.	609		Cadillac	Road	Dwelling	\$342,000
20.	Mel's Home Improvements	510	West	Lyon	Street	Garage	\$12,500
21.	Bladholm Construction, Inc.	1501		Birch	Street	Remodel Dormitory Bathrooms/GW Complex	\$815,000
22.	David Meier	613		Windstar	Street	Three-Unit Apartment	\$285,000

REGULAR MEETING – MAY 21, 2007

23.	P & R Ventures	501	Mercedes	Drive	Dwelling	\$150,000	
24.	Annie Louwagie	404	South	Whitney	Street	Install Door	\$800
25.	Christy Westfield	304	West	James	Avenue	Window	\$1,500

Boedigheimer moved, Ritter seconded, that the request from Ernest Johnson for a Special Vehicle License be tabled to allow more time for the City Attorney and Director of Public Safety to review. All voted in favor of the motion.

PUBLIC SAFETY DEPARTMENT – A. APPROVAL OF GRANT AGREEMENT WITH MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR MAY SEAT BELT AND CHILD SEAT MOBILIZATION; B. APPROVAL OF GRANT AGREEMENT WITH MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE OPERATION NIGHTCAP GRANT PROGRAM:

Rob Yant, Director of Public Safety, reviewed the request for the May Seat Belt and Child Seat Mobilization Grant. This grant would fund up to \$1,500 of the officers to work overtime on Seatbelt and Child Seat education and enforcement. There is no match required. Ritter moved, Sanow seconded, that the proper city personnel be authorized to enter into a Grant Agreement with the Minnesota Department of Public Safety for May Seat Belt and Child Seat Mobilization in an amount not to exceed \$1,500. All voted in favor of the motion.

Rob Yant, Director of Public Safety, reviewed the request for the Grant Agreement with Minnesota Department of Public Safety for the Operation NightCAP in an amount not to exceed \$800 for officer overtime rates, including fringe benefits. Ritter moved, Sanow seconded, that the proper city personnel be authorized to enter into a Grant Agreement with the Minnesota Department of Public Safety for the Operation NightCap in an amount not to exceed \$800. All voted in favor of the motion.

CONSIDER THE REQUEST OF NORTH STAR INSURANCE COMPANIES FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A COMMUNICATIONS TOWER OF 80' IN HEIGHT IN A B-3 GENERAL BUSINESS DISTRICT LOCATED AT 202 JEWETT STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of North Star Insurance Companies for a Conditional Use Permit to construct a communications tower of 80' in height in a B-3 General Business District. The property is located at the corner of Jewett Street and Peterson Street. This tower will be used to mount antennas to communicate to their office in Cottonwood. In February, 2006 the City Council approved the request of North Star Insurance Companies for a 60' tower. The company reports the tower height is not of sufficient height to communicate satisfactorily from Cottonwood due to line of site obstructions. Per the recommendation of the Planning Commission, Boedigheimer moved, Ritter seconded, that North Star Insurance Company be granted a Conditional Use Permit to construct a communications tower of 80' 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.

AUTHORIZE SUBMITTAL OF PLANNING GRANT APPLICATION TO BLUE CROSS/BLUE SHIELD:

Mike Johnson, City Administrator, indicated that the community is working on many fronts and with multiple community partners on trails and pedestrian corridors. This planning grant with the possibility of funding up to \$70,000 is available for communities to establish policies and procedures to enhance and develop trails to provide safe corridors for our community citizens. Community partners include the Marshall Area YMCA, the Marshall Safety Coalition and Marshall Community Services. This grant will help to provide expertise and solutions as we work towards a community-wide policy to assist citizens in the pedestrian area, safe access to community facilities, as well as work and educational opportunities. Sanow moved, Reynolds seconded, that the proper city personnel be authorized to submit a grant application to Blue Cross/Blue Shield for funding up to 70,000 to establish policies and procedures to enhance and develop trails to provide safe corridors for our community citizens. There is no local match required for this grant. All voted in favor of the motion.

WAYS AND MEANS – A. RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2007C; B. RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2007D:

Terri Heaton, Springsted Inc., was in attendance at the meeting and provided a brief overview of the \$4,390,000 General Obligation Utility and Improvement Bonds, Series 2007C and the \$485,000 General Obligation Equipment Certificate of Indebtedness, Series 2007D.

These bond issues were discussed earlier at a Ways and Means Committee Meeting.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2967, SECOND SERIES and that the reading of the same be waived. Resolution Number 2967, Second Series is a resolution Providing for the Issuance and Sale General Obligation Utility and Improvement Bonds, Series 2007C. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2968, SECOND SERIES and that the reading of the same be waived. Resolution Number 2968, Second Series is a resolution Providing for the Issuance and Sale General Obligation Equipment Certificates of Indebtedness, Series 2007D. All voted in favor of the motion.

CONSIDER CHAMBER REQUEST FOR CLOSURE OF PARKING LOTS:

Glenn Olson, Director of Public Works/City Engineer, reviewed the two request of the Marshall Area Chamber of Commerce for the closure of parking lots in the Downtown area. They are requesting that the "Q" Lot be closed on Thursday, May 31, 2007 for a "Big Dig Promotion" and that the "Q" and "P" Lots be closed on Thursday, July 19, 2007 for Crazy Day.

Ritter moved, Reynolds seconded, that "Q" Parking Lot be closed on Thursday, May 31, 2007 for a "Big Dig Promotion". This parking lot will be closed from 8:00 A.M. to 9:00 P.M. All voted in favor of the motion.

Ritter moved, Reynolds seconded, that a public hearing be held on June 4, 2007 to consider the request to close Parking Lot "Q" and "P" on Thursday, July 19, 2007 for Crazy Day.

The Marshall Area Chamber of Commerce will send out notices for this public hearing. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE 2007 OVERLAY PROJECT:

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to advertise for bids for Bituminous Resurfacing on City Streets Project Y24. All voted in favor of the motion.

CONSIDER RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT - SOUTH 8TH STREET STORM SEWER IMPROVEMENT PROJECT Y22:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project Y22 South 8th Street Storm Sewer which includes the installation of a storm sewer system on South 8th Street from West Main Street to approximately 400 feet southwesterly and from the Burlington Northern right-of-way approximately 450 feet. Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2969, SECOND SERIES and that the reading of the same be waived. Resolution Number 2969, Second Series is a resolution Receiving the Feasibility Report and Calling for a Public Hearing on the Improvement. The public hearing will be held at 5:30 P.M. on June 4, 2007 in the Council Chambers. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING PLANS AND SPECIFICATIONS – REDWOOD RIVER RIPRAP PROJECT Y23:

Glenn Olson, Director of Public Works/City Engineer, reviewed the Redwood River Riprap Project Y23. This project consists of three separate and distinct project areas including North Bruce Street (Skunk Hollow Road), the Adult Community Center area and the Downtown Park. The total project cost for all three areas is estimated at \$260,000, which includes 10% for contingencies and 16% for engineering and administration. Reynolds moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2970, SECOND SERIES and that the reading of the same be waived. Resolution Number 2970, Second Series is a resolution Approving Plans and Specifications for the Redwood River Riprap Project Y23. All voted in favor of the motion.

LEGISLATIVE AND ORDINANCE COMMITTEE – A. INTRODUCTION OF ALCOHOL ORDINANCE AMENDMENTS: 1. SECTION 6-99 (D) OF THE MARSHALL CITY CODE OF ORDINANCES AMENDING THE TIME PERIOD FOR ISSUANCE OF TEMPORARY 3.2% MALT LIQUOR LICENSE; 2. SECTION 6.22 OF THE MARSHALL CITY CODE OF ORDINANCES ADDING AN ADDITIONAL REQUIREMENT FOR APPLICATION OF RETAIL LIQUOR LICENSES:

Boedigheimer moved, Reynolds seconded, the introduction of an ordinance Amending Section 6-99 (d) of the Marshall City Code of Ordinances, Amending the Time Period for Issuance of Temporary 3.2% Malt Liquor License. This ordinance would provide for a temporary 3.2% malt liquor license to be issued for a period of up to six months. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the introduction of an ordinance Amending Section 6-22 of the Marshall City Code of Ordinances, Adding an Additional Requirement for Application of Retail Liquor Licenses. This ordinance states that no license shall be granted for

operation of any premises upon which taxes, assessments, or installments thereof, or other financial claims of the City, are owed by the applicant and are delinquent and unpaid as of the date of application. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

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

- Byrnes EDA continues to work on the Parkway Housing Addition
- Boedigheimer Airport Commission minutes are included in the agenda packet; Lyon County Enterprise Development will meet next week; M.E.R.I.T. Center minutes are included in the agenda packet; PrairieNet Consortium will have a joint meeting with the Global Positioning Ad Hoc Committee.
- Hulsizer Human Rights Commission will meet next Monday; Convention and Visitors Bureau held a meeting but she was not able to attend.
- Reynolds Hospital Board met earlier and welcomed the new CEO Mary Maertens; Utilities Commission met last week and awarded two scholarships; Quarterly Employee Committee met last week with the Personnel Committee to discuss concerns with the new proposed pay plan – Council Member Sanow was appointed to the Personnel Committee during Council Member Doom's absence.
- Ritter Public Improvement/Transportation Committee met last week.
- Sanow Marshall Area Transit discussed the bus garage and a grant for establishing designated bus routes.

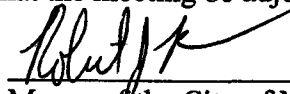
COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: installing the netting in front of the grandstand at the Independence Park baseball field; including the naming of parking lots on the next PIT meeting; SMSU held a memorial honoring Servicemen.

REVIEW OF PENDING AGENDA ITEMS:

The meeting on June 4th will begin at 4:30 P.M. to meet with Community Services and the Annual Audit will be presented to the Council on June 18th prior to the regular meeting.

Reynolds moved, Sanow seconded, that the meeting be adjourned at 7:00 p.m. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:

Financial Director/City Clerk

SPECIAL MEETING – JUNE 4, 2007

A special meeting of the Common Council of the City of Marshall was held on June 4 2007 in the Cottonwood Room of the Marshall Municipal Building. The meeting was called to order at 4:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes, the following members were present: Boedigheimer, Sanow and Ritter. Hulsizer arrived late; and Doom and Reynolds were absent. Staff present included: Michael Johnson, City Administrator; Sheila Dubs, Assistant to the City Administrator; Glenn Olson, Director of Public Works/City Engineer; Harry Weilage, Director of Community Services; Mark Klaith, Fire Chief and Tom Polfliet, Parks Department Superintendent. Others in attendance included: Tracy Veglahn, CEO of Marshall Area Chamber of Commerce; Gwen Mukomela, Chair of the Community Services Board, members of the Community Services Board and Green Space Committee; Mr. Thompson and Mr. McCormick from Schwans Food Service.

The purpose of this meeting was for discussion on the Downtown Park and Marshall Aquatic Center Upgrade.

Harry Weilage, Director of Community Services, indicated that after 4 years of telling Marc Klaith, Fire Chief to wait, now is the time to establish a monument using a beam from the World Trade Center in New York City. This monument is to be located in the downtown park.

The original intent was to create a monument at the fire hall but after talking with city leaders, Klaith realized the best location would be in the downtown park as a way to recognize 9/11 and to recognize American's resiliency, but also Marshall's resiliency.

A design for the memorial area and other improvements to the park should be ready in July, 2007.

Glenn Olson, Director of Public Works/City Engineer, briefly reviewed the riprap project that would take place along the river in the downtown park area. This project would need to be completed before the monument is constructed.

Tracy Veglahn, Marshall Chamber of Commerce CEO, indicated that the downtown park is part of creating an inviting atmosphere in the community. She indicated that this is truly the heart of downtown.

Mr. Weilage also indicated that it is time for the city to replace the 1940's floor in the main pool at the aquatic center and to move ahead with a bigger and better water slide for the older kids, an expanded playground and wading pool for the younger kids and a putt-putt golf course near the aquatic center.

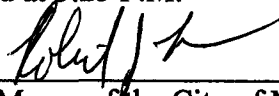
Tom Polfliet, Parks Department Superintendent, indicated that they are losing four inches of water a day from the pool. According to Mr. Olson this water ends up in the city's sanitary sewer system.

Council Member Hulsizer asked how the pool at the YMCA has affected use of the aquatic center. Mr. Weilage indicated that the indoor pool has not affected the use of the pool by the older kids. He indicated that when the weather is nice they want to be outside.

SPECIAL MEETING – JUNE 4, 2007

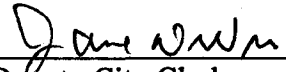
Mr. Weilage indicated that they hope to receive bids in August for the replacement of the floor to take place in September or October, 2007.

Mayor Byrnes declared the meeting adjourned at 5:25 P.M.



Mayor of the City of Marshall

Attest:



Deputy City Clerk

REGULAR MEETING – JUNE 4, 2007

The regular meeting of the Common Council of the City of Marshall was held on June 4, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to Byrnes the following members were present: Hulsizer, Sanow, Boedigheimer and Ritter. Absent: Doom and Reynolds. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Shane Waterman, Assistant City Engineer; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Sanow moved, Hulsizer seconded, that the minutes of the regular meeting held on May 21, 2007 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

**PUBLIC HEARING – PROJECT Y03 S.P. 4210-38 – 2007 MAIN STREET
A. PUBLIC HEARING; B. CONSIDER RESOLUTION ADOPTING
ASSESSMENT:**

This was the date and time set for a public hearing on the proposed assessment for the 2007 Main Street Project. Glenn Olson, Director of Public Works/City Engineer, indicated that the property owners are being assessed for 20% of the downtown amenities, the Sanitary Sewer Line connection and for watermain upgrades if requested by the property owner. Comments on this project included:

Al Greig indicated that the staff is going a great job on this project and thinks that the assessments are appropriate.

Russ Labat, Marshall Independent, was not in favor of colored concrete in front of the newspaper building located at the intersection of 6th Street and West Main Street. He indicated that this is not a retail business. Mr. Olson indicated that the downtown district defined in this project starts near the intersection of 6th Street and West Main Street which includes the Marshall Independent.

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

Dennis Simpson, City Attorney, indicated that they have received a formal written objection from Joe Bot.

Council Member Hulsizer asked if any amenities could be changed. Mayor Byrnes indicated that any change would have to be acted on as a change order.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2971, SECOND SERIES and that the reading of the same be waived. Resolution Number 2971, Second Series is a resolution Adopting the Assessment for Project Y03 S.P. 4210-38 – 2007 Main Street. This resolution provides for the assessment to be paid over a 10 year period with interest at the rate of 6.25%. All voted in favor of the motion, except Hulsizer who voted no.

PUBLIC HEARING – PROJECT Y22 SOUTH 8TH STREET STORM SEWER IMPROVEMENT – A. PUBLIC HEARING; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS:

This was the date and time set for a public hearing the South 8th Street Storm Sewer Project Y22. Glenn Olson, Director of Public Works/City Engineer, indicated that this project involves the construction of a storm sewer system along South 8th Street from West Main Street south approximately 400 feet. He also indicated that the majority of the property owners affected by this project are objecting this project. Comments on this project include:

Pat Foley, 801 West Main Street, indicated that the water sits in a low spot by his loading dock.

Rollie Miller, owns the low land in this area and would receive the largest assessment amount.

Council Member Sanow indicated that according to a letter from Ralco Nutrition, Inc., they do not see how this would benefit anyone other than Mr. Foley. There were also letters of objection from George Jacob and Bill Ziegenhagen President of Marshall Small Engine, Inc.

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

Council Member Sanow indicated that he is not in favor of other people paying for this project. Mr. Foley indicated that all of the properties in this area contribute to the water issue.

Mayor Byrnes indicated that this project is feasible but the majority of the property owners object.

Sanow moved, Ritter seconded, that the Resolution Ordering the Improvement and Preparation of Plans for the South 8th Street Storm Sewer Project Y22 not be approved and that city staff meet with Mr. Foley and others to try and determine if there are other ways to fund this project. All voted in favor of the motion, except Boedigheimer who abstained.

PUBLIC HEARING – CHAMBER OF COMMERCE REQUEST FOR CLOSURE OF PARKING LOTS “P” AND “Q” FOR CRAZY DAYS:

This was the date and time set for a public hearing to close Parking Lots “P” and “Q” for Crazy Days. Tracy Vehlahn, President/CEO Marshall Chamber of Commerce, indicated that they sent letters to the downtown property owners affected by this and they did not receive any objections. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Ritter seconded, that Parking Lots “P” and “Q” be closed for Crazy Days on Thursday, July 19, 2007 from 6:00 A.M. to 9:00 P.M. and that the Chamber notify all adjacent businesses that any large truck deliveries would not be allowed during this time. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. AUTHORIZATION FOR OUT-OF-STATE TRAVEL (ADMINISTRATION); B. TEMPORARY ON-SALE NON-INTOXICATING BEER LICENSE FOR MARSHALL AREA CHAMBER OF COMMERCE FOR AUGUST 23 AT LIBERTY PARK AND FOR THE MONTH OF AUGUST FOR THE LYON COUNTY FAIRGROUNDS FOR SOUNDS OF SUMMER EVENTS; C. RESOLUTION OF APPRECIATION FOR THOMAS D. BUMP; D. AUTHORIZATION TO ADVERTISE FOR BIDS FOR A VEHICLE FOR CABLE ACCESS/STUDIO ONE; E. PLUMBERS LICENSE FOR DAVID WILKING DBA WILK’S PLUMBING LLC; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Per Council Member Boedigheimer, item D, which is authorization to advertise for bids for a vehicle for Cable Access/Studio One; and item F, which is bills/project payments, be removed from the consent agenda.

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

Out-of-state travel be approved for Michael Johnson, City Administrator, to attend the International City Management Association (ICMA) conference to be held on October 7 – 10, 2007 in Pittsburgh, Pennsylvania.

The approval of two Temporary On-Sale Non-Intoxicating Beer Licenses for the Marshall Chamber of Commerce to be used for a Sounds of Summer Event on August 23, 2007 from 4:30 P.M. to 10:00 P.M. at Liberty Park at a fee of \$30.00; and for a Sounds of Summer Event on August 24 – 25, 2007 at the Lyon County Fairgrounds at a fee of \$50.00 (this license is for the month of August).

The adoption of RESOLUTION NUMBER 2973, SECOND SERIES and that the reading of the same be waived. Resolution Number 2973, Second Series is a resolution of Appreciation for Thomas D. Bump. All voted in favor of the motion.

REGULAR MEETING – JUNE 4, 2007

The approval of a Plumbers License for David Wilking dba Wilks Plumbing LLC, Tracy, Minnesota contingent upon the approval of the Building Official. The fee for this license is \$75.00 and the license will expire on March 31, 2008.

All voted in favor of the motion.

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

	Applicant	Address	Location	Description of Work	Valuation
1.	Renee St. Louis	613	Mercedes Drive	Deck	\$3,000
2.	Richard Louwagie Construction	503	Kendall Street	Replace Door	\$300
3.	Kim Condon	117 East	Main Street	Install Window	\$1,000
4.	Geske Home Improvement Co.	1304	Pinehurst Road	2 Patio Doors	\$4,000
5.	Diane Buesing	1207 East	Lyon Street	Reroof	\$4,000
6.	Duane Stangland	504	Pleasant Avenue	Reroof	\$3,000
7.	Frank Schultz	202	Hudson Avenue	Addition to Accessory Building	\$500
8.	Gary Thielges	300	A Street	Reroof	\$4,000
9.	Thomas & Karen Winn	304	Legion Field Road	Interior Remodeling	\$3,000
10.	Alpha Wireless	810 West	Fairview Street	Install Sign	\$800
11.	Jason Rokeh	111	G Street	Exterior Remodeling	\$4,000
12.	A & M Construction	205 South	Whitney Street	Replace Front Step	\$1,000
13.	Jason Kopitski	1217	Patricia Court	Deck	\$2,200
14.	Jeff Jennings	706	Brian Street	Interior Remodel	\$800
15.	Independent Lumber of Marshall, Inc.	402	Deschepper Street	Sunroom Addition	\$36,500
16.	Susan Bromen Martin	202 East	Redwood Street	Exterior Remodel	\$2,000
17.	Space Development Co.	1309 East	College Drive	Addition to Accessory Building	\$210,000
18.	Dulas Construction	1405	Ellis Avenue	Dwelling Construction	\$200,000
19.	M.A. Mortenson Company	401	Mustang Trail	Events Center	\$12,223,600

Council Member Boedigheimer questioned the need for a handicapped accessible van for the Cable Access/Studio One. Council Member Sanow indicated that due to the size of the equipment it is necessary to have a van to roll the equipment on and not have to lift it. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to advertise for bids for a vehicle for the Cable Access/Studio One. All voted in favor of the motion.

Council Member Boedigheimer indicated that he liked the new format for the list of bills. Boedigheimer moved, Sanow seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 56212 through 56376. All voted in favor of the motion.

ADOPTION OF ORDINANCES – A. AMENDING SECTION 86-163, “ACCESSORY BUILDING” REGARDING ACCESSORY BUILDING NUMBERS; B. AMENDING SECTION 86-230, “PARKING REQUIREMENTS” REGARDING PARKING REQUIREMENTS FOR “BIG BOX” STORES; C. AMENDING SECTION 6-99(D), “AMENDING THE TIME PERIOD FOR ISSUANCE OF TEMPORARY 3.2% MALT LIQUOR LICENSE; D. AMENDING SECTION 6-22”, “AMENDING AN ADDITIONAL REQUIREMENT FOR APPLICATION OF RETAIL LIQUOR LICENSES”:

Boedigheimer moved, Sanow seconded, the adoption of ORDINANCE NUMBER 574, SECOND SERIES and that the reading of the same be waived. Ordinance Number 574, Second Series is an ordinance Amending Chapter 86, Article VI, of the Marshall City Code of Ordinances Amending Accessory Building Regulations. This ordinance would allow up to three accessory buildings on a lot greater than seventh tenths of an acre. All voted in favor of the motion.

Boedigheimer moved, Sanow seconded, the adoption of ORDINANCE NUMBER 575, SECOND SERIES and that the reading of the same be waived. Ordinance Number 575, Second Series is an ordinance Amending Chapter 86, Article VI, of the Marshall City Code of Ordinances Amending the Required Number of Off-Street Parking Spaces. This ordinance would reduce the minimum number of parking spaces for larger retailers. All voted in favor of the motion.

Sanow moved, Hulsizer seconded, the adoption of ORDINANCE NUMBER 576, SECOND SERIES and that the reading of the same be waived. Ordinance Number 576, Second Series is an ordinance Amending Section 6-99 (d) of the Marshall City Code of Ordinances Amending the Time Period for Issuance of Temporary 3.2% Malt Liquor License. This ordinance provides for a Temporary 3.2% Malt Liquor License be issued for a period of up to six months. All voted in favor of the motion.

Sanow moved, Hulsizer seconded, the adoption of ORDINANCE NUMBER 577, SECOND SERIES and that the reading of the same be waived. Ordinance Number 577, Second Series is an ordinance Amending Section 6-22 of the Marshall City Code of Ordinances Adding an Additional Requirement for Application of Retail Liquor Licenses. This ordinance provides that no license shall be granted for operation of any premises upon which taxes, assessments, or installments thereof, or other financial claims of the City, are owned by the applicant and are delinquent and unpaid as of the date of application. All voted in favor of the motion.

SPECIAL VEHICLE PERMIT FOR ERNEST JOHNSON:

Sanow moved, Boedigheimer seconded, the approval of a Special Vehicle Permit for Ernest Johnson to be used for short distances and not general transportation around the City of Marshall. He is to be discouraged from traveling on busy city streets and

prohibited from traveling on State Highways except to cross at a 90 degree angle. The fee for this license is \$30.00 and will expire on December 31, 2007. All voted in favor of the motion.

LEGISLATIVE AND ORDINANCE COMMITTEE – A. INTRODUCTION OF ORDINANCE CONTINUING THE EXISTING NON-EXCLUSIVE NATURAL GAS FRANCHISE WITH GREAT PLAINS NATURAL GAS COMPANY FOR SO LONG AS NECESSARY UNTIL THE TERMS OF A NEW NON-EXCLUSIVE TWENTY-YEAR NATURAL GAS FRANCHISE ARE CONCLUDED; B. CALL FOR A PUBLIC HEARING AND INTRODUCTION OF ORDINANCE GRANTING GREAT PLAINS NATURAL GAS COMPANY, A MINNESOTA CORPORATION, IT'S SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN FACILITIES AND EQUIPMENT FOR TRANSPORTATION, DISTRIBUTION, MANUFACTURE AND SALE OF GAS ENERGY FOR PUBLIC AND PRIVATE USE AN TO USE THE PUBLIC GROUND OF THE CITY OF MARSHALL, MINNESOTA FOR SUCH PURPOSE; AND PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF; C. INTRODUCTION OF ORDINANCE AMENDING CHAPTER 10 AND 42 OF THE MARSHALL CITY CODE BY ADDING ARTICLE III SECTION 10-23 – 10-25 AND SECTION 42-113 PROHIBITING FIGHTING AND CALLING FOR A PUBLIC HEARING:

Per the recommendation of the Legislative and Ordinance Committee, Boedigheimer moved, Sanow seconded, the introduction of an Ordinance Continuing the Existing Non-Exclusive Natural Gas Franchise with Great Plains Natural Gas Company for so Long as Necessary Until the Terms of a New Non-Exclusive Twenty-Year Natural Gas Franchise are Concluded. All voted in favor of the motion.

Per the recommendation of the Legislative and Ordinance Committee, Sanow moved, Hulsizer seconded, the introduction of an Ordinance Granting Great Plains Natural Gas Company, A Minnesota Corporation, It's Successors and Assigns, a Nonexclusive Franchise to Construct, Operate, Repair, and Maintain Facilities and Equipment for Transportation, Distribution, Manufacture and Sale of Gas Energy for Public and Private Use an to Use the Public Ground of the City of Marshall, Minnesota for Such Purpose; and Prescribing Certain Terms and Conditions Thereof and call for a public hearing. This public will be held at 5:30 P.M. on June 18, 2007. All voted in favor of the motion.

Per the recommendation of the Legislative and Ordinance Committee, Sanow moved, Ritter seconded, the introduction of an Ordinance Amending Chapter 10 and 42 of the Marshall City Code by Adding Article III Section 10-23 – 10-25 and Section 42-113 Prohibiting Fighting and Calling for a Public Hearing. This public hearing will be held at 5:30 P.M. on June 18, 2007. All voted in favor of the motion, except Boedigheimer who voted no.

PERSONNEL COMMITTEE – CELLULAR TELEPHONE POLICY:

Per the recommendation of the Personnel Committee, Sanow moved, Boedigheimer seconded, the approval of the Cellular Telephone Policy with the definition of Tier 1 and Tier 2 added. All voted in favor of the motion.

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

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF NWAKAMA ADDITION:

Ritter moved, Sanow seconded, the approval of RESOLUTION NUMBER 2974, SECOND SERIES and that the reading of the same be waived. Resolution Number 2974, Second Series is a resolution Approving the Final Plat of Nwakama Addition. This resolution was approved with the following conditions:

1. Storm sewer calculations for inlet/culverts and required storm water detention facilities and overland flow to receiving area have been provided and reviewed by our consultant, Bolton & Menk Inc., for incorporation in the master storm water plan for this area.
2. Nwakama Drive has been changed to Nwakama Street.
3. A First Development Contract is attached concerning construction of any infrastructure intended to be transferred to the City for future ownership and maintenance,
4. Easements have been provided for utilities as requested by Marshall Municipal Utilities.
5. City Attorney Dennis Simpson has reviewed and approved the title opinion provided by Dr. Nwakama's attorney.
6. Payment of all fees has been received according to the First Development Contract for Nwakama Addition and 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.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF MENARD SUBDIVISION:

Ritter moved, Sanow seconded, the approval of RESOLUTION NUMBER 2975, SECOND SERIES and that the reading of the same be waived. Resolution Number 2975, Second Series is a resolution Approving the Final Plat of Menard Subdivision. This resolution was approved with the following conditions:

1. Review and approval of the plat by Marshall Municipal Utilities.
2. Minor adjustments made to the final plat according to the Final Plat Checklist for Menard Subdivision.
3. City Attorney review and approval of the abstract of title and title opinion or other property ownership documentation as required by the City Attorney. This will be accomplished upon transfer of the property to Menard, Inc., update of the abstract, and a Title Opinion being provided by Menard, Inc.'s attorney.
4. Execution of a First Development Contract for Menard Subdivision.

5. Payment of all fees has been received according to the First Development Contract for Menard Subdivision and 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.

PROJECT Y15 TREE STREET AREA IMPROVEMENT – CONSIDER CHANGE ORDER NO. 1:

Boedigheimer moved, Ritter seconded, the approval of Change Order No. 1 with Chad Monson Excavating, LLC, for the Tree Street Area Improvement Project Y15. This change order provides for an increase in the contract in the amount of \$32,941.23 due to lowering of the 16-inch watermain; installation of 24-inch RCP Class III pipe; and disposal and replacement of unsuitable trench material with suitable material. There is no change in the contract time. All voted in favor of the motion.

CONSIDER RESOLUTION AUTHORIZING ENTERING INTO MN/DOT COOPERATIVE CONSTRUCTION AGREEMENT NO. 89972 REGARDING S.P. 8816-653 EMERGENCY VEHICLE PRE-EMPTION (EVP) SYSTEM CONSTRUCTION.

Per the recommendation of Glenn Olson, Director of Public Works/City Engineer, this item was pulled from the agenda.

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes No report.

Boedigheimer Lyon County Enterprise Development will meet on June 26th.

Hulsizer Human Rights Committee meet but she was unable to attend.

Ritter No report.

Sanow No report.

It was indicated that the Community Services Board will be having their annual tour on Wednesday.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Council Member Boedigheimer will not be in attendance at the June 18th meeting; the auditors will file the City Audit with the State of Minnesota by the end of June and review the audit at a meeting to be scheduled in July.

REGULAR MEETING – JUNE 4, 2007

REVIEW OF PENDING AGENDA ITEMS:

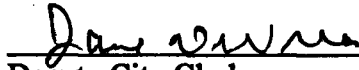
Council Member Sanow will attend the Senior Center Commission meeting and Council Member Boedigheimer will attend the Planning Commission meeting. A meeting needs to be scheduled with Glenn Olson, Mayor Byrnes and Michael Johnson in regard to the Airport Zoning Board.

Upon motion by Ritter, seconded by Boedigheimer, the meeting was adjourned at 7:45 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

Attest:



Deputy City Clerk

REGULAR MEETING – JUNE 18, 2007

The regular meeting of the Common Council of the City of Marshall was held on June 18, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:30 P.M. In addition to the Mayor the following members were present: Hulsizer, Sanow, and Ritter. Reynolds arrived late. Absent: Doom and Boedigheimer. 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 City Administrator; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with item no. 18, which is to consider an appointment to the Planning Commission being removed from the agenda and that the consideration of Supplemental Agreement No. 1 – Contaminated Soil Disposal for Project Y03 S.P. 4210-38 – 2007 Main Street be added as item number 18; and that item no. 17, which is to consider the Personnel Committee revised recommendations on the compensation study be considered before item no. 12.

APPROVAL OF MINUTES:

Sanow moved, Hulsizer seconded, that the minutes of the special council workshop held on June 4, 2007 and the regular meeting held on June 4, 2007 be approved and that the reading of the same be waived. All voted in favor of the motion.

RESOLUTION OF APPRECIATION FOR JAMES D. VAN HYFTE:

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2976, SECOND SERIES and that the reading of the same be waived. Resolution Number 2976, Second Series is a resolution expressing the City of Marshall's Appreciation to James D. Van Hyfte, the Marshall Liquor Store Manager. Mayor Byrnes read the resolution. Jim took this opportunity to thank everyone for their help and support for the past 42 plus years of employment with the City of Marshall. All voted in favor of the motion.

BOARD AND COMMISSION MEMBERS RECOGNITION:

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

Michael Leese, Cable Commission, 2004-2007

Bruce Mitlyng, Community Services Advisory Board, 2002-2007

Todd Lendt, Planning Commission, 2001-2007

Ellayne Conyers, Police Civil Service Commission, 2002-2007

Abdu Mahi Noor, Public Housing Commission, 2005-2006

Dan Baun, Utilities Commission, 1997-2007

REGULAR MEETING – JUNE 18, 2007

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

Stan Finnestad, Economic Development Authority, 1995-2007

Dr. William Kremer, Hospital Board, 1997-2007

Cheryl McChesney, Human Rights Commission, 2001-2006

LaVonne Lutz, Human Rights Commission, 2004-2006

Mike Henle, Police Civil Service Commission, 2002-2006

Ann Palmer Estrada, Public Housing Commission, 2002-2007

Patricia Carlson, Senior Citizen Center Commission, 2004-2007

Steve Strautz, Utilities Commission, 2006-2007

PUBLIC HEARINGS -GREAT PLAINS NATURAL GAS COMPANY FRANCHISE ORDINANCE - A. ADOPTION OF ORDINANCE CONTINUING THE EXISTING NON-EXCLUSIVE NATURAL GAS FRANCHISE WITH GREAT PLAINS NATURAL GAS COMPANY FOR SO LONG AS NECESSARY UNTIL THE TERMS OF A NEW NON-EXCLUSIVE TWENTY-YEAR NATURAL GAS FRANCHISE ARE CONCLUDED; B. ADOPTION OF ORDINANCE GRANTING GREAT PLAINS NATURAL GAS COMPANY, A MINNESOTA CORPORATION, IT'S SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN FACILITIES AND EQUIPMENT FOR THE TRANSPORTATION, DISTRIBUTION, MANUFACTURE AND SALE OF GAS ENERGY FOR PUBLIC AND PRIVATE USE AND TO USE THE PUBLIC GROUND OF THE CITY OF MARSHALL, MINNESOTA, FOR SUCH PURPOSE; AND PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF; C. RESOLUTION AUTHORIZING THE PUBLICATION OF THE TITLE AND SUMMARY OF THE ORDINANCE GRANTING GREAT PLAINS NATURAL GAS CO., A DIVISION OF MDU RESOURCES GROUP, INC., A NON-EXCLUSIVE FRANCHISE FOR THE CONSTRUCTION AND OPERATION OF A NATURAL GAS FRANCHISE WITHIN THE CITY OF MARSHALL:

This was the date and time set for a public hearing on the Great Plains Natural Gas Company Franchise. Mike Johnson, City Administrator, indicated that this is a three step process. The first step is to consider an ordinance allowing for the continuation of the existing franchise. This ordinance has been amended to indicate that the present ordinance continues in place until completion of the new ordinance is completed, but not to exceed September 15, 2007.

Secondly, the new ordinance as negotiated be reviewed and approved by the Council. Upon approval, the summary ordinance must be published and the ordinance must then be accepted by the company. Finally, the Council must approve by resolution, the publication of the title and summary of the ordinance.

Dave VanOverbeke, from Great Plains Natural Gas local office, and Nick Cain District Manager from Fergus Falls, were in attendance at the meeting. Mr. Cain indicated that they have reviewed the proposed ordinance and are requesting two sections be removed. He indicated that Great Plains Natural Gas Co., is required by State and Federal Law to comply with 49CFR Part 192 "Minimum Federal Safety Standards". They are also required annually to report all unaccounted for natural gas from their distribution system to the Federal Government, which is available as public information. He indicated that section 22-193(h) is redundant and would not

REGULAR MEETING – JUNE 18, 2007

be necessary. Section 22-200(b) gives the City of Marshall the right of refusal to match said price and terms from a bonafide offer to purchase said franchise. He indicated that the City would be protected under section 22-199 of the ordinance; therefore section 22-200(b) would not be necessary. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of ORDINANCE NUMBER 578, SECOND SERIES and that the reading of the same be waived. Ordinance Number 578, Second Series is an ordinance Continuing the Existing Natural Gas Franchise with Great Plains Natural Gas Company for So Long As Necessary until the Terms of a new Non-Exclusive Twenty-Year Natural Gas Franchise are Concluded. This continuation shall not extend beyond September 15, 2007. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of ORDINANCE NUMBER 579, SECOND SERIES and that the reading of the same be waived. Ordinance Number 579, Second Series is an ordinance Granting Great Plains Natural Gas Company, a Minnesota Corporation, It's Successors and Assigns, a Nonexclusive Franchise to Construct, Operate, Repair, and Maintain Facilities and Equipment for the Transportation, Distribution, Manufacture and Sale of Gas Energy for Public and Private Use and to Use the Public Ground of the City of Marshall, Minnesota, for Such Purpose; and Prescribing Certain Terms and Conditions Thereof. This ordinance is approved with the deletion of section 22-193(h) and section 22-200(b) as requested by Great Plains Natural Gas Company. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2977, SECOND SERIES and that the reading of the same be waived. Resolution Number 2977, Second Series is a resolution Authorizing the Publication of the Title and Summary of the Ordinance Granting Great Plains Natural Gas Co., a Division of MDU Resources Group, Inc., a Non-Exclusive Franchise for the Construction and Operation of a Natural Gas Franchise within the City of Marshall. All voted in favor of the motion.

PUBLIC HEARING - ADOPTION OF ORDINANCE AMENDING CHAPTER 10 AND 42 OF THE MARSHALL CITY CODE BY ADDING ARTICLE III SECTION 10-23 – 10-25 AND SECTION 42-113 PROHIBITING ULTIMATE FIGHTING:

This was the date and time set for a public hearing on Amending Chapter 10 and 42 of the Marshall City Code by adding Article III Section 10-23 to 10-25 and Section 42-113 Prohibiting Ultimate Fighting. Bob Archbold asked if the city was considering a complete ban, but was satisfied that regulated and sanctioned fights would be allowed. Deanna Larsen indicated that she trains ultimate fighting athletes and is involved in the sport in Minnesota. She indicated that these events are regulated with referees, rules, doctors and other provisions. She indicated that she is interested in promoting sanctioned and regulated fights in Marshall. Sanow moved, Hulsizer seconded, the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING – JUNE 18, 2007

Council Member Hulsizer was informed that if the ordinance is changed to ban all boxing there would need to be a new public hearing.

Sanow moved, Ritter seconded, the adoption of ORDINANCE NUMBER 580, SECOND SERIES and that the reading of the same be waived. Ordinance Number 580, Second Series is an ordinance Amending Chapter 10 and 42 of the Marshall City Code by Adding Article III Section 10-23 to 10-25 and Section 42-113 Prohibiting Ultimate Fighting. All voted in favor of the motion.

AWARD OF BIDS PROJECT Y24: 2007 OVERLAY PROJECT – CONSIDER RESOLUTION ACCEPTING BID:

Bids were received, opened on June 12, 2007 for 2007 Bituminous Resurfacing Project Y24. Bids received, opened and read were from:

Duininck Bros, Inc.
Prinsburg, Minnesota
\$211,462.99

McLaughlin & Schulz, Inc.
Marshall, Minnesota
\$213,023.89

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2978, SECOND SERIES and that the reading of the same be waived. Resolution Number 2978, Second Series is a resolution Accepting Bid (Award Contract) for 2007 Bituminous Resurfacing Project Y24 in the amount of \$211,462.99. This contract is to be paid from Street Maintenance Account Number 101-60211-2227. All voted in favor of the motion.

AWARD SALE OF BONDS –A. RESOLUTION AWARDING THE SALE OF \$4,390,000 GENERAL OBLIGATION UTILITY AND IMPROVEMENT BONDS, SERIES 2007C, FIXING THEIR FORMS AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT; B. RESOLUTION AWARDING THE SALE OF \$485,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2007 D; FIXING ITS FORM AND SPECIFICATIONS; DIRECTING ITS EXECUTION AND DELIVERY; AND PROVIDING FOR ITS PAYMENT:

Terri Heaton reviewed the bids that were received for the \$4,390,000 General Obligation Utility Improvement Bonds, Series 2007C and for the \$485,000 General Obligation Equipment Certificates of Indebtedness, Series 2007D. Terri also 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.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2979, SECOND SERIES and that the reading of the same be waived. Resolution Number 2979, Second Series is a resolution Awarding the Sale of \$4,390,000 General Obligation Utility and Improvement Bonds, Series 2007C, Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing

REGULAR MEETING – JUNE 18, 2007

for Their Payment. These bonds were sold to Stifel, Nicolaus & Co., Inc., at a price of \$4,375,936.01; net interest cost of \$1,115,747.74 and a true interest rate of 4.1193%. All voted in favor of the motion.

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2980, SECOND SERIES and that the reading of the same be waived. Resolution Number 2980, Second Series is a resolution Awarding the Sale of \$485,000 General Obligation Equipment Certificates of Indebtedness, Series 2007D, Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment. These bonds were sold to United Bankers' Bank at a price of \$482,970.00; net interest cost of \$52,765.21 and a true interest rate of 4.1067%. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. LG220 APPLICATION FOR EXEMPT PERMIT FOR SW MN STATE UNIVERSITY FOUNDATION FOR A RAFFLE; B. CONSIDER REQUEST OF MARSHALL AREA CHAMBER OF COMMERCE FOR CLOSURE OF NORTH 3RD STREET FOR CRAZY DAYS; C. CONSIDER REQUEST OF MARSHALL AREA CHAMBER OF COMMERCE FOR SOUNDS OF SUMMER PARADE ON AUGUST 26, 2007; D. AMENDMENT TO YOUTH INTERVENTION PROGRAM GRANT CONTRACT BUDGET; E. CHEMICAL ASSESSMENT TEAM (CAT) AUTHORIZATION TO CONTINUE UNDER MINNESOTA DEPARTMENT OF ADMINISTRATION "EMERGENCY AUTHORIZATION"; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Reynolds moved, Sanow 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 SMSU Mattke Field, 1501 State Street, Marshall, Minnesota on October 6, 2007 and that the 30 day waiting period be waived for this application.

A public hearing be held on July 2, 2007 to consider the request to close Third Street from Lyon Street o Main Street on Thursday, July 19, 2007 from 6:00 A.M. to 9:00 P.M. for the annual Crazy Day Promotion. The Marshall Area Chamber of Commerce will send out notices for this public hearing.

Authorization be granted for street closure form 12:30 P.M. to 3:00 P.M. for the Sounds of Summer Parade on Sunday, August 26, 2007. The parade route begins at the Marshall Middle School rear parking lot off of "C" Street, proceeding northeasterly on "C" Street, crossing Main Street to Lyon Street, past Independence Park, turning north onto Jewett Street, and ending at the Market Street Mall parking lot.

The approval of an Amendment to Youth Intervention Program Grant Contract Budget. Since August 21, 2006, Gail Polejewski, an employee of SW MN Private Industry Council, Inc., has provided Community Plus Program services for the City of Marshall. Due to this change in personnel the budget is being amended. The grant term is January 1, 2006 through December 31, 2007.

REGULAR MEETING – JUNE 18, 2007

The approval of an Emergency Authorization form completed by the State of Minnesota to allow the operations of the Chemical Assessment Team to continue until the new grant is in place.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 56377 through 56577.

All voted in favor of the motion.

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

1.	Renee St. Louis	613	Mercedes	Drive	Deck	\$3,000
2.	Richard Louwagie Construction	503	Kendall	Street	Replace Door	\$300
3.	Kim Condon	117	East Main	Street	Install Window	\$1,000
4.	Geske Home Improvement Co.	1304	Pinehurst	Road	2 Patio Doors	\$4,000
5.	Diane Buesing	1207	East Lyon	Street	Reroof	\$4,000
6.	Duane Stangland	504	Pleasant	Avenue	Reroof	\$3,000
7.	Frank Schultz	202	Hudson	Avenue	Addition to Accessory Building	\$500
8.	Gary Thielges	300	A	Street	Reroof	\$4,000
9.	Thomas & Karen Winn	304	Legion Field	Road	Interior Remodeling	\$3,000
10.	Alpha Wireless	810	West Fairview	Street	Install Sign	\$800
11.	Jason Rokeh	111	G	Street	Exterior Remodeling	\$4,000
12.	A & M Construction	205	South Whitney	Street	Replace Front Step	\$1,000
13.	Jason Kopitski	1217	Patricia	Court	Deck	\$2,200
14.	Jeff Jennings	706	Brian	Street	Interior Remodel	\$800
15.	Independent Lumber of Marshall, Inc.	402	Deschepper	Street	Sunroom Addition	\$36,500

REGULAR MEETING – JUNE 18, 2007

16.	Susan Broman Martin	202 East Redwood Street	Exterior Remodel	\$2,000
17.	Space Development Co.	1309 East College Drive	Addition to Accessory Building	\$210,000
18.	Dulas Construction	1405 Ellis Avenue	Dwelling Construction	\$200,000
19.	M.A. Mortenson Company	401 Mustang Trail	Events Center	\$12,223,600

CONSIDER RESOLUTION AUTHORIZING ENTERING INTO MN/DOT COOPERATIVE CONSTRUCTION AGREEMENT NO. 89972 REGARDING S.P. 8816-653 EMERGENCY VEHICLE PRE-EMPTION (EVP) SYSTEM CONSTRUCTION:

Rob Yant, Director of Public Safety, indicated that the MN/DOT Cooperative Construction Agreement No. 89972 provides for the installation and operation of Emergency Pre-emption Systems along T.H. Nos. 19, 68, 59 23, and Country Club Drive. The State will be responsible for all of the installation and will do the maintenance of the City's portion of the project on a reimbursable basis according to the contract. Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2981, SECOND SERIES and that the reading of the same be waived. Resolution Number 2981, Second Series is a resolution Authorizing Entering into MN/DOT Cooperative Construction Agreement No. 89972 and Amendments. This resolution provides for the proper city personnel to execute this agreement. All voted in favor of the motion.

CONSIDER THE REQUEST OF CHAD DRAKE FOR A CONDITIONAL USE PERMIT TO CONSTRUCT SEVEN (7) TWO FAMILY DWELLINGS UNDER SPLIT OWNERSHIP IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT LOCATED AT 400, 402, 404, 500, 502, 504, AND 506 ELIZABETH STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Chad Drake for a conditional use permit to construct seven two family dwellings under split ownership on the north side of the 400 and 500 block of Elizabeth Street. The location is the north side of the first street south of Elaine Avenue between South Fourth Street and Alan Avenue. The lots are within and bounded by the R-1 One Family Residence District. Mr. Olson indicated that this proposal would provide for a concentration of houses that could be rented to single families or by not more than three unrelated people. Council Member Sanow indicated that this could be hard to regulate. Reynolds moved the approval of the request of Chad Drake for a conditional use permit to construct seven two family dwellings under split ownership on the north side of the 400 and 500 block of Elizabeth Street. This motion died due to the lack of a second. Sanow moved, Reynolds seconded, to table the request of Chad Drake for a conditional use permit to construct seven two family dwellings under split ownership on the north side of the 400 and 500 block of Elizabeth Street to July 2, 2007. All voted in favor of the motion.

REGULAR MEETING – JUNE 18, 2007

CONSIDER THE REQUEST OF ROBERT L. CARR TO REZONE 408 EAST MAIN STREET AND 113 C STREET FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT AND R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT TO A B-1 LIMITED BUSINESS DISTRICT - A. INTRODUCTION OF ORDINANCE; B. CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Robert L. Carr to rezone a plot of land fronted on 408 East Main Street and 113 "C" Street from R-1 One Family Residence District and R-3 Low to Medium Density Multiple Family Residence District to B-1 Limited Business District. We understand that Mr. Carr intends to remove the dwelling at 403 East Main Street to provide access to the plot located behind (south) of the dwellings on East Main Street. The plot is located immediately northeast of the Marshall Middle School and the proposed new library site. Sanow moved, Ritter seconded, the introduction of an ordinance to rezone a plot of land fronted on 408 East Main Street and 113 "C" Street from R-1 One Family Residence District and R-3 Low to Medium Density Multiple Family Residence District to B-1 Limited Business District and call for a public hearing to be held at 5:30 P.M. on July 2, 2007. All voted in favor of the motion.

CONSIDER PERSONNEL COMMITTEE REVISED RECOMMENDATIONS ON COMPENSATION STUDY:

Council Member Reynolds indicated that as a result of the Quarterly Employee Committee meeting held on May 16, 2007 the Personnel Committee met on May 29, 2007 to discuss the compensation plan issues. Reynolds indicated that he has done a reversal and is now in support of employees being placed onto the 2007 Amended Wage Schedule at their same (current) step and would move to the next step on their anniversary dates in 2007 following a satisfactory performance evaluation. Personnel Committee Members Ritter and Sanow are also in favor of this recommendation. Sanow indicated that he is very appreciative of the city staff. Council Member Hulsizer was concerned about this being funded through the Mayor and Council Contingency as was originally discussed. Council Member Ritter asked what the estimated reserve would be from the 2006 audit. Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that the auditors estimate that the General Fund reserve to be up about \$1 million dollars for 2006. Per the recommendation of the Personnel Committee, Reynolds moved, Ritter seconded, to rescind the action of the April 17, 2007 council meeting and the implementation of the new pay plan. This new pay plan will result in employees being placed into the same (current) step on the 2007 Amended Wage Schedule with movement on their respective anniversary dates in 2007 to the next step following a satisfactory performance evaluation. The estimated cost of this plan is \$436,392.66, which includes employees in the General Fund Departments, Library, Municipal Liquor Store and Wastewater Treatment Facility. This amount also includes approximately \$151,000 already in the budget for the previously approved 3% cost of living increase on January 1, 2007 and a funding source will be discussed at a later date. All voted in favor of the motion.

REGULAR MEETING – JUNE 18, 2007

RESOLUTION APPROVING MARSHALL MUNICIPAL UTILITIES CONTRACTS EXCEEDING TEN YEARS, WHICH CONTRACTS ARE RELATED TO THE MARSHALL "WIND PROJECT":

Brad Roos, General Manager Marshall Municipal Utilities, reviewed the contracts related to the Marshall "Wind Project". He indicated that Missouri River Energy Services (MRES) has been working with a wind developer to erect nine (9) wind turbines southwest of Marshall. This project is referred to the Marshall Wind Project and will result in approximately 19 megawatts of wind generation. Marshall Municipal Utilities is involved in the project development in two primary ways. First, the privately constructed wind project needs to plug into the electrical grid at some logical point. That point will be the Southwest Substation owned by Marshall Municipal Utilities. To accomplish this interconnection, an Interconnection Agreement (IA), twenty years in length must be entered into. The IA form has been developed with input of City Attorney Dennis Simpson and Marshall Municipal Utilities General Manager Brad Roos. The IA provides for the safe and reliable interconnection of the new wind generation resource.

Two additional agreements that Marshall Municipal Utilities would be a party to are an Investment Agreement using a Limited Liability Corporation (LLC) and a Combined Member Control and Operating Agreement, detailing how the LLC will work. Because Marshall Municipal Utilities applied for and received a Renewable Energy Production Incentive (REPI), and in order to effect the REPI payment coming to Marshall Municipal Utilities, it needs to be a very small owner in one of the LLC entities. Again, both Dennis Simpson and Brad Roos were involved in reviewing the form and function of the three agreements to which Marshall Municipal Utilities will be a signatory.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2982, SECOND SERIES and that the reading of the same be waived. Resolution Number 2982, Second Series is a resolution Approving Marshall Municipal Utilities Contracts Exceeding Ten Years, which Contracts are Related to the Marshall "Wind Project". All voted in favor of the motion

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

DISCUSSION ON MERIT CENTER BONDING PROPOSAL WITH LEGISLATIVE ASSOCIATES, INC. (ED CAIN):

Ed Cain, Legislative Associates, Inc., was in attendance at the meeting to provide an update on the funding for the MERIT Center. He indicated that during the 2007 Legislative Session they were able to get bills introduced in both the House and Senate that provides funding for the MERIT Center. The bills in both houses are identical, and neither requests a specific amount in the 2008 Bonding Legislature. Since this was the first year of the biennium, the bills will carry over until next years Session when the major bonding bill will be considered, so there will be not need to reintroduce the bills next year. Mr. Cain indicated that the plan proposed by Interact Business Group (IBG) indicates the costs for the total project to be \$31,466,599 and it would be unwise to request this amount in the 2008 Bonding Bill for several reasons:

1. These funds are administered through the Department of Public Safety whose

REGULAR MEETING – JUNE 18, 2007

budget includes construction and maintenance of all the correctional institutes of the State. They have gone through three bonding cycles (6 years) to obtain the \$15 million needed to repair the prison wall in their Bayport facility.

Correctional institutions remain the Departments first priority.

2. It is difficult to justify an investment by the State of this magnitude for the number of potential users of the facility if it serves only the West and Southwestern portion of the State.
3. A program to provide similar services to the other parts of the State would have a total cost between \$120 to \$150 million. As important as police, fire and EMS training is, the Legislature would have a difficult time justifying such expenditures.
4. The State Capital Investment Committees in the House and the Senate are not likely to allocate more funds than can be spent during a two-year period. With the architectural work, engineering, predesign, design, plans and specifications to be completed before any construction work can begin, the City would be hard pressed to use even half of the \$31 million in two years.

Mr. Cain reviewed what could be done to remedy these concerns:

1. The development of the MERIT Center should be planned over an extended period of time and done in phases. It would be wise not to request funds in 2008 which would exceed \$8-10 million. Depending on the strength of our justification for these services, will determine the receptivity of the Department of Public Safety, the Governor, and the Legislative Committees. The City should be pleased to receive half of our request.
2. The quality of the training program will have to be at such a level as to attract participants from a larger geographical area. Specialized training opportunities such as emergencies at ethanol production plants, railcar transportation fires, hazmat training, and outdoor and forest fire situations will broaden the opportunities for both funding, expansion of the service area, and increased number of trainees.
3. The broader offering of training services will set the MERIT Center apart from other proposed centers throughout the State, Secondly, it will meet the priorities and needs for specialized training, e.g., homeland security, and potential emergencies in ethanol production.
4. The MERIT Center development can be planned in phases whereby each phase should independently expand the training services provided, yet contribute to the totality of the project. Mr. Cain suggested a plan that covers three bonding cycles.
5. It's highly unlikely that the State will be willing to pick up the total cost of the MERIT project with no other contributions. The three most common sources whereby additional funding is obtained for local projects are the City, the Federal government and private sources, i.e. foundations. Any outside funding will greatly enhance the chances of funding in the 2008 Bonding Bill.
6. Representative Colin Peterson has been selected to chair the House Agriculture Committee in Washington, D.C. Ethanol production is moving forward at a strong pace at both the Federal and State levels of Government. Most plants are located in

REGULAR MEETING – JUNE 18, 2007

rural areas where emergency services are limited and the staff probably not adequately trained to respond to such emergencies. Mr. Cain has made initial contact with Rob Larew, Chief of Staff for the Committee, and the Committee is willing to hear what the City can offer.

7. Mr. Cain indicated that this is the first step in providing a unique service that fits the location of Marshall's MERIT Center, and provides a service to a growth industry. Such a training program would be fully funded by the Federal government and also provide additional assistance in the construction of new facilities that would serve multiple services in the Center.

Stan Brewster a member of the M.E.R.I.T. Center Committee and Rob Yant, Director of Public Safety, were in attendance to address the request for the M.E.R.I.T. Center Project.

CONSIDER AUTHORIZATION TO PURCHASE TRACTOR/LOADER BACKHOE FOR STREET DEPARTMENT:

The Council Equipment Review Committee met with Glenn Olson and Rich Herigon concerning the purchase of a replacement tractor/loader backhoe for the Street Department. All of the information concerning the minimum specifications was approved. The Committee reviewed methods of acquiring equipment, including low responsible bid, State Cooperative Purchasing Venture (CPV), lease/purchase, rentals, total cost purchases, or outright purchase. Utilization of the CPV requires an annual membership fee of \$500.00 and is available for the City and Marshall Municipal Utilities under one membership. Per the recommendation of the Council Equipment Review Committee Ritter moved, Sanow seconded, that the tractor/loader backhoe for the Street Department be purchased from Ziegler's under the State bid utilizing the State of Minnesota Cooperative Purchasing venture in the amount of \$44,920.64, including trade-in and sales tax and that the proper city personnel be authorized to enter into and pay the \$500 fee for the State of Minnesota CPV Program. Funding for this purchase has been provided in the 2007 Street Department budget financed with General Obligation Capital Equipment Certificates. All voted in favor of the motion.

PROJECT X56 (2004-005) (SP 4201-63) (3-27-0056-05): RUNWAY 2/20 PROJECT – CONSIDER CHANGE ORDER NO. 1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 (Final) with R & G Construction Co., which results in an increase in the contract amount of \$8,240.00. Mr. Olson indicated that there has been considerable controversy with the contractor concerning the final payment including \$40,484 of liquidated damages for additional direct costs to the City for additional time spent on the project past the completion date. After review of the expenses with the contractor and Lyle Kratzke of TKDA, it is our recommendation to proceed with the final payment including that reduction. Reynolds moved, Ritter seconded, the approval of Change Order No. 1 (Final) with R & G Construction Co., in the amount of \$8,240.00 for a total contract cost of \$1,436,982.04 and the acknowledgement of the Final Payment Application in the amount of \$41,049.91 from account number 422-60364-5520 Project X56, with release of payment contingent upon receipt of all required closeout forms. All voted in favor of the motion.

REGULAR MEETING – JUNE 18, 2007

DISCUSSION ON ISSUES VETOED IN THE STATE TAX BILL:

Mike Johnson, City Administrator, reviewed the action taken by the Governor in “veto the tax bill” at the end of May. Two specific issues that have relevance to the City of Marshall include the estimated impact to the City’s 2008 estimated Local Government Aid and language included in the tax bill pertaining to JOBZ and economic development. He indicated that the according to the estimated 2008 LGA figures from the Coalition of Greater Minnesota Cities, the City’s proposed LGA under current law for 2008 will result in a decrease of \$87,961 from 2007 to 2008. That amounts to about a 4.3% reduction over current year figures. Had the tax bill been approved by the Governor, the City stood to see an increase in its LGA to the tune of \$225,597 or an 8.8% increase. The projected decrease for 2008 under current law also follows a \$54,000 reduction that the City has experienced for 2007. With the proposed reduction for 2008, the City’s LGA allocation from the State of Minnesota will dip below the actual dollar amount received in 2002.

In addition to the action impacting the City on Local Government Aid, there was also language in the tax bill impacting the economic development program of JOBZ that would have been beneficial to the City of Marshall. Marshall has undertaken two JOBZ projects under the program that was designed to run from 2003 to 2015. Under language contained in the tax bill, there was a proposal that would have enabled business subsidy agreements to be executed for a 10-year time period. This language could be beneficial to the City in future years in light of the fact that there is approximately only eight (8) years left of the existing language under the original law that was adopted in 2003.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2983, SECOND SERIES and that the reading of the same be waived. Resolution Number 2983, Second Series is a Resolution in Support of a 2007 Special Legislative Session to Consider the Omnibus Tax Bill. All voted in favor of the motion.

PROJECT Y03 / S.P. 4210-38 – 2007 MAIN STREET PROJECT SUPPLEMENTAL AGREEMENT NO. 1 CONTAMINATED SOIL DISPOSAL:

Sanow moved, Reynolds seconded, the acknowledgement of a Supplemental Agreement No. 1 with MN/DOT for additional work done on the Main Street Project Y03 for the hauling, stockpiling and disposal of contaminated soil. The contaminated soil was found in the areas between 4th Street and 6th Street and included both petroleum contamination and dry cleaner discharge contamination. The estimated cost at this time is \$76,090 and includes both types of contamination and materials governed under the City portion of the project and the State portion of the project. The amounts of contamination under each governmental jurisdiction will be determined prior to final allocation and payment. Glenn Olson, Director of Public Works/City Engineer, indicated that they are reviewing with their consultant the possibilities of reimbursement for these costs under the State Petroleum fund or the State dry cleaner fund. All voted in favor of the motion.

REGULAR MEETING – JUNE 18, 2007

COUNCILMEMBER COMMISSION/BOARD LIAISON 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 will be having a retreat on July 11th

Hulsizer Library Board met last week and received an update form the Building Committee; Convention and Visitors Bureau meets on Wednesday

Reynolds Hospital Board met earlier and discussed the remodeling project for the basement

Ritter Housing Commission welcomed their new board member

Sanow Adult Community Center Commission discussed the ventilation at the Senior Center and they have a concern with the speed limit in the parking lot in front of the Senior Center; Cable Commission indicated that Studio 1 held their first live broadcast of the High School Graduation, committee member David Patterson offered to develop a business plan for the Cable operation.

COUNCILMEMBER INDIVIDUAL ITEMS:

There were no Council Member individual items.

REVIEW OF PENDING AGENDA ITEMS:

The court date for the Marshall Hotel has been delayed to July; there will be a Special City Council meeting on July 11, 2007 at 5:00 p.m. to review the 2006 Audit; Marshall AVERA Medical Center is changing their year end to June 30th and Mary Maertens suggested having two joint City Council and Hospital Board meetings per year. There will be a Special City Council meeting on July 25, 2007 to discuss the hiring of the Liquor Store Manager position. Mayor Byrnes will not be at the July 2nd meeting.

Upon motion by Reynolds, 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

SPECIAL MEETING – JUNE 25, 2007

A special meeting of the Common Council of the City of Marshall was held on June 25 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 7:30 A.M. by Mayor Robert Byrnes. In addition to Byrnes, the following members were present: Hulsizer, Sanow, Ritter and Boedigheimer. Absent: Doom and Reynolds. Staff present included: Michael Johnson, City Administrator; Calvin Barnett, Director of General Services; Thomas M. Meulebroeck, Finance Director/City Clerk; James VanHyfte, Liquor Store Manager and Scott VanMoer, Liquor Store Clerk. Rae Kruger from the Marshall Independent was also present.

Mike Johnson, City Administrator, indicated that they have completed the advertising and interviewing process for candidates for the Liquor Store Manager position. He indicated that they received 33 applications with five candidates being interviewed for the position. After carefully interviewing candidates, conducting all necessary reference checks and assessing the best fit the recommendation is to hire Scott VanMoer as the new Liquor Store Manager. Scott has worked for the Liquor Store full-time as a Sales Associate since June 1989 (18+ years). Prior to that, Scott had worked part-time/full-time (off and on) between May 1984 to May 1989. Scott is an excellent worker; he knows the store, the customer base and operation of the store.

Ritter moved, Sanow seconded, that Scott VanMoer be hired as the Liquor Store Manager effective July 1, 2007 at a salary of \$24.96 per hour. All voted in favor of the motion.

Sanow moved, Hulsizer seconded, that the meeting be adjourned. All voted aye.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

REGULAR MEETING – JULY 2, 2007

The regular meeting of the Common Council of the City of Marshall was held on July 2, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order by President Pro-tem Boedigheimer at 5:32 P.M. In addition to Boedigheimer the following members were present: Hulsizer, Sanow, Reynolds and Ritter. Absent: Doom and Byrnes. Staff present included: Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item no. 9a, which is to consider the adoption of a resolution approving plans and specifications and ordering advertisement for bids for North 4th Street Sidewalk Improvement Project Y14.

APPROVAL OF THE MINUTES:

Reynolds moved, Sanow seconded, that the minutes of the regular meeting held on June 18, 2007 and the minutes of the special meeting held on June 25, 2007 be approved and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST OF ROBERT L. CARR TO REZONE 408 EAST MAIN STREET AND 113 “C” STREET FROM AN R-1 ONE FAMILY RESIDENCE DISTRICT AND R-3 LOW TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT TO A B-1 LIMITED BUSINESS DISTRICT AND ADOPT AN ORDINANCE:

This was the date and time set for a public hearing to consider the request of Robert L. Carr to rezone 408 East Main Street and 113 “C” Street from an R-1 One Family Residence District and R-3 Low to Medium Density Multiple Family Residence District to a B-1 Limited Business District. Glenn Olson, Director of Public Works/City Engineer, indicated that Mr. Carr intends to remove the dwelling at 403 East Main Street to provide access to the plot behind (south) the dwellings on East Main Street. The concept plan shows office buildings fronting onto a plaza with driveway access on East Main Street and “C” Street. The concept plan is not a guarantee or binding on the owner if the City approves rezoning this plot. The plot is located immediately northeast of the Marshall Middle School and the proposed new library site. The plot is bounded by R-1 and R-3 Districts. Council Member, Sanow, asked if this would be a strip mall and Mr. Carr indicated that this would be an office complex. It would be divided into three offices or if someone wants the entire 6,000 square foot complex, it wouldn't be divided. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Ritter seconded, the adoption of ORDINANCE NUMBER 581, SECOND SERIES and that the reading of the same be waived. Ordinance Number 581, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for 408 East Main Street and 113 “C” Street to be rezoned from an R-1 One Family Residence District and R-3 Low to Medium Density Multiple Family Residence District to a B-1 Limited Business District. All voted in favor of the motion.

AWARD OF BIDS – PROJECT Y19 EAST COLLEGE DRIVE SIDEWALK REPLACEMENT – A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; C. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Bids were received, opened and read on June 20, 2007 for the East College Drive Sidewalk Replacement Project Y19. Bids received, opened and read were from:

D & G Excavating Inc.
Marshall, Minnesota
\$140,575.15

Rogge Excavating
Ghent, Minnesota
\$132,442.99

Thompson Excavating
Taunton, Minnesota
\$130,636.05

Ti-Zack Concrete, Inc.
LeCenter, Minnesota
\$182,793.00

Glenn Olson, Director of Public Works/City Engineer, indicated that Thompson Excavating, Taunton, Minnesota was the low bidder, but his bid bond was for 5% rather than the required 10%. Mr. Olson contacted the bid bonding company, and they indicated that it was an error on their part and that State bid bonds were typically 5% and Mr. Thompson had requested a bid bond in accordance with the contract documents. Mr. Olson indicated that following discussion with City Attorney, Dennis Simpson, the recommendation is to waive the technicality of the bid bond irregularity. Mr. Olson also recommended that the bid bond process be referred to the Public Improvement/Transportation Committee for further review.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2984, SECOND SERIES and that the reading of the same be waived. Resolution Number 2984, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project Y19 East College Drive Sidewalk. This resolution provides for the assessment to be paid over a 5 year period at an interest rate of 6.1%. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2985, SECOND SERIES and that the reading of the same be waived. Resolution Number 2985, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the East College Drive Sidewalk Project Y19. All voted in favor of the motion.

Per the recommendation of staff to waive the technicality of the bid bond irregularity; Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2986, SECOND SERIES and that the reading of the same be waived. Resolution Number 2986, Second Series is a resolution Accepting the Bid -Award Contract for the East College Drive Sidewalk Project No. Y19. This contract was awarded to Thompson Excavating, Taunton, Minnesota in the amount of \$130,636.00. All voted in favor of the motion.

AWARD OF BIDS – PROJECT Y20 TIGER DRIVE/HARRIETT DRIVE SIDEWALK

A. CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT;

B. CONSIDER RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; C. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Bids were received, opened and read on June 27, 2007 for the Tiger Drive/Harriett Drive Sidewalk Project. Bids received, opened and read were from:

D & G Excavating Inc.
Marshall, Minnesota
\$82,037.50

Rogge Excavating
Ghent, Minnesota
\$57,765.40

Thompson Excavating
Taunton, Minnesota
\$77,760.00

This project involves improvements to Tiger Drive from East College Drive north to the existing crosswalk at the Marshall Senior High and improvements to Harriett Drive between the east line of North 6th Street and the west line of Esther Lane. Proposed improvements include the installation of a sidewalk/bikeway, driveway and miscellaneous improvements along this route.

Reynolds moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2987, SECOND SERIES and that the reading of the same be waived. Resolution Number 2987, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for Project Y20 Tiger Drive/Harriett Drive Sidewalk Project. This resolution provides for the assessment to be paid over a 5 year period at an interest rate of 6.1%. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2988, SECOND SERIES and that the reading of the same be waived. Resolution Number 2988, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the Tiger Drive/Harriett Drive Sidewalk Project Y20. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2989 SECOND SERIES and that the reading of the same be waived. Resolution Number 2989, Second Series is a resolution Accepting the Bid -Award Contract for the Tiger Drive/Harriett Drive Sidewalk Project Y20. This contract was awarded to Rogge Excavating, Ghent, Minnesota in the amount of \$57,756.40. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TEMPORARY 3.2 MALT LIQUOR LICENSE FOR THE VFW POST 742 FOR JULY AND AUGUST FOR USE AT THE LYON COUNTY FAIRGROUNDS; B. LG220 APPLICATIONS FOR EXEMPT PERMITS FOR SMSU FOUNDATION FOR A RAFFLE AT LEGION FIELD ON OCTOBER 7, 2007 AND FOR A RAFFLE AT SMSU CONFERENCE CENTER ON FEBRUARY 15, 2008; C. SOUTHWEST MINNESOTA STATE UNIVERSITY HOMECOMING PARADE ON OCTOBER 6, 2007; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

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

A Temporary On-Sale Non-Intoxicating Beer License be granted to the Mongeau-Tholen VFW Post 742 for the month of July and August, 2007 for use at the Lyon County Fairgrounds.

REGULAR MEETING – JULY 2, 2007

The license is to be used on July 28, 2007 for the ABATE Toys for Tots and from August 8 – 12, 2007 for the Lyon County Fair. The fee for this license is \$100.00.

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Applications for Exempt Permit –LG220 for Southwest Minnesota State University Foundation for a raffle to be held at Legion Field, West College Drive, Marshall, Minnesota on October 7, 2007 and for a raffle to be held at SMSU Conference Center, 1501 State Street, Marshall, Minnesota on February 15, 2008 and that the 30 day waiting period be waived for each of these applications.

That the request from Southwest Minnesota State University requesting street closure for the Homecoming Day Parade on Saturday, October 6, 2007. Line-up would begin at Jewett Street and East Lyon Street to Bruce Street, proceeding to East Main Street (T.H. 59) northwest to downtown Marshall and ending at 5th and 6th Streets. The parade will start at 10:00 A.M. and end at approximately 12:15 p.m.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 56578 through 56751.

All voted in favor of the motion.

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

1.	Brian Wixon	1301	Ellis	Avenue	Deck	\$4,000
2.	James Lozinski Construction	600	Kennedy	Street	Reroof Dwelling	\$5,500
3.	Yvonne Tubbs	1201	Cheryl	Avenue	Reside Dwelling and Replace Windows	\$9,900
4.	Duwayne Johnson and Charles Holland	1401	East Lyon	Street	Sign	\$300
5.	True Value Home Center	1331	Canoga Park	Drive	Office Building	\$185,000
6.	Paul Puetz	1228 A	Patricia	Court	Shed	\$1,000
7.	Jon Wood	1006	Cheryl	Avenue	Deck	\$2,000
8.	Jimie Lorenz	703	Sara	Circle	Install Window	\$500
9.	Patricia Hand	601	North 4th	Street	Install Doors	\$2,500
10.	Mike Slagel Construction	307	North Hill	Street	Interior Remodel	\$3,900
11.	Tom Geske	902	Pine	Street	Roof Repair	\$600
12.	Emmet Bakke	613	West Redwood	Street	Beam Supports	\$1,000
13.	Steven & Darlene Allen	908	Boxelder	Avenue	Finish Basement	\$4,000

CONSIDER THE REQUEST OF CHAD DRAKE FOR A CONDITIONAL USE PERMIT TO CONSTRUCT SEVEN (7) TWO FAMILY DWELLINGS UNDER SPLIT OWNERSHIP IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT LOCATED AT 400, 402, 404, 500, 502, AND 506 ELIZABETH STREET:

On June 18, 2007 the council moved to table the request of Chad Drake for a Conditional Use Permit to Construct Seven (7) Two Family Dwellings under Split Ownership in an R-1 One Family Residence District located at 400, 402, 404, 500, 502 and 507 Elizabeth Street. Sanow moved, Reynolds seconded, to remove this request from the table. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Chad Drake for a conditional use permit to construct seven two family dwellings under split ownership on the north side of the 400 and 500 block of Elizabeth Street. The location is the north side of the first street south of Elaine Avenue between South Fourth Street and Alan Avenue. The lots are within and bounded by the R-1 One Family Residence District. Mr. Olson indicated that this proposal would provide for a concentration of houses that could be rented to single families or by not more than three unrelated people. The following comments were made by staff and concerned residents:

Council Member Hulsizer indicated that they have complied with all of the conditions and was not sure if there is a specific reason to deny this request.

Council Member Sanow suggested to build these seven two family dwellings on Donald Street where the area is zoned R-2.

Glenn Olson indicated that an R-1 District allows for two single family dwellings under split ownership which makes them both single family homes.

Doug Devereaux, 509 Elaine Avenue, indicated that when they moved into this area there was a corn field in their back yard and that the area was zoned R-1 and they thought there would be single family homes built in this area. He is not in favor of the request.

Jane Schauman, 506 Elaine Avenue, also indicated that she thought R-1 meant that there would be single family homes in this area and she was concerned with the value of property decreasing. She indicated that they should build these homes along Highway 23. She is not in favor of the request.

Kevin Elton, 603 Thomas Avenue, owns a lot on 604 Elizabeth and is not in favor of the request. He indicated that he would like to see the report that was prepared for the Planning Commission.

Council Member Boedigheimer indicated that these are not considered a duplex.

Boedigheimer moved, the approval of the Conditional Use Permit for Chad Drake to Construct Seven (7) Two Family Dwellings under Split Ownership in an R-1 One Family Residence District located at 400, 402, 404, 500, 502 and 507 Elizabeth Street. The motion died due to the lack of a second.

It was indicated that Mr. Drake waived his 60-day timeline in which the city is required to take action on a Conditional Use Permit.

Boedigheimer moved, Reynolds seconded, the approval of the Conditional Use Permit for Chad Drake to Construct Seven (7) Two Family Dwellings under Split Ownership in an R-1 One Family

REGULAR MEETING – JULY 2, 2007

Residence District located at 400, 402, 404, 500, 502 and 507 Elizabeth Street. Hulsizer made reference to the 18 requirements that are included in Section 86-49 of the City Code and asked if there were any legal requirements that could arise from these. Voting in favor of the motion were Boedigheimer and Reynolds. Voting no were: Hulsizer, Sanow and Ritter.

City Attorney Dennis Simpson indicated that if the application is not denied within the 60-day time line or approved that it will automatically be approved.

Mr. Drake indicated that due to the number of people who are opposed to this request he would be willing to withdraw his application if the City could refund the permit fee that he paid.

Jane Schauman again indicated that two family houses should not be allowed in an R-1 zone. Mr. Olson indicated that they are allowed in an R-1.

Denise Myhrberg, 405 Elaine Avenue, was concerned that someone would buy these dwellings and they would become a duplex. Mr. Olson indicated that they could not become a duplex.

Ms. Schauman said if Drake has offered to withdraw his request, why the city needed to take any other action.

It was indicated that they were not sure if the City could refund his money and if the city doesn't deny the request or act improperly within the 60-days, the houses could be built.

Sanow moved, Reynolds seconded, to table the request of Chad Drake for a conditional use permit to construct seven two family dwellings under split ownership on the north side of the 400 and 500 block of Elizabeth Street to July 16, 2007 to allow time to get a legal opinion. Council Member Ritter also wants to know if the City can refund Mr. Drake the permit fee that he paid. All voted in favor of the motion, except Boedigheimer who voted no.

Boedigheimer called for a 5-minute recess at 6:45 P.M.

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

Sanow moved, Reynolds seconded, the introduction of an ordinance Amending the Salaries and Compensation of the Mayor and Council Members. This ordinance provides for salaries of the mayor and council members to be increased effective January 1, 2008. Council Member Sanow requested wage rates for elected officials for all cities between 10,000 and 15,000 in population. All voted in favor of the motion.

**PROJECT Y03 – S.P. 4201-38 2007 MAIN STREET PROJECT ADJUSTMENTS
CHANGE ORDER NO. 1; CHANGE ORDER NO. 3; WORK ORDER NO. 3:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Change Order No 1 results is a contract decrease of \$10,387.50 for the elimination of the majority of the salvaging of the brick pavers along Main Street; Change Order No. 3 results in a contract decrease of \$19,520.50 for the removal of 13 concrete precast planters with trees and Work Order No. 3 replaces the plants and trees with amenity poles and adds three additional amenity poles resulting in a contract increase of \$17,600.00. The net impact of Change Order No. 1, Change Order No. 3 and Work Order No. 3 is a project decrease of \$12,308.00. All of these are part of the State Project and do not require city approval.

Sanow moved, Ritter seconded, the acknowledgement of Change Order No. 1, Change Order No. 3 and Work Order No. 3 for the 2007 Main Street Project, which results in a reduction of the project cost in the amount of \$12,308.00. All voted in favor of the motion.

PROJECT X74 / S.A.P. 139-112-05 NORTH 3RD STREET RECONSTRUCTION AND BRIDGE REPLACEMENT – A. RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT; B. RESOLUTION ORDERING PREPARATION OF PLANS; C. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS:

Glenn Olson, Director of Public Works/City Engineer, reviewed Project X74 / S.A.P. 139-112-05 North 3rd Street Reconstruction and Bridge Replacement. This project provides improvements to North 3rd Street from East College Drive to West Marshall Street and improvements to Walnut Street from East College Drive northerly approximately 400 feet. Proposed improvements include curb and gutter, sidewalk, sanitary sewer main and services, watermain and services, street reconstruction, installation of 747 lineal feet of 12' x 9' concrete box culvert, and miscellaneous work.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2990, SECOND SERIES and that the reading of the same be waived. Resolution Number 2990, Second Series is a resolution Receiving the Feasibility Report and Calling for a Hearing on Improvement for Project X74 North 3rd Street Reconstruction and Bridge Replacement Project S.A.P. 139-112-05. The public hearing will be held at 5:30 P.M. on July 16, 2007 in the Council Chambers. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2991, SECOND SERIES and that the reading of the same be waived. Resolution Number 2991, Second Series is a resolution Ordering Preparation of Plans for North 3rd Street Reconstruction and Bridge Replacement Project X74 / S.A.P. 139-112-05. This project provides improvements to North 3rd Street from East College Drive to West Marshall Street and improvements to Walnut Street from East College Drive northerly approximately 400 feet. This project includes curb and gutter, sidewalk, sanitary sewer main and services, watermain and services, street reconstruction, installation of 747 lineal feet of 12' x 9' concrete box culvert and miscellaneous work. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2992, SECOND SERIES and that the reading of the same be waived. Resolution Number 2992, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement for Bids for North 3rd Street Reconstruction and Bridge Replacement Project X74 / S.A.P. 139-112-05. This project provides improvements to North 3rd Street from East College Drive to West Marshall Street and improvements to Walnut Street from East College Drive northerly approximately 400 feet. This project includes curb and gutter, sidewalk, sanitary sewer main and services, watermain and services, street reconstruction, installation of 747 lineal feet of 12' x 9' concrete box culvert and miscellaneous work. All voted in favor of the motion.

**PROJECT Y14 – NORTH 4TH STREET SIDEWALK IMPROVEMENT PROJECT
ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS:**

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2993, SECOND SERIES and that the reading of the same be waived. Resolution Number 2993, Second Series is a resolution Approving Plans and Specifications and Ordering Advertisement

for Bids for North 4th Street Sidewalk Improvement Project Y14 from Main Street to West Lyon Street. This project provides for the removal and replacement of existing curb, gutter and sidewalk on the South side of 4th Street to tie into the 2007 Main Street Project. All voted in favor of the motion.

CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF ALA ADDITION:

Glenn Olson, Director of Public Works/City Engineer, indicated that when the preliminary plat was presented the survey indicated potential title problem with a “gap” between two adjoining properties. While the properties physically were adjoining one another, the legal descriptions did not quite match up. As a result of that potential “gap” issue, a quiet title action was concluded in Lyon County. The quiet title action was concluded so as to indicate that the individuals presently submitting the property for platting are, in fact, the true and correct fee owners of the property. That all other potential ownership issues have been addressed and the court order has indicated that all prior owners do not have any further right, title or interest in the property.

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2994, SECOND SERIES and that the reading of the same be waived. Resolution Number 2994, Second Series is a resolution Approving the Final Plat of ALA Addition. This resolution was approved with the following conditions:

1. Revisions made to the Final Plat per requirements/comments on the Final Plat Checklist for ALA Addition.
2. Payment of all fees has been received 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.

**PROJECT X56 / S.P. 4201-63 / AIP 3-27-0056-05 – RUNWAY 2/20 EXTENSION
PROJECT – CONSIDER AMENDMENT NUMBER 1 TO MN/DOT AGREEMENT
87011:**

Glenn Olson, Director of Public Works/City Engineer, indicated that upon review of the original agreement, the resolution authorizing the execution of Mn/DOT Agreement 87011 authorized the execution of the agreement and any amendments. Therefore, execution of the amendment does not require additional Council action. He also indicated that this amendment is only for an extension of time.

COUNCIL MEMBER COMMISSION/BOARD REPORTS:

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

Boedigheimer Airport Commission has not met; Lyon County Enterprise Development met last Tuesday; Economic Development Authority met – there was a presentation on a teen center; Ways and Means Committee needs to schedule a meeting prior to July 16th.

Hulsizer Human Rights Commission met last Monday and the minutes from the May 29, 2007 meeting are included in the agenda packet.

Reynolds Utilities Commission met last week.

REGULAR MEETING – JULY 2, 2007

Ritter No report.

Sanow No report.


COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the request for an update on the status of the alley by 100 East Maple Street.

REVIEW OF PENDING AGENDA ITEMS:

There were no questions on the pending agenda items.

Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned at 7:15 P.M. All voted in favor of the motion.


President Pro-Tem

ATTEST:


Deputy City Clerk

**SPECIAL CITY COUNCIL MEETING
JULY 11, 2007**

A special meeting of the Common Council of the City of Marshall was held on July 11, 2007 in the Cottonwood Room of the Marshall Municipal Building. Mayor Byrnes called the meeting to order at 5:00 P.M. In addition to Byrnes, the following council members were present: Hulsizer, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Doom. City Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney, and Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: Tom Koop and Sandra Hans, Auditors from LarsonAllen LLP and LuAnn Anderson from the Marshall Lyon County Library.

The purpose of this special meeting was to receive an overview of the 2006 Audit Report prepared by LarsonAllen LLP.

Tom Koop addressed the required communication with the City Council as it relates to the Auditor's Responsibility under U. S. Generally accepted Auditing Standards and Government Auditing Standards; Accounting Policies; Estimates on collectibility of receivables and useful lives of Capital assets; and Adjusting Journal Entries. Tom also addressed the staffing of the Finance/Clerk's Office and the timing of the accounting for the Capital Assets being completed.

Sandra Hans addressed the Audit Standard 112 / Management Letter and the material weaknesses that were identified in the letter, which included the limited desegregation of duties; Material Audit Adjustments – Internal Control over the Financial Reporting Process; the Internal control over the Financial Reporting Process; Payroll Approvals; Journal Entry Policies and Approvals; and Disaster Recovery Plan for Financial Data.

Tom and Sandra did report that the City did receive a "clean" opinion in the Independent Auditor's Report; the Government Audit Standards – Internal Control and Compliance and Federal Compliance. They did indicate that for MN Legal Compliance the city does need Council Authorization for Electronic Fund Transfers.

Tom and Sandra did review various items of the 12-31-06 Financial Statements and concluded these reports by presenting and discussing graphs on information that was provided in the report.

Tom briefly addressed GASB 45 as it relates to Other Post Employment Benefits that the City provides to employees that retire. Since the City does not provide benefits to the employees, the only requirement may be that the City would have to have an actuarial study for the implicit rate study due to the City allowing retirees, at their expense, to remain on the City's insurance. An actuarial study may cost between \$2,500 and \$5,000 and would be required to be updated every three years. The first year of the study would be in 2008.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2995, SECOND SERIES and that the reading of the same be waived. Resolution Number

SPECIAL CITY COUNCIL MEETING
JULY 11, 2007

2995, Second Series is a resolution Designating 2006 Budgeted Expenditures as Future Expenditures as of 12-31-06. This resolution provides for \$149,934 of items budgeted as expenditures in 2006 that had not been completed as of December 31, 2006 to be reflected in the General fund – Fund Balance Unreserved, Designated for Future Expenditures as of 12-31-06. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 2996, SECOND SERIES and that the reading of the same be waived. Resolution Number 2996, Second Series is a resolution Amending Budget Amounts for Fiscal Year Ending December 31, 2007. This resolution provides for the items identified in the General Fund – Fund Balance Unreserved, Designated for Future Expenditures as of 12-31-06 of \$149,934 to be included in the 2007 General Fund Budget. All voted in favor of the motion.

Sanow moved, Reynolds seconded, to approve the 2006 Audited Financial Report as presented by LarsonAllen LLP. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 6:25 P.M.

The meeting was reconvened at 6:30 P.M. Council Member Boedigheimer left the meeting at this time. There were 5 members of the council left at this time.

The next item on the agenda was a determination by the council to go into closed session per MS 13D.05, Subd. 3(c.1.).

Following discussion with the city attorney, the city council elected not to go into closed session.

Present from the Marshall Industries Foundation were Steve Strautz, Chairman, and Stan Finnestad, Treasurer. Also, in attendance was the City Economic Development Director, Mark Hanson.

Mr. Finnestad addressed the council and indicated that the Marshall Industries Foundation (MIF) representatives were in attendance to bring the council up to date on the status of industrial parkland in the City and MIF's efforts to acquire options on property that could be considered for future industrial park development. Mr. Finnestad provided a historical overview of the past development of industrial parks 1, 2 and 3 and indicated that the city currently only retains one 10-acre industrial piece of property and indicated a need for additional land to be purchased and developed.

Mr. Strautz provided the council with an overview of an option contract that the MIF had obtained and dated July 9, 2007 wherein the MIF group had the option to purchase approximately 160 acres of land from Donald C. and Elaine M. DeRuyck. Mr. Strautz provided the council with an overview of the option contract and the purchase agreement associated with the 160 acre parcel of property which is located directly west of the City's M.E.R.I.T. Center and south of County Road 33. The proposed purchase

SPECIAL CITY COUNCIL MEETING
JULY 11, 2007

price for the parcel is projected to be \$2,000,000 for approximately \$12,500 per acre. In addition to the information provided by Steve Strautz, Mark Hanson also provided the council with an overview of the perimeter per acre land sales that have occurred around the city between 1998 and 2007.

Mr. Strautz indicated to the council that the MIF group is interested in assigning their property option contract to the City of Marshall due to the fact that the industrial development group does not possess the assets to purchase the identified property.

City Administrator Johnson reviewed with the City Council the current status of the city's tax increment fund, the industrial land sales account, the balance of funds remaining in the 1996-97 bond fund, and overview of the commitment by Marshall Municipal Utilities to provide the city with \$500,000 per year to assist in land acquisition/development of industrial park land for the future development within the community. Mr. Johnson indicated that between all of the sources of the identifiable funds, that there are sufficient resources for the council to consider the long term purchase of industrial park land.

City Attorney Dennis Simpson provided the council with a resolution determining the necessity of an industrial park project and authorizing acquisition of certain land and interests therein for the purpose of industrial park development. As a part of the resolution, the MIF offered to assign the rights to the option contract for the acquisition of the DeRuyck property and for the city to accept the terms of the option contract between the MIF as the buyer and Donald & Elaine DeRuyck as the sellers.

Following general discussion by the council members, Sanow moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 2997, SECOND SERIES and that the reading of the same be waived. Resolution Number 2997, Second Series is a resolution Determining the Necessity of an Industrial Park Project and Authorizing Acquisition of Certain Land and Interests therein for the Purpose of Industrial Park Development. All voted in favor of the motion. Motion carried 5 to 0.

There being no additional business, Reynolds moved, Ritter seconded, to adjourn the meeting at 7:05 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – JULY 16, 2007

The regular meeting of the Common Council of the City of Marshall was held on July 16, 2007 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, 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; Harry Weilage, Director of Community Services; Kim Jergenson, Engineer Technician; Dale Howe, Building Official; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item no. 16a, which is to consider Change Order No. 1 for East College Drive/Tree Street Area Watermain Replacement Project Y08.

APPROVAL OF THE MINUTES:

Sanow moved, Hulsizer seconded, that the minutes of the regular meeting held on July 2, 2007 be approved as corrected and that the minutes of the special meeting held on July 11, 2007 be approved and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – PROJECT X74 (FORMER X26 AND X72) / S.A.P. 139-112-05 NORTH 3RD STREET RECONSTRUCTION AND BRIDGE REPLACEMENT PROJECT – A. PUBLIC HEARING ON IMPROVEMENT; B. CONSIDER RESOLUTION ORDERING IMPROVEMENT:

This was the date and time for a public hearing for Project X74 (former X26 and X72) S.A.P. 139-112-05 North 3rd Street Reconstruction and Bridge Replacement. Glenn Olson, Director of Public Works/City Engineer, indicated that the sanitary sewer and the watermain along North 3rd Street are in need of replacement. He indicated that when the city and MMU began to plan this project approximately two years ago the Minnesota Department of Transportation had an inspection of the bridge at the intersection which indicated that it was in disrepair. He indicated that the intent is to start construction this year and hopefully get enough gravel and the first layer of asphalt on 3rd Street before winter. The contractor would rather work on the Redwood River in the fall than during the spring thaw. The street and intersection would be closed during construction and during the winter. This project would replace the utility lines, the bridge and also give the area a new look. The bridge will be replaced with a box culvert and the intersection will be changed to allow for turning lanes. North 3rd Street will be a T-intersection with East College Drive and Walnut Street will be connected to 3rd Street at a 90 degree angle. Third Street and Walnut Street will have stop signs and East College Drive will be a through street. Comments on this project included:

Lavonne Otto, 413 North 3rd Street, wanted to know when this project will start. Mr. Olson indicated the intent is to start this fall.

REGULAR MEETING – JULY 16, 2007

Dan McCoy, 209 Walnut Street, was concerned that the change in the intersection may not improve safety at this intersection. He was also asked if the river would be crossed twice. Mr. Olson indicated no.

LeRoy Affolter, a member of Christ Lutheran Church located at the intersection of 3rd and Marshall, indicated that the intersection of Marshall Street and East College Drive is worse than the way 3rd Street and East College Drive intersection is now. He also asked if there would be any assessments for this project. It was indicated that there would be assessments for the service line.

John Myers, 419 North 3rd Street, was in favor of replacing the watermain and sewer line this year, but not in favor of the street work until spring.

Neenah Eben, 501 East College Drive, was concerned if the fence around her property would be removed. Mr. Olson indicated that they would be working in the right of way and the fence should not have to be removed.

Council Member Hulsizer asked how much of there river will be underground. It was indicated at approximately 150' would be underground.

Dan McCoy asked when the bridge was built. It was indicated that the bridge was built in 1964 and that a bituminous overlay was completed in 1980.

Council Member Sanow asked if the Council could discuss the option of no left turn onto College Drive at a later date. Mr. Olson indicated that this could be discussed at anytime.

Pam Russell, 202 Walnut Street, was concerned with the possibility of there not being a left hand turn onto College Drive.

LeRoy Affolter, asked if there would be a hearing on the assessment. Mr. Olson indicated that notices will be sent notifying them of a hearing on the proposed assessment.

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

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 2998, SECOND SERIES and that the reading of the same be waived. Resolution Number 2998, Second Series is a resolution Ordering Improvement for Project X74 (former X26 and X72) S.A.P. 139-112-05 North 3rd Street Reconstruction and Bridge Replacement. 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 23-26, 2007; B. TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR MARSHALL AREA CHAMBER FOR USE AT SCHWAN'S ICE ARENA AND LYON COUNTY FAIRGROUNDS MIDWAY AREA GATED FOR AUGUST 24 – 25, 2007; C. BILLS/PROJECT PAYMENTS; D. BUILDING PERMITS:

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

Per the request of the Chamber of Commerce a public hearing be held at 5:30 P.M. on August 6, 2007 for a street/parking lots blockade for the Sounds of Summer Festival on August 23-26, 2007.

The approval of a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce for two events to be held during the Sounds of Summer at Schwan's Ice Arena and the Lyon County Fairgrounds midway area, which will be gated on August 24 – 25, 2007.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 56578 through 56959.

All voted in favor of the motion.

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

1.	Deb Sanow	227 West Main Street	Partition Wall	\$1,000
2.	Timothy & Malinda Landgraff	506 Genesis Avenue	Deck Addition	\$900
3.	Kristin Miller	123 E Street	Reroof Dwelling & Garage	\$3,000
4.	Casey Werner	214 Rainbow Drive	Deck	\$2,000
5.	Valerie Janssen	1002 South 4th Street	Reroof Dwelling & Repair Garage Ceiling	\$3,700
6.	Hammer's Away, Inc.	1109 Bruce Circle	Reroof	\$3,500
7.	Adam Stewart	1228 A Patricia Court	Replace Steps	\$1,500
8.	Swanson Home Specialists	1109 Jefferson Avenue	Reroof and Exterior Doors	\$6,000
9.	Nathan & Andrea Lingl	216 Oslo Avenue	Finish Basement	\$13,000
10.	Florence	409 South Whitney Street	Install	\$1,300

REGULAR MEETING – JULY 16, 2007

	Persoon		Windows	
11.	MT Business Center	1500 East College Drive	Exterior Remodel	\$258,400
12.	Robert L. Carr	408 East Main Street	Demolish Dwelling	\$0
13.	Robert L. Carr	408 East Main Street	Move In Garage	\$1,000
14.	David Kabes	1106 Washington Avenue	Replace Windows/Patio Door	\$8,000
15.	Richard Louwagie Construction	322 West College Drive	Reroof	\$2,500
16.	Mike Buysse Construction	609 Camden Drive	Bathroom Remodel	\$2,500
17.	John Houseman	107 East Redwood Street	Reroof	\$2,500
18.	James Lozinski Construction	800 Elaine Avenue	Reroof	\$1,500
19.	Dennis Lozinski Construction	806 Silvervine Drive	Reroof	\$4,000

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

Ritter moved, Sanow seconded, that there be no increase in the salaries and compensation of the Mayor and Council Members effective January 1, 2008. It was indicated that the City Council does not need to do anything if there is no change to the salaries and compensation, therefore the motion was withdrawn.

Boedigheimer moved, Reynolds seconded, the adoption of an ordinance Amending the Salaries and Compensation of the Mayor and Council Members for the City of Marshall effective January 1, 2008. It was indicated that according to a comparison to other cities the size of Marshall, Marshall was above average in its salaries. Voting in favor of the motion were Boedigheimer, Reynolds and Byrnes. Voting no were, Sanow, Ritter and Hulsizer; therefore the motion was defeated..

CONSIDER THE REQUEST OF CHAD DRAKE FOR A CONDITIONAL USE PERMIT TO CONSTRUCT SEVEN (7) TWO FAMILY DWELLINGS UNDER SPLIT OWNERSHIP IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT LOCATED AT 400, 402, 404, 500, 502, 504 AND 506 ELIZABETH STREET:

At the July 2, 2007 City Council meeting, the Council tabled the request of Chad Drake for a Conditional Use Permit to construct seven (7) two family dwellings under split ownership

in an R-1 One-Family Residence District located at 400, 402, 404, 500, 502, 504 and 506 Elizabeth Street to allow time to get a legal opinion. Mayor Byrnes asked if there was additional information to be presented at this time. City Attorney Dennis Simpson indicated that the failure to approve or deny applications within sixty days is deemed, by law, to be an approval. A failure to approve application can be deemed a denial if those members of the governing agency voting against approval specifically state on the record their specific reason for denial. Glenn Olson, Director of Public Works/City Engineer, indicated that Mr. Drake was not able to be at this meeting. Mr. Olson indicated that Mr. Drake has talked to the home owners in this area and is still interested in building at this location. Mr. Olson indicated that density concerns could be a reason to deny the request. Boedigheimer moved, Sanow seconded, to remove this request from the table. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the approval of a Conditional Use Permit for Chad Drake to construct seven (7) two family dwellings under split ownership in an R-1 One-Family Residence District located at 400, 402, 404, 500, 502, 504 and 506 Elizabeth Street with the following conditions:

1. Comply with conditions 1 through 10 of City Code Section 86-79 (d) as listed under Two-Family dwellings under split ownership as adopted by Ordinance Number 529, Second Series.
2. Each unit will be one family use, occupied by persons related by blood, marriage, adoption or by not more than three unrelated persons.
3. A boundary survey prepared by a MN Registered Land Surveyor shall be filed with the City before the Building Official can issue a Certificate of Occupancy.

Mr. Boedigheimer indicated that resident's opposition cannot be used as a reason to deny the request. Council Member Sanow indicated that these dwellings could be built on Donald Street were it is zoned R-2 and a conditional use permit would not be required. There was also a concern about the additional traffic. Sanow also indicated that you cannot tell the difference between a duplex and a twin home unless you check the records at the court house – you cannot tell by driving by. Boedigheimer called for the questions. Voting in favor of the motion were Boedigheimer and Reynolds. Voting no were: Ritter, Byrnes, Sanow and Hulsizer.

Sanow moved, Ritter seconded, the request of Chad Drake for a Conditional Use Permit to construct seven (7) two family dwellings under split ownership in an R-1 One-Family Residence District located at 400, 402, 404, 500, 502, 504 and 506 Elizabeth Street be denied due to density issues and increased traffic. All voted in favor of the motion, except Boedigheimer and Reynolds who voted no.

MAYORAL DECLARATION OF JULY 19, 2007 AS "WALK MARSHALL DAY":

Theresa, Lubke, Marshall Area YMCA, was in attendance at the meeting and read the Proclamation declaring July 19, 2007 as "Walk Marshall Day". Theresa indicated that this is part of Pioneering a Healthier Marshall's efforts to encourage people to walk. Ritter moved, Sanow seconded, the approval of the Proclamation declaring July 19, 2007 as "Walk Marshall Day". All voted in favor of the motion.

LIBRARY ANNUAL 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 2006 included:

- 105,956 people visited the three locations
- 209,255 items were checked out from the library
- Library computers were used 27,641 times
- Inter library loaned items to other libraries was 7,084 and items borrowed from other libraries was 10,166
- 6,823 children attended library story times and programs
- 8,528 reference questions were answered by our top-notch staff
- Volunteers contributed 1,356 hours, which is valued at \$24,488

CONSIDER THE REQUEST OF SUSAN MARTIN 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 202 EAST REDWOOD STREET:

Dale Howe, Building Official, reviewed the request of Susan Martin 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 202 East Redwood Street. The front wall of the dwelling is within 14 feet of the front property line. Ms. Martin 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 overhand extending 6 feet from the wall of the dwelling. The front yard is existing nonconforming and may continue per Section 86-27 of the City Zoning Code. The eave is proposed to extend 6 feet into the required front yard in lieu of the 4'6" allowable, or one and one-half feet more than the allowable. The front yard would be reduced to 8 feet. Per the recommendation of the Planning Commission Sanow moved, Hulsizer seconded, that the request of Susan Martin 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 202 East Redwood Street be denied. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER THE REQUEST OF STAN AND CONNI STENSURD FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A GARAGE ADDITION WITH A SIDE YARD OF LESS THAN REQUIRED BY ORDINANCE IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 107 MARLENE STREET:

Dale Howe, Building Official, reviewed the request of Conni & Stan Stensrud for a Variance Adjustment Permit to construct a 7 ft. wide addition onto an attached garage at 107 Marlene Street with a 4 ft. side yard in lieu of 5 ft. side yard as required by Zoning Code in an R-1 One-Family Residence District. Their home is located directly across the street from the back nine of the Marshall Golf Course; therefore they have a problem with their vehicles being hit by golf balls. Council Member Hulsizer asked if they could build a tandem garage. Mr. Howe indicated that this would be allowed. Mr. Stensrud indicated that a tandem garage would cause a problem with the roof line and that there were 2 windows on the side of the house where the tandem garage would be built that would need to be relocated. He also, indicated that there is an electrical connection in that area. Boedigheimer moved, Ritter seconded, that the request of Conni & Stan Stensrud for a Variance Adjustment Permit to construct a 7 ft. wide addition onto

an attached garage at 107 Marlene Street with a 4 ft. side yard in lieu of 5 ft. side yard as required by Zoning Code in and R-1 One-Family Residence District be approved. The undue hardship is from the golf balls hitting their vehicles and causing damage. All voted in favor of the motion.

**DEPARTMENT OF PUBLIC SAFETY – A. OUT OF STATE TRAVEL;
B. RESOLUTION FOR CHEMICAL ASSESSMENT TEAM (C.A.T.) GRANT
APPROVAL FROM 7/1/07 TO 6/30/09; C. RESOLUTION AUTHORIZING A REQUEST
FOR A 2008 CAPITAL APPROPRIATION FROM THE STATE OF MINNESOTA FOR
THE MINNESOTA EMERGENCY RESPONSE AND INDUSTRIAL TRAINING
(M.E.R.I.T.) CENTER:**

Ritter moved, Hulsizer seconded, out of state travel be approved for Rob Yant, Director of Public Safety, to attend the International Chief's of Police Association's Conference from October 13 – 17, 2007 in New Orleans, Louisiana. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 2998-A, SECOND SERIES, and that the reading of the same be waived. Resolution Number 2998-A, Second Series is a resolution Authorizing the Execution of an Agreement between the City of Marshall and the Minnesota Department of Public Safety for Chemical assessment Team (C.A.T.). This grant is for \$45,000 plus nearly a half million dollars in equipment that is provided to the team and is housed at the MERIT Center. There is also training provided to team members. There is no match required. The only cost is the housing of the team and administering the grant. All voted in favor of the motion.

Boedigheimer moved, Ritter seconded, the adoption of RESOLUTION NUMBER 2999, SECOND SERIES and that the reading of the same be waived. Resolution Number 2999, Second Series is a resolution Authorizing a Request for a 2008 Capital Appropriation from the State of Minnesota for the Minnesota Emergency Response and Industrial Training (M.E.R.I.T.) Center. This City of Marshall is requesting a Capital Appropriation form the State of Minnesota in the amount of \$12,501,099 in 2008. They also intend to request \$7,924,500 for 2010 and \$5,239,250 on 2012 from the State of Minnesota. All voted in favor of the motion.

**AMENDMENT TO YOUTH INTERVENTION PROGRAM GRANT CONTRACT
BUDGET:**

Harry Weilage, Director of Community Services, indicated that the Youth Intervention Program has allowed our juveniles to pay back or restore the community by completing community service hours in various profit and non-profit sites. This has resulted in employment for some of the youth. The youth also have the opportunity to gain valuable knowledge by the groups that are held teaching job, life and money management skills. The program has produced benefits for both the high-risk juvenile offenders and the community. Since 8/21/06, Gail Polejewski, an employee of SW MN Private Industry Council, Inc., has provided Community Plus Program services for the City of Marshall. Due to this change in personnel we are recommending this amendment. Reynolds moved, Sanow seconded, the approval of the Amendment to Youth Intervention Program Grant Contract Budget for the period January 1, 2006 through December 31, 2007. All voted in favor of the motion.

OPERATING AGREEMENT FOR THE STAFFING AND COORDINATION OF AN INFORMATION TECHNOLOGY SUPPORT SYSTEM.

Harry Weilage, Director of Community Services, indicated that we have had an agreement with Marshall Public Schools to support our IT abilities over the past five plus years, at a cost of \$25,750 per year. The needs and capabilities have increased ten fold in our departments. Under the new proposal, Marshall Public Schools, Lyon County and the City (MMU/City of Marshall) would share the proposed costs with each of the (3) entities paying \$76,773. Boedigheimer moved, Ritter seconded, the proper city personnel be authorized to enter into an Operating Agreement for the Staffing and Coordination of an Information Technology Support System. This agreement is between Marshall Public Schools, Lyon County, and the City (Marshall Municipal Utilities and the City of Marshall). The City share is \$76,773 of which MMU will pay ½ and the City of Marshall will pay ½. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:05 P.M.

TIGER DRIVE/HARRIETT DRIVE SIDEWALK PROJECT Y20 – CONSIDER RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT:

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3000, SECOND SERIES and that the reading of the same be waived. Resolution Number 3000, Second Series is a resolution Calling for Hearing on Proposed Assessment for Tiger Drive/Harriett Drive Sidewalk Project Y20. This public hearing will be held at 5:30 P.M. on August 6, 2007. All voted in favor of the motion.

NORTH 6TH STREET RECONSTRUCTION PROJECT X71 (2005-003) – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 2 with Duininck Bros., Inc., for the North 6th Street Reconstruction Project X71 in the amount of \$45,731.12 resulting in a total contract amount of \$1,845,440.91. The majority of this increase will be paid by Marshall Municipal Utilities. Boedigheimer moved, Ritter seconded, the approval of Change Order No. 2 with Duininck Bros., Inc., for the North 6th Street Reconstruction Project X71 in the amount of \$45,731.12 and the acknowledgement of the final payment in the amount of \$96,908.06 contingent upon receipt of all required closeout forms. This will be paid from account number 492-62066-5570. All voted in favor of the motion.

VACATION OF EASEMENTS IN LYON COUNTY CO-OP FIRST ADDITION – RECEIPT OF PETITION FOR VACATION OF EASEMENTS AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, indicated that Lots 2 through 5 and Outlots A, B and C of Lyon County Co-Op Addition were included in the Lyon County Co-Op First Addition Plat with new utility easements dedicated at that time. When Lyon County Co-Op First Addition was platted, the previous easements were not vacated. A petition has been received with all the affected property owners signatures whose utility easements proposed to be vacated. Sanow moved, Reynolds seconded, the receipt of the petition for the vacation of easements in Lyon County Co-Op First Addition and called for a public hearing to be held at 5:30 P.M. on August 6, 2007. All voted in favor of the motion.

**BID BOND RECOMMENDATION FROM PUBLIC IMPROVEMENT
TRANSPORTATION COMMITTEE:**

Per the recommendation of the Public Improvement/Transportation Committee, Ritter moved, Sanow seconded, the approval of the use of certified check, cashier's check, bank money draft for bidding of vehicles and equipment; and to continue to allow the current practice of all of the previous forms of security or a bid bond for all construction projects. All voted in favor of the motion.

**EAST COLLEGE DRIVE/TREE STREET AREA WATERMAIN REPLACEMENT
PROJECT Y08 – CHANGE ORDER NO. 1:**

Glenn Olson, Director of Public Works/City Engineer, indicated that Marshall Municipal Utilities is requesting a change order to the East College Drive/Tree Street Area Watermain Replacement Project with GM Contracting, Inc., of Lake Crystal, Minnesota. The change order includes the replacement of a deficient 4-inch cast iron watermain located on Legion Field Road between West College drive (T.H. 19) and Kendall Street. This watermain has experienced several significant watermain breaks and is in such disrepair that MMU has requested its immediate replacement. Upon this request, we have reviewed the condition of the sanitary sewer in that area and the section of sanitary sewer beneath West College Drive is also in need of immediate replacement. According to Minnesota State Statute 429.041, Subd 7, the City may authorize changes in a unit price contract after the work on a unit price contract has begun as long as the contract price does not increase by more than 25%. This would allow this contract to be increased up to an additional \$360,700 without readvertising for bids. The estimated construction cost for the watermain is \$129,725, plus 10% for contingencies and 16% for engineering and administration, for a total estimated construction cost of \$165,500. The estimated construction cost for the sanitary sewer replacement is \$23,200 plus 10% for contingencies and 16% for engineering and administration, for a total estimated construction cost of \$29,600. MMU will pay all costs associated with the watermain and service line replacements up to and including the curb stops and the Wastewater Fund will pay the sanitary sewer replacements costs.

Reynolds moved, Ritter seconded, the approval of Change Order No. 1 with GM Contracting, Inc., of Lake Crystal, Minnesota resulting in an increase in the contract sum of approximately \$159,925 for a total contract cost of approximately \$1,602,750. All voted in favor of the motion, except Boedigheimer who abstained.

COUNCIL MEMBER COMMISSION/BOARD REPORTS:

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

Byrnes EDA met on Tuesday; Fire Relief Association reviewed their annual schedule; Regional Development Commission met last week.

Boedigheimer No report.

Hulsizer Library Board met last Monday and have hired an architect; Visitors Bureau will meet on Wednesday.

REGULAR MEETING – JULY 16, 2007

Reynolds Hospital Board met earlier today; Utilities Commission meets later this month.

Ritter Housing Commission met earlier this month, but he was not able to attend.

Sanow Cable Commission had a presentation on their business plan; Marshall Area Transit meets on Thursday.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the new pay plan for non-union employees has been implemented; it was suggested that a brief summary of zoning for single family residences be provided to developers to pass on to potential home owners; Council Member Boedigheimer is concerned that the issue with the alley off of Maple Street has not been resolved; Council Member Hulsizer was concerned with scheduling a meeting between city staff; school staff and the Library Director in regard to the land transfer.

REVIEW OF PENDING AGENDA ITEMS:

A Public Improvement/Transportation Committee meeting needs to be scheduled.

Upon motion by Reynolds, seconded by Ritter, the meeting was adjourned at 7:45 P.M.
All voted aye.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – JULY 30, 2007

A special meeting of the Common Council of the City of Marshall was held on July 30, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:30 P.M. by Mayor. In addition to Byrnes, the following council members were present: Hulsizer, Sanow, Reynolds, and Ritter. Absent: Boedigheimer and Doom. City Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney, Harry Weilage, Director of Community Services; Kim Jergenson, Engineer Technician; Mark Hanson, EDA Director; Shane Waterman, Assistant City Engineer and Thomas M. Meulebroeck, Financial Director/City Clerk. Others in attendance included: Rick Goodemann, Southwest Minnesota Housing Partnership; Jeff Thompson, Gordon Crow and Dave Edens from Schwans Food Service.

PER THE APPROVAL OF THE CITY COUNCIL THE FIRST AGENDA ITEM CONSIDERED AT THE MEETING WAS THE AUTHORIZATION FOR ADM TO INSTALL PRIVATE UTILITY FACILITIES WITHIN PUBLIC RIGHT-OF-WAY:

Shane Waterman, Assistant City Engineer, indicated that Archer Daniels Midland Company (ADM) has requested an easement from the City of Marshall for the installation of an 8-inch HDPE forcemain. This underground sanitary sewer forcemain would cross North Seventh Street and be for the private use of ADM. Sanow moved, Reynolds seconded, the approval of an easement with ADM for an 8-inch NDPE Forcemain that would cross North 7th Street and be for their private use. All voted in favor of the motion.

RESOLUTION AUTHORIZING SUBMITTAL OF REDEVELOPMENT GRANT APPLICATION TO THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED):

Mark Hanson provided an overview of the grant application being submitted by Southwest Minnesota Housing Partnership (SWMHP) on behalf of the City. SWMHP, representing The Schwan Food Company, is requesting TIF assistance in the amount of \$2,297,526 for the Marshall Middle School Redevelopment Project. If the grant is approved by DEED the local amount of TIF assistance is reduced to \$1,296,540.

Rick Goodemann, SWMHP, briefly reviewed the Proposed Redevelopment Project for the Marshall Junior High Site. The project is intended to be developed in three phases that would expand over 6 years. Rick also reviewed the proposed budget for the planning and design, land acquisition, demolition, site development and development. The proposed budget identified those items that were the responsibility of SWMHP/Schwan Development Corporation, the Redevelopment Grant Program and TIF. The deadline for the grant submission is August 1, 2007.

Jeff Thompson, Schwan Food Service, reviewed the proposed design and plan for the area. The plan is for the Southwest corner of the area to be used for public parking until such time a use will be determined for the area. The construction of the other area would be done in phases, as one is done then they would move into the next phase. The intent is to start demolition and start construction in Phase I in 2007 and that this be completed by 2009.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3001, SECOND SERIES and that the reading of the same be waived. Resolution Number 3001,

SPECIAL MEETING – JULY 30, 2007

Second Series is a resolution Authorizing Submittal of Redevelopment Grant Application to the Minnesota Department of Employment and Economic Development for the Marshall Junior High Site on West Lyon Street. All voted in favor of the motion.

Upon motion by Reynolds, seconded by Ritter, the meeting be adjourned. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – AUGUST 6, 2007

The regular meeting of the Common Council of the City of Marshall was held on August 6, 2007 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, 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; 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 the consideration of various resolutions for Project X74 / S.A.P. 139-112-05 North 3rd Street Reconstruction Bridge Replacement Project being removed from the agenda.

APPROVAL OF THE MINUTES:

Sanow moved, Boedigheimer seconded, that the minutes of the regular meeting held on July 16, 2007 and the minutes of the special meeting held on July 30, 2007 be approved and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – CHAMBER OF COMMERCE REQUEST TO BLOCKADE STREET/ALLEY AND PARKING LOTS FOR SOUNDS OF SUMMER FESTIVAL ON AUGUST 23-26, 2007:

This was the date and time set for a public hearing to consider the request for Street/Alley and Parking Lot blockade for Sounds of Summer Festival on August 23-26, 2007.

The request is for all of City Parking Lot in Block 11 to be closed on Thursday, August 23, 2007 from 12:00 p.m. until 12:00 a.m. for an Iron Pour Event; street closure of South "A" Street from the North Memorial Ambulance entrance to Saratoga Street on Friday, August 24, 2007 from 11:00 A.M. to 5:00 P.M., and the street closure next to Liberty Park on West Marshall Street southeast of the Freedom Valu Center entrance to South First Street, as well as closure of North 1st Street from East Redwood Street to East Marshall Street as follows:

Thursday, August 23 from 4:00 P.M. to 9:00 P.M.

Friday, August 24 from 4:00 P.M. to 9:00 P.M.

Sunday, August 26 from 8:00 A.M. to 9:00 P.M.

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

Sanow moved, Reynolds seconded, and it was unanimously approved to close all of City Parking Lot in Block 11 to be closed on Thursday, August 23, 2007 from 12:00 P.M. until 12:00 A.M. for an Iron Pour Event; to close South "A" Street from the North Memorial Ambulance entrance to Saratoga Street on Friday, August 24, 2007 from 11:00 A.M. to 5:00 P.M., and the street closure next to Liberty Park on West Marshall Street southeast of the Freedom Valu Center entrance to South First Street, as well as closure of North 1st Street from East Redwood Street to East Marshall Street as follows:

Thursday, August 23 from 4:00 P.M. to 9:00 P.M.

Friday, August 24 from 4:00 P.M. to 9:00 P.M.

Sunday, August 26 from 8:00 A.M. to 9:00 P.M.

This was approved subject to the approval by Rob Yant, Director of Public Safety.

**PUBLIC HEARING – PROJECT Y20 TIGER DRIVE/HARRIETT DRIVE SIDEWALK
A. PUBLIC HEARING; B. CONSIDER RESOLUTION ADOPTING ASSESSMENT:**

This was the date and time set for a public hearing on the proposed assessment for Tiger Drive/Harriett Drive Sidewalk Project Y20. Glenn Olson, Director of Public Works/City Engineer, reviewed the bids received and the proposed assessment for this project. There were no objections, therefore Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved; Hulsizer seconded, the adoption of RESOLUTION NUMBER 3002, SECOND SERIES and that the reading of the same be waived. RESOLUTION NUMBER 3002, SECOND SERIES is a resolution Adopting the Assessment for Tiger Drive/Harriett Drive Sidewalk Project Y20. This resolution provides for the assessment to be paid over 5 years at an interest rate of 6.1% beginning October 15, 2007. All voted in favor of the motion.

**PUBLIC HEARING – VACATION OF EASEMENTS IN LYON COUNTY CO-OP
FIRST ADDITION – A. PUBLIC HEARING ON PETITION; B. CONSIDER
RESOLUTION GRANTING PETITION FOR VACATION OF EASEMENTS:**

This was the date and time set for a public hearing on the Vacation of Easements in Lyon County Co-Op First Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that Lots 2 through 5 and Outlots A, B and C of Lyon County Co-Op Addition were included in the Lyon County Co-Op First Addition Plat with new utility easements dedicated at that time. When Lyon County Co-Op First Addition was platted, the previous easements were not vacated. There were not objections, therefore Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3003, SECOND SERIES and that the reading of the same be waived. Resolution Number 3003, Second Series is a resolution Granting a Petition for Vacation of Utility Easements in the City of Marshall. This resolution provides for the vacation of utility easements located in the former Lyon County Co-Op Addition in Lots 1, 4, 5, 6, 7, 8 and 10 of Block One and Lot 1 of Block Two. All voted in favor of the motion.

**APPROVAL OF CONSENT AGENDA – A. CONSIDER REQUEST FOR OUT-OF-
STATE TRAVEL FOR DIRECTOR OF PUBLIC WORKS; B. VACATION OF UTILITY
EASEMENT IN CARR ESTATES – RECEIVE PETITION AND CALL FOR PUBLIC
HEARING; C. CONSIDER AUTHORIZATION TO RE-ADVERTISE FOR BIDS FOR
VEHICLE FO CABLE ACCESS/STUDIO ONE; D. BILLS/PROJECT PAYMENTS;
E. BUILDING PERMITS:**

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

Out-of-State travel be approved for Glenn Olson, Director of Public Works/City Engineer, to attend the American Public Works Association (APWA) International Congress and Exposition in San Antonio, Texas on September 9 – 12, 2007.

Call for a public hearing to consider the petition for vacation of a utility easement on Lots 1 – 4, Block 7, Carr Estates. This public hearing will be held at 5:30 P.M. on August 20, 2007.

Authorization for the proper city personnel to re-advertise for bids for a vehicle for Cable Access/Studio One.

REGULAR MEETING – AUGUST 6, 2007

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 56960 through 57215.

All voted in favor of the motion.

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

1.	Ivan & Ardyce Carrow	1005	Birch	Street	Deck	\$4,000
2.	Michael Dulas	613	Lawrence	Street	Install Window	\$1,000
3.	Paula Belaen	1217	East College	Drive	Install Sign	\$700
4.	Phuong Tran	104	Lilac	Drive	Deck and Shed	\$2,000
5.	Stephen J. Steinberg	905	North 4th	Street	Reroof Dwelling	\$1,500
6.	Mark Deutz Construction	603	Kendall	Street	Garage	\$20,000
7.	Don Vandendriessche	716	Nuese	Lane	Reside Dwelling	\$4,200
8.	Buyse Roofing & Sheet Metal, Inc.	1304	East College	Drive	Replace Roof Edge	\$1,700
9.	Scott Johanson	1217	East College	Drive	Install Signs	\$1,500
10.	Sussner Construction, Inc.	604	West Erie	Road	Repair Overhead Door Structure	\$2,400
11.	Swanson Home Specialists	505	Carlson	Street	Reroof	\$3,935
12.	Alan Maag	601	Pleasant	Street	Window and Interior Remodel	\$1,800
13.	Starlite Partnership	1101	Indiana Jones	Avenue	Reroof	\$14,000
14.	King Construction	702	Kennedy	Street	Reroof Dwelling	\$5,000
15.	The Schwan Food Company	207	West Main	Street	Mercantile & Office Building	\$4,691,000
16.	Kathryn and Wesley Penske	711	Scott	Street	Prefabricated Dwelling	\$112,500
17.	Minnesota State Armory	500	Timmerman	Drive	Utility Shed	\$2,200
18.	CE Sign	201	Sunrise	Lane	Sign	\$900
19.	Owner	601	Ontario	Road	Shelter	\$1,500
20.	Bob St.Aubin	712	West College	Drive	Warehouse Addition	\$10,000
21.	Like Enterprises, LLC	1220	Susan	Drive	Signs	\$5,000
22.	Scott Skulstad	204	Gray	Place	Installing Windows	\$1,500
23.	Greg Baartman Construction, Inc.	611	Kathryn	Avenue	Install Window	\$1,500
24.	Bakke's Home Repair & Construction	502	Donita	Avenue	Kitchen Remodel	\$18,000
25.	Donald E. Otterson	507	Viking	Drive	Replace Deck	\$5,000
26.	Dulas Construction, Inc.	301	Baseline	Road	Addition	\$370,000
27.	Phillip VanOverbeke	206	Gray	Place	Reside Garage	\$2,000
28.	Dwayne Brinkman	1301	Charles	Avenue	Utility Shed	\$3,200
29.	Rick Slagel Construction, Inc.	106	Parkview	Drive	Reroof	\$4,000
30.	Lozinski Construction	704	Adobe	Road	Reroof	\$5,500
31.	Paxton Signs, John Paxton	1500	Hahn	Road	Interior Partitions	\$3,000
32.	Russell Svenningsen	502	North 3rd	Street	Repair Roof	\$6,500
33.	Grace Life Church	208	North High	Street	Move In Garage	\$3,000

REGULAR MEETING – AUGUST 6, 2007

34.	Mark Graff	601	South	2nd	Street	Deck	\$1,500
35.	Shawn Lamote	505	North	4th	Street	Basement Remodel	\$1,000
36.	George J. Jacob Construction	202	North	Whitney	Street	Install Window	\$800
37.	North Star Building Systems	604		Elizabeth	Street	Modular Dwelling	\$115,600

CONSIDER RESOLUTION ORDERING ADVERTISEMENT FOR BIDS FOR REDWOOD RIVER RIPRAP PROJECT Y23:

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3004, SECOND SERIES and that the reading of the same be waived. Resolution Number 3004, Second Series is a resolution Ordering Advertisement for Bids for the Redwood River Riprap Project Y23. This project includes North Bruce Street at the northern area of the city limits in a roadway section commonly referred to as Skunk Hollow Road; Downtown Park between West College Drive and West Main Street; and South Saratoga Street and West College Drive adjacent to the Adult Community Center, Marshall Municipal Utilities area, and an area along property owned by The Schwan Food Company. These bids are to be received on August 29, 2007. All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 2 FOR RUNWAY 12/30 PHASE II PROJECT Y02 S.A.P. 4201-67:

Sanow moved, Boedigheimer seconded, the approval of Change Order No. 2 with McLaughlin and Schulz Inc., Marshall, Minnesota, in the amount of \$9,143.98 for a total revised contract amount of \$4,116,538.76. This change order provides for a contract increase relating to the following four items:

Construction of field entrances of township	\$6,000.00
Reconnection of a portion of the field tile system	999.69
Fabrication of light can extension for in-pavement runway edge light	800.29
Provision of radio car operator	1,344.00

These funds will be paid from account number 425-60364-5530. All voted in favor of the motion.

CONSIDER THE REQUEST OF THE CITY OF MARSHALL TO REZONE PART OF 113 SOUTH 10TH STREET FROM AN R-1 ONE-FAMILY RESIDENCE DISTRICT TO AN I-2 GENERAL INDUSTRIAL DISTRICT AND TO REZONE PART OF 115 SOUTH 10TH STREET FROM AN I-2 GENERAL INDUSTRIAL DISTRICT TO AN R-1 ONE-FAMILY RESIDENCE DISTRICT – INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

Per the recommendation of the Planning Commission, Sanow moved, Boedigheimer seconded, the introduction of an ordinance and called for a public hearing on the request of George Jacob and Charles Hess and the City of Marshall to rezone part of 113 South 10th Street from an R-1 One-Family Residence District to an I-2 General Industrial District and part of 115 South 10th Street from an I-2 General Industrial District to an R-1 One-Family Residence District. All voted in favor of the motion.

CONSIDER THE REQUEST TO MOVE DWELLINGS INTO A RESIDENTIAL DISTRICT AND CALL FOR PUBLIC HEARING – A. 603 HERITAGE PLACE (FROM 200 SOUTH MINNESOTA STREET); B. 607 HERITAGE PLACE (FROM 504 CHARLES AVENUE); C. 611 HERITAGE PLACE (FROM 506 CHARLES AVENUE):

Sanow moved, Boedigheimer seconded, that a public hearing be held on August 20, 2007 on the request to move dwellings into a residential district. The dwellings to be moved

have been reviewed by the Building Inspection and Zoning Department and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. The dwellings to be moved are:

200 South Minnesota Street to 603 Heritage Place

504 Charles Avenue to 607 Heritage Place

506 Charles Avenue to 611 Heritage Place

All voted in favor of the motion

NORTH 3RD STREET SIDEWALK IMPROVEMENT PROJECT Y13 – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; C. RESOLUTION CALLING FOR HEARING ON PROPOSED ASSESSMENT:

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3005, SECOND SERIES and that the reading of the same be waived. Resolution Number 3005, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for North 3rd Street Sidewalk Improvement Project Y13. This resolution provides for the assessment to be paid over an 8 year period at an interest rate of 6.25%. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3006, SECOND SERIES and that the reading of the same be waived. Resolution Number 3006, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for the North 3rd Street Sidewalk Improvement Project Y13. All voted in favor of the motion.

Sanow moved, Hulsizer seconded, the adoption of RESOLUTION NUMBER 3007, SECOND SERIES and that the reading of the same be waived. Resolution Number 3007, Second Series is a resolution Calling for Hearing on the Proposed Assessment for North 3rd Street Sidewalk Improvement Project Y13. This public hearing will be held at 5:30 P.M. on September 4, 2007. All voted in favor of the motion.

NORTH 4TH STREET SIDEWALK IMPROVEMENT PROJECT Y14 – A. RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION DECLARING OFFICIAL INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE PROCEEDS OF TAX-EXEMPT BONDS; C. RESOLUTION CALLING FOR HEARING ON PROPOSED ASSESSMENT; D. RESOLUTION ACCEPTING BID (AWARD CONTRACT):

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3008, SECOND SERIES and that the reading of the same be waived. Resolution Number 3008, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for North 4th Street Sidewalk Improvement Project Y14. This resolution provides for the assessment to be paid over an 8 year period at an interest rate of 6.25%. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3009, SECOND SERIES and that the reading of the same be waived. Resolution Number 3009, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of

REGULAR MEETING – AUGUST 6, 2007

Expenditures with the Proceeds of Tax-Exempt Bonds for the North 4th Street Sidewalk Improvement Project Y14. All voted in favor of the motion.

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3010, SECOND SERIES and that the reading of the same be waived. Resolution Number 3010, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for North 4th Street Sidewalk Improvement Project Y14. This public hearing will be held at 5:30 P.M. on September 4, 2007. All voted in favor of the motion.

Bids were received, opened and read for the North 4th Street Sidewalk Improvement Project Y14. Bids received, opened and read were from:

Rogge Excavating	D & G Excavating, Inc.	Chad Monson Excavating, LLC
Ghent, Minnesota	Marshall, Minnesota	Willmar, Minnesota
\$93,168.25	\$104,097.00	\$124,617.00

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3011, SECOND SERIES and that reading of the same be waived. Resolution Number 3011, Second Series is a resolution Accepting Bid (Award Contract) for North 4th Street Sidewalk Improvement Project Y14. This contract was awarded to Rogge Excavating, Ghent, Minnesota in the amount of \$93,168.25. All voted in favor of the motion.

RESOLUTION FOR ACQUISITION OF REAL PROPERTY:

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3012, SECOND SERIES and that the reading of the same be waived. Resolution Number 3012, Second Series is a resolution for Acquisition of Real Property. This resolution provides for the acquisition of approximately 234.58 square feet from Steven O. Smisek and Brigitte J. Smisek for a total fee of \$300 and the acquisition of 2061 square feet plus and additional 600 square feet for temporary construction easement from Merna H. Thomsen in the amount of \$4,590. All voted in favor of the motion.

**PROJECT Y03 / S.P. 4210-38 – 2007 MAIN STREET PROJECT AMENDMENTS
WORK ORDER #4, WORK ORDER #5 AND WORK ORDER #6:**

Glenn Olson, Director of Public Works/City Engineer, reviewed the following work orders for 2007 Main Street Project Y03 / S.P. 4210-38:

Work Order #4 results in a contract increase in the amount of \$13,340.31 for the equipment, labor and materials involved for the filtering, handling and excavation of contaminated ground water and soil at locations specified by the Engineer. No contract time changes will result from this work order. These items will initially be funded half by Marshall Municipal Utilities (MMU) and half by Wastewater and will be included in a potential future reimbursement from the Dry Cleaners Fund (similar to the Petroleum Fund).

Work Order #5 results in a contract increase in the amount of \$42,731.93 for the equipment, labor and materials involved for the installation of required casing for the watermain and service crossings as directed by the Engineer. This Work Order also results in an increase in contract time of 5 days, with a revised completion date of September 14, 2007. This additional cost will be funded by MMU and special assessments.

REGULAR MEETING – AUGUST 6, 2007

Work Order #6 results in a contract increase in the amount of \$7,763.57 for the equipment, labor and materials involved for various fittings for installation of sanitary sewer mains and water services at locations specified by the Engineer. No contract time changes will result from this work order. This additional cost will be funded by the Wastewater Department and MMU.

Reynolds move, Sanow seconded, the acknowledgement of Work Order #4, #5 and #6 for a project cost increase of \$63,835.81. All voted in favor of the motion.

CONSIDER APPROVAL OF AMENDED APPENDIX "A" 2007 WAGE SCHEDULE OF THE 2005-2007 LABOR AGREEMENT WITH AFSCME, COUNCIL NO. 65:

Reynolds moved, Ritter seconded, the approval of Amended Appendix "A" 2007 Wage Schedule of the 2005-2007 Labor Agreement with AFSCME, Council No. 65. This amendment is effective January 1, 2007 and incorporates the City Council compensation plan adjustments that were approved in June. The AFSCME Union has ratified these changes. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION/BOARD 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

Boedigheimer Airport Commission meets next week; Lyon County Enterprise Development met in Tracy but he was unable to attend; M.E.R.I.T. Center will meet on Thursday.

Hulsizer Human Rights Commission held a meeting but she was unable to attend

Reynolds Hospital Board will have a joint meeting with the City Council on August 13th

Ritter EDA discussed working with a realtor

Sanow No report

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Council Member Boedigheimer indicated that the City of Detroit Lakes has succeeded in getting the trains to stop blowing their whistle in town and he wants the staff to contact them for more information; Council Member Boedigheimer indicated that Mike Johnson received an award from the Coalition and that the Coalition has a video tape of the last day the Legislature was in session and the city should request a copy of this. Council Member Sanow ask what the status is of his request for a discussion on the user fees for water and sewer for improvement projects being added to pending agenda items.

DETERMINATION BY CITY COUNCIL TO GO INTO CLOSED SESSION PURSUANT TO MINNESOTA STATUTE 13D.03, (SUBD. 1):

Motion was made by Ritter seconded by Reynolds to go into closed session pursuant to Minnesota Statute 13D.03, (subd. 1) at 6:30 P.M. All voted in favor of the motion.

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

REGULAR MEETING – AUGUST 6, 2007

The City Council came out of closed session at 6:50 P.M.

Reynolds moved, Sanow seconded, that the meeting be adjourned at 6:51 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

JOINT CITY COUNCIL – AVERA MARSHALL REGIONAL MEDICAL CENTER
AUGUST 13, 2007

A Joint City Council/WMMC dba AVERA Marshall Regional Medical Center Board of Directors meeting of the City of Marshall was held on August 13, 2007 in the Education Rooms (3rd Floor) of the AVERA Marshall Regional Medical Center. The meeting was called to order at 6:00 P.M. by Mayor Byrnes. In attendance from Avera Marshall Regional Medical Center were: Mike Rich, Board Chairman; Mary Maertens, President CEO; John Potter, Avera Health President; Curt Hohman, Sr. V.P. of Management Facilities; Dr. Steve Meister, Board member; Bernadette Kurk, Board member and Cliff Carmody, Board member. Hospital staff present included: Chris Gilb, Dodie DeRynck; Sharon Williams, Irene Wolf and DeeAnn Holland. In addition to Byrnes the City Council Members present were: Hulsizer, Sanow, Reynolds, Boedigheimer and Ritter. Absent: Doom. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Rob Yant, Director of Public Safety; Mark Hanson, EDA Director and Thomas M. Meulebroeck, Financial Director/City Clerk. Rae Krueger, Marshall Independent was also in attendance at the meeting.

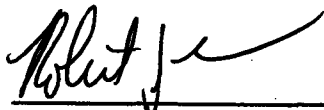
Curt Hohman provided a power point presentation on the Value of the Avera Partnership. Following the presentation there was a discussion and comments made from various attendees on the importance of continuing the Regional Partner Agreement with Avera.

Reynolds moved, Ritter seconded, the approval of the Regional Partner Agreement between Avera Marshall Regional Medical Center, Avera Health and Avera McKennan. All voted in favor of the motion.

Rob Yant along with Avera administration and medical staff addressed and discussed the challenges and issues as it relates to transporting Behavioral Health and Mental Health patients.

Reynolds moved, Sanow seconded, the introduction of an ordinance for Disposition of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance would provide for the swap/sale between Mr. George Jacob, Mr. Charles Hess and the City of Marshall and would entail the City receiving Tract 5 (37,721 SF) in exchange for Tract 4 (27,556 SF). Tract 4 is currently part of Parkway III housing development. All voted in favor of the motion.

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



Mayor of the City of Marshall

ATTEST:



Finance Director/City Clerk

REGULAR MEETING – AUGUST 20, 2007

The regular meeting of the Common Council of the City of Marshall was held on August 20, 2007 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, 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; Mark Hanson, EDA Director; Dale Howe, Building Official; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

It was the general consensus of the council that the agenda be approved with the addition of item number 16a, which is the discussion of the purchase agreement for the acquisition of property in the Industrial Park Second Addition from Pantera, LLP that will be considered at the HRA meeting.

APPROVAL OF MINUTES:

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on August 6, 2006 be approved and that the reading of the same be waived. All voted in favor of the motion.

**PUBLIC HEARING - CONSIDER THE REQUEST OF THE CITY OF MARSHALL TO REZONE PART OF 113 SOUTH 10TH STREET FROM AN R-1 ONE-FAMILY RESIDENCE DISTRICT TO AN I-2 GENERAL INDUSTRIAL DISTRICT AND TO REZONE PART OF 115 SOUTH 10TH STREET FROM AN I-2 GENERAL INDUSTRIAL DISTRICT TO AN R-1 ONE-FAMILY RESIDENCE DISTRICT
A. ADOPTION OF ORDINANCE; B. ADOPTION OF ORDINANCE FOR DISPOSITION OF CITY OWNED REAL PROPERTY AS REQUIRED BY MARSHALL CITY CHARTER SECTION 12.05:**

This was the date and time set for a public hearing on the request to rezone part of 113 South 10th Street from an R-1 One-Family Residence District to an I-2 General Industrial District and to rezone part of 115 South 10th Street from an I-2 General Industrial District to an R-1 One-Family Residence District. This rezoning is the beginning of the process, wherein the City of Marshall and Mr. George Jacob and Mr. Charles Hess, have agreed to exchange properties so as to allow for the construction of a storage building, if rezoning occurs. Mark Hanson, EDA Director, indicated that the proposed swap/sale between Mr. Jacob, Mr. Hess and the City of Marshall would entail the City receiving Tract 5 (.87 acres) and \$8,000 minus expenses for the exchange for Tract 4 (.63 acres). Tract 4 is currently part of Parkway III housing development. The basis for the exchange is based on the belief the City's land (Tract 4) is twice as valuable as Tract 5 due to proximity to infrastructure and roadway. The basic unit of land value was \$15,000 per acre. The indicated dollar difference developed was \$10,000 for the exchange. The negotiations with Jacob/Hess was to reduce the \$10,000 difference to be paid by Jacobs to \$8,000 based on Jacob/Hess allowing a temporary street across his property to give access to the South 8th Street area while the downtown Main Street reconstruction was being reconstructed. The Jacobs/Hess partnership intends to construct a storage facility similar to the one located in Tract 2. The Southwest Minnesota Housing Partnership and Schwan Development Corporation indicated that this land swap does not negatively impact future housing development in Parkway III. Ritter moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING – AUGUST 20, 2007

Sanow moved, Ritter seconded, the adoption of ORDINANCE NUMBER 582, SECOND SERIES and that the reading of the same be waived. Ordinance Number 582, Second Series is an ordinance Amending Chapter 86 of the City Code Relating to Zoning. This ordinance provides for part of 113 South 10th Street to be rezoned from an R-1 One-Family Residence District to an I-2 General Industrial District and for part of 115 South 10th Street to be rezoned from an I-2 General Industrial District to an R-1 One-Family Residence District. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of ORDINANCE NUMBER 583, SECOND SERIES and that the reading of the same be waived. Ordinance Number 583, Second Series is an Ordinance for Disposition of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance provides for the property at 113 South 10th Street (Tract 4) to be conveyed to George Jacob and Charles Hess at tenants in common. The transfer of this property is subject to and contingent upon the following: the rezoning as requested must occur; George Jacob and Charles Hess must provide clear title to the property free and clear of any claims, liens or encumbrances; and the successful completion of the platting. All voted in favor of the motion.

PUBLIC HEARING - CONSIDER APPROVAL OF REQUEST TO MOVE DWELLINGS INTO A RESIDENTIAL DISTRICT - A. 603 HERITAGE PLACE (FROM 200 SOUTH MINNESOTA STREET); B. 607 HERITAGE PLACE (FROM 504 CHARLES AVENUE); C. 611 HERITAGE PLACE (FROM 506 CHARLES AVENUE):

This was the date and time set for a public hearing on the request to move dwellings into a residential district – 603 Heritage Place from 200 South Minnesota Street; 607 Heritage Place from 504 Charles Avenue and 611 Heritage Place from 506 Charles Avenue. Glenn Olson, Director of Public Works/City Engineer, indicated that these dwellings have been reviewed by the Building Inspection and Zoning Department and found to be in reasonable condition to move and in reasonable compliance with the MN State Building Code. Comments on this request included:

Council Member Ritter asked what all on site construction to the dwellings in conformance with City Code meant. Dale Howe, Building Official, indicated that all code items are completed, but it does not relate to landscaping.

Ron Schilling indicated that he has completed the water system, sewer system and storm water system. He also indicated that this he has a waiting list for renters.

Council Member Sanow indicated that according to the phone calls he has received this area is not well received by the public. He was also concerned that someone was living in one of the current homes that does not have a Certificate of Occupancy.

Ron Schilling indicated that he is not aware that anyone is living there yet. He indicated that he has installed new plumbing, electric and new foundations for the three homes that are currently in this addition.

Council Member Boedigheimer was concerned that there was no sidewalk from the street to these houses.

JoAnn Gould, 412 North 7th Street, was concerned with the snow removal along their house and where it would be dumped. Mr. Olson indicated that the city is responsible for the

REGULAR MEETING – AUGUST 20, 2007

snow removal on all city streets, which includes the street in front of their house that connects with Heritage Place, and that the snow would not be dumped at the end of the city street.

John Thoofit indicated that the party referred to as not having a certificate of occupancy had a problem getting out on Heritage Place on Saturday morning after the rain on Friday night.

Kay Nauman, 608 Soucy Drive, was concerned that the exterior of the homes currently in this addition are not finished and they look very tacky. She also wanted to know why Mr. Schilling was not required to pave this road when the City Code Section 66-105, subdivision d, no. 1 states that private streets and roads shall be paved by the developer to a width of no less than 28 feet and maintained in a passable condition. Glenn Olson indicated that no. 7 of this subdivision also states that the city will not subsequently accept a private street or road for dedication unless and until it is brought to the city standards. Mr. Schilling does not intend to turn this road over to the city.

Council Member Sanow indicated that no. 1 does not indicate that a road needs to be paved only if it is turned over to the city. Council Member Boedigheimer agreed and if he would have been aware of item no. 1 he would not have voted in favor of this addition. Council Member Ritter indicated the same.

Deb Picht, 612 Soucy Drive, indicated that a woman and three children have been living in the grey house behind her and there is no Certificate of Occupancy for this home.

Peggy Hames, 103 Ranch, invited the council to come to her back yard and look at the houses.

A letter was read from Troy Sanow indicating that the house he currently lives in is fit to live in and he likes the area.

Kay Nauman, asked if the developers agreement was available to the public.

Ron Schilling indicated that he completed the health safety issues first and that there are still cosmetic items to complete.

Council Member Boedigheimer indicated that they were aware of item no. 7 of the city code but not aware of item no. 1. Council Member Sanow agreed with Boedigheimer.

City Attorney Denis Simpson indicated that the developers agreement may need to be changed.

Council Member Hulsizer indicated that Mr. Schilling is being a little too aggressive and that the outside work on the three houses in the addition be completed before he moves in any more houses.

Mr. Schilling indicated that even if this request is approved it would be two to three weeks before he would be ready to move in more houses.

JoAnn Gould wanted to know what the effect would be to them if Mr. Schilling paves his road.

REGULAR MEETING – AUGUST 20, 2007

Kay Nauman indicated that the neighborhood thinks the road should be paved.

Bob Carr asked why Mr. Schilling was not required to put in sidewalks. Mr. Olson indicated that sidewalks would be required if the city would take over this development.

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

Sanow moved, Hulsizer seconded, that request to move dwellings into a residential district – 603 Heritage Place from 200 South Minnesota Street; 607 Heritage Place from 504 Charles Avenue and 611 Heritage Place from 506 Charles Avenue be tabled to the September 4, 2007 City Council meeting. All voted in favor of the motion.

Council Member Boedigheimer wants to know why they were not aware that all roads in the City need to be paved at the September 4, 2007 meeting.

PUBLIC HEARING - VACATION OF UTILITY EASEMENTS IN CARR ESTATES, BLOCK 7, LOTS 1-4 – A. PUBLIC HEARING ON PETITION; B. CONSIDER RESOLUTION GRANTING PETITION FOR VACATION OF EASEMENTS:

This was the date and time set for a public hearing on the Vacation of Utility Easements in Carr Estates, Block 7, Lots 1 – 4. Glenn Olson, Director of Public Works/City Engineer indicated that the purpose of the vacation is the petitioners have agreed to split the property along the lines not anticipated in the development of the plat and do not need the utility easement to service the lots. He indicated that all of the utility companies have been contacted and requested to define the utility easements necessary to be retained within the requested vacated area. All responses received have been addressed. Reynolds moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3013, SECOND SERIES and that the reading of the same be waived. Resolution Number 3013, Second Series is a resolution Granting a Petition for the Vacation of a Utility Easement in the City of Marshall. This resolution provides for the vacation of a utility easement on Lots 1 – 4, Block 7, Carr Estates. All voted in favor of the motion.

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

ADOLESCENTS ANONYMOUS / TEEN CENTER PRESENTATION INFORMATIONAL:

At this time there was a presentation by representatives from Adolescents Anonymous on a Teen Center. They indicated that they are teens working with teens for teens. The power point presentation provided information on the following:

MISSION

- Create a healthy environment explicitly for teens promoting safe and constructive decision

VISION

- Support teens by giving them their own place in the community to relax and have fun in a positive environment.
- Adolescents Anonymous along with the help of the community developers will create the center and make it accessible to teens for their needs and wants.

REGULAR MEETING – AUGUST 20, 2007

GOALS

- Create a center exclusively for teens to minimize substance abuse among young adults
- Give adolescents more options for entertainment
- Bring in an amenity to fill the missing piece of the community

STRATEGIES

- Work towards meeting the 4 “F’s” (free, fun, food and friendship)
- Apply a hybrid business model to provide for long term success
- Make available to surrounding communities
- Working with teens for teens

BENEFITS

- Lower crime rates
- Lower truancy
- Lower rate of chemical abuse among teens
- Better “attachment” to community = higher retention/return rate
- Cost avoidance (treatment, incarceration, prosecuting cost)

SUMMARY

- Bring in the “missing piece”. After starting this project they learned that according to the comprehensive analysis done for the City of Marshall in 2006, a teen center is needed
- Better teenage experience yields greater likelihood of adult success in community
- Adolescents Anonymous is learning from successful models
- Survey indicates that the center will be well used
- Currently working to assign the Adult Board and obtain 501C3 Status (Avera is currently acting as their fiscal host)

They reviewed the organization chart, the adult board and the results of a survey on the types of activities and times that the center would be used. They provided a floor plan that could be used at a current location in Marshall along with the proposed start up costs for this project. They also provided a sample budget that is based on a current facility in Minnesota.

**AWARD OF CONTRACT - PROJECT X74 (FORMER X26 & X72) / S.A.P. 139-112-05:
NORTH 3RD STREET RECONSTRUCTION AND BRIDGE REPLACEMENT
A. RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING
PREPARATION OF PROPOSED ASSESSMENT; B. RESOLUTION FOR HEARING
ON PROPOSED ASSESSMENT; C. RESOLUTION DECLARING THE OFFICIAL
INTENT REGARDING THE REIMBURSEMENT OF EXPENDITURES WITH THE
PROCEEDS OF TAX-EXEMPT BONDS; D. RESOLUTION ACCEPTING BID (AWARD
CONTRACT); E. RESOLUTION TO FINANCE COSTS IN EXCESS OF THE BRIDGE
BONDING GRANT:**

Sanow moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3014, SECOND SERIES and that the reading of the same be waived. Resolution Number 3014, Second Series is a resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for North 3rd Street Reconstruction and Bridge Replacement Project Y74 / S.A.P. 139-112-05. This resolution provides for the assessment to be paid over a 10 year period at an interest rate of 6.1%. All voted in favor of the motion.

REGULAR MEETING – AUGUST 20, 2007

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3015, SECOND SERIES and that the reading of the same be waived. Resolution Number 3015, Second Series is a resolution Calling for a Hearing on the Proposed Assessment for North 3rd Street Reconstruction and Bridge Replacement Project Y74 / S.A.P. 139-112-05. This public hearing will be held at 5:30 P.M. on September 17, 2007. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3016, SECOND SERIES and that the reading of the same be waived. Resolution Number 3016, Second Series is a resolution Declaring the Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for North 3rd Street Reconstruction and Bridge Replacement Project Y74 / S.A.P. 139-112-05. All voted in favor of the motion.

Bids were received, opened and read for North 3rd Street Reconstruction and Bridge Replacement Project X74 / S.A.P. 139-112-05 on July 31, 2007. Bids received, opened and read were from:

Chad Monson Excavating, LLC
Willmar, Minnesota
\$1,495,268.40

R & G Construction Co.
Marshall, Minnesota
\$1,597,926.40

Midwest Contracting, LLC
Marshall, Minnesota
\$1,779,586.60

Duininck Bros., Inc.
Prinsburg, Minnesota
\$1,877,715.35

Glenn Olson, Director of Public Works/City Engineer, indicated that the low bidder was Chad Monson Excavating LLC, Willmar, Minnesota in the amount of \$1,495,268.40. Mr. Olson indicated that upon review of the proposed bid, he requested the contractor to provide documentation for experience with this or similar types of construction, including retaining structures including piling. Mr. Monson indicated that his company had not had previous experience with bridge building or the type of construction that we were looking at in this project. However, he was in the process of contacting subcontractors that were experienced in this type of work. Mr. Olson, allowed Mr. Monson a period of time to provide the subcontractors name and background information, but as of last week he was not able to find an experienced subcontractor to do the work.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3017, SECOND SERIES and that the reading of the same be waived. Resolution Number 3017, Second Series is a resolution Accepting Bid (Award Contract) for North 3rd Street Reconstruction and Bridge Replacement Project Y74 / S.A.P. 139-112-05. This contract was awarded to R & G Construction Co., Marshall, Minnesota, the low responsible bidder, in the amount of \$1,597,926.40. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3018, SECOND SERIES and that the reading of the same be waived. Resolution Number 3018, Second Series is a resolution to Finance Costs in Excess of the Bridge Bonding Grant for Project X74 / S.A.P. 139-112-05 North 3rd Street Reconstruction and Bridge Replacement Project. The amount of the grant has been determined to be \$1,175,905.50 by reason of the lowest responsible bidder. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR SOUTHWEST MINNESOTA STATE UNIVERSITY FOUNDATION; C. SOUTHWEST/WEST CENTRAL SERVICE COOPERATIVE CITY/COUNTY/OTHER GOVERNMENT AGENCIES (CCOGA) GROUP INSURANCE POOL DESIGNATION OF AUTHORITY; D. CONSIDER AUTHORIZATION TO ADVERTISE FOR BIDS FOR BOOM TRUCK FOR STREET DEPARTMENT; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

Per the request of Council Member Sanow item number E, which is consideration of bills/project payments, was removed from the consent agenda.

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

A Temporary On-Sale Intoxicating Liquor License for the Southwest Minnesota State University to be used at Mattke Field on Saturday, October 6, 2007. The fee for this license is \$30.00.

A Temporary On-Sale Intoxicating Liquor License for the Southwest Minnesota State University Foundation to be used at Southwest State University Student Center / Conference Center on October 27 – 28, 2007. The fee for this license is \$60.00.

The approval of the Southwest/West Central Service Cooperative City/County/Other Government Agencies (CCOGA) Group Insurance Pool Designation of Authority. Thomas M. Meulebroeck, Finance Director/City Clerk, was designated to be the representative to the CCOGA Group Insurance Pool.

The proper city personnel be authorized to advertise for bids for a boom truck for the Street Department.

All voted in favor of the motion.

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

1.	PR Ventures	503	Impala	Court	Dwelling	\$150,000
2.	D&G Excavating, Inc.	1106	West Main	Street	Demolish Warehouse	\$0
3.	Sussner Construction, Inc.	2001	South Highway 23		Exterior Remodeling	\$20,800
4.	Trevor Hanson	1220	East College	Drive	Reside Mercantile	\$7,500
5.	Geske Home Improvement Co.	1304	Pinehurst	Road	Reside Dwelling	\$16,000
6.	Kenneth & Vickie Wiesen	112	West James	Avenue	Reroof	\$3,600
7.	Bakke's Home Repair & Construction	112	Ranch	Avenue	Install Door	\$900
8.	Ray & Pam Alderman	103	West Thomas	Avenue	Deck	\$2,500
9.	Doom & Cuypers,	310	North O'Connell	Street	Student Center	\$150,000

REGULAR MEETING – AUGUST 20, 2007

10.	Timothy DeVries	607	Peltier	Street	Dwelling	\$60,000
11.	Bot Appliance & Electronics	405	West Main	Street	Sign	\$200
12.	James Lozinski Construction	104	Parkview	Drive	Reroof Dwelling	\$7,550
13.	Lucas Hess	204	Carrow	Street	Exterior Remodel	\$40,000
14.	Rick Slagel Construction, Inc.	608	Lawrence	Street	Reroof	\$5,800
15.	Norma Streich	108	West Maple	Street	Exterior Remodel	\$800
16.	Buysse Roofing Systems	1305	Pinehurst	Road	Reroof	\$14,700
17.	George J. Jacob Construction	1003	Cheryl	Avenue	Reroof	\$1,000
18.	Bill Chukuske	504	Parkside	Drive	Deck	\$13,000
19.	David Myhre	606	Soucy	Drive	Deck	\$2,300
20.	Schaefer Woodworks	603	West College	Drive	Interior Remodel	\$8,000
21.	James Lozinski Construction	104	South High	Street	Deck	\$3,500
22.	REM Southwest Services, Inc.	1201	Alan	Avenue	Replace Basement Walls	\$15,000

Council Member Sanow questioned the \$10.00 contribution to PFLAG and indicated that any item that is considered moral or a sensitive issue should be presented to the Council. It was indicated that this contribution had been approved by the Human Rights Commission. Sanow moved, Ritter seconded that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 57216 through 57394. All voted in favor of the motion.

CONSIDER THE REQUEST OF MATTHEW SEDERSTROM AND HUNTER FENNELL FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT AN ADDITION ONTO THEIR DWELLING WITH A SIDE YARD OF LESS THAN REQUIRED BY ORDINANCE IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 605 JEFFERSON CIRCLE:

Dale Howe, Building Official, reviewed the request of Matthew Sederstrom and Hunter Fennell for a Variance Adjustment Permit to construct an addition onto their dwelling at 605 Jefferson Circle with a rear yard of 20' at the maximum point of encroachment in lieu of 30' which is 25% of the lot depth required by Zoning Code in an R-1 One Family Residence District. He indicated that this request was denied by the Planning Commission because there is no undue hardship. Council Member Boedigheimer indicated that he is not in favor of using undue hardship as a reason to deny. Boedigheimer moved, Reynolds seconded, that the request of Matthew Sederstrom and Hunter Fennell for a Variance Adjustment Permit to construct an addition onto their dwelling at 605 Jefferson Circle with a rear yard of 20' at the maximum point of encroachment in lieu of 30' which is 25% of the lot depth required by Zoning Code in an R-1 One Family Residence District be approved. All voted in favor of the motion, except Hulsizer who voted no.

CONSIDER THE REQUEST OF DOUG AND HELEN DEVEREAUX FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A GARAGE ADDITION WITH A SIDE YARD OF LESS THAN REQUIRED BY ORDINANCE IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 509 ELAINE AVENUE:

Dale Howe, Building Official, reviewed the request of Doug and Helen Devereaux for a Variance Adjustment Permit to construct a 7' wide addition onto an attached garage at 509 Elaine Avenue with a 1' side yard in lieu of 5' side yard as required by Zoning Code in an R-1

REGULAR MEETING – AUGUST 20, 2007

One Family Residence District. The existing west wall of the garage is 8' from the west property line. The existing garage is 22' wide 24' deep and has a double door. The front door and the door between the dwelling and garage have landings constructed into the width of the garage. Mr. Howe indicated that a typical double garage is 24' x 24' and it is typical for a landing and steps to occupy space within the garage. He also indicated that a 3' addition could be constructed onto the attached garage to provide additional room for a landing and steps. Council Member Boedigheimer asked Doug if he would be ok with a 6' addition. He indicated that he could live with that. Boedigheimer moved, Ritter seconded, that the request of Doug and Helen Devereaux for a Variance Adjustment Permit to construct a 6' wide addition onto an attached garage at 509 Elaine Avenue with a 1' side yard in lieu of 5' side yard as required by Zoning Code in an R-1 One Family Residence District be approved. All voted in favor of the motion.

PRESENTATION ON 2007 CGMC POSITIONS AND LEGISLATIVE OUTCOMES – HOLLY BIRON:

Tim Flaherty from Flaherty and Hood provided a brief update on the following 2007 CGMC Positions and Legislative Outcomes:

LGA/Proerty Tax Relief:

- \$70 million LGA

- \$13 million County Aid – indexed for inflation

- \$5 million in Township Aid

- Removal of Taconite Aid Off-sets

- CGMC prevents last ditch efforts by metro cities to change formula in their favor

Environment:

- Phosphorus rule implementation delayed until May 1, 2008

- CGMC prevents repeal of Off-Set language from being snuck into Environmental Omnibus Bill

Transportation:

- 5 cent gas tax increase

- 2.5 cent additional gas tax increase to cover bonding obligations

- 60% of MVST for Highways

- 4% of MVST for greater MN Transit

- Legislature passes, governor signs "lights on" bill that:

 - Continues funding for MnDOT

 - Provides additional \$20 million in Metro Transit

Annexation

- Reporting date for Task Force extended to January 2008

- 120 acre provision sunset removed

- Notice of intent to include property in orderly annexation area must now be published and informational hearing held only at the time of the initial designation, not for any subsequent annexation of properties within the area.

PUBLIC SAFETY DEPARTMENT – A. PATROL SUBSCRIPTION RENEWAL WITH LMC; B. AUTHORIZATION FOR OUT-OF-STATE TRAVEL:

Ritter moved, Reynolds seconded, that the proper city personnel be authorized to enter into an agreement with the League of Minnesota Cities Insurance Trust for the Marshall Police Department to subscribe to the PATROL on-line training. This on-line training can be completed with the officer's schedule is more flexible and they don't have to leave town to complete it. For twenty-one officers the cost of this subscription will be \$1,785, which will be charged to the Police Department Training budget. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the approval of out-of-state travel for the Police Department Records Clerk Beth Soupir to travel to Skokie, Illinois for training on the CIS Police Records system from September 24 – 27, 2007. The cost of the training is \$1,200 plus travel and expense costs. All voted in favor of the motion.

WWTF SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA) SYSTEM PROPOSAL:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Wastewater Treatment Facility recently finished two large capital improvement projects, Equalization Basin Rehab and ATAD Digester Construction. One area the treatment facility is lacking in is a Supervisory Control and Data Acquisition System (SCADA). SCADA Systems monitor all equipment and treatment process operation, including alarm notification, data storage and graphing. The Minnesota Pollution Control Agency requires the City to record and maintain several parameters of their operation. The current system of recording these parameters is in dire need of replacement. This type of system is only available from a limited number of suppliers and is specific to each system; therefore the request was for proposals and not bids. One quotation/proposal was received from Automatic Systems Company for the complete system for the amount of \$135,604 plus tax. The system would require some additional fiber optic cable installed by a local installer. The total cost of the system installed and operations is estimated at \$147,000. Automatic Systems is the current control system provider and is very familiar with our treatment facility and its programming and controls. An estimate was also received from Kahler Automation, which was higher and did not include programming of the new equipment. Ritter moved, Reynolds seconded, the approval to proceed with the SCADA System Project with Automatic Systems Company as quoted. The funding is to be provided by excess bond revenue from the Equalization Basin and Digester Construction Projects. All voted in favor of the motion.

CONSIDER RESOLUTION TO AUTHORIZE TO EXECUTE MN/DOT GRANT AGREEMENT NO. 91685 FOR AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION AND AUTHORIZATION TO AWARD PROPOSAL:

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3019, SECOND SERIES and that the reading of the same. Resolution Number 3019, Second Series is a resolution providing for 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 the Grant Agreement No. 91685 for Airport Improvement Excluding Land Acquisition. This agreement is for Fog Seal and Seal Coating at the Southwest Minnesota Regional Airport and was awarded to RH Sealcoating & Asphalt Maintenance of Russell, Minnesota in the amount of \$49,836.81. This agreement will remain in effect until May 31, 2009 and will not exceed \$50,000.00. All voted in favor of the motion.

PUBLIC IMPROVEMENT COMMITTEE – A. STRIPING AND TRAFFIC CONTROL; B. RENAMING OF CITY PARKING LOTS:

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3020, SECOND SERIES and that the reading of the same be waived. Resolution Number 3020, Second Series is a resolution for Control Signage in the City of Marshall. This resolution provides for the following regulatory signs to be installed and/or removed:

1. Eliminate parking on the east side of Saratoga Street from Southview Drive north and northwesterly from Southview Drive to West College Drive.
2. Allow parking on the west side of South Saratoga from approximately 300 feet north of Southview Drive to just south of Robert Street.

3. Allow parking along the southwesterly side of East Saratoga Street from just east of the intersection of Greeley Street approximately 420 feet to just across from the easterly side of the Marshall Fire Hall.
4. Install a stop sign at the intersection of South 1st Street and East Greeley Street on Northbound South 1st Street.
5. Remove the stop sign at northwest bound East Greeley Street at the intersection of South 1st Street.

All voted in favor of the motion.

It was the general consensus of the council that the renaming of Downtown Park Lots be referred to the Greenspace Committee.

AUTHORIZATION TO ENTER INTO AGREEMENT WITH FLEXIBLE BENEFIT ADMINISTRATION, INC. FOR THE ADMINISTRATION OF CITY'S HEALTH INSURANCE CO-INSURANCE PROGRAM:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that effective January 1, 2007 the City authorized an agreement with TASC (Total Administrative Services Corporation) to administer the City's flex spending program and health insurance co-insurance program. The details of administering the City's health insurance co-insurance program was reviewed with Steve Kielman from TASC prior to entering into the agreement. Steve assured us that they would be able to administer the program. With seven (7) months of experience with TASC they concur with city staff that they are not able to effectively administer the program. Tom indicated that they have met with Flexible Benefit Administrator, Inc., (FBA, Inc.) the previous administrator of the City's health insurance co-insurance program and FBA has agreed to administer the program as per the attached agreement at the same rate as they had previously administered the program effective September 1, 2007. Ritter moved, Sanow seconded, that the agreement with TASC be cancelled effective August 31, 2007 and that the proper city personnel be authorized to enter into an agreement with Flexible Benefit Administration, Inc., effective September 1, 2007 for the administration of the City's health insurance co-insurance program. All voted in favor of the motion.

AUTHORIZE ASSIGNMENT OF OPTION CONTRACT FROM CITY OF MARSHALL TO HOUSING AND REDEVELOPMENT AUTHORITY (HRA):

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3021, SECOND SERIES and that the reading of the same be waived. Resolution Number 3021, Second Series is a resolution Authorizing Assignment of Option Contract and Purchase Agreement for Acquisition of DeRuyck Property from the City of Marshall to the Housing and Redevelopment Authority. This resolution provides for the "Assignment of Option Contract" to the DeRuyck property to be assigned to the HRA. All voted in favor of the motion.

DISCUSSION OF THE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY IN THE INDUSTRIAL PARK SECOND ADDITION FROM PANTERA, LLP THAT WILL BE CONSIDERED AT THE HRA MEETING:

Mark Hanson, EDA Director, reviewed the proposed land purchase between Pantera LLP and the Marshall HRA. Approximately three years ago, HRA entered into an agreement to sell 2.29 acres to DAC for a total purchase price of \$57,200. Due to a change in development plans, the land is now owned by Pantera LLP. Pantera LLP is willing to re-convey property back to the City of Marshall for the same consideration paid in June, 2004 of \$57,200. Pantera LLP also owns the Southwest Coaches Inc., building. The proceeds from the sale of this industrial land will go toward expenses incurred by a proposed expansion by Southwest Coaches

REGULAR MEETING – AUGUST 20, 2007

Inc. Council Member Ritter and Sanow indicated that the City should not buy back property that they originally sold.

COUNCILMEMBER COMMISSION/BOARD LIAISON 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.

Boedigheimer Airport Commission minutes are included in the agenda packet

Hulsizer No report.

Reynolds Hospital Board held a joint meeting with the City Council on August 13, 2007 and the minutes are included in the agenda packet.

Ritter EDA and Housing Commission met.

Sanow Cable Commission met but he was unable to attend, Marshall Area Transit met last week, Adult Community Center Commission indicated that the provider for meals will not pay for the ventilation system.

COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: striping will be done at the high school parking lot; Council Member Boedigheimer asked about the article in the paper that talked about a delay in the downtown project. Glenn Olson, Director of Public Works/City Engineer, indicated that upon further review of the issues there may not be any delay.

REVIEW OF PENDING AGENDA ITEMS:

The bid for the transit building will be on the agenda for the September 4, 2007 City Council meeting.

Upon motion by Reynolds, seconded by Sanow, the meeting was adjourned at 8:46 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – SEPTEMBER 4, 2007

The regular meeting of the Common Council of the City of Marshall was held on September 4, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:32 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, 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; Harry Weilage, Director of Community Services; Sheila Dubs, Assistant City Administrator; Dale Howe, Building Official; Jane DeVries, Deputy City Clerk; and Cal Barnett, Director of General Services/City Assessor arrived late.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

Sanow moved, Reynolds seconded, that the minutes of the regular meeting held on August 20, 2007 be approved as corrected and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING - PROJECT Y13: NORTH 3RD STREET SIDEWALK IMPROVEMENT PROJECT – A. HEARING ON PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION ADOPTING ASSESSMENT; C. CONSIDER RESOLUTION ACCEPTING BID (AWARD CONTRACT):

This was the date and time set for a public hearing on the North 3rd Street Sidewalk Improvement Project Y13. Glenn Olson, Director of Public Works/City Engineer, indicated that this project provides 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. Al Greig requested that the assessment for 3rd and 4th Street be spread over 10 years to be consistent with the Main Street Project. Mr. Olson indicated that this should be the same number of years and the same interest rate as the Main Street Project. Norm Gregerson was concerned with the entrance from North 3rd Street onto the alley. Mr. Olson indicated that part of the project is to provide for a better slope and entrance onto the alley off of North 3rd Street. Dr. Affolter was concerned with the area that goes out into the street and not being able to maintain this area. Mr. Olson indicated that this area will be redone and there will be less of a bump out area which will also provide for easier maintenance of the area. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3022, SECOND SERIES and that the reading of the same be waived. Resolution Number 3022, Second Series is a resolution Adopting the Assessment for North 3rd Street Sidewalk Improvement Project Y13, setting the interest rate at 6.25% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

Bids were received, opened and read on July 31, 2007 for North 3rd Street Sidewalk Improvement Project Y13. The bids received, opened and read were from:

D & G Excavating, Inc.,
Marshall, Minnesota
\$95,755.50

Chad Monson Excavating, LLC
Willmar, Minnesota
\$130,515.00

Reynolds moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3023, SECOND SERIES and that the reading of the same be waived. Resolution Number 3023, Second Series is a resolution Accepting Bid (Award Contract) for North 3rd Street Sidewalk Improvement Project Y13. This contract was awarded to D & G Excavating, Inc., Marshall, Minnesota in the amount of \$95,755.50. All voted in favor of the motion.

PUBLIC HEARING - PROJECT Y14: NORTH 4TH STREET SIDEWALK IMPROVEMENT PROJECT – A. HEARING ON PROPOSED ASSESSMENT; B. CONSIDER RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on the North 4th Street Sidewalk Improvement Project Y14. Glenn Olson, Director of Public Works/City Engineer indicated that this project provides for the removal and replacement of existing curb, gutter and sidewalk on the South side of 4th Street to tie into the 2007 Main Street Project. Council Member Sanow asked if the sidewalk would be colored concrete and Mr. Olson indicated that it would be colored from Main Street to Lyon Street. Roger Bell, 108 North 4th Street, indicated that it was his understanding that the sidewalk in front of his place was private property. He also indicated that the water and sewer lines do not go in front of his place. He was concerned if there was a problem with his sewer and water lines who would be responsible for digging up the sidewalk and paying for the repairs. Mr. Olson indicated that the property line is the same as the right-of-way line along 4th Street. He also indicated that the property owners are responsible for the maintenance of the sidewalks. Mr. Olson indicated that the service line goes from 108 North 4th Street to Main Street and that they are owned by the property owner. Mr. Olson indicated that Marshall Municipal Utilities have recently changed their policy on the ownership of water service lines if the curb stop is located in the right-of-way, but the property owner is responsible for the service line for the sewer line to his property. Mr. Olson indicated that they would work with Mr. Bell to determine if his service line for sewer and/or watermain should be replaced during this construction project. Reynolds moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3024, SECOND SERIES and that the reading of the same be waived. Resolution Number 3024, Second Series is a resolution Adopting the Assessment for North 4th Street Sidewalk Improvement Project Y14, setting the interest rate at 6.25% and the assessment being paid in equal annual installments extending over a period of 10 years. All voted in favor of the motion.

AWARD OF CONTRACTS - MARSHALL AREA TRANSIT (M.A.T.) STORAGE BUILDING - A. RESOLUTIONS ACCEPTING BIDS - 1. GENERAL CONTRACTOR – BLADHOLM CONSTRUCTION, INC.; 2. MECHANICAL CONTRACTOR – BISBEE PLUMBING & HEATING; 3. ELECTRICAL CONTRACTOR – MEARS ELECTRIC; B. CONSIDER CHANGE ORDERS FOR MARSHALL AREA TRANSIT (M.A.T.) STORAGE BUILDING - 1. CHANGE ORDER #1 – GENERAL CONTRACTOR; 2. CHANGE ORDER #1 – MECHANICAL CONTRACTOR; 3. CHANGE ORDER #1 – ELECTRICAL CONTRACTOR:

Bids were received, opened and read on July 31, 2007 for the Marshall Area Transit (M.A.T.) Storage Building. The bids received, opened and read were from:

General Package:

Bladholm Construction, Inc.
Marshall, Minnesota
\$636,600.00

Dulas Construction, Inc.
Marshall, Minnesota
\$725,000.00

REGULAR MEETING -- SEPTEMBER 4, 2007

Salonek Construction, Inc.
Springfield, Minnesota
\$745,900.00

Space Development Co.
Marshall, Minnesota
\$699,500.00

Sussner Construction, Inc.
Marshall, Minnesota
\$698,200.00

Mechanical Package:

Bisbee Plumbing & Heating, Inc.
Marshall, Minnesota
\$116,836.00

Chappell Central, Inc.
Willmar, Minnesota
\$137,000.00

Lake Country Mechanical
Spicer, Minnesota
\$149,650.00

Feder Mechanical
Madelia, Minnesota
\$168,042.00

Electrical Package:

B & J Lake Regional Electrical
Spicer, Minnesota
\$76,802.00

Coleman Electric
Marshall, Minnesota
\$71,145.00

Fulda Electric
Brandon, South Dakota
\$77,892.00

L & S Electric, Inc.
Springfield, Minnesota
\$72,880.00

Mears Electric
Marshall, Minnesota
\$56,700.00

Meier Electric
Marshall, Minnesota
\$73,740.00

Regal Electric
New London, Minnesota
\$85,606.00

T. Eric Enterprises, Inc.
Marshall, Minnesota
\$62,500.00

Werner Bros., Inc.
Marshall, Minnesota
\$66,800.00

Willmar Electric Service
Willmar, Minnesota
\$59,750.00

Mike Johnson, City Administrator, indicated that the estimated project budget cost for the building construction and site work/utilities was \$688,000 and the combined low bids for the general, mechanical and electrical contractors totaled \$810,136 or about \$122,136 over budget. In an effort to address this cost issue, the architects were requested to meet with the contractors to identify various building/site cost reductions. On August 15, 2007, representatives from City Staff, the Public Improvement/Transportation (PI/T) Committee, Lyon County, Western Community Action (WESCAP) and the architects met to review the proposed cost reductions and their impact on the building project. The group identified approximately \$74,800 in proposed building cost reductions. Additionally, there was discussion about possible revenue increases from the various entities. WESCAP indicated that they were willing to contribute \$15,000 if the balance of \$32,336 was split between the City and County under the original 75%/25% cost share.

Council Member Boedigheimer indicated that this project originally started out as a garage and now includes a dispatch area. He indicated that when the project came in over the estimate, it would have been logical to cut the dispatch office from the plan. Council Member Sanow indicated that the current dispatch area is over loaded and they need to be moved to a larger facility. Jeanette Aguirre, Western Community Action, indicated that the dispatch receives approximately 500 calls per day and that by adding the dispatch office to the building would allow the city and county to access more grant money for the project without significantly increasing the cost. Having the dispatch office in the same location as the buses means MAT will have its own telephone lines and other efficiencies.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3025, SECOND SERIES and that the reading of the same be waived. Resolution Number 3025, Second Series is a resolution Awarding the Contract for Marshall Area Transit (M.A.T.) Storage Building General Contractor. This contract was awarded to Bladholm Construction, Inc., Marshall, Minnesota in the amount of \$636,600.00. All voted in favor of the motion, except Boedigheimer who voted no.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3026, SECOND SERIES and that the reading of the same be waived. Resolution Number 3026, Second Series is a resolution Awarding the Contract for the Marshall Area Transit (M.A.T.) Storage Building Mechanical Contractor. This contract was awarded to Bisbee Plumbing & Heating, Inc., Marshall, Minnesota in the amount of \$116,836.00. All voted in favor of the motion, except Boedigheimer who voted no.

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3027, SECOND SERIES and that the reading of the same be waived. Resolution Number 3027, Second Series is a resolution Awarding the Contract for the Marshall Area Transit (M.A.T.) Storage Building Electrical Contractor. This contract was awarded to Mears Electric, Marshall, Minnesota in the amount of \$56,700.00. All voted in favor of the motion, except Boedigheimer who voted no.

Sanow moved, Ritter seconded, the approval of the following Change Orders for the Marshall Area Transit (M.A.T.) Storage Building:

Change Order No. 1 with Bladholm Construction, Inc., Marshall, Minnesota in the amount of (\$49,106.00) for a total contract price of \$587,494.00.

Change Order No. 1 with Bisbee Plumbing & Heating, Marshall, Minnesota in the amount of (\$16,416.00) for a total contract price of \$100,420.00.

Change Order No. 1 with Mears Electric, Inc., Marshall, Minnesota in the amount of (\$4,200.00) for a total contract price of \$52,500.00.

All voted in favor of the motion, except Boedigheimer who voted no.

Reynolds moved, Sanow seconded, that the City's additional cost in the amount of \$21,824 for the M.A.T. Facility be approved to increase the City's contribution from the Municipal Liquor Fund to \$223,061. All voted in favor of the motion, except Boedigheimer who voted no.

AWARD OF BIDS FOR VAN FOR STUDIO 1:

Bids were received, opened and read on August 28, 2007 for a Used Handicap Accessible Van with Ramp for the Cable Department. The bids received, opened and read were from:

#1 Lockwood Motors Marshall, MN	\$1,751.00 Cashiers Check	1999 Plymouth Grand Voyager SE Sales Tax TOTAL BID	\$17,505.00 <u>1,137.83</u> 18,642.83	Lockwood's only submitted one cashiers check in the amount of \$1,751.00
#2 Lockwood Motors Marshall, MN		2003 Dodge Grand Caravan EX Sales Tax TOTAL BID	\$21,600.00 <u>1,404.00</u> 23,004.00	
#3 Lockwood Motors Marshall, MN		2000 Chrysler Grand Voyager SE Sales Tax TOTAL BID	\$21,900.00 <u>1,423.50</u> 23,323.50	
#4 Lockwood Motors Marshall, MN		2002 Dodge Grand Caravan EX Sales Tax TOTAL BID	\$23,900.00 <u>1,553.50</u> 25,453.50	
IMED Mobility Tea, SD	No bid bond – see letter	2002 Dodge Grand Caravan Sales Tax TOTAL BID	\$18,995.00 <u>1,234.68</u> 20,229.68	This bid was delivered by UPS at 10:12 A.M.

Jess Nelson, Studio One, indicated that he and Roger Kulla, City Mechanic from the Street Department, traveled to the Cities to check out three of the vans that Lockwood submitted a bid for. The vans were at a company called Rollx that deals only with handicap accessible vans.

Van #1 – 1999 Dodge did not meet specs

Van #2 – 2003 Dodge has 96,000 miles on it and in Roger's opinion, was not in the best shape mechanically.

Van #3 – 2000 Chrysler has 51,000 miles on it and passed Roger's inspection.

Van #4 – 2002 Dodge has 64,000 miles on it and also passed Roger's inspection.

Jess indicated that either van #3 or van #4 would be fine. Roger's recommendation was van #4, but it was \$2,000 more than Van #3. Jess also indicated that which ever van was selected Rollx would install new carpet and fix any defects repair and repaint any cosmetic blemishes. Sanow moved, Reynolds seconded, the bid for a Used Handicap Accessible Van with Ramp for the Cable Department be awarded to Lockwood Motors, Marshall, Minnesota for the 2000 Chrysler in the amount of \$23,323.00. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TRANSIENT MERCHANT LICENSE FOR HOMIER DISTRIBUTING COMPANY; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR WESTERN COMMUNITY ACTION; C. CHAMBER REQUEST FOR STREET CLOSURE FOR “GRAND REOPENING” OF MAIN STREET; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

Per the request of Council Member Boedigheimer item number D, which is consideration of bills/project payments; and per the request of Council Member Hulsizer item number B, which is the consideration of a Temporary On-Sale Liquor License for Western Community Action were removed from the consent agenda.

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

A Transient Merchant License for Homier Distributing Company to be used at the National Guard Armory for the direct retail sale of tools, house wares, seasonal and general merchandise. This license will expire on December 31, 2007 and the fee of \$300 has been paid.

The approval of the request for street closure for the purpose of celebration of the 2007 Main Street Reconstruction Project. The closure of Main Street from the corner of East College Drive to the intersection of West Main Street and Highway 59 is being requested for one of the days between September 13 and September 20 from 2:00 P.M. to 11:59 P.M. This was approved with the requirement of the proper MUTCD traffic control devices being in place for the event and contingent upon approval from Mn/DOT and Marshall Department of Public Safety.

All voted in favor of the motion.

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

1.	CAB Quality Construction LLC	1306	Iowa State	Court	Dwelling	\$180,000
2.	CAB Quality Construction LLC	1307	Iowa State	Court	Dwelling	\$180,000
3.	CAB Quality Construction LLC	1400	Iowa State	Drive	Dwelling	\$180,000
4.	Schwicker Company	401 South	Saratoga	Street	Reroof Cafeteria and Gymnasium	\$479,400
5.	Lyon County, Rick Anderson	519	Fairgrounds	Road	Exterior Remodel	\$7,500
6.	George J. Jacob Construction	611 North	4th	Street	Reroof	\$4,000
7.	Matthew V. Scherr	204	Rainbow	Drive	Interior Remodel	\$8,000
8.	Doug & Helan Devereaux	509	Elaine	Street	Addition	\$7,500
9.	Hiller Development Co.	1610-1616	Thunderbird	Road	Four-Unit Condominium	\$375,000
10.	Ann M. Nielsen	1005	Willow	Avenue	Reroof Dwelling	\$1,500
11.	George J. Jacob Construction	115 South	10th	Street	Warehouse	\$80,000
12.	Dustin & Sonya Vierstraete	1204	Cheryl	Avenue	Dwelling	\$178,100

REGULAR MEETING – SEPTEMBER 4, 2007

13.	Swanson Home Specialist	1223	Fairview	Street	Reroof Dwelling	\$3,600	
14.	George Noyes	802	South	1st	Street	Shed	\$800
15.	Twyla Rabaey	1213	Prospect	Road	Interior Remodel	\$800	
16.	ALLUVUS, LLC	609	Heritage	Place	Replace Doors & Windows and Insulate Rooms	\$1,200	
17.	Shirley Stuedemann	806	Cheryl	Avenue	Reroof Dwelling	\$5,500	
18.	Larry M. Cote Construction	625	Southview	Drive	Addition	\$15,000	
19.	Jeff Gladis Construction	600	West	Main	Street	Reroof	\$5,000
20.	Jeff Gladis Construction	511	West	Marshall	Street	Reroof	\$4,500
21.	Rockford Construction Co., Inc.	1101	East	College	Drive	Demolish Mercantile and Office Building	\$0

Council Member Hulsizer indicated that she was not in favor of Western Community Action (WCA) being issued a Temporary On-Sale Liquor License to be used at Southwest Minnesota State University. She indicated that WCA is not an organization of SMSU and that by holding their event at SMSU they are taking business away from other local business places that would be large enough for WCA's event. Boedigheimer moved, Reynolds seconded, the approval of a Temporary On-Sale Liquor License for Western Community Action to be used at Southwest Minnesota State University on September 17, 2007. Voting in favor of the motion were: Boedigheimer, Reynolds and Byrnes. Voting no were: Sanow, Ritter and Hulsizer. The motion failed.

Council Member Boedigheimer is requesting an update on the following construction projects: Boyer Drive; Design of EQ Basin at Wastewater Treatment Facility; Wastewater Treatment Facility Project; East Marshall Street / South Hill Street; and East Area Sanitary Interceptor. Mr. Olson indicated that he would check on the Design EQ Basin project; but that all of the other projects have not been finalized. Boedigheimer moved, Reynolds seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 57395 through 57605. All voted in favor of the motion.

JACQUELINE'S ADDITION ITEMS - A. RESPONSE FROM CITY ATTORNEY AND DIRECTOR OF PUBLIC WORKS REGARDING PAVING OF PRIVATE STREETS; B. REMOVE FROM TABLE – PUBLIC HEARING ON REQUEST TO MOVE DWELLINGS INTO A RESIDENTIAL DISTRICT - 1. 603 HERITAGE PLACE (FROM 200 SOUTH MINNESOTA STREET); 2. 607 HERITAGE PLACE (FROM 504 CHARLES AVENUE); 3. 611 HERITAGE PLACE (FROM 506 CHARLES AVENUE):

Glenn Olson, Director of Public Works/City Engineer, indicated that this item was presented to the Council at the August 6, 2007 meeting where a public hearing was set for August 20, 2007. At the August 20, 2007 meeting the Council conducted a public hearing and tabled action on the above referenced request to the September 4, 2007 City Council meeting. There was discussion concerning the status of surfacing of private streets versus public streets and any differences to their requirements with reference to City Code. This item was referred to City Attorney Dennis Simpson for his review prior to making a decision on the moving of dwellings into the subdivision.

Dennis Simpson, City Attorney, indicated that although the development contract recognizes that the street will remain a private roadway, it is his opinion that the provisions of the City Ordinance for Subdivision Development must still be complied with by the developer. Although the City will not take over maintenance of that roadway nor will the City be responsible for snow

removal or any other matters the Subdivision Regulations for the Development of Roadways must be complied with, specifically City Ordinance §66.105 Subd (d)(1) must be complied with.

On August 20, 2007 the council moved to table the request of Ron Schilling to move three dwellings within the City from 200 South Minnesota and 504 & 506 Charles Avenue to 603, 607 and 611 Heritage Place. Sanow moved, Reynolds seconded, to remove this request from the table. All voted in favor of the motion.

Council Member Boedigheimer requested that a condition be added that would indicate a date when the Amended Development Contract would be completed. Mr. Olson indicated that this amendment would be completed by the next City Council meeting.

Council Member Ritter requested that the inspection of these dwellings be completed by Dale Howe, Building Official, and not by his staff.

Sanow moved, Reynolds seconded, that these homes be moved with the following conditions:

1. The owner shall obtain all necessary permits including a Moving Permit from the Director of Public Works, a Building Permit from the Building Official, and Electrical Permit from the Minnesota Department of Labor and Industry.
2. Complete all on-site construction to the dwelling in conformance with City Code and obtain a Certificate of Occupancy within 180 days.
3. An Amended Development Contract be completed by the next City Council meeting.
4. That Dale Howe, Building Official, be required to conduct all of the inspections.

All voted in favor of the motion.

PROJECT Y26: HERITAGE PLACE IMPROVEMENT PROJECT – RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT ON IMPROVEMENT:

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition for Heritage Place Improvement Project Y26. This petition, signed by 100% of the property owners, is requesting the improvement to Heritage Place in Jacqueline's Addition by installation of paved surface, curb and gutter, and sidewalks on one side of the street. Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3028, SECOND SERIES and that the reading of the same be waived. Resolution Number 3028, Second Series is a resolution Declaring Adequacy of Petition and Ordering Preparation of Report on Improvement. All voted in favor of the motion.

CONSIDER THE REQUEST OF RENE DIEBOLD FOR A CONDITIONAL USE PERMIT FOR A TWO FAMILY DWELLING UNDER SINGLE OWNERSHIP IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 1303 ELLIS AVENUE:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Rene Diebold for a Conditional Use Permit for a two family dwelling under single ownership at 1303 Ellis Avenue. The dwelling was constructed in 2006 and issued a Certificate of Occupancy for use as a one family dwelling with a finished basement and attached double garage. After March of 2006 the basement was converted into a separate apartment. The property is in an R-1 One Family Residence District. Mr. Olson indicated that there are restrictive covenants within this subdivision that does not allow this type of apartment, but that the Planning Commission or City Council would not normally get involved with restrictive covenants. That would be a legal matter between the owners of the subdivision. Comments on this request included:

REGULAR MEETING – SEPTEMBER 4, 2007

Council Member Boedigheimer indicated that there is a reason why a developer puts covenants on his development and the City should request a copy to be included in the Development Agreement.

Mr. Olson indicated that they do not want them as part of the record because they can be changed at any time but the City Code doesn't change without City Council approval.

Dennis Simpson, City Attorney, indicated that enforcement of covenants is done by Civil Action.

Ms. Diebold indicated that she was aware of the covenants, but did not feel that she was in violation.

Council Member Sanow suggested that Ms. Diebold go the property owners to get approval then ask for Council approval.

Mr. Olson indicated that requirement number 4 states that each unit may be occupied by persons related by blood, marriage, adoption or by no more than three unrelated persons.

Troy Kepler, 1302 Ellis Avenue, is requesting that the council evaluate the conditional use permits in light of the restrictive covenants.

Erik Klenken, 1305 Ellis Avenue, indicated that they bought their house knowing what the covenants were and did not understand how the city can go against the covenants.

Jon Goldtrap lives in the area and is very concerned about the additional traffic and also about the precedent that the city will be setting by going against the covenants.

Sanow moved, Boedigheimer seconded, that the request of Rene Diebold for a Conditional Use Permit for a two family dwelling under single ownership at 1303 Ellis Avenue be denied because of incompatibility with the neighborhood. Council Member Hulsizer indicated that she agrees, because the city allows covenants and they should be taken into consideration. Sanow requested to call the questions. Voting in favor of the motion were: Sanow, Boedigheimer, Hulsizer and Ritter. Voting no were: Reynolds and Byrnes.

PROJECT Y24: 2007 CITY OVERLAY PROJECT – CONSIDER CHANGE ORDER #1 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 1 with Duininck Bros, Inc., in the amount of \$37,688.16. This change order provides for additional bituminous resurfacing on city streets. Boedigheimer moved, Reynolds seconded, the approval of Change Order No. 1 in the amount of \$37,688.16 and acknowledgement of the final payment application in the amount of \$49,424.79 for the 2007 City Overlay Project with Duininck Bros., Inc., from account number 101-60211-2227. This final payment is contingent upon receipt of all required closeout forms. All voted in favor of the motion.

PROJECT X76: WWTF DIGESTER PROJECT – ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Reynolds moved, Boedigheimer seconded, the acknowledgement of the final payment in the amount of \$23,320.00 to KHC Construction, In., for the Wastewater Treatment Facility Digester

Project from account number 608-62066-5520 contingent upon receipt of all required closeout forms. All voted in favor of the motion.

PROJECT Y02/S.A.P. 4201-67: RUNWAY 12/30 EXTENSION PROJECT PHASE II – CONSIDER CHANGE ORDER #3:

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 3 with McLaughlin & Schulz, Inc., for a net increase in the amount of \$3,082.97 and an increase in contract time of 14 calendar days for Project Y02 / S.A.P. 4201-67 Runway 12/30 Extension Project Phase II. The contract increase results from the costs relating to the MALSR Equipment Shelter repairs. Reynolds moved, Boedigheimer seconded, the approval of Change Order No. 3 with McLaughlin & Schulz, Inc., for a net increase in the amount of \$3,082.97 to be paid from account number 425-60364-5530; and an increase in contract time of 14 calendar days extending the Completion Date to September 1, 2007 for Project Y02 / S.A.P. 4207-67 Runway 12/30 Extension Project Phase II. All voted in favor of the motion.

PROJECT Y15: TREE STREET AREA IMPROVEMENT PROJECT – RESOLUTION FOR HEARING ON PROPOSED SUPPLEMENTAL ASSESSMENT:

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3029, SECOND SERIES and that the reading of the same be waived. Resolution Number 3029, Second Series is a resolution Calling for a Public Hearing on Proposed Supplemental Assessment. This public hearing will be held at 5:30 P.M. on October 1, 2007. All voted in favor of the motion.

GRANT FUNDS AVAILABLE FOR CITY OF MARSHALL PEDESTRIAN & BIKEWAY PLAN (ADDENDUM TO THE CITY OF MARSHALL COMPREHENSIVE PLAN):

Harry Weilage, Director of Community Services, indicated that Blue Cross and Blue Shield on MN invited proposals from qualified municipal and county government entities to integrate active living principles into their communities. The City, receiving support to apply for the grant from the Physical/Built Environment Team of the Pioneering a Healthier Marshall coalition, submitted an application for the development of a City of Marshall Pedestrian and Bikeway Plan to be incorporated as an addendum into the City's existing Comprehensive Plan. He indicated that the purpose of this grant request was to build upon the efforts already underway by employing a deliberative, integrative, and comprehensive approach to current and future pedestrian and bicycle planning. The completed plan would provide a working plan to guide decisions and actions resulting in a community infrastructure that supports and encourages active living and physical activity. An engaged planning/design process will prioritize the modifications/additions necessary to the current zoning, land use patterns, policies and facilities in the City's Comprehensive Plan. The pedestrian and bikeway plan would set the framework for the development of current and future safe and attractive bikeways and walkways, aid in the budgeting process for system enhancements, set standards for the maintenance of the system, and provide the basis for the City to seek funding towards plan implementation. The City of Marshall has been awarded \$30,000 in grant funding from Blue Cross Blue Shield of MN towards the development of the plan. The City has requested an additional \$14,000 from the Pioneering a Healthier Coalition. The City's consultant on this project would be Mary Vogel, Co-Director of the Center for Changing Landscapes, University of Minnesota. The total project cost is \$72,880.55. Reynolds moved, Hulsizer seconded, the approval to accept grant funds and authorize the appropriate City Staff to execute the contracts with Blue Cross and Blue Shield of MN for disbursement of grant funds and the University of Minnesota for consulting services. All voted in favor of the motion.

RESOLUTION CALLING FOR A PUBLIC HEARING ON THE PROPOSED MODIFICATION OF THE MODIFIED TAX INCREMENT FINANCING PLANS FOR TAX INCREMENT FINANCING DISTRICTS WITHIN REDEVELOPMENT PROJECT NO. 1 AND REDEVELOPMENT PROJECT NO. 2 OF THE MARSHALL HOUSING AND REDEVELOPMENT AUTHORITY:

Sanow moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3030, SECOND SERIES and that the reading of the same be waived. Resolution Number 3030, Second Series is a resolution Calling for a Public Hearing on the Proposed Modification of the Modified Tax Increment Financing Plans for Tax Increment Districts within Redevelopment Project No. 1 and Redevelopment Project No. 2 of the Marshall Housing and Redevelopment Authority. This public hearing will be held at 5:30 P.M. on October 15, 2007. All voted in favor of the motion.

CONSIDER AMENDMENT TO SERVICES AGREEMENT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION FOR SAFETY PROGRAM:

Boedigheimer 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, 2007 through September 30, 2008 to coincide with MMUA's fiscal year. The annual contract for this time period is \$18,081.26 an increase of \$764.80 (4.2%). All voted in favor of the motion.

CONSIDER 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 – Rene Diebold for an unexpired term to expire on May 31, 2008
- Planning Commission – Darin Hansen for an unexpired term to expire on May 31, 2010
- Senior Citizen Center Commission – Andrea Lingl for an unexpired term to expire on May 1, 2010

COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes No report

Boedigheimer Lyon County Enterprise Development met last Tuesday

Hulsizer Human Rights Commission meeting was cancelled

Reynolds No report

Ritter No report

Sanow No report

COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: Council Member Hulsizer asked about the dangerous dog ordinance; Council Member Sanow indicated someone had called him to inform him that he called city hall on Friday afternoon to complain about the dust on Saratoga Street and ask if they could put water down to control the dust and there was no one

REGULAR MEETING – SEPTEMBER 4, 2007

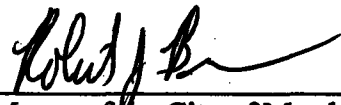
available to help him. Mr. Olson indicated that he would follow up with this concern. Sanow also indicated that there is a special meeting of the Cable Commission and they are requesting some direction from the City Council as to what they can and cannot do. The land for the new library has not been transferred at this time; there was a concern about the speed of vehicles on "E" Street. Mayor Byrnes indicated that there was a partnership meeting with MMU and they are proposing to take over the M.E.R.I.T. Center.

REVIEW OF PENDING AGENDA ITEMS:

Council Member Sanow requested that there be a discussion on the Wastewater Fund Balance prior to the budget process.

Glenn Olson, Director of Public Works/City Engineer, provided an update on the North 3rd Street Bridge Replacement Project and the Main Street Project.

Upon motion by Reynolds, seconded by Hulsizer, 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 – SEPTEMBER 11, 2007

A special meeting of the Common Council of the City of Marshall was held on September 11, 2007 in the Minnesota 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: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Mike Johnson, City Administrator, Jess Nelson, Studio One; and Thomas M. Meulebroeck, Financial Director/City. Also in attendance was Rae Krueger from the Marshall Independent.

The purpose of the Special Meeting was to consider a resolution adopting a proposed budget for 2008 and to consider a resolution adopting the preliminary tax levy for 2008.

Doom moved, Sanow seconded, to amend the agenda for this meeting to discuss a recommendation to purchase a van for the Cable – Studio One. All voted in favor of the motion.

At the City Council meeting held on September 4, 2007 authorization was granted to purchase a van from Lockwood Motors for Cable – Studio One. The van was located at the Rollx Dealer in Savage, Minnesota. The van authorized to purchase had been sold. The second option for the purchase of a van from Lockwood Motors which was also at Rollx and has been sold. Tholen Auto Sales contacted the City on Tuesday, September 11, 2007 and informed them that they had received a 2003 Dodge Braun Entrevan with 11,000 miles and they are asking \$13,500 plus sales tax for the vehicle. This vehicle has been inspected by the Street Department Mechanic. Reynolds moved, Sanow seconded, that the proper city personnel be authorized to purchase the 2003 Dodge Braun Entrevan for \$13,500 plus sales tax from Tholen Auto Sales. All voted in favor of the motion.

Mike Johnson, City Administrator, reviewed various aspects of the budget process including the proposed budget schedule, a recap of the activities that have taken place in the past 6 to 18 months, the key activities and proposed construction related events for 2008, the 2008 property tax levy worksheet, the proposed levies for the Library, EDA and PERA. The overall increase in personnel, O & M, Capital Outlay and transfers for the Preliminary 2008 General Fund budget were discussed. Mike suggested that the proposed 2008 General Fund be decreased by \$98,700 for the 2007 compensation plan implementation, the Library levy be decreased by \$7,699 and the EDA levy be decreased by \$25,000 for a total decrease of \$131,399.

RESOLUTION ADOPTING A PROPOSED BUDGET FOR 2008:

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3031 SECOND SERIES and that the reading of the same be waived. Resolution Number 3031, Second Series is a resolution Adopting a Preliminary Budget for the General Fund of the City of Marshall for the Year 2008. The preliminary budget for the General Fund provides for revenues of \$10,634,749 and expenditures of \$13,937,411 of which the revenues are supported with a General Fund Tax Levy of \$3,332,751. All voted in favor of the motion.

SPECIAL MEETING – SEPTEMBER 11, 2007

RESOLUTION ADOPTING A PRELIMINARY TAX LEVY FOR 2008:

Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3032, SECOND SERIES and that the reading of the same be waived. Resolution Number 3032, Second Series is a resolution Adopting a Preliminary Tax Levy for the Year 2008. The proposed levy is in the amount of \$4,458,272 of which \$3,320,751 is the General Fund Portion of the Levy; a Debt Service Levy of \$51,886 for 1996 Storm Sewer Improvement; \$165,454 for 1999 Storm Sewer Improvement; \$204,681 for 2002 "A" Airport Improvements; \$29,381 for 2002 "B" Parkway Improvements; \$57,104 for 2004 Aquatic Center G. O. Equipment Certificates; \$27,169 for 2005 Finance Department G. O. Equipment Certificates; \$85,177 for 2005 "A" G. O. Public Improvement Bonds; \$33,215 for 2006 "B" G. O. Public Improvement Bonds; \$133,916 for 2007 "C" G. O. Public Improvement Bonds; \$116,038 for 2007 "D" G. O. Equipment Certificates and \$100,000 for 2008 G. O. Equipment Certificates. A Special Levy in the amount of \$12,000 was included for PERA Contributions for coordinated members and \$121,500 for the Economic Development Authority. All voted in favor of the motion.

Doom moved, Reynolds, seconded, that 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 17, 2007

The regular meeting of the Common Council of the City of Marshall was held on September 17, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:32 P.M. by Mayor Byrnes. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, Boedigheimer and Ritter. Absent: Reynolds. Staff present included: Michael Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Thomas 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 City Council that the agenda be approved with the addition of item 15a, which is to consider a resolution to authorize to execute MN/DOT grant agreement no. 91807 for airport improvement excluding land acquisition and authorization to award proposal; and the addition of 5a, which is the request to reconsider the conditional use permit application for Rene Diebold.

APPROVAL OF THE MINUTES:

Sanow moved, Boedigheimer seconded, that the minutes of the regular meeting held on September 4, 2007 and the special meeting of September 11, 2007 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARINGS - PROJECT X74 (FORMER X26 & X72) / S.A.P. 139-112-05: NORTH 3RD STREET RECONSTRUCTION AND BRIDGE REPLACEMENT PROJECT A. HEARING ON PROPOSED ASSESSMENT; B. RESOLUTION ADOPTING ASSESSMENT:

This was the date and time set for a public hearing on the proposed assessment for North 3rd Street Reconstruction and Bridge Replacement Project No. X74. Glenn Olson, Director of Public Works/City Engineer, indicated that on the North 6th Street Reconstruction Project, the street reconstruction assessments went through the legal process for the determination of maximum assessments for residential properties. This was a similar project to the North 3rd Street Project. The Court determined that the maximum residential assessment should be \$4,720. This determination was in 2006. Utilizing a 5% inflation factor for reconstruction, he is recommending a maximum residential assessment of \$4,956. Comments on this project included:

Glenn Olson, Director of Public Works/City Engineer, indicated that they received a letter from Christ Evangelical Lutheran Church indicated they intend to demolish the dwelling at 406 North 3rd Street in the fall of 2007. Because of this they will not need sewer or water service to this project. They are also requesting curb and gutter without a driveway turn-off.

John Meyer, 419 North 3rd Street, asked how the assessment is divided. Mr. Olson indicated that the bridge costs were not assessed; MMU is paying 100% of the replacement of the

REGULAR MEETING – SEPTEMBER 17, 2007

watermain up to and including the curb stop (curb stop to house is not part of project and if the property owners wants this replaced they should work with the Engineering Department); the sanitary sewer will be assessed at 50% of the main and 100% of the service main to the right-of-way line; the street costs associated with the watermain and sanitary sewer will not be assessed, but the remainder of the street costs will be assessed. The total amount to be assessed will be split 50-50 between the City of Marshall and the property owner up to a maximum residential assessment of \$4,956.

Neenah Ebben, 501 East College Drive, which is the corner lot on East College Drive and Walnut Street. He was concerned about being assessed for both sides. Mr. Olson indicated that there was no watermain or sanitary sewer replacement for this lot and that they would be assessed for 92' of street reconstruction on Walnut Street only.

Tom Gruhot, representative from Christ Lutheran Church, asked about replacing the service line to the church. Mr. Olson informed that they should work with the Engineer Department.

Council Member Boedigheimer asked to see a copy of the assessment roll, which Mr. Olson provided.

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

Sanow moved, Doom seconded, the adoption of RESOLUTION NUMBER 3033, SECOND SERIES and that the reading of the same be waived. Resolution Number 3033, Second Series is a resolution Adopting Assessment for North 3rd Street Reconstruction and Bridge Replacement Project X74 / S.A.P. 139-112-05. This resolution provides for the assessment to be paid over a 10 year period with interest at the rate of 6.1%. All voted in favor of the motion.

AWARD OF BIDS - BUCKET TRUCK FOR STREET DEPARTMENT:

Bids were received, opened and read on September 5, 2007 for a new or demo bucket truck with up to approximately 10, 000 miles for the Street Department. Bids received, opened and read were from:

Bidder	Proposal A	Proposal B	Proposal C
Truck Utilities & Mfg. St. Paul, Minnesota 10% bid bond	\$68,160.00	\$73,485.00	No bid

REGULAR MEETING – SEPTEMBER 17, 2007

Bidder	Proposal A	Proposal B	Proposal C
ABM Equipment Hopkins, Minnesota No bid bond	\$86,547.23	\$90,296.03	No bid
Northern Truck Equipment Co. Sioux Falls, South Dakota 10% bid bond	\$69,659.52	\$71,576.52	No bid

Proposal A – Bidder furnishes truck and purchase trade-in

Proposal B – Bidder furnish truck only

Proposal C – Bidder purchase existing trade-in only

Glenn Olson, Director of Public Works/City Engineer, is recommending that the bid be awarded to Northern Truck Equipment, Sioux Falls, South Dakota and to retain the 1992 Dodge trade-in unit. Council Member Boedigheimer suggested that the surrounding communities be notified that the City of Marshall has a used 1992 Dodge bucket truck for sale and that they will be receiving bids with a minimum bid of \$3,500. Ritter moved, Boedigheimer seconded, that the bid for the 2008 bucket truck be awarded to Northern Truck Equipment, Sioux Falls, South Dakota, in the amount of \$71,576.52 to be paid from account number 101-60211-5540 and to retain the 1992 Dodge trade-in unit and to notify surrounding communities that the City of Marshall has a used 1992 Dodge bucket truck for sale and that they will be receiving bids with a minimum bid of \$3,500. All voted in favor of the motion.

AWARD OF BIDS - PROJECT Y23: REDWOOD RIVER RIPRAP PROJECT:

Bids were received, opened and read on September 5, 2007 for the Redwood River Riprap Project Y23. Bids received, opened and read were from:

Bidder	Acknowledge Addendums		Bid Security	Amount
	No. 1	No. 2		
Chad Monson Excavating, LLC Willmar, Minnesota	X	X	Bid bond	\$289,540.00
Midwest Contracting LLC Marshall, Minnesota	X	X	Bid bond	\$244,665.00
R & G Construction Company Marshall, Minnesota	X	X	Bid bond	\$319,854.00

REGULAR MEETING – SEPTEMBER 17, 2007

Bidder	Acknowledge Addendums		Bid Security	Amount
	No. 1	No. 2		
Rogge Excavating Ghent, Minnesota	X	X	Money Order	\$170,649.65
Thompson Excavating Taunton, Minnesota	X	X	Bid bond	\$218,234.00

This project consists of three separate and distinct project areas including North Bruce Street (Skunk Hollow Road), the Adult Community Center area and the Downtown Park. It is intended that no special assessments will be used for this project, but will be handled by local and utility funding and other outside sources, including the City of Marshall, Surface Water Management Utility fund, Marshall Municipal Utilities, Lyon County, RCRCA and Schwans. Glenn Olson, Director of Public Works/City Engineer, indicated that they have contacted the low bidder and indicated that he is comfortable with his bid. Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3034, SECOND SERIES and that the reading of the same be waived. Resolution Number 3034, Second Series is a resolution Accepting Bid (Award Contract) for the Redwood River Riprap Project Y23. This bid was awarded to Rogge Excavating, Ghent, Minnesota in the amount of \$170,649.65. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TEMPORARY 3.2 BEER LICENSE FOR AMERICAN LEGION TO BE USED IN FRONT OF THEIR PLACE OF BUSINESS ON SEPTEMBER 20, 2007 FROM 12:00 NOON TO 9:00 P.M.; B. LG220 APPLICATION FOR EXEMPT PERMIT FOR SMSU FOR A RAFFLE ON FEBRUARY 16, 2008; C. CHAMBER REQUEST FOR STREET CLOSURE FOR “GRAND REOPENING” OF MAIN STREET; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

Council Member Ritter indicated that Thomas Sullivan from the American Legion Post #113 is requesting that the application for a Temporary 3.2 Beer License be withdrawn; and Council Member Boedigheimer is requesting that item 5c, which is the Chamber Request for Street Closure for “Grant Reopening” of Main Street be pulled from the consent agenda.

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

BE IT RESOLVED, that the proper City personnel be authorized to advise the State of Minnesota Charitable Gambling Control Board that they have approved the Applications for Exempt Permit –LG 220 for Southwest Minnesota State University Foundation for a raffle to be held at SMSU – R/A Facility, 1501 State Street, Marshall, Minnesota on February 16, 2008 and that the 30 day waiting period be waived.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 57606 through 57776.

REGULAR MEETING – SEPTEMBER 17, 2007

All voted in favor of the motion.

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

1.	Leroy Signs Inc.	1307 East Main Street	Install Signs	\$25,000
2.	True Value Home Center	608 Elizabeth Street	Dwelling	\$190,000
3.	Roger Przybys	811 Nuese Lane	Reroof	\$3,500
4.	Jeana Watts	604 West Southview Drive	Exterior Remodel	\$300
5.	Nathan Bruss	1100 Colombine Drive	Reroof Dwelling	\$5,000
6.	Frances Andrzejewski	704 South 4th Street	Replace Step	\$1,300
7.	Geske Home Improvement Co.	608 Lawrence Street	Reside Dwelling	\$10,800
8.	Conni and Stan Stensrud	107 Marlene Street	Reside Dwelling & Garage Addition	\$20,000
9.	Elaine Kronke	1003 Birch Street	Reroof	\$1,200
10.	Babcock Construction	915 Pine Street	Reside Garage	\$1,500
11.	Alluvus, LLC	611 Heritage Place	Move In Dwelling	\$56,900
12.	Alluvus, LLC	607 Heritage Place	Move In Dwelling	\$64,800
13.	Alluvus, LLC	603 Heritage Place	Move In Dwelling	\$77,100
14.	D&G Excavating, Inc.	215 West College Drive	Demolish Office	\$0
15.	D&G Excavating, Inc.	100 North US Highway 59	Demolishing 2 Silos	\$0

REGULAR MEETING – SEPTEMBER 17, 2007

16.	James Lozinski	401 East Marshall Street	Reside Dwelling and Replace Windows	\$4,000
17.	Alluvus, LLC	200 South Minnesota Street	Move Out Dwelling	\$0
18.	Alluvus, LLC	504 Charles Avenue	Move Out Dwelling	\$0
19.	Alluvus, LLC	506 Charles Avenue	Move Out Dwelling	\$0
20.	James Lozinski Construction	206 South Whiney Street	Reroof	\$3,900
21.	D&G Excavating, Inc.	406 North 3rd Street	Demolish Dwelling	\$0
22.	Paul & Stacy Enderson	406 Viking Drive	Reroof	\$4,200

The Marshall Area Chamber of Commerce and the Downtown Council are requesting to close Main Street from the corner of East College Drive to the intersection of West Main Street and Highway 59 on one of the days between October 1 and October 6 from 2:00 P.M. to 9:00 P.M. for celebration of completion of the 2007 Main Street Reconstruction Project. Once this closure takes place the Marshall Area Chamber of Commerce will assume liability. Boedigheimer moved, Ritter seconded, that Main Street be closed from the East College Drive to the intersection of West Main Street and Highway 59 from 2:00 P.M. to 9:00 P.M. for celebration of completion of the 2007 Main Street Reconstruction Project and the date to be determined by Glenn Olson, Director of Public Works/City Engineer with the requirement that proper MUTCD traffic control devices are in place for the event and contingent upon approval from Mn/DOT and the Marshall Department of Public Safety. All voted in favor of the motion.

RECONSIDER THE CONDITIONAL USE PERMIT APPLICATION FOR RENE DIEBOLD:

Ritter moved, Byrnes seconded, to reconsider the conditional use permit application for Rene Diebold. The original application was considered at the September 4, 2007 meeting with Byrnes and Reynolds voting to approve the conditional use permit and Ritter, Boedigheimer, Sanow and Hulsizer voting no. Council Member Boedigheimer indicated that if the conditional use permit is to be reconsidered, it should be tabled until the October 2, 2007 meeting so neighbors could attend that meeting. Voting in favor of the motion were: Ritter, Byrnes and Doom. Voting no were: Boedigheimer, Hulsizer and Sanow. The motion failed.

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

Jay Trusty, the Executive Director of the Southwest Regional Development Commission, was in attendance at the meeting to provide an overview of the Commission's Annual Report.

REGULAR MEETING – SEPTEMBER 17, 2007

The annual report included:

Out-Migration as an Economic Indicator: A Case Study of Southwest Minnesota
Executive Director Trusty re-elected to NADO Board of Directors
SRDC Assists in Lincoln County Transit Survey
SRDC Transitions to 3 year EDA Grant Cycle
FY 2007 Call Center Statistics
SRDC Receives NADO Innovation Award
SRDC Water Planning
Revolving Loan Fund Update
SRDC Strategic Planning
Forsberg Named Outstanding Gerontologist
2007 Projects of the year

He also indicated that their new mission statement is "Providing professional expertise to enhance regional opportunities".

CONSIDER THE REQUEST OF RICHARD AND HEIDI MUKOMELA FOR A VARIANCE ADJUSTMENT PERMIT TO CONSTRUCT A GARAGE ADDITION ONTO THE DWELLING WITH A SIDE YARD OF LESS THAN PERMITTED BY ZONING CODE IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 106 SOUTH HIGH STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Richard and Heidi Mukomela for a Variance Adjustment Permit to construct a 4 foot wide addition onto an attached garage at 106 South High Street with a 1 foot side yard in lieu of a 5 foot side yard as required by Zoning Code in an R-1 One-Family Residence District. If this is approved there would still be 24 feet between the addition and the house on the next lot. Richard Mukomela indicated that they have a public safety issue with narrow streets and parking on both sides. Their street is used heavily as a short cut to get to Main Street. He also indicated that they have issues with vandalism of the vehicles in their driveway. He indicated that there is an alley behind their house, but that it is very narrow, there are no lights and there is no snow removal. Boedigheimer moved, Sanow seconded, that the request of Richard and Heidi Mukomela for a Variance Adjustment Permit to construct a 4 foot wide addition from the foundation with the same overhang that currently exists on the attached garage at 106 South High Street in lieu of the 5 foot side yard as required by Zoning Code in an R-1 One-Family Residence District be approved. Voting in favor of the motion were: Boedigheimer, Sanow and Byrnes. Voting no were: Doom and Hulsizer. Ritter abstained. The motion passed.

APPROVAL OF CONSTRUCTION BIDS FOR ADMINISTRATION/MATERIALS MANAGEMENT/NURSING AT AVERA MARSHALL REGIONAL MEDICAL CENTER:

Sharon Williams, Avera Marshall Regional Medical Center, was in attendance at the meeting to review the bids they received for a construction project which includes administration, materials management and portions of the 2nd floor old hospital. This project will provide for the following:

1. Administrative offices moved from third floor to first floor of the old hospital (space vacated by Finance/IS).

REGULAR MEETING – SEPTEMBER 17, 2007

2. Materials management department moved to the location of the old thrift shop.
3. The current materials management department area will have offices created for nursing leadership and support staff, become storage for 2nd floor hospital nursing and will have a replacement staff locker room created.
4. First and second floors of the old hospital will be added to the facilities current sprinkler system.

Per the recommendation of Avera Marshall Regional Medical Center, Sanow moved, Ritter seconded, the approval of construction bids for Administrative/Material Management/Nursing with Bladholm Construction, Inc., for the base bid in the amount of \$260,980 plus alternate no. 1 in the amount of \$8,590 for a total bid of \$269,570. All voted in favor of the motion.

CONSIDER RECOMMENDATION FROM INSURANCE ADVISORY COMMITTEE TO RENEW THE CITY'S PROPERTY, AUTO, LIABILITY, AIRPORT, LIQUOR 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 10-1-07 to 10-1-08. The major changes addressed were:

1. Total property coverage increased by \$12,324,706. This increase in coverage and the increase of 5% in the rate charged by LMCIT from 2006 are the reasons for the premium increase.
2. Expenditures for the City increased by \$7,641,513. This is primarily due to Capital Improvements Fund increases. The liability rate for the City has decreased by just over 5%.
3. The Hartford Steam Boiler (mechanical breakdown) Coverage premium has increased by \$3,318 due to increased location coverage.
4. Total premium increase from 2006 = \$24,153.00

Sanow moved, Doom seconded, that the General Liability, Property, Auto and Liquor Liability be renewed with the League of Minnesota Cities at a cost of \$262,624. All voted in favor of the motion.

Sanow moved, Ritter seconded, that the Airport Liability be renewed with ACE USA in the amount of \$5,145. All voted in favor of the motion.

Sanow moved, Ritter seconded, that the Boiler Coverage be renewed with Hartford Steam Boiler in the amount of \$26,685. The primary reason for the increase in the premium is due to the increase in value of the property at 600 Erie Road. All voted in favor of the motion.

REGULAR MEETING – SEPTEMBER 17, 2007

Thomas M. Meulebroeck, Financial Director/City Clerk, informed the council that they have receive correspondence from USAbLe Life who acquired the life, accidental death and dismemberment (AD & D) and disability business from MII Life, Incorporated who is the current life insurance carrier for the City of Marshall. Sanow moved, Doom seconded, that the proper city personnel be authorized to complete and submit the application to USAbLe Life for the City of Marshall life, accidental death and dismemberment (AD & D) and disability insurance. All voted in favor of the motion.

APPROVAL OF PURCHASE OF AIRPORT BROOM TRUCK:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request form the Airport Commission and City Staff to purchase a used 1992 Oshkosh Plow/Broom Truck from the Metropolitan Airport Commission (MAC). The minimum bid price that was advertised on this piece of equipment was \$30,000. City Staff submitted a bid of \$31,000 which has been accepted by MAC contingent upon City Council approval. There will also be a cost of about \$700 to transport the truck to Marshall. Funding for this truck and shipping which is estimated at \$31,700 is not budgeted for in 2007 but is proposed to come from the following sources:

The Schwan Food Company Donation	\$10,000
2007 Airport Budget	
# 2227 Other Repair & Maintenance	2,500
# 3311 General Professional Services	5,000
# 3312 Consultant Fees	5,000
Mayor and Council Contingency	<u>9,200</u>
	\$31,700

The Airport Commission and City Staff are requesting consideration of the purchase due to the primary runway/parallel taxiway increasing from 5,010 feet to 7,220 feet and the crosswind runway/parallel taxiway increasing from 3,200 feet to 4,000 feet. The estimated cost of this unit if purchased new would be approximately \$400,000. Boedigheimer moved, Ritter seconded, that the proper city personnel be authorized to purchase a used 1992 Oshkosh Plow/Broom Truck from the Metropolitan Airport Commission at a cost of \$31,700. All voted in favor of the motion.

CONSIDER AMENDMENT NO. 1 TO THE FIRST DEVELOPMENT CONTRACT OF JACQUELINE'S ADDITION:

Glenn Olson, Director of Public Works/City Engineer, indicated that as per previous discussions, it was decided that the developer was required to install a private street in accordance with city minimum specifications. This would require the developer to install curb, gutter and sidewalk, asphalt street and gravel base. In discussion with the developer, the developer decided that if the street needed to be in accordance with city specifications, it would be better for the city to install them and then be a public street rather than a private street. Therefore, he has requested the city to install these items using the special assessment (Minnesota Statutes 429) procedure, and upon completion, would be a city owned and maintained street.

REGULAR MEETING – SEPTEMBER 17, 2007

Ritter moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into Amendment No. 1 to the First Development Contract of Jacqueline's Addition. This Amendment provides for street improvements to be included under Item 7, City Constructed Improvements. The amendment also includes the deletion of items in Item 6 relating to street construction in the Developer-Constructed Improvements as well as an amendment to Item 23, Street Lights which revises the section from the responsibility of the developer to the responsibility of Marshall Municipal Utilities, in conjunction with the city. All voted in favor of the motion.

PUBLIC SAFETY – A. AUTHORIZATION TO APPLY FOR FEDERAL GRANTS FOR THE MERIT CENTER; B. STATE OF MINNESOTA DEPARTMENT OF PUBLIC SAFETY BUREAU OF CRIMINAL APPREHENSION – CRIMINAL JUSTICE INFORMATION SYSTEMS COMPREHENSIVE INCIDENT-BASED REPORTING SYSTEM USER AGREEMENT; C. DECLARATION OF SURPLUS CITY PROPERTY:

Stan Brewers, representative of the M.E.R.I.T. Center, indicated that John Bowden has been retained by Community Services to explore funding for the driving tract that they would like to see in Marshall for new and novice drivers. This has come to be core component of the M.E.R.I.T. development to use in a variety of applications for professional driver's training for public safety and industrial personnel as well as the new and novice drivers. Based on M.E.R.I.T. materials, Mr. Bowden has prepared a basic proposal that he would like to submit to eight or more federal funding sources. This would be expanded to address the requirements of the specific grant. These funds would serve to supplement other funding sources that are being requested from the State of Minnesota this next year and other sources that can be identified. It is critical that we pursue any reasonable opportunity to get outside funding and Mr. Bowden is very accomplished at doing this in the past and they are requesting that John Bowden be approved to pursue federal funding options.

Mayor Byrnes indicated that due to the proposed expansion of MMUA the driving tract may need to be relocated. Mr. Brewers indicated that this tract could be located across the road from the M.E.R.I.T. Center if necessary. Boedigheimer moved, Ritter seconded, the approval for John Bowdon to pursue federal funding for building the M.E.R.I.T. Center's Driving Training Facilities. All voted in favor of the motion.

Mike Johnson, City Administrator, indicated that the State of Minnesota is upgrading their criminal justice reporting agreement. This will be an incident based reporting system that will be much more comprehensive in the degree of data reporting. This is occurring nationally so that more usable crime information can be developed. With training they will be able to have more departmental member's access criminal information that was not possible in the past. Without this agreement in place they will not be able to submit or receive criminal information and no city specific crime data would be generated meeting national FBI requirements. Ritter moved, Sanow seconded, that the proper city personnel be authorized to enter into the State of Minnesota Department of Public Safety Bureau of Criminal Apprehension Criminal Justice Information Systems Comprehensive Incident Based Reporting System User Agreement. This

REGULAR MEETING – SEPTEMBER 17, 2007

agreement will expire on April 23, 2012. All voted in favor of the motion.

Mike Johnson, City Administrator, indicated that the Police Department is requesting authorization to dispose of surplus City property. The Police Department currently has 10 vehicles listed for sale with the on-line service provided through the State of Minnesota. They indicated that this system should make things easier for the Finance Department and the Police Department would not have a storage issue with keeping these vehicles until auction time. Ritter moved, Sanow seconded, approval for the Police Department to dispose of the abandoned or forfeited vehicles declared as surplus City property utilizing the on-line service provided through the State of Minnesota. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 7:00 p.m.

APPROVAL OF JOINT RESOLUTION FOR ORDERLY ANNEXATION WITH FAIRVIEW TOWNSHIP:

Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3035, SECOND SERIES and that the reading of the same be waived. Resolution Number 3035, Second Series is a Joint Resolution of the City of Marshall and the Township of Fairview Designating Certain Areas as in Need of Orderly Annexation Pursuant to Minnesota Statutes, Section 414.0325. This resolution provides for the annexation of approximately 162.47 acres of property that is owned by Donald and Elaine DeRuyck and located approximately ½ mile west of the intersection of Trunk Highway #59 and County Road #33. All voted in favor of the motion.

MEMORANDUM OF UNDERSTANDING BETWEEN WESTERN COMMUNITY ACTION, INC. AND CITY OF MARSHALL:

Ritter moved, Sanow seconded, that the proper city personnel be authorized to enter into a Memorandum of Understanding (MOU) with Western Community Action, Inc. (WESCAP) for the construction of the transit bus and dispatch center project. This MOU is being required by the State of Minnesota (Transit Division) from both WESCAP and the City of Marshall. The primary reason for this request is to ensure that the requirements of the 2007-2008 Public Transit Capital Grant Contract between MN/DOT and WESCAP are complied with. This MOU was approved by the WESCAP Board on September 13, 2007. All voted in favor of the motion.

CONSIDER APPROVAL OF INTERGOVERNMENTAL REAL PROPERTY TRANSFER AGREEMENT WITH MARSHALL SCHOOL DISTRICT # 413 AND MARSHALL-LYON COUNTY LIBRARY BOARD:

Discussion was held at this time on the Intergovernmental Real Property Transfer Agreement between the City of Marshall, Marshall School District No. 413 and the Marshall-Lyon County Library Board. Council Member Sanow was concerned with the adequate funding being in place. Mike Johnson, City Administrator, indicated that the library must provide documentation that the money for construction of the library has been secured. If the library does not have the necessary cash or guaranteed cash to build the library, temporary financing must be secured. The library board and city will need to agree on the temporary financing. John

REGULAR MEETING – SEPTEMBER 17, 2007

Bowden, Library Foundation member, indicated that they currently have enough money to put the building up. Wendy Wendt, Library Director, indicated that they are waiting for an announcement from the Kresge Foundation on a \$750,000 grant that they have applied for. Per Wendy Wendt this agreement was considered on September 17, 2007 by the Marshall School District #413 and received unanimous approval. Ritter moved, Boedigheimer seconded, that the proper city personnel be authorized to enter into an Intergovernmental Real Property Transfer Agreement with the City of Marshall, the Marshall School District #413, and the Marshall-Lyon County Library Board. All voted in favor of the motion.

CONSIDER RESOLUTION TO PROVIDE AUTHORIZATION TO EXECUTE MN/DOT GRANT AGREEMENT NO. 91807 FOR AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION AND AUTHORIZATION TO AWARD PROPOSAL:

Ritter moved, Doom seconded, the adoption of RESOLUTION NUMBER 3036, SECOND SERIES and that the reading of the same be waived. Resolution Number 3036, Second Series is a resolution providing Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition. This agreement provides for project costs not to exceed \$18,852.90 with Mn/DOT's maximum contribution of \$13,197.03 for the purchase of a utility trailer, the purchase of radio equipment, the purchase of a power sweeper for snow removal, and maintenance facility improvements at the Southwest Minnesota Regional Airport. This agreement will remain in effect until August 31, 2008. All voted in favor of the motion.

COUNCILMEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes EDA discussed bids for additional houses

Boedigheimer M.E.R.I.T. Center met last Thursday

Doom Planning Commission items were acted on earlier in the meeting

Hulsizer Library Board met last Monday

Ritter Housing Commission met last week

Sanow Cable Commission would like to make a presentation at the October 15th Council meeting; Insurance Advisory Commission met last Thursday; and the Marshall Area Transit will meet this week.

COUNCILMEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the Greenspace Committee is working on the banners and lights; Council Member Doom thanked everyone for

REGULAR MEETING – SEPTEMBER 17, 2007

their support during his absence; there will be an open house at the MERIT Center on September 27th from 5 to 9 pm; the MERIT Center Board would like to receive an update from Ed Cain.


REVIEW OF PENDING AGENDA ITEMS:

A court date has been set for November 29, 2007 for the Marshall Hotel (Joe Bot) Fire Escape trial.

Council Member Boedigheimer was concerned with citizens walking on the fresh cement in the downtown area.

Glenn Olson, Director of Public Works/City Engineer, indicated that the signals for the Downtown Project should be delivered next week. The 3rd Street Bridge Replacement Project is proceeding well; the South Saratoga project should be completed shortly and the watermain replacement on Legion Field Road will start this week.

Upon motion by Doom, seconded by Ritter, the meeting was adjourned at 7:45 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – OCTOBER 1, 2007

The regular meeting of the Common Council of the City of Marshall was held on October 1, 2007 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, Boedigheimer and Ritter. Reynolds arrived late. 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; Jim Jergenson, Engineer Technician; Thomas Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on September 17, 2007 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. APPLICATION FOR DISPLAY OF FIREWORKS/PYROTECHNIC SPECIAL EFFECTS FOR SMSU ALUMNI ASSOCIATION; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

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

The approval of an application for Fireworks/Pyrotechnic Special Effects for SMSU Alumni Association to display fireworks on October 6, 2007 at the Mattke Field.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE: Voucher No. 57777 through 57970.

All voted in favor of the motion.

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

1.	Russell Lee	407	South	1st	Street	Interior Remodel	\$10,000
2.	George J. Jacob Construction	305	East	Lyon	Street	Garage	\$5,000
3.	CAB Quality Construction LLC	1118		Clifton	Circle	Finish Basement	\$19,000
4.	Alluvus, LLC	605		Heritage	Place	Garage	\$2,000
5.	Alluvus, LLC	603		Heritage	Place	Garage	\$2,500
6.	Alluvus, LLC	608		Heritage	Place	Garage	\$2,000
7.	Robert L. Carr	408	East	Main	Street	Office Building	\$500,000
8.	David & Sharon Kabes	1106		Washington	Avenue	Install Windows	\$2,500
9.	David Afdem	207	South	4th	Street	Reroof	\$3,800

REGULAR MEETING – OCTOBER 1, 2007

10.	James Lozinski Construction	1402	Cumberland	Road	Finish Garage	\$3,900
11.	True Value Home Center	610	Elizabeth	Street	Dwelling	\$160,000
12.	Reinhold & Connie Mathiowetz	1204	Westwood	Drive	Remodel and Reroof Dwelling	\$40,000
13.	Loyal Demmer	418	Legion Field	Road	Reroof Dwelling	\$3,000
14.	Ace Neon Signs	1710	East College	Drive	Construct Sign	\$23,900
15.	True Value Home Center	402	Elizabeth	Street	Dwelling	\$175,000
16.	The Schwan Food Company	317	West Main	Street	Mercantile Remodeling	\$25,000
17.	Leonard Buchholz	1103	West Main	Street	Move Out Garage	\$0
18.	Leonard Buchholz	111	East Main	Street	Move In Garage	\$3,000
19.	Bruce Marks	124	East Saratoga	Street	Reside Dwelling	\$5,000
20.	Richard & Heidi Mukomela	106	South High	Street	Addition	\$7,000
21.	Denny Miller Construction, Inc.	505	West Thomas	Avenue	Reroof	\$4,700
22.	James Lozinski Construction	315	North Whitney	Street	Reroof	\$6,300
23.	Bernard Petersen	608	West Lyon	Street	Reroof	\$4,400
24.	Dale Erickson	1314	Parkside	Drive	Replace Window	\$500
25.	Bernard Petersen	420	Legion Field	Road	Reroof	\$4,000
26.	Paul Greibel	1406	Westwood	Drive	Install Windows and Replace Porch	\$4,500
27.	Lozinski Construction	611	Adobe	Circle	Reroof	\$6,400
28.	Babcock Construction	504	North 4th	Street	Reside Dwelling & Install Door	\$8,400

APPROVAL OF LABOR AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, INC., (POLICE OFFICERS) FOR 2007 AND 2008:

Per the recommendation of the Personnel Committee Ritter moved, Doom seconded, that 2007-2008 Labor Agreement with Law Enforcement Labor Services (LELS) Union (Police Officers (Local #190) be approved. This agreement provides for a base wage percentage increase that is variable by position classification for 2007 and a 3.00% for 2008. This agreement also approved revisions to the equipment as identified in Appendix B of the agreement. All voted in favor of the motion.

PUBLIC HEARING – PROJECT Y15 TREE STREET AREA IMPROVEMENT A. HEARING ON PROPOSED SUPPLEMENTAL ASSESSMENT; B. RESOLUTION ADOPTING SUPPLEMENTAL ASSESSMENT:

This was the date and time set for a public hearing proposed supplemental assessment for the Tree Street Area Improvement Project Y15. Glenn Olson, Director of Public Works/City Engineer, indicated that the supplemental assessments are the result of property owners' requests for changes in proposed sewer service line lengths and/or actual sewer service pipe footages installed on the property. Mr. Olson indicated that they have received one written objection from Cory Hartmann at 810 Boxelder Avenue. Ritter moved, Doom seconded, to recess from this public hearing to allow time for Mr. Olson, Kim Jergenson and Cory Hartmann time to review the objection. All voted in favor of the motion.

CONSIDER CHANGE ORDER NO. 3 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION FOR WWTF EQ BASIN PROJECT X75 (2005-007):

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 3 with R & G Construction which results in a decrease in the amount of \$7,335.00. This change order provides for additional rock work and for adjustments to actual quantities installed with the project. Doom moved, Reynolds seconded, the approval of Change Order No. 3 (final) with R & G Construction Co., which results in a decrease in the contract sum in the amount of \$7,335.00 and the acknowledgement of the Final Payment Application in the amount of \$41,867.89 for the WWTF EQ Basin Project X75 from account number 608-62066-5520. All voted in favor of the motion.

GREENSPACE COMMITTEE – DISCUSSION ON NAMING OF PARKING LOTS:

The Greenspace Committee has discussed the renaming of municipal parking lots in the downtown area. Ellayne Conyers, from the Lyon County Historical Museum has gathered some historical information for the committee to consider. The proposed names for the parking lots:

“P” lot be renamed to Whitney. C.H. Whitney was the founder of Marshall.

The lot behind the museum be renamed to Addison. R. M. Addison was an early settler and arrived in Marshall in 1872.

The lot behind the Wooden Nickel be renamed to Rose. A. P. Rose is the author of An Illustrated History of Lyon County, Minnesota and other county history books.

The lot behind Bot Appliance be renamed to Wetherbee. F. S. Wetherbee built a hardware store in Marshall as early as 1884.

The lot behind City Hall be renamed to Baldwin. Ray D. Baldwin was an early publisher of the Daily Messenger newspaper.

The lot behind the Varsity Pub be renamed to Blake. Major John Blake was an engineer who helped with the construction of the railroad.

Harry Weilage, Director of Community Services, indicated that the parking lots need to be tied to the other improvements in the downtown and those in Liberty Park. He wants a 3 foot by 3 foot section in each lot to include some decorative fencing, plants and other features.

It was the general consensus of the council that the naming of the downtown park should take place at the same time as the Resolution approving the renaming of the parking lots.

CONTINUATION OF PUBLIC HEARING – PROJECT Y15 TREE STREET AREA IMPROVEMENT - A. HEARING ON PROPOSED SUPPLEMENTAL ASSESSMENT; B. RESOLUTION ADOPTING SUPPLEMENTAL ASSESSMENT:

At this time the public hearing for the proposed supplemental assessment for the Tree Street Area Improvement Project Y15 continued. Glenn Olson, Director of Public Works/City Engineer, is recommending the assessment for Cory Hartmann be reduced from \$5,913.98 to \$1,204.38 with Wastewater Fund paying the difference. Mr. Olson indicated that this amount is based upon the city eliminating the sanitary main originally serving 808 and 810 Boxelder Avenue and 310 Whitney Street. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

REGULAR MEETING – OCTOBER 1, 2007

Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3037, SECOND SERIES and that the reading of the same be waived. Resolution Number 3037, Second Series is a resolution Adopting the Supplemental Assessment for the Tree Street Area Project Y15 with the change as recommended by Mr. Olson for Cory Hartmann's property located at 810 Boxelder Avenue in the amount of \$1,204.38. This resolution provides for the assessment to be paid over an 8 year period with an interest rate of 6.25%. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes No report

Boedigheimer Airport Commission meets next week; Lyon County Enterprise Development met last week; M.E.R.I.T. Center held an open house last Thursday; Police Commission minutes are included in the agenda packet; Ways and Means Committee meets on Wednesday.

Doom No report

Hulsizer Human Rights Commission met last Monday

Reynolds Hospital Board and Utilities Commission met last week but was unable to attend

Ritter No report

Sanow No report

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the statues of the dangerous dog ordinance; Sanow will attend the Personnel Committee meeting on Tuesday for Doom; the Grand Reopening of Main Street will be held on Thursday, October 4, 2007 from 4:00 P.M. to 8:00 P.M. weather permitting; Main Street will open by noon on Friday, October 5, 2007 and there will be a detour on Saturday morning for the SMSU Homecoming Parade. Striping of Main Street will be done on Tuesday, October 2, 2007 weather permitting.

Mayor Byrnes took this opportunity to acknowledge the high school students in attendance at the meeting.

AUTHORIZATION TO GO INTO CLOSED SESSION PURSUANT TO MN STATUTES 13D.05 SUBD. 3. (B):

Sanow moved, Ritter seconded, to go into closed session pursuant to MN Statutes 13D.05 subd. 3.(b). All voted in favor of the motion.

The council came out of closed session at 6:20 P.M.

Sanow moved, Doom seconded, to add the Maple Street Easement/Alley issue to the agenda. All voted in favor of the motion.

REGULAR MEETING – OCTOBER 1, 2007

Following an overview of the proposed settlement on Maple Street Easement/Alley issue, as recommended by City Attorney Dennis Simpson, Boedigheimer moved, Sanow seconded, to pay total compensation of \$1,675 to the Scott and Lisa Truedson, 100 Maple Street, Marshall, Minnesota for the alley property acquisition. All voted in favor of the motion.

Upon motion by Reynolds, seconded by Doom, the meeting was adjourned at 6:37 P.M. 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 October 15, 2007 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 and Ritter. Absent: Boedigheimer. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Shane Waterman, Assistant City Engineer; Dale Howe, Building Official; 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 City 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 October 1, 2007 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – RESOLUTION RELATING TO THE MODIFICATION OF THE TAX INCREMENT FINANCING PLANS FOR TAX INCREMENT FINANCING DISTRICTS LOCATED WITHIN HOUSING AND REDEVELOPMENT PROJECT NO. 1 AND HOUSING AND REDEVELOPMENT PROJECT NO. 2:

This was the date and time set for a public hearing on the modification of the Tax Increment Financing plans for Tax Increment Financing Districts located within Housing and Redevelopment Project No. 1 and Housing and Redevelopment Project No. 2. Calvin Barnett, Director of General Services/City Assessor, indicated that the modification to the Marshall Tax Increment Plan modifies legal descriptions, maps, and budgets to provide a basis for the Marshall Junior High Redevelopment Project, and the acquisition and development of the DeRuyck tract. The purpose of the modification is to modify Project Areas #1 and #2 by overlaying the two Project Areas so TIF resources from each Project Area may be spent for the Junior High Redevelopment Project and the DeRuyck tract. This modification does not provide for the development of a new TIF District. No new captured TIF revenue will occur with this modification. All property taxes resulting from growth on the two tracts will go to broadening the general tax base for the City, County and School District #413. The modification to the Marshall Tax Increment Finance Plan will provide assistance to the Marshall Junior High School Property wherein the Middle School building will be razed, asbestos abated, and environmental problems cleaned up. Assistance will also be provided to make the site reasonably developable through appropriated infrastructure, etc. As part of the assistance to this project, money will be budgeted for the development of a parking lot lying southerly of the southerly most alleyway within the block. This parking lot is expected to remain privately held with parking improvements made thereon. The City will have the right to use this land as parking into perpetuity or until such time the City agrees the property should be used for another purpose. The Junior High Project will provide for the development of 20 market rate townhomes, an 18 unit apartment building, and a public parking facility. The DeRuyck tract consists of approximately 160 acres of land lying immediately west of the Marshall Industrial Park, and once developed into an Industrial Park will provide a significant amount of industrial property available for attracting new development to Marshall, retaining existing industry within Marshall, and providing industrial land for Marshall's growing industry. The budget, as

REGULAR MEETING – OCTOBER 15, 2007

requested to be modified, reflects the cost of land acquisition and its development with infrastructure and streets.

Doreen Peterson indicated that the buyer knew there was an old school on the site when they bought the property, so why does the City of Marshall have to help demolish the building. Mike Johnson, City Administrator, indicated that the city would financially participate in redevelopment of the old junior high site to make it more attractive to development. Ms. Peterson also asked how much the city would spend on this site and how many years it would take for the city to recoup this expense. Mr. Johnson indicated that the city will not know what the costs would be until more details are available on the project and he is not sure how long it would be to recoup these costs. Pam Larsen asked what the administrative expense included. Mr. Johnson indicated that it is for staff time and engineer costs. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3038, SECOND SERIES, and that the reading of the same be waived. Resolution Number 3038, Second Series is a resolution Relating to the Modification of the Tax Increment Financing Plans for Tax Increment Financing Districts located within Housing and Redevelopment Project No. 1 and Housing and Redevelopment Project No. 2. The purpose of the modification is to modify Project Areas #1 and #2 by overlaying the two Project Areas so TIF resources from each Project Area may be spent for the Junior High Redevelopment Project and the DeRuyck tract. This modification does not provide for the development of a new TIF District. No new captured TIF revenue will occur with this modification. All property taxes resulting from growth on the two tracts will go to broadening the general tax base for the City, County and School District #413. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR SW INITIATIVE FOUNDATION FOR USE AT SOUTHWEST MINNESOTA STATE UNIVERSITY; B. BILLS/PROJECT PAYMENTS; C. BUILDING PERMITS:

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

The approval of a Temporary On-Sale Liquor License for SW Initiative Foundation for use at Southwest Minnesota State University on November 8, 2007.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 57971 through 58159.

All voted in favor of the motion.

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

1.	Doom & Cuypers, Inc.	605	Kennedy	Street	Reroof	\$6,000
2.	Paul Drown	104 South	10th	Street	Garage	\$2,500
3.	Paul Drown	215 West	College	Drive	Move-out Garage	\$0
4.	Rachel Contracting, LLC	1461	Birch	Street	Demolish Dormatory	\$0

REGULAR MEETING – OCTOBER 15, 2007

5.	Western Community Action Partnership	720	Kossuth	Avenue	Vehicle Storage Garage & Office	\$680,100
6.	Bladholm Construction, Inc.	412	West	Main Street	Exterior Remodel	\$15,000
7.	Steven L. Otto	403	South	4th Street	Replace Porch	\$1,000
8.	Bierschenk, Inc.	1300	East	College Drive	Signs	\$16,000
9.	Lester Lenz	417	North	7th Street	Finish Basement	\$1,000
10.	Timmy R. & Donna O. Swenson	301	South	Highway 23	Warehouse	\$46,500
11.	James Lozinski Construction	109		Park Avenue	Reroof	\$4,500
12.	Charles & Judy Michelson	1305		Fairview Street	Reroof Dwelling	\$2,300
13.	George J. Jacob Construction	1100		Jefferson Avenue	Reroof	\$3,500
14.	Minnesota Cabinets, Inc.	805		Woodfern Drive	Replace Windows	\$11,500
15.	K-Designers Home Remodeling Center	407	West	Saratoga Street	Reside Garage	\$6,100
16.	James Lozinski Construction	306		Legion Field Road	Reroof Dwelling/ Install Window	\$10,000
17.	Bakke's Home Repair & Construction	1108		Silvertine Drive	Interior Remodel	\$22,000
18.	Swanson Home Specialists	1100	Indiana	Jones Avenue	Reroof Dwelling	\$5,300
19.	Swanson Home Specialists	307	South	4th Street	Reroof Dwelling	\$7,300
20.	Geihl Construction, Inc.	806		Viking Drive	Deck	\$6,500
21.	514 Jaguar Court, LLC	608		Mercedes Drive	Dwelling	\$290,000

CONSIDER THE REQUEST OF NORMA RASKE FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR A BEAUTY SHOP BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 1105 WASHINGTON AVENUE:

Per the recommendation of the Planning Commission, Doom moved, Reynolds seconded, that Norma Raske be granted a five-year renewal of a Conditional Use Permit for a home occupation to operate a beauty shop business in an R-1 One-Family Residence District at 1105 Washington Avenue with the following conditions: the permit be issued for a five-year period; and that the hours of business be between 6:00 a.m. to 10:00 p.m. only. All voted in favor of the motion.

CONSIDER THE REQUEST OF TAMARA SNELL FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR A MASSAGE THERAPY BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 426 NORTH 5TH STREET:

Per the recommendation of the Planning Commission, Doom moved, Reynolds seconded, that Tamara Snell be granted a Conditional Use Permit for a home occupation to operate a massage therapy business in an R-1 One-Family Residence District at 426 North 5th Street with the following conditions: that the permit expires after one year after approval; and that the hours of business be between 6:00 a.m. to 10:00 p.m. only. All voted in favor of the motion.

CONSIDER THE REQUEST OF RENE DIEBOLD FOR A CONDITIONAL USE PERMIT FOR A TWO FAMILY DWELLING UNDER SINGLE OWNERSHIP IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 1303 ELLIS AVENUE:

Dale Howe, Building Official, reviewed the request of Rene Diebold for a Conditional Use Permit for a two family dwelling under single ownership at 1303 Ellis Avenue. This is the same request heard by the Commission on August 8, 2007 and was denied by the City Council on September 4, 2007. The dwelling was constructed in 2006 and issued a Certificate of Occupancy for use as a one family dwelling with a finished basement and attached double garage. After March of 2006 the basement was converted into a separate apartment. The property is in an R-1 One Family Residence District. Dennis Simpson, City Attorney, indicated that the council could not base their decision on neighborhood covenants. Council Member Sanow indicated that his reason for voting against the Conditional Use Permit at the September 4, 2007 because the request was not compatible with the neighborhood and had nothing to do with the covenants. Per the recommendation of the Planning Commission, Doom moved, Reynolds seconded, that Rene Diebold be granted a Conditional Use Permit for a two family dwelling under single ownership at 1303 Ellis Avenue with the following conditions:

1. The permit must not be used until the apartment has been inspected for conformance with the building code and any sub standards found are corrected.
2. The outside appearance of the dwelling must not reveal visible evidence of a two family dwelling. Entrance to the building must be by a single front door, the yard must not be separated with fences or landscaping, or other.
3. This permit is not transferable to any other owner and must revert to single family at the time of sale to any other person.
4. Each unit may be occupied by persons related by blood, marriage, adoption or by not more than three unrelated persons.

Comments on this request included:

John Goldtrap, 1403 Ellis Avenue, was concerned that this request would reduce the value of the homes in the area and that this would be setting a precedent for other rentals in the area. He also asked about being able to keep applying for the same request.

Mike Johnson, City Administrator, indicated that there is nothing in the City Code to restrict the number of times someone may apply for the same Conditional Use Permit.

Eric Klenken, 1305 Ellis Avenue, indicated that this would have a negative impact their property, there would be more traffic, and that this was build in violation of the City Code. He is requesting that the Conditional Use Permit be denied based on this home being built as a duplex, which is a violation of the City Code.

Dale Howe, Building Official, indicated that when the original building permit was issued there was no intent to finish the basement. The basement was finished after the Certificate of Occupancy was issued.

Mike Dulas, 709 North 6th Street, indicated that he is in favor of the request and that rental property does not bring down the value of the surrounding property. He also indicated that if the Council is concerned about violations of the covenants they should look at the violations of the covenants in the Parkway Addition, which the city owns.

Rene Diebold, indicated that she no longer has a renter but rather a boarder and that she is in compliance with all 18 requirements of the City Code.

Council Member Doom asked what the difference was between a renter and a boarder. Mr. Howe indicated that a boarder is a person living in a dwelling that has a special contract which includes the owner providing meals and lodging.

Voting in favor of the motion were: Ritter, Reynolds, Byrnes and Doom. Voting no were: Sanow and Hulsizer.

PRELIMINARY PLAT OF PROGRESS ADDITION – INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING:

Shane Waterman, Assistant City Engineer, reviewed the preliminary plat for Progress Addition. This proposed plat will provide the separation of property necessary for the development of the proposed new library. He indicated that contours and drainage plans are not required as there will be no changes to the elevations on the proposed plat. Utilities required for the new library will be presented during the planning phase of the library. Ritter moved, Reynolds seconded, the introduction of the Preliminary Plat for Progress Addition and called for a public hearing to be held at 5:30 P.M. on November 5, 2007. All voted in favor of the motion.

PRELIMINARY PLAT OF STONEBRIDGE – INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING:

Shane Waterman, Assistant City Engineer, reviewed the revised preliminary plat for Stonebridge Addition. This revised preliminary plat provides for 98 lots for residential development and 3 outlots. Doom moved, Sanow seconded, the introduction of the Preliminary Plat for Stonebridge Addition and called for a public hearing to be held at 5:30 P.M. on November 5, 2007. All voted in favor of the motion.

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT AGREEMENT NO. 91346 – GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION:

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3039, SECOND SERIES and that the reading of the same be waived. Resolution Number 3039, Second Series is a resolution providing Authorization to Execute Minnesota Department of Transportation Grant Agreement No. 91346 for Airport Maintenance and Operation. This agreement provides for up to \$76,256 per year of State Aid for direct actual maintenance and operation costs for each State fiscal year 2008 and 2009 (July 1, 2007 – June 30, 2009). All voted in favor of the motion.

CABLE COMMISSION BUSINESS PLAN:

Cable Commission Chairperson David Patterson provided a brief Business Plan for the Cable Television Commission. He indicated that the Commission was established in 1976 by the Mayor and City Council of the City of Marshall, Minnesota. The purpose of the Commission is to monitor the performance of the cable television franchisees in executing the provisions of their franchise agreements with the city. The Commission shall develop and administer policies on local cable access according to the needs of the community. It shall enlist the cooperation of agencies, organizations and individuals in securing and originating programming on the local access channels. The Commission shall also perform such other duties as may be delegated by the City Council. He reviewed the Mission Statement; Vision; Management; Studio One; Tiger TV; SMSU studio; project updates; future plans; the 2008 operating plan; staffing plan and capital requirements plan for the 2008 capital outlay requests.

RESOLUTION TO PARTICIPATE IN A HAZARD MITIGATION PLANNING PROCESS:

Federal Emergency Management Administration (FEMA) and the Minnesota Department of Homeland Security and Emergency Management (HSEM) require local units of government to participate in a Hazard Mitigation plan to be eligible for certain disaster-related funding. The county-wide, multi jurisdictional plan is organized so that all local units of government can be covered if they participate. Reynolds moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3040, SECOND SERIES and that the reading of the same be waived. Resolution Number 3040, Second Series is a resolution to Participate in Hazard Mitigation Planning Process. All voted in favor of the motion.

AUTHORIZATION TO ADVERTISE FOR THE PURCHASE OF TWO SQUAD CARS FOR PUBLIC SAFETY:

Brian Gadd, Sergeant Marshall Police Department, reviewed the request to advertise for the purchase of two squad cars for Public Safety. Council Member Ritter asked about purchasing an unmarked squad car. Mr. Gadd indicated that Rob Yant, Director of Public Safety, wants to be more visible and an unmarked car does not provide for this. Ritter moved, Doom seconded, that the proper city personnel be authorized to advertise for bids for two squad cars with one being an unmarked vehicle. All voted in favor of the motion.

AUTHORIZATION TO CALL FOR PROPOSALS FOR LEASE, LEASE/PURCHASE, OR PURCHASE OF MOTOR GRADERS:

Annually the Public Works/Street Department requests proposals from vendors for supplying motor graders with wings for winter snow maintenance. Over the last couple of years the cost of leasing two (2) motor graders to meet the needs of the city has increased dramatically from \$1,750 per month each, to over \$3,400 per month each, with additional costs if the usage is more than 100 hours per month. The department owns two (2) motor graders, a 1985 Caterpillar and a 1977 Champion, the older one is not used and is need of disposal. It is with these things in mind that the department is requesting authorization to request proposals from vendors which would include prices for leasing, lease/purchase, or purchase of up to two (2) motor graders with wings in order to evaluate the best options for the city. Upon receipt of the proposals, the department would meet with the Council equipment review committee to discuss the proposals and return to the council with the recommended alternatives. Ritter moved, Sanow seconded, that the proper city personnel be authorized to call for proposals for the lease, lease/purchase, or purchase of up to two motor graders with wings. All voted in favor of the motion.

A RESOLUTION IN SUPPORT OF JOINT INDUSTRIAL DEVELOPMENT EFFORTS WITH MARSHALL MUNICIPAL UTILITIES:

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3041, SECOND SERIES and that the reading of the same be waived. Resolution Number 3041, Second Series is a Resolution in Support of Joint Industrial Development Efforts with Marshall Municipal Utilities. This resolution provides for the City and MMU to work in a cooperative partnership in the development of industrial parkland to encourage growth in the City's tax base and the creation of additional industrial sector employment. This agreement provides for MMU to participate up to \$500,000 annually for property development. All voted in favor of the motion.

Mayor Byrnes called for a 5-minute recess at 6:55 p.m.

PERSONNEL COMMITTEE RECOMMENDATIONS – A. HEALTH, DENTAL, LIFE AND AD & D INSURANCE; B. AMENDMENT TO CITY'S TRAVEL POLICY:

Mike Johnson, City Administrator, indicated that the last time the meal amounts of the travel policy were changed was January 1, 1998. He is recommending that this be reviewed on an annual basis. Per the recommendation of the Personnel Committee Reynolds moved, Ritter seconded, to amend the City's Travel Policy on meal allowances. The meal allowances are increased as follows: breakfast from \$7.50 to \$9.50; lunch from \$9.75 to \$12.50; and dinner from \$16.00 to \$20.00. All voted in favor of the motion.

Mike Johnson, City Administrator, indicated that the Personnel Committee met with City Staff, MMU Staff and Chuck Kruger from Flexible Benefits Administrators (City's Health Insurance Agent). They reviewed the City's 2008 health insurance premium proposal, historical loss experience information, City self-funding information and considered recommendations from Mr. Kruger on modifications to the health insurance program. The projected health insurance rate changes for 2008 are up approximately 13.0%. Based on the recent trend of premium changes, increased cost for self-funding and loss experience, Mr. Kruger recommended the following:

1. Implement deductibles with \$200 for single coverage and \$400 for family coverage.
2. Change the drug prescription program to a \$10 co-pay for generic drugs, a \$25 co-pay for formulary brands, and a \$40 co-pay for name brand medications.
3. Consider an employee co-pay of \$55/month for the self-funding program. However, this wouldn't correct claim utilization or loss experience.
4. Consider going to a 70% / 30% split on first dollar coverage versus the current 80% / 20% split.

The committee is recommending items 1 and 2 above and to continue moving towards an 80% / 20% split on single and family health insurance premiums using a 1% annual increment change.

The dental insurance rates for 2008 are projected to increase approximately 8.6% and the committee is recommending moving towards an 80% / 20% split on single and family dental insurance premiums using a 1% annual increment change.

Per the recommendation of the Personnel Committee, Reynolds moved, Doom seconded, that city staff meet and coordinate with the labor groups and non-union staff to move forward with the implementation of items 1 and 2 for health insurance and to continue moving towards an 80% / 20% split on single and family health and dental insurance premiums using a 1% annual increment change. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes EDA met but he was not able to attend.

Doom Marshall Community Services Advisory Board discussed their winter activities; Planning Commission items were acted on earlier in the meeting.

Hulsizer Library Board met but she was not able to attend.

REGULAR MEETING – OCTOBER 15, 2007

Reynolds Hospital Board met earlier today; Utilities Commission will be meeting later this week.

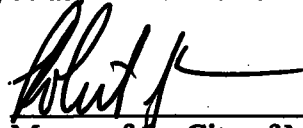
Ritter EDA met but was not able to attend; Housing Commission was meeting tonight.

Sanow No report.

REVIEW OF PENDING AGENDA ITEMS:

The budget meeting scheduled for Tuesday, October 16th was changed to Tuesday, October 23rd.

Doom moved, Reynolds seconded, that the meeting be adjourned at 7:23 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 23, 2007

A special meeting of the Common Council of the City of Marshall was held on October 23, 2007 in the Minnesota 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: Hulsizer, Doom, Sanow, Boedigheimer and Ritter. Absent: Reynolds. 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 Clerk.

2008 BUDGET WORKSHOP – SESSION 1:

This was the date and time set for Session 1 of the 2008 Budget Workshops. Mike Johnson, City Administrator, provided a brief overview of the budget process, addressed the key activities for the past 6 to 18 months, identified the activities and construction related events for 2008 and indicated that with the budget request for 2008 the expenditures exceed the revenues by approximately \$3,200,000.

Marc Klaith, Fire Chief, discussed the 2008 Fire department Budget requests. The personnel and operations and maintenance section of the Fire Department budget reflected very little change. Marc did indicate that there maybe some alternatives for 2008 capital request such as the cold storage building and the fire pumper truck. The replacement of the Fire Chief's vehicle, which has 130,000 miles on, was discussed with a transfer of a vehicle from the Police Department.

Rob Yant, Director of Public Safety, addressed the budget for the Police Department; Emergency Management; Chemical Assessment Team (CAT); and Animal Control. The hi-lights Rob addressed for the Police Department included a request for a full-time secretarial position, overtime wages and the capital outlay requests; Emergency Management is requesting the replacement of a Civil Defense Siren for the area near Runnings; and that the CAT and Animal Control budgets are at a status quo. A concern was expressed with the length of time it has taken to fill the new administrative assistant position in the 2007 budget.

Harry Weilage, Director of Community Services, addressed the hi-lights in his memo for the 2008 budget request. The hi-lights included the After School Program; Welcome Center; Students in Free Enterprise (SIFE); Adult Basic Education; English as a Second Language; changes in Community Education programs such as learn to swim and that there could be approximately \$20,000 reduced from the budget for 2008 and changes to the Recreation Program where approximately \$15,000 could be reduced from the 2008 budget requests. A brief discussion was held on the availability and use of soccer fields. Harry indicated that Youth As Resource (YAR) has again requested to partner with Marshall Community Services. The Parks budget has identified three goals for 2008 that they would like to accomplish: (1) establish a new park policies for development of City Parks; (2) review an opportunity to acquire new land south of Highway 23; and (3) upgrade the Marshall Aquatic Center. Harry briefly reviewed the budget for Cable in which he was requesting to move a part-time position to full time and the potential locations for the Studio One operations; Adult Community Center with consideration of improvements to the ventilation system; Park Maintenance requested to acquire land and construct an addition to the maintenance shop; Municipal Band; Liberty Park installation of a new bridge behind the band shell; Marshall Area Hockey Association (MAHA) building an

SPECIAL MEETING – OCTOBER 23, 2007


outdoor rink at the Marshall Middle School to be used in conjunction with the After School Program and maintained by the Park Maintenance personnel; Community Service Administration; Youth Development; and the capital requests for the Aquatic Center.

Mayor Byrnes called for a 5-minute recess at 7:40 P.M.

Cal Barnett, Director of General Services/City Assessor, addressed the budgets for the Finance/Clerk's Department, Assessing Department and the Municipal Building. Cal emphasized the GIS based software included in the Assessing Department capital request budget and the \$120,000 in the Municipal Building consulting services for the Municipal Building Garage area and the Municipal Building capital request of \$578,400 for ADA requirements and \$27,500 for a new skid loader.

Thomas Meulebroeck, Financial Director/City Clerk, reviewed the General Fund line item revenues and gave an explanation of what each line item was comprised of.

Upon motion made by Ritter, seconded by Doom, the meeting was adjourned.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – OCTOBER 30, 2007

A special meeting of the Common Council of the City of Marshall was held on October 30, 2007 in the Minnesota 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: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Mike Johnson, City Administrator, Glenn Olson, Director of Public Works/City Engineer; Calvin Barnett, Director of General Services/City Assessor; and Thomas M. Meulebroeck, Financial Director/City Clerk.

2008 BUDGET WORKSHOP – SESSION 2:

This was the date and time set for Session 2 of the 2008 Budget Workshops.

Ellayne Conyers provided an overview of the proposed budget for 2008 for the Lyon County Historical Society. Ms. Conyers was requesting an increase from \$13,000 to \$13,600 for 2008 from the City. The rent for the museum was discussed since they have received a request from the KC's to increase the museums rent by \$350 per month, which was not included in the museum proposed budget for 2008.

Carol Purrington, Becky Wyffels and Marcy Brecken were in attendance at the meeting to review MAFAC's (Marshall Area Fine Arts Center) request of \$3,000 for 2008. The MAFAC representatives reviewed the activities of their organization and expressed their appreciation to the City for the support they that have received from the City.

Wendy Wendt, Director of the Marshall Lyon County Library, and Kathleen Asche, President of the Marshall Lyon County Library Board, reviewed the proposed budget for 2008. The budget reflected an increase in staffing cost due to the implementation of the updated pay plan which is being done in 2007 and 2008. Kathleen Asche provided the council with an update on the new proposed library and the fund raising process. Ms. Asche did indicate that they would be coming to the City in February or March of 2008 requesting authorization to move forward with the construction of the new library.

Glenn Olson, Director of Public Works/City Engineer, addressed the 2008 budget request for Engineering, Building Inspection / Zoning, Street Department, Airport and Public Ways Maintenance. The areas that Glenn hi-lighted in the discussion of these budgets was in the Building Inspection / Zoning which included \$35,000 on line item 3312 for the review of the City's Comprehensive Plan; the mileage of streets that the Street Department has to maintain has increased therefore this has an impact on various line items in the budget; the Street Department 2008 budget request for repairs and maintenance (2227) includes \$100,000 for the removal and replacement of concrete in the parking lot behind the Wooden Nickel and parking lot at the corner of East College Drive and West Lyon Street, \$10,000 for the sealing of the colored concrete downtown and \$25,000 for sweeper rental. The line item of machinery equipment rental (3416) reflects an increase for truck hauling of snow and cleaning of cul de sacs. Line item (2223) maintenance of building reflects an increase in 2008 budget of \$60,000 to address the air quality in the Street Department Maintenance Building and in line item (5540) machinery and equipment reflects the acquisition of a rubber type roller and a street sweeper replacement.

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

SPECIAL MEETING – OCTOBER 30, 2007

Glenn addressed the hi-lights of the Airport budget which does not include scheduled air service. The hi-lights were \$25,000 in the building maintenance line item 2223 for roof repair, request in the meeting, schools and conferences line item 3331 for eight (8) people to attend ARFF – Airport Response and Fire Training; and a request for line item 3312 consultant fees for the Airport ease side planning and design. Glenn also addressed the capital expenditures request of \$860,000 for the Airport of which 70% is eligible reimbursement from the state.

Glenn provided a brief update on the Airport scheduled air service.

Thomas M. Meulebroeck, Finance Director/City Clerk, addressed the remaining balance in the Capital Equipment and the history and budget request for 2008 Insurance Reserve Fund.

Mike Johnson, City Administrator, reviewed the proposed 2008 budget for Mayor and Council, Human Rights, Planning / Zoning Commission, Administration, Legal, Community Development, Safety Committee, Data Processing, Duplication, Motor Pool, Transit and Street Lighting. Mike did indicate that he has received the complete list of capital expenditures for General Fund for 2008 and he would be coming forward with his recommendations.

Upon motion made by Reynolds, seconded by Ritter, the meeting was adjourned.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REGULAR MEETING – NOVEMBER 5, 2007

The regular meeting of the Common Council of the City of Marshall was held on November 5, 2007 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; Sheila Dubs, Assistant City Administrator; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Ritter moved, Sanow seconded, that the minutes of the regular meeting held on October 15, 2007 be approved as corrected; the minutes of the special meeting held on October 23, 2007 be approved as corrected; and that the minutes of the special meeting held on October 30, 2007 be approved as presented and that the reading of all of the minutes be waived. All voted in favor of the motion.

PUBLIC HEARING – PROGRESS ADDITION AND CONSIDER APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the Preliminary Plat of Progress Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that this plat will provide separation of property necessary for the development of the new proposed Marshall Lyon County Library located next to the Marshall Public School on the property near the "C" Street and Saratoga Street intersection. The reason for the subdivision is to meet the requirements of our Subdivision Ordinance. Contours and drainage plans are not required as there will be no changes to the elevations on the proposed plat. Utilities required for the new library will be presented during the planning phase of the library. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the approval of the Preliminary Plat for Progress Addition. All voted in favor of the motion.

PUBLIC HEARING – STONEBRIDGE ESTATES – A. PUBLIC HEARING AND CONSIDER APPROVAL OF THE PRELIMINARY PLAT; B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF STONEBRIDGE ESTATES:

This was the date and time set for a public hearing on the Preliminary Plat of Stonebridge Estates. Glenn Olson, Director of Public Works/City Engineer, reviewed the revised preliminary plat of Stonebridge. The proposed plat is located South of Windstar Avenue and will provide 99 lots for residential development and 3 outlots. Mr. Olson indicated that the developers R & G Construction indicated that a portion of Stonebridge could be designated for apartments and other multi-family housing. This plat is zoned R-1, single family housing. Mr. Greg

REGULAR MEETING – NOVEMBER 5, 2007

Mathiowetz of R & G Construction indicated that they would likely start the process to rezone some lots R-2 for multiple family housing this week. Mr. Olson also indicated that they have limited the number of cul-de-sacs in the preliminary plat. Doom moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Reynolds seconded, the approval of the preliminary plat. All voted in favor of the motion.

Glenn Olson, Director of Public Works/City Engineer, reviewed the Final Plat of Stonebridge Estates. Mr. Olson indicated that copies of the proposed subdivision were provided to the local utility companies for their review and comments. After review of the comments of the preliminary plat by the City, the developer added several lots to the south and east areas of the plat. There was no significant difference to the concept or grading plan to accommodate these changes. Any design elements will be furnished at the time of submission of plans and specifications for the improvements, according to the development contract. Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3042, SECOND SERIES and that the reading of the same be waived. Resolution Number 3042, Second Series is a resolution Approving the Final Plat of Stonebridge Estates. The Final Plat for Stonebridge Estates was approved contingent upon the following items:

1. Completion and execution of the First Development Contract for Stonebridge Estates, subsequent to review and approval by the City Attorney.
2. Revisions made to the Final Plat per requirements/comments on the Final Plat Checklist for Stonebridge Estates.
3. Payment of all fees according to the First Development Contract for Stonebridge Estates and 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.

AWARD OF BIDS – TWO SQUAD CARS FOR THE PUBLIC SAFETY DEPARTMENT A. MINNESOTA STATUTES REGARDING COLOR AND MARKINGS ON PATROL VEHICLES; B. PURCHASE OF AN UNMARKED SQUAD CAR FOR PATROL USE; C. AWARD OF BID:

Bids were received, opened and read on October 31, 2007 for two (2) Police type squad car vehicles / selling of two (2) Police type vehicles. Bids received, opened and read were from:

	Lockwood Motors, Inc. Marshall, MN	Lockwood Motors, Inc. Marshall, MN	Marshall Ford Marshall, MN	Erickson Chevrolet Fergus Falls, MN
Proposal A	2008 Chevy Impala	2008 Dodge Charger	2008 Crown Victoria	2008 Chevy Impala
	\$42,200.00	\$45,000.00	\$47,481.90	\$39,980.00
	(2,500.00)	(2,500.00)	(2,000.00)	(1,400.00)
	<u>(3,500.00)</u>	<u>(3,500.00)</u>	<u>(2,000.00)</u>	<u>(2,000.00)</u>
	\$36,200.00	\$39,000.00	\$43,481.90	\$36,580.00
Proposal B	\$42,000.00	\$45,000.00	\$47,481.90	\$39,980.00
Proposal C	\$42,200.00	\$45,000.00	No Bid	\$39,980.00
	(2,500.00)	(2,500.00)		(1,400.00)
	<u>(3,500.00)</u>	<u>(3,500.00)</u>		<u>(2,000.00)</u>
	Bid amount less trade choice	Bid amount less trade choice		\$37,980.00

REGULAR MEETING – NOVEMBER 5, 2007

	Lockwood Motors, Inc. Marshall, MN	Lockwood Motors, Inc. Marshall, MN	Marshall Ford Marshall, MN	Erickson Chevrolet Fergus Falls, MN
Proposal D	\$21,100.00 (2,500.00) (3,500.00) Bid amount less trade choice	\$22,500.00 (2,500.00) (3,500.00) Bid amount less trade choice	No Bid	\$19,990.00 (1,400.00) (2,000.00) \$17,990.00
Proposal E	\$21,100.00	\$22,500.00	No Bid	\$19,990.00
Proposal F	Trade only	No Bid	No Bid	Trade only
Proposal A	Furnish two (2) Police Type Squad Car Vehicles and tradein of existing vehicles			
Proposal B	Furnish two (2) Police Type Squad Car Vehicles with no trade-in.			
Proposal C	Furnish two (2) Police Type Squad Car Vehicles and tradein of one existing vehicle.			
Proposal D	Furnish one (1) Police Type Squad Car Vehicle and trade-in of one existing vehicle.			
Proposal E	Furnish one (1) Police Type Squad Car Vehicle with no tradein.			
Proposal F	Purchase two (2) trade-in existing vehicles only.			

Rob Yant, Director of Public Safety, reviewed the Minnesota Statutes that addressed vehicles that are used primarily for "general patrol assignment by any municipal police department...". This includes patrol cars by the Marshall Police Department. This chapter required these patrol units to be a particular color and how it is to be marked. Rob indicated that an unmarked car cannot be used "primarily for general patrol assignment by any municipal police department". There is one exception however in section 169.98 subd.2a, called "specially marked police or sheriff vehicle. This is where the Chief can designate a vehicle as a specially marked police vehicle that is only marked with the shield of the city or county and the name of the proper authority on the right front door of the vehicle. The number of specially marked vehicles owned by a city or county that uses fewer than 11 vehicles in traffic law enforcement may not be more than one. A specially marked vehicle may be operated only by a uniformed officer and must be equipped and operated to clearly indicate to the driver of a vehicle signaled to stop that the specially marked vehicle is being operated by a police department or sheriff's office. Rob indicated that in looking at marking and lighting of emergency vehicles by the Marshall Police Department there are four options:

1. Use of marked units with use of a light bar.
2. Use of marked units without the use of a light bar.
3. Use of one specially marked unit without the use of a light bar.
4. Use of an unmarked unit.

Ritter moved, Doom seconded, to purchase a fully marked patrol unit but not put a light bar on it. Rob indicated that they would have to purchase the emergency lighting needed to set this unit up properly and although he doesn't believe it would quite as visible as the light bar, the emergency lighting would give fairly good visibility, would be sales tax exempt, and would allow the Police Department to keep the Expedition as the Specially Marked Unit. Council Member Boedigheimer was concerned that they already have the light bars but would have to purchase the emergency lighting. Council Member Sanow indicated that a marked police car shows a presence. Council Member Boedigheimer called the question. Voting in favor of the

REGULAR MEETING – NOVEMBER 5, 2007

motion were Ritter, Doom and Hulsizer. Voting no were: Sanow, Byrnes, Boedigheimer and Reynolds. The motion failed.

Boedigheimer moved, Ritter seconded, to purchase two fully marked patrol units for the Marshal Police Department. All voted in favor of the motion, except Ritter who voted no.

Boedigheimer moved, Ritter seconded, that the bid for two police type squad vehicles for the Marshall Police Department be awarded to Lockwood Motors, for two 2008 Chevy Impala's in the amount of \$36,200 including trade-in and the following add on options: Trunk mounted equipment tray (6-7 inch drop) \$328; push bumper \$345; prisoner transport rear seat \$556; and an additional drop ship fee of \$200 to be delivered to this up fitter. All voted in favor of the motion.

LEGION FIELD PARK SANITARY SEWER PROJECT Y27 – CONSIDER AWARD OF PROPOSALS:

Glenn Olson, Director of Public Works/City Engineer, indicated that the sanitary sewer main serving Legion Field Park restrooms, pool and maintenance building has been found to have several large cracks resulting in large amounts of infiltration to the lift station and ultimately to the Wastewater Treatment Plant. The project was designed to replace the sanitary sewer main with an estimated cost of \$41,800. As this amount is less than \$50,000, we were able to solicit proposals for this project. Proposals for this project were received, opened and read on October 30, 2007. Proposals received, opened and read were from:

	Alternate Bid 1	Alternate Bid 2
D & G Excavating, Inc. Marshall, Minnesota	\$44,100.00 *	\$51,000.00
GM Contracting, Inc. Lake Crystal, Minnesota	\$109,620.52 *	\$85,084.38
Thompson Excavating Taunton, Minnesota	\$29,800.00 *	No bid

* Estimated cost of repair of open cut trench is \$11,200.00

Mr. Olson indicated that Alternate Bid 1 was for open cut procedures and Alternate Bid 2 was for pipe bursting procedures to minimize damages to the parking lot and other asphalt surfaces. The estimated cost for this project is \$53,800 with the funding for this project to be from the Wastewater Fund Infrastructure Account #602-90581-5570 for the base cost of the project in the amount of \$46,900. In order to accommodate the remainder of the project costs, \$6,900 will be transferred from Community Services Aquatics Account #101-70176-3311 (General Professional Services) to Account #101-70176-5570. Council Member Ritter asked if the money was being taken from the fund for a study on an aquatics center project. It was indicated that it was but that the aquatics center project has been delayed.

#101-70176-5570. Council Member Ritter asked if the money was being taken from the fund for a study on an aquatics center project. It was indicated that it was but that the aquatics center project has been delayed.

Ritter moved, Doom seconded, that the proposal be awarded to D & G Excavating, Inc., in the amount of \$51,000 for Legion Field Park Sanitary Sewer Project Y27 with \$46,900 being allocated from the Wastewater account 602-90581-5570 and \$6900 from the Community Services Aquatic account 101-70176-3311 and transferred to the Wastewater Fund. This proposal is for the pipe bursting procedure. All voted in favor of the motion.

CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR PRAIRIE HOME HOSPICE FOR FEBRUARY 2 & 3, 2008 AT SMSU CONFERENCE CENTER; B. DECLARATION OF SURPLUS PROPERTY – VEHICLES FROM PUBLIC SAFETY DEPARTMENT. C. DECLARATION OF SURPLUS PROPERTY – BICYCLES FROM PUBLIC SAFETY DEPARTMENT; D. BILLS/PROJECT PAYMENTS; E. BUILDING PERMITS:

Per the request of Hulsizer item a, which is a temporary on-sale liquor license for Prairie Home Hospice for February 2 & 3, 2008 at SMSU Conference Center be removed from the consent agenda.

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

Authorization be granted to dispose of surplus City property – ten (10) vehicles from Public Safety. These vehicles will be auctioned using the State's On-Line auction process.

Authorization to declare surplus City property – bicycles from Public Safety. These bicycles will be donated to Bikes for Kids Program of the Department of Corrections, where they will be refurbished and provided to low income kids.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 58160 through 58415.

All voted in favor of the motion.

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

1.	Rockford Construction Co., Inc.	1101 East College Drive	Mercantile Building			\$380,000
2.	Space Development Co.	200 O'Connell Street	Addition			\$225,000
3.	Sussner Construction, Inc.	301 South O'Connell Street	Office Building			\$211,000
4.	Thomas Handeland	1104 East Main Street	Wall Opening			\$2,000

REGULAR MEETING – NOVEMBER 5, 2007

5.	5 CHIS Company, LLC	1401	Nwakama	Street	Medical Building	\$1,229,500
6.	Ed & Marlys Marczak	412	Maple	Lane	Enclose Deck	\$1,000
7.	Rick Slagel Construction, Inc.	904	Poplar	Avenue	Reroof Dwelling	\$4,000
8.	Chad Krog	218	Carrow	Circle	Replace Deck	\$10,000
9.	Horizon Retail Construction	800 East	Main	Street	Interior Remodel	\$18,900
10.	Robert L. Carr	1601	Thunderbird	Road	4-Unit Condominium	\$250,000
11.	Schlenner Construction Co.	504	Mercedes	Drive	Dwelling	\$255,000
12.	Doom & Cuypers, Inc.	1510 East	College	Drive	Exterior Remodel	\$5,000
13.	Rod Bennett	1104	Washington	Avenue	Reroof Dwelling	\$4,000
14.	Jeff Gladis Construction	502 South	1st	Street	Reroof	\$2,600
15.	Space Development Co.	201	Airport	Road	Addition	\$80,000
16.	George & Ketty Torres	103 North	6th	Street	Bathroom Remodel	\$4,100
17.	James Lozinski Construction	802	Elaine	Street	Reroof Dwelling	\$2,700
18.	James Lozinski Construction	603	Viking	Drive	Reroof Porch	\$4,800
19.	Daniel T. Ritter	110 North	11th	Street	Sign	\$400
20.	Swanson Home Specialists	311 N	Whitney	Street	Reroof Dwelling	\$4,900
21.	Ron Schilling	1400	Carlson	Street	Moving in garage	\$2,500
22.	Bertha Louwagie	503 East	Lyon	Street	Install Window	\$500

Council Member Hulsizer indicated that she was not in favor of Prairie Home Hospice being issued a Temporary On-Sale Liquor License to be used at Southwest Minnesota State University. She indicated that Prairie Home Hospice is not an organization of SMSU and that by holding their event at SMSU they are taking business away from other local business places that would be large enough for their event. Doom moved, Ritter seconded, the approval of a Temporary On-Sale Liquor License for Prairie Home Hospice to be used at Southwest Minnesota State University on February 2 & 3, 2008. All voted in favor of the motion, except Hulsizer and Sanow.

CONSIDER RESOLUTION AUTHORIZING EXECUTION OF MN/DOT MASTER PARTNERSHIP CONTRACT AND WORK ORDER 01:

Glenn Olson, Director of Public Works/City Engineer, indicated that the Master Partnership Contract with MN/DOT provides for the authorization of the Commissioner of Transportation to enter into agreements with the City for several types of services as show in the recitals of the agreement. This contract allows the City to provide services to the State as well upon agreement by future work order. He also indicated that Work Order 01 provides the ability of the City to utilize the State services for Routine Roadway Maintenance and Professional and Technical Services

throughout the life of the Master Partnership Contract – January 1, 2008 through November 30, 2012.

Ritter moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3043, SECOND SERIES and that the reading of the same be waived. Resolution Number 3043, Second Series is a resolution Authorizing Execution of MN/DOT Master Partnership Agreement. This resolution provides for the proper city personnel to enter into the Master Partnership Contract with MN/DOT. This motion also approves Work Order 01, which provides the ability of the City to utilize the State services for Routine Roadway Maintenance and Professional and Technical Services throughout the life of the Master Partnership Contract – January 1, 2008 through November 30, 2012. Both of these agreements were approved contingent upon City Attorney review and approval. All voted in favor of the motion.

CONSIDER AUTHORIZATION TO REQUEST FOR PROPOSALS FOR WWTF PHOSPHOROUS REMOVAL OF TREATMENT AND PLANT CAPACITY REVIEW:

Glenn Olson, Director of Public Works/City Engineer, indicated that Wastewater Superintendent Bob VanMoer has requested authorization to call for proposals for two issues related to the operation of the wastewater treatment plant. First, the upcoming regulations for discharge for the effluent of the treatment plant will most probably include a limitation of phosphorus in the waste stream. He indicated that they will need to study the most cost effective alternative for providing this treatment prior to the initiation of the limitation so that they are able to recommend specific treatment methods within the confines of the current treatment system. Second, due to the treatment changes at the wastewater plant, the plant may be more effective in treating wastewater flows than was previously possible, which potentially allows an increase in the allowable waste flows to the treatment plant. This is important as the city continues to develop additional industrial and commercial business as well as the expansions to the residential area. Ritter moved, Reynolds seconded, that the proper city personnel be authorized to call for proposals for Wastewater Treatment Facility Phosphorus Removal Treatment and Wastewater Plant Capacity Review. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION/BOARD LIAISON REPORTS:

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

Byrnes No report.

Boedigheimer Airport Commission – Mr. Johnson from Midwest Aviation has options to buy airplanes for air service; Lyon County Enterprise Development will meet on Tuesday in Balaton; M.E.R.I.T. Center will be meeting on Thursday; Police Commission is in the process of testing and interviews for Police Officers.

Doom No report.

Hulsizer Convention and Visitors Bureau is working on their budget which is to be presented to the council at the budget meeting.

Reynolds No report.

Ritter No report.

Sanow No report.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the Mayor and Council Members included: the watermain replacement project on Legion Field Road and if any other roads were to be dug up. Mr. Olson indicated that there were no other roads to be dug up. The Maple Street Alley project is on schedule.

REVIEW OF PENDING AGENDA ITEMS:

A Legislative and Ordinance Committee meeting needs to be set to discuss the dangerous dog ordinance.

AUTHORIZATION TO GO INTO CLOSED SESSION PURSUANT TO MN STATUTES 13D.05 SUBD. 3(C.3) AND 13D.03 SUBD.1 (B):

Reynolds moved, Doom seconded, to go into closed session at 6:35 P.M. pursuant to MN Statutes 13D.05 subd. 3.(c.3b) and 13D.03 subd.1(b). All voted in favor of the motion.

The council came out of closed session at 8:04 P.M.

Mike Johnson City Administrator, recommended that the council take action on the 2008 health, dental, life and LTD insurance premiums.

The City Council chose to implement the options necessary to provide for the health insurance premiums with Blue Cross/Blue Shield to be \$372.50 per month for single coverage and \$997.00 per month for family coverage. The city will pay \$350.16 per month plus the administrative fee of \$10.00 per month for single coverage and the employee will pay \$22.34 per month and the city will pay \$827.52 per month plus the administrative fee of \$10.00 per month for family coverage and the employee will pay \$169.48 per month. These monthly rates reflect the implementation of a higher deductible where the employee pays the first \$200 for single and \$400 for family claims that they would have to be met prior to the 80-20 split on the \$5,000 deductible for single insurance and the \$10,000 deductible for family insurance. The projected savings for the city is estimated to be \$27,520.

The City Council also chose to implement a 3-tier plan for prescriptions. The 3-tier plan is as follows and will result in a projecting savings of approximately \$35,040.

\$10.00 for generic drugs

\$25.00 for formulary drugs

\$40.00 for non-formulary drugs

This will be for a 31-day supply and the cost for a 90-day supply will be double the amount.

The rates for dental insurance rates for Delta Dental for single coverage will be \$31.80 per month for the city share and \$5.60 per month for the employee share and for family coverage

REGULAR MEETING – NOVEMBER 5, 2007

the rates will be \$83.55 per month for the city share and \$17.10 per month for the employee share.

The rates for life insurance with MII Life will be \$2.00 per month for single coverage and \$2.98 per month for family coverage. The city will pay these rates at 100%.

The rates for long term disability insurance with Madison National Life will be .425%/100 of wages per employee and the city will pay this at 100%.

Based on the information provided, Sanow moved, Ritter seconded, the approval of the insurance rates for 2008 as outlined above. All voted in favor of the motion.

With no further business, Doom moved, Sanow seconded, that the meeting be adjourned at 8:05 P.M. All voted in favor of the motion.


Mayor of the City of Marshall

ATTEST:


Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 13, 2007

A special meeting of the Common Council of the City of Marshall was held on November 13, 2007 in the Minnesota Room of the Marshall Municipal Building. The meeting was called to order by Mayor Byrnes at 5:37 P.M. In addition to Byrnes the following members were present: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Mike Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Calvin Barnett, Director of General Services/City Assessor; Rob Yant, Director of Public Safety; Scott VanMoer, Liquor Store Manager; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Financial Director/City Clerk; and Harry Weilage, Director of Community Services arrived at 7:45 P.M..

2008 BUDGET WORKSHOP – SESSION 3:

This was the date and time set for Session 3 of the 2008 Budget Workshops.

The first item considered was the budget for legal expenses within the General Fund. Dennis Simpson, City Attorney, addressed the increase in the number of cases and costs as they relate to Civil and Criminal cases. With the increase in cases and costs associated with the cases as well as the increase in cost of day to day cost for legal expenses associated with the City of Marshall, the amount the city pays for legal services is not covering the cost and is causing the City Attorney to continue to increase the amount that is written off. Council Member Boedigheimer did indicate that a number of years ago he had researched and reviewed information from the League of Minnesota Cities with the cost of a full time City Attorney versus contracting for the services. A brief discussion was held in regard to the city imposing an administrative fee for various citations issued by the Marshall Police Department. Mr. Simpson was advised that an increase greater than the 3% included in the proposed 2008 budget for legal services will be further considered as the budget process continues.

Scott VanMoer, Marshall Municipal Liquor Store, reviewed the 2008 budget request. The items Scott highlighted were that the sales are being budgeted the same as 2007, a fourth full time position is included in personnel costs, there is \$12,500 included in consultant fees for the Liquor Store Study and there is \$250,000 included in the budget to reflect the previous City Council action for the ¼ of the City's commitment for the new proposed Marshall Lyon County Library.

Glenn Olson, Director of Public Works/City Engineer, and Bob VanMoer, Wastewater Treatment Superintendent, addressed the various line items for revenues and expenses for 2008 as well as the ongoing work that is being done with Springsted in determining the rate for Wastewater operations.

Glenn Olson, Director of Public Works/City Engineer, addressed the 2008 budget request for Surface Water Management Fund and again the ongoing work with Springsted on rates for surface water. Glenn also addressed the potential 2008 Storm Water Projects including those that would be paid from operating revenues as well as those that may potentially be included in a bond issue.

SPECIAL MEETING – NOVEMBER 13, 2007

Glenn Olson, Director of Public Works/City Engineer, identified and addressed the potential 2008 Municipal State Aid projects as it relates to the cost and funding for these projects which primarily included Windstar Street and Clarice Avenue.

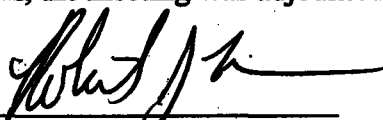
Mayor Byrnes called for a 5-minute recess at 7:10 P.M.

Thomas M. Meulebroeck, Finance Director/City Clerk, provided a handout for the 2008 budgets for Special Revenue, Debt Service, and the Capital Project "429" Revolving Fund. Tom addressed the revenues and expenditures by the various funds included in each of these areas.

Mike Johnson, City Administrator, briefly addressed the General fund 2008 budget Summary which reflects expenditures of \$13,945,112 and revenues of \$10,682,512 and a deficit of \$3,262,600. Mike hi-lighted some potential additional revenues and potential reductions in the area of personnel; operation and maintenance; and capital outlay expenditure. Mike will meet with the Division Heads to formulate a list of 2008 General Fund budget expenditure reductions or revenue increases.

A budget suggestion made was for the City to consider contracting for janitorial services versus the City having fulltime employees performing janitorial duties.

Upon motion made by Ritter, 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

JOINT CITY COUNCIL/WMMC BOARD OF DIRECTORS MEETING
NOVEMBER 19, 2007

A Joint City Council/WMMC dba AVERA Marshall Regional Medical Center Board of Directors meeting of the City of Marshall was held on November 19, 2007 in the Education Rooms (3rd Floor) of the AVERA Marshall Regional Medical Center. The meeting was called to order at 4:40 P.M. by Mayor Byrnes. In addition to Byrnes the City Council Members present were: Hulsizer, Doom, Sanow, and Boedigheimer. Absent: Reynolds and Ritter. Staff present included: Michael Johnson, City Administrator; and Thomas M. Meulebroeck, Financial Director/City Clerk.

Steve Draxler and Jeremy Zabel, McGladrey & Pullen, auditors for Avera Marshall Regional Medical Center presented the audited financial report for the nine months ending June 30, 2007. The auditors addressed the significant events for fiscal year 2007, various areas of communications to the Board of Directors and the financial high-lights for the nine months in comparison to the twelve months period ending September 30, 2006. The report was accepted by the Avera Marshall Regional Medical Center Board of Directors.

Pam Peyton addressed the MRI Diagnostic Imaging for the Avera Marshall Regional Medical Center. The bid comparisons from November 14, 2007 for new MRI equipment were reviewed. Sanow moved, Boedigheimer seconded, the award for Suburban MRI Equipment be awarded for the SubPad/Siemens 1.5T Avanto for the lease purchase for 60 months for \$27,090 per month for a total purchase of \$1,625,400. All voted in favor of the motion.

Upon motion 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 19, 2007

The regular meeting of the Common Council of the City of Marshall was held on November 19, 2007 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 and Boedigheimer. Absent: Reynolds and Ritter. Staff present included: Michael Johnson, City Administrator; Dennis Simpson, City Attorney; Glenn Olson, Director of Public Works/City Engineer; Mark Hanson, EDA Director; Thomas M. Meulebroeck, Financial Director/City Clerk; and Jane DeVries, Deputy City Clerk.

At this time members of Cub Scouts Pack 320 carried in the flags and lead the council and those in attendance at the meeting in the Pledge of Allegiance. Mayor Byrnes thanked them for coming and taking an interest in their local government.

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, Hulsizer seconded, that the minutes of the regular meeting held on November 5, 2007 be approved as corrected and that the minutes of the special meeting held on November 13, 2007 be approved as presented and that the reading of the same be waived. 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 2007-2008:

Victoria Victo Dyadkova from Russia
Alex Jimenez from Chile
Julian Kammermeier from Germany
Eduardo Mucci from Brazil

Doom moved, Sanow seconded, to adopt the Mayor's Proclamation Welcoming Foreign Exchange Students for 2007-2008. All voted in favor of the motion.

AWARD OF BIDS – CONSIDER AWARD OF PROPOSALS FOR MOTOR GRADER FOR STREET DEPARTMENT:

Proposals were received, opened and read on November 13, 2007 for a motor grader for the Street Department. Proposals received, opened and read were from:
(See attached sheet)

MOTOR GRADER PROPOSAL ANALYSIS -- NOVEMBER 13, 2007

PROPOSAL A: 6-MONTH LEASE OPTION FOR UP TO TWO UNITS

	Lease Amount per month		6-Month Lease Amount for 2 Units
Ziegler (Caterpillar 140H)			33,015.00
Road Machinery (Komatsu GD-655)	6,336.75	31,663.75	63,367.50
Titan Machinery (Case 865VHP)	4,792.50	23,962.50	47,925.00
RDO (John Deere 770D)	0.00	0.00	0.00

PROPOSAL B: ONE-YEAR LEASE / PURCHASE OPTION FOR UP TO TWO UNITS

	1-Year Lease (Unit 1)	1-Year Lease (Unit 2)	Buyout Price w/Trade	Total Cost to City including 1-Year Lease and Buyout Price w/Trade (Unit 1)	Total Cost to City including 1-Year Lease and Buyout (no trade) (Unit 2)	Total Cost to City including 1-Year Lease and Buyout for 2 Units	Cost to City/Year for 1 unit over 5 years	Cost to City/Year for 2 units over 5 years
Ziegler (Caterpillar 140H)	30,416.40	30,416.40	182,498.40	212,914.80	231,019.80	443,934.60	42,582.96	88,766.92
Road Machinery (Komatsu GD-655)	63,261.00	Only 1 unit avail.	146,233.00	209,494.00	Only 1 unit avail.	Only 1 unit avail.	41,896.80	Only 1 unit avail.
Titan Machinery (Case 865VHP)	62,235.48	69,703.32	103,936.70	166,171.18 *	176,108.62	342,279.80	33,234.24	68,455.96
RDO (John Deere 770D) (Alternate 1)	29,931.83	29,931.83						
RDO (John Deere 770D) (Alternate 2)		29,931.83			189,881.83	360,628.07	34,169.25	72,106.61

PROPOSAL C: FIVE-YEAR LEASE / PURCHASE OPTION FOR UP TO TWO UNITS

	5-Year Lease (Unit 1)	5-Year Lease (Unit 2)	Buyout Price w/Trade	Total Cost to City including 5-Year Lease and Buyout Price w/Trade (Unit 1)	Total Cost to City including 5-Year Lease and Buyout (no trade) (Unit 2)	Total Cost to City including 5-Year Lease and Buyout for 2 Units	Cost to City/Year for 1 unit for 5 years	Cost to City/Year for 2 units for 5 years
Ziegler (Caterpillar 140H)	127,800.00	127,800.00	136,320.00	264,120.00	154,425.00	418,545.00	62,824.00	83,709.00
Road Machinery (Komatsu GD-655)	219,304.80	Only 1 unit avail.	0.00	219,304.80	Only 1 unit avail.	Only 1 unit avail.	43,860.96	Only 1 unit avail.
Titan Machinery (Case 865VHP)	159,412.40	163,833.00	0.00	159,412.40	163,833.00	323,245.40	31,862.48	64,649.08
RDO (John Deere 770D) (Alternate 1)	86,620.60	107,680.98	117,150.00	203,670.60	224,730.98	428,401.58	40,734.12	85,680.32
RDO (John Deere 770D) (Alternate 2)	190,129.13	211,194.83	1.07	190,130.20	211,195.90	401,326.10	38,026.04	80,265.22

RECOMMENDATION:

Award Ziegler 6-Month Lease for 1 Unit and Award RDO 1-Year Lease and Buyout Price w/Trade for 1 Unit (Alternate 2).
The 1977 Champion motor grader the City owns is in dire need of replacement.

Total Cost to City:	187,353.74
Cost for 2007:	5,876.94
Cost for 2008:	181,476.80 **

Recommended Alternative by the Council Equipment Review Committee

* Recommending John Deere Unit for Parts, Service and Reliability

** The buyout price of \$159,750 at the end of the lease of Year 1 could be amortized over the next 5 years reducing the annual cost for 2008. This could reduce the 2008 cost to approximately \$63,676.80 with 4 payments from 2008-2012 of approximately \$37,141.88 each. Other financing options could be reviewed.

REGULAR MEETING – NOVEMBER 19, 2007

Glenn Olson, Director of Public Works/City Engineer, indicated that the proposals were reviewed by the Council Equipment Review Committee. Items discussed by the Committee were the condition of the existing 1977 Champion Motor Grader and the need for replacing this unit, parts, service and reliability items of a new unit, and the need for a second rental unit. He also indicated that it was agreed that the City does not need to purchase a second additional motor grader at this time. The 1986 Caterpillar motor grader will be adequate for the next 7-8 years pending any unanticipated issues. The department is working on a capital equipment replacement program to "even out" major capital equipment expenditures.

After a thorough review, the following was recommended by the Council Equipment Review Committee:

1. Award of proposal to Ziegler, Inc. of Marshall, Minnesota for Proposal A for the 5-Month Lease for 1 Unit in the amount of \$3,301.50/month (\$16,507.50 for 5 months), plus \$60/hr. for any hours over 300 hours for the 5-month lease period. Funding for this rental unit would come from the Street Department Machinery & Equipment Rental line item (101-60211-3416). This rental was included in the 2007 budget. However, the rental expenses for 2007 were in excess of what was anticipated due to snow hauling expenses in the first half of 2007. To cover this additional rental expense, adjustments will have to be made within the department to accommodate this expenditure within the total budgeted allocation for the Street Department for 2007.
2. Award of proposal to RDO Equipment of Marshall, Minnesota for Proposal B for the 1-Year Lease / Purchase option for 1 Unit (Alternate 2) in the amount of \$11,096.24 for the first year, including trade of the 1977 Champion Motor Grader, with a Buyout Price after the 1-Year Lease period in the amount of \$159,750.00. Funding for this unit would come from the Street Department Capital Outlay-Machinery & Equipment line item 101-60211-5540. This purchase option should include a review of methods of financing including utilization of unspent Street Department funds from 2007, a one-time payment in 2008, 5-7 annual payments from capital equipment bonds in 2008, or other financing.

Joe Swenhaugen from Titan Machinery indicated that with their proposal the City could purchase a motor grader for a total cost including 5-year lease and buyout with trade-in in the amount of \$159,412.40.

Doom moved, Sanow seconded, to award the proposal to Ziegler, Inc. of Marshall, Minnesota for Proposal A for the 5-Month Lease for 1 Unit in the amount of \$3,301.50/month (\$16,507.50 for 5 months), plus \$60/hr. for any hours over 300 hours for the 5-month lease period. Funding for this rental unit would come from the Street Department Machinery & Equipment Rental line item (101-60211-3416). This rental was included in the 2007 budget. However, the rental expenses for 2007 were in excess of what was anticipated due to snow hauling expenses in the first half of 2007. To cover this additional rental expense, adjustments will have to be made within the department to accommodate this expenditure within the total budgeted allocation for the Street Department for 2007. All voted in favor of the motion.

Doom moved, Sanow seconded, to award the proposal to RDO Equipment of Marshall, Minnesota for Proposal B for the 1-Year Lease / Purchase option for 1 Unit (Alternate 2) in the amount of \$11,096.24 for the first year, including trade of the 1977 Champion Motor Grader, with a Buyout Price after the 1-Year Lease period in the amount of \$159,750.00. Funding for this unit would come from the Street Department Capital Outlay-Machinery & Equipment line item 101-60211-5540. This purchase option should include a review of methods of financing including utilization of unspent Street Department funds from 2007, a one-time payment in 2008,

REGULAR MEETING – NOVEMBER 19, 2007

5-7 annual payments from capital equipment bonds in 2008, or other financing. All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR AMERICAN LEGION POST 113 FOR DECEMBER 1, 2007 AT SMSU; B. TEMPORARY ON-SALE LIQUOR LICENSE FOR MUSTANG BOOSTER CLUB FOR DECEMBER 7, 2007 AT SMSU CONFERENCE CENTER; C. ADOPTION OF RESOLUTION APPROVING THE RE-APPOINTMENT OF COMMISSIONERS TO THE HOUSING AND REDEVELOPMENT AUTHORITY; D. WAL-MART CURRENCY EXCHANGE LICENSE RENEWAL FOR 2008; AUTHORIZATION TO BE REIMBURSED FOR ENFORCING UNDERAGE DRINKING LAWS (EUDL); F. BILLS/PROJECT PAYMENTS; AND G. BUILDING PERMITS:

Per the request of Council Member Hulsizer item a, which is a temporary on-sale liquor license for American Legion Post 113 for December 1, 2007 at SMSU and item b, which is a temporary on-sale liquor license for Mustang Booster Club for December 7, 2007 at SMSU Conference Center be removed from the consent agenda.

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

The adoption of RESOLUTION NUMBER 3044, SECOND SERIES and that the reading of the same be waived. Resolution Number 3044, Second Series is a resolution Approving the Re-Appointment of Commissioners to the Housing and Redevelopment Authority in and for the City of Marshall. This resolution provides for Michael Boedigheimer and Michael Reynolds to be re-appointed to the Housing and Redevelopment Authority for a 5 year term expiring December 2, 2012.

The approval of the Wal-Mart Currency Exchange License renewal for the calendar year 2008.

The proper city personnel be authorized to enter into a Grant Agreement with the Minnesota Department of Public Safety for the Enforcing Underage Drinking Laws (EUDL) in the amount of \$720.00.

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 58416 through 58551.

All voted in favor of the motion.

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

1.	True Value Home Center	602	Elizabeth	Street	Dwelling	\$193,000
2.	Dan Wyffels	108	"G"	Street	Interior Remodel	\$700
3.	Doom & Cuypers, Inc.	201	North 1st	Street	Garage Doors	\$2,800
4.	Doom & Cuypers, Inc.	1310	Peterson	Street	New Doors	\$8,600

REGULAR MEETING – NOVEMBER 19, 2007

5.	Doom & Cuypers, Inc.	117	Grimes	Street	Garage	\$14,900
6.	Doom & Cuypers, Inc.	205	Sunrise	Lane	Garage	\$16,400
7.	Doom & Cuypers, Inc.	1308	Peterson	Street	New Doors	\$6,900
8.	Doom & Cuypers, Inc.	202	East Main	Street	Install Windows	\$23,800
9.	James Lozinski Construction	218	North Hill	Street	Reroof Dwelling	\$10,400
10.	James Zahnow	225	Rainbow	Drive	Garage	\$500
11.	Lozinski Construction	608	Soucy	Drive	Reside Dwelling & Replace Doors	\$11,000
12.	Marshall Residential Properties, LLC	105	DeSchepper	Street	Reside Dwelling	\$2,800
13.	Marshall Residential Properties, LLC	122	East Saratoga	Street	Reside Dwelling & Reroof	\$7,000
14.	DI Construction	236	West Main	Street	Canopy	\$1,700
15.	Scott VanOverbeke Construction	605	Jefferson	Circle	Garage Addition	\$50,000
16.	Tutt Construction	1307	Ridgeway	Road	Reroof Dwelling	\$4,000

Council Member Hulsizer indicated that she was not in favor of issuing Temporary On-Sale Liquor Licenses to be used at Southwest Minnesota State University. She indicated that by holding their events at SMSU they are taking business away from other local business places that have a liquor license, therefore she moved to deny the request for a temporary on-sale liquor license for American Legion Post 113 for December 1, 2007 at SMSU and a temporary on-sale liquor license for Mustang Booster Club for December 7, 2007 at SMSU Conference Center. Due to the lack of a second the motion died.

Doom moved, Sanow seconded, the approval of a temporary on-sale liquor license for American Legion Post 113 for December 1, 2007 at SMSU and a temporary on-sale liquor license for Mustang Booster Club for December 7, 2007 at SMSU Conference Center. Council Member Sanow indicated that the American Legion Post 113 has a liquor license and is requesting a temporary on-sale liquor license to be used at a different location and the Mustang Booster Club is an organization of SMSU. All voted in favor of the motion, except Hulsizer who voted no.

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, Sanow seconded, the adoption of RESOLUTION NUMBER 3045, SECOND SERIES and that the reading of the same be waived. Resolution Number 3045, Second Series is a resolution Approving the By-Laws of the Marshall Volunteer Firefighters Relief Association. This resolution provides for the benefit level per year of service be increased to \$4,700 per year effective January 1, 2008. This resolution also provides for changes to Article VII – Application for Benefits in

Section 2; Section 5(A) Early Vesting and (B) Deferred Pension; Section 6 and Section 9. All voted in favor of the motion.

CONSIDER REQUEST OF ARNOLD ZIMMERMAN FOR A TWO-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR A GUN SALES BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 1307 WESTWOOD DRIVE:

Per the recommendation of the Planning Commission, Doom moved, Boedigheimer seconded, to approve the request of Arnold Zimmerman for a two-year renewal of a Conditional Use Permit for a home occupation of gun sales in an R-1 One Family Residence District at 1307 Westwood Drive with the following conditions:

1. The permit be issued for a two-year period.
2. The hours of business shall be between 6:00 A.M. and 10:00 P.M. only.
3. The business is limited to a "special order" business.
4. The business will have not exterior displays relating to guns.

All voted in favor of the motion.

CONSIDER THE REQUEST OF BRUCE GROW FOR A FIVE-YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION FOR A LIVE BAIT BUSINESS IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT AT 207 NORTH 7TH STREET:

Per the recommendation of the Planning Commission, Doom moved, Boedigheimer seconded, the request of Bruce Grow for a five-year renewal of a Conditional Use Permit for a home occupation to conduct a live bait business in an R-1 One Family Residence District at 207 North 7th Street be approved with the following conditions:

1. That all water and organic wastes be disposed of in the municipal wastewater system or other approved sanitary method away from the property.
2. That the hours of business be restricted from 6:00 a.m. to 10:00 p.m.
3. The permit expires in five years.

All voted in favor of the motion.

CONSIDER THE REQUEST OF PAXTON SIGNS FOR A VARIANCE ADJUSTMENT PERMIT TO ERECT BUSINESS SIGNS IN EXCESS OF THE AREA PERMITTED BY CITY CODE IN A B-3 GENERAL BUSINESS DISTRICT LOCATED AT 800 EAST MAIN STREET:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Paxton Signs as agent for Carr Properties for a variance adjustment permit to erect business signs of 47 square feet in excess of the adjusted area permitted by City Code in a B-3 General Business District at 800 East Main Street. Mr. Paxton indicated that by working with the owners and by reducing the "Main Street Center" part of the sign they will be in conformance and therefore will not need a variance adjustment. Council Member Boedigheimer indicated that according to the sign ordinance the further back the business is from the set back the smaller their sign is and he thought this should be changed. Doom moved, Hulsizer seconded, that the request of Paxton Signs as agent for Carr Properties for a variance adjustment permit to erect business signs of 47 square feet in excess of the adjusted area permitted by City Code in a B-3 General Business District at 800 East Main be denied. All voted in favor of the motion, except Boedigheimer who voted no.

CONSIDER THE REQUEST OF MATHIOWETZ COMPANY, LLP TO REZONE STONEBRIDGE ESTATES FROM AN A-AGRICULTURAL DISTRICT AND BE PLACED IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT – INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of the Mathiowetz Company LLP to rezone additional area into the proposed Stonebridge Estates from A-Agricultural to R-1 One-Family Residence District. The property is located within the northwest corner of Section 15, west of East Main Street and south of the proposed extension of Windstar Street. Sanow moved, Doom seconded, the introduction of an ordinance to rezone additional area into the proposed Stonebridge Estates from A-Agricultural to R-1 One-Family Residence District and called for a public hearing to be held at 5:30 P.M. on December 3, 2007. All voted in favor of the motion.

INTRODUCTION OF AN ORDINANCE FOR DISPOSITION OF CITY OWNED REAL PROPERTY TO FLINT HILLS RESOURCES, LP AS REQUIRED BY MARSHALL CITY CHARTER SECTION 12.05:

Mark Hanson, EDA Director, indicated that the proposed sale between Flint Hills Resources, LP and the City of Marshall would entail the City selling 1.18 acres agricultural land which is in the process of being rezoned to I-2. Flint Hills Resources, LP operates an asphalt storage plant in Marshall and is currently working on a project to expand tank capacity. They currently have an easement on property from the City of Marshall for a security fence and egress road. Flint Hills Resources, LP now needs additional access to the city property for spill containment and access to equipment. Flint Hills Resources LP agrees to the purchase price for the appraised value of said property, \$29,750.00. The City is providing the necessary administrative and legal services for this transfer. All costs associated with the transfer of the property are the responsibility of Flint Hills Resources LP including, but not limited to surveys, appraisal, plating, legal, recording fees, and miscellaneous items. Flint Hills Resources LP will allow any necessary easements for the maintenance of the diversion channel. This easement will be included in the land transfer agreement provided by the City Attorney. Sanow moved, Boedigheimer seconded, the introduction of an ordinance for disposition of City owned real property as required by Marshall City Charter Section 12.05 and called for a public hearing to be held at 5:30 P.M. on December 3, 2007. All voted in favor of the motion.

PRELIMINARY PLAT OF FLINT HILLS RESOURCE ADDITION – INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Flint Hills Resources Addition. He indicated that the area has not been previously platted; the proposed plat will provide the separation of property necessary for the development of improvements to Flint Hills Resources. Sanow moved, Doom seconded, the introduction of the Preliminary Plat of Flint Hills Resource Addition and called for a public hearing to be held at 5:30 P.M. on December 3, 2007. All voted in favor of the motion.

CONSIDER THE REQUEST OF THE CITY OF MARSHALL TO REZONE A PARCEL OF LAND IN THE 900 BLOCK OF NORTH 7TH STREET FROM AN A-AGRICULTURAL DISTRICT TO AN I-2 GENERAL INDUSTRIES DISTRICT – INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of the City of Marshall to rezone land immediately north of the diversion channel and on the west side of North 7th Street. Flint Hills Resources is north and abutting this plot from an A-Agricultural District to an I-2 General Industrial District. It is the intent of the City to sell the land to Flint Hills Resources for their expansion. Sanow moved, Doom seconded, the introduction of an ordinance to rezone the land immediately north of the diversion channel and on the west side of North 7th Street and called for a public hearing to be held at 5:30 P.M. on December 3, 2007. All voted in favor of the motion.

PREIMINARY PLAT OF CLUB 59 ADDITION – INTRODUCTION OF PLAT AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the preliminary plat of Club 59 Addition. He indicated that since this area has not been previously platted, the proposed plat will provide the separation of property necessary for subdividing of existing property and determination and approval by the existing landowners for property description. All property owners have been contacted and are signatories to this plat. This will provide benefits to both the property owners and the City in the future for property transfers, utility installation and future development. Council Member Boedigheimer was concerned with the lack of access to some of the back lots. Mr. Olson indicated that there is a private road that will provide access. Boedigheimer indicated that he is not in favor of private roads. Mr. Olson indicated that there is not enough room in this area for a public road. Doom moved, Sanow seconded, the introduction of the Preliminary Plat of Club 59 Addition and called for a public hearing to be held at 5:30 P.M. on December 3, 2007. All voted in favor of the motion.

MARSHALL/LYON COUNTY LIBRARY – A. RESOLUTION ACCEPTING THE DONATIONS OF PERSONAL PROPERTY FROM DONORS BY THE MARSHALL/LYON COUNTY LIBRARY; B. STATUS UPDATE ON LIBRARY PROJECT:

Sanow moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3046, SECOND SERIES and that the reading of the same be waived. Resolution Number 3046, Second Series is a resolution Accepting the Donations of Personal Property from Donors by the Marshall/Lyon County Library located in the City of Marshall. These donations will be used for the construction of a new Marshall/Lyon County Library within the City of Marshall, Minnesota. All voted in favor of the motion.

Kathleen Ashe, Chairperson of the Marshall-Lyon County Library Board, and John Bowden from the Library Foundation, provided a brief update of the status of the library project. They indicated that as of today the library foundation has received about \$287,000 in cash. They are continuing to apply for grants. Ms. Ashe indicated that they have two options for up-front financing of the planned \$5.6 million. When the library and foundation return to the council in early spring with a final building plan, they will have that formalized and finalized.

City Administrator Mike Johnson indicated that the city has not received a budget with details of expenses and revenues for construction. Ms. Ashe indicated they are working on this with the architect Ron Halgerson and will be finalizing this in the next couple of months.

Ms. Ashe indicated that they hope to start construction even while they are still raising money. She indicated that the foundation has received \$237,000 in in-kind pledges and \$127,500 in verbal intentions which were not included in the budget of money raised. The cost of the consultant was paid for from the foundation budget and not from the money raised for the library.

AMENDMENT TO AGREEMENT WITH NORTH MEMORIAL HEALTH CARE:

Mike Johnson, City Administrator, indicated that the purpose of the amendment is to correct a past action of the Minnesota Emergency Medical Services Regulatory Board. He indicated that upon their review of our original agreement with NMHC, the Commissioner of Health approved a transfer of ownership of the Marshall license to North Memorial. According to the State Board, the appropriate action should have been a name change (to North Memorial) to the ambulance service and not a change in license ownership. The City of Marshall actually owns its ambulance license. Hulsizer moved, Boedigheimer seconded, the approval of the Ambulance Contract Amendment subject to the final review by the City Attorney. All voted in favor of the motion.

**PROJECT Y02 / S.A.P. 4201-67 RUNWAY 12/30 EXTENSION PROJECT PHASE II
CONSIDER APPROVAL OF CHANGE ORDER NO. 4.**

Glenn Olson, Director of Public Works/City Engineer, reviewed Change Order No. 4 with McLaughlin & Schulz, Inc., for Project Y02 / S.A.P. 4201-67 Runway 12/30 Extension Project Phase II, which results in a net increase in contract sum in the amount of \$60,374.20 and an increase in contract time of 30 working days for this change order work only. Change Order No. 4 is for the installation of fencing to prevent unauthorized access to the newly extended runway end. A 60" chain link fence will be installed adjacent to the relocated 230th Avenue. Vehicular access gates will be installed at the access roads to the MALSR Equipment Shelter, Glide Slope, and MALSR access road. Doom moved, Boedigheimer seconded, the approval of Change Order No. 4 with McLaughlin & Schulz, Inc., for Project Y02 / S.A.P. 4201-67 Runway 12/30 Extension Project Phase II, which results in a net increase in contract sum in the amount of \$60,374.20 and an increase in contract time of 30 working days for this change order work only. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION BOARD/LIAISON REPORTS:

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

Byrnes No report.

Boedigheimer Airport Commission – minutes are included in the agenda packet – there was discussion about UPS using the airport ramp; M.E.R.I.T. Center discussed the sheriff department using the Center for a command center and there was some concern with an ambulance from Red Wood Falls being parked inside the Center.

Doom Marshall Community Services Advisory Board met but Doom was unable to attend; Planning Commission items were discussed earlier at the meeting; Adult Community Center Commission met last Wednesday.

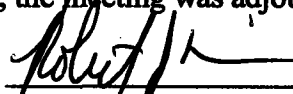
Hulsizer Human Rights Commission will meet next week; Library Board met last week.

Sanow No report.

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

There were no Council Member individual items and no questions on the pending agenda items.

Upon motion by Doom, seconded by Sanow, the meeting was adjourned at 7:00 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

SPECIAL MEETING – NOVEMBER 27, 2007

A special meeting of the Common Council of the City of Marshall was held on November 27, 2007 in the Minnesota 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: Hulsizer, Doom, Sanow, Reynolds, Boedigheimer and Ritter. Absent: None. Staff present included: Mike Johnson, City Administrator; Glenn Olson, Director of Public Works/City Engineer; Calvin Barnett, Director of General Services/City Assessor; Rob Yant, Director of Public Safety; Bob VanMoer, Wastewater Superintendent; Mark Hanson, EDA Director; Wendy Wendt, Marshall Lyon County Library Director; and Thomas M. Meulebroeck, Financial Director/City Clerk.

2008 BUDGET WORKSHOP – SESSION 4:

This was the date and time set for Session 4 of the 2008 Budget Workshops.

Mark Hanson, EDA Director, addressed the 2008 revenues and expenditures for the EDA Budget. Mark high-lighted the \$25,000 included in the revenues from the EDA CRIF Funds and also the potential \$25,000 from MMU. The 2008 expenditures high-lighted were the 20 hour per week assistant position; the \$14,000 for LCDC, the \$15,000 for web sit design and marketing materials; the consulting fees of \$10,000 which included the Agency 318 development of marketing strategy and materials; travel expense for one state conference and one federal training and capital expenditures for a computer for the assistant.

Mike Johnson, City Administrator, and Rob Yant, Director of Public Safety, addressed the 2008 proposed budget for the M.E.R.I.T operations and how to fund the deficit balance of this fund.

Glenn Olson, Director of Public Works/City Engineer, provided a map and discussed the Municipal State Aid funding for Windstar Street from Scott Street to TH 59 and from TH 59 to Clarice Avenue and Clarice Avenue from Windstar Street to Baseline Road. Glenn addressed the potential for getting an advance from the state for the funding needed to do these improvements. There is currently approximately \$935,000 encumbered at the state which includes 2007 and 2008 appropriations.

Wendy Wendt, Marshall Lyon County Library Director, addressed adjustments to the 2008 budget for the library which were primarily in the personnel section of their budget.

Glenn Olson, Director of Public Works/City Engineer and Thomas M. Meulebroeck, Financial Director/City Clerk, reviewed the rate study report prepared by Springsteds for the Wastewater Operations. The report prepared included scenarios for a 4.50% and a 3.85% increase in rates. Based on the scenarios each identified the amount to be reserved for capital improvement, operating reserves and reserves for debt service. It was the consensus to recommend a 4.00% increase in rates for 2008 and that be the amounts included in the budget.

Glenn Olson, Director of Public Works/City Engineer, addressed the report prepared by Springsted for the projected revenue increase for 2008 to 2012 for the Surface Water Management Fund. The effect on rates for the various classifications was discussed. It was the general consensus to recommend a 14.00% increase in revenues for the 2008 budget.

SPECIAL MEETING – NOVEMBER 27, 2007

Mike Johnson, City Administrator, provided and reviewed the summary of the proposed changes in 2008 General Fund Revenues and Expenditures. Included with the summary was a listing of \$3,475,062 of General Fund expenditures that had been previously recommended as reductions. Mike presented and reviewed a list of additional General Fund revenues and reductions in expenditure requests for 2008. With the proposed increase in revenues of \$101,838 and reduction in expenditures of \$172,142 the General Fund levy could potentially be reduced by \$52,667.

Mike provided a list of items to potentially consider for bonding for G.O. Equipment Certificates which also included a new motor grader for the Street Department. Council Member Boedigheimer suggested to finance the equipment internally rather than bonding.

A concern was addressed with adding another fulltime position to the Cable (Studio 1) Department since a regular part-time position was changed to full time January 1, 2007.

It was suggested that the amount included as the retainer for the City Attorney be increased by the 7% as requested.

Sanow addressed the additional position for the Cable Department and indicated they are doing more events and are continually being asked to do more and the quality of the productions has increased. It was the consensus that the fulltime position in the Cable (Studio 1) Department 2008 budget request be reduced to a 29 hour per week position. It was suggested that the City Council define in a policy the % of monies generated from the cable franchise that could be expended for cable operations.

A brief discussion was held at this time in regard to the Wastewater Treatment Facility User Fees and it was suggested that there be a separate fee for operations and for capital improvements and that this should be a separate line item on the utility bill.

Sanow moved, Doom seconded, that the modifications be made to the General Fund 2008 budgeted revenues and expenditures as recommended by Mike Johnson and reducing the Cable position to 29 hours per week and that a balanced budget be forwarded to the Truth and Taxation meeting to be held on December 5, 2007. All voted in favor of the motion.

Upon motion made by Doom, seconded by Reynolds, 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

REGULAR MEETING – DECEMBER 3, 2007

The regular meeting of the Common Council of the City of Marshall was held on December 3, 2007 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, Sanow, Boedigheimer and Ritter. Doom arrived late and Reynolds was absent. 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; 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.

APPROVAL OF THE MINUTES:

Boedigheimer moved, Sanow seconded, that the minutes of the regular meeting held on November 19, 2007; the minutes of the special meeting held on November 19, 2007 and the minutes of the special meeting held on November 27, 2007 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST OF THE MATHIOWETZ COMPANY, LLP TO REZONE STONEBRIDGE ESTATES FROM AN A-AGRICULTURAL DISTRICT AND BE PLACED IN AN R-1 ONE-FAMILY RESIDENCE DISTRICT – A. ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing on the request of the Mathiowetz Company, LLP to rezone Stonebridge Estates from an A-Agricultural District and be placed in an R-1 One-Family Residence District. Glenn Olson, Director of Public Works/City Engineer, indicated that this property is located within the northwest corner of Section 15, west of East Main Street and south of the proposed extension of Windstar Street. Sanow moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the adoption of ORDINANCE NUMBER 584, SECOND SERIES and that the reading of the same be waived. Ordinance Number 584, Second Series is an ordinance Amending Chapter 86 of the city Code Relating to Zoning. This ordinance provides for Stonebridge Estates to be rezoned from A-Agricultural District to an R-1 One-Family Residence District contingent upon approval of the final plat for Stonebridge Estates. All voted in favor of the motion.

PUBLIC HEARING – PRELIMINARY PLAT OF FLINT HILLS RESOURCE ADDITION – A. APPROVAL OF PRELIMINARY PLAT:

This was the date and time set for a public hearing on the Preliminary Plat of Flint Hills Resource Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that since this area has not been previously plated, the proposed plat will provide the separation of property necessary for the development of improvements for Flint Hills Resources. Sanow moved, Boedigheimer seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Boedigheimer seconded, the approval of the Preliminary Plat for Flint Hills Resource Addition. All voted in favor of the motion.

PUBLIC HEARING – CONSIDER THE REQUEST OF THE CITY OF MARSHALL TO REZONE A PARCEL OF LAND IN THE 900 BLOCK OF NORTH 7TH STREET FROM AN A-AGRICULTURAL DISTRICT TO AN I-2 GENERAL INDUSTRIAL DISTRICT – A. ADOPTION OF ORDINANCE:

This was the date and time set for a public hearing on the request of the City of Marshall to rezone a parcel of land in the 900 block of North 7th Street from an A-Agricultural District to an I-2 General Industrial District. This land is immediately north of the diversion channel and on the west side of North 7th Street. It is the intent of the City to sell the land to Flint Hills Resources for their expansion. Boedigheimer moved, Sanow seconded, that the public hearing be closed. All voted in favor of the motion.

Sanow moved, Ritter seconded, the adoption of ORDINANCE NUMBER 585, SECOND SERIES and that the reading of the same be waived. Ordinance Number 585, Second Series is an ordinance Amending Chapter 86 of the City Code relating to zoning. This ordinance provides for a parcel of land in the 900 block of North 7th Street to be rezoned from an A-Agricultural District to an I-2 General Industrial District contingent upon the successful transfer of the property. All voted in favor of the motion.

PUBLIC HEARING – ADOPTION OF ORDINANCE FOR DISPOSITION OF CITY OWNED REAL PROPERTY TO FLINT HILLS RESOURCES, LP AS REQUIRED BY MARSHALL CITY CHARTER SECTION 12.05 – A. APPROVAL OF REAL ESTATE PURCHASE CONTRACT WITH FLINT HILLS RESOURCES, LP; B. APPROVAL OF FIRST AMENDMENT TO EASEMENT BETWEEN THE CITY OF MARSHALL AND FLINT HILLS RESOURCES, LP:

This was the date and time set for a public hearing on the disposition of city owned real property to Flint Hills Resources, LP. Mark Hanson, EDA Director, indicated that the proposed sale would entail the City selling 1.18 acres of agricultural land which is in the process of being rezoned to I-2. Flint Hills Resources, LP operates an asphalt storage plant and is currently working on a project to expand tank capacity. They currently have an easement on property from the City of Marshall for a security fence and egress road. Flint Hills Resource, LP now needs additional access to the city property for spill containment and access to equipment. Doom moved, Hulsizer seconded, the public hearing be closed. All voted in favor of the motion.

Ritter moved, Doom seconded, the adoption of ORDINANCE NUMBER 586, SECOND SERIES and that the reading of the same be waived. Ordinance Number 586, Second Series is an ordinance for the Disposition of City Owned Real Property as Required by Marshall City Charter Section 12.05. This ordinance provides for the sale of 1.18 acres to Flint Hills Resources LP. All voted in favor of the motion.

Ritter moved, Doom seconded, that the proper city personnel be authorized to enter into a purchase agreement with Flint Hills LP for the 1.18 acres at a purchase price of \$29,750. The city will receive payment as follows: Earnest money of \$1,000 by cash, and the remaining purchase of \$28,750 to be paid on or before March 1, 2008. All voted in favor of the motion.

Doom moved, Hulsizer seconded, the approval of the First Amendment to Easement with Flint Hills Resources, LP. The amendment provides for both parties to expand the rights and responsibilities granted in the Easement dated October 6, 2003. All voted in favor of the motion.

PUBLIC HEARING – CLUB 59 – A. CONSIDER APPROVAL OF PRELIMINARY PLAT; B. CONSIDER RESOLUTION APPROVING THE FINAL PLAT OF CLUB 59 ADDITION:

Glenn Olson, Director of Public Works/City Engineer, indicated that since this area has not been previously platted, the proposed plat will provide the separation of property necessary for subdividing of existing property and determination and approval by the existing landowners for property description. All of the property owners have been contacted and are signatories to this plat. This will provide benefits to both the property owners and the City in the future for property transfers, utility installation and future development. Council Member Sanow asked about the location of Windstar Street and was informed that part of Lot 15 would be needed for Windstar Street. Sanow moved, Doom seconded, that the public hearing be closed. All voted in favor of the motion.

Ritter moved, Doom seconded, the approval of the Preliminary Plat for Club 59 Addition. All voted in favor of the motion.

Ritter moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3047, SECOND SERIES and that the reading of the same be waived. Resolution Number 3047, Second Series is a resolution Approving the Final Plat of Club 59 Addition. This resolution was approved with the following conditions:

1. City Attorney review and approval of the abstract of title and title opinion.
2. Revisions made to the Final Plat per requirements/comments on the Final Plat Checklist for Club 59 Addition.

All voted in favor of the motion.

APPROVAL OF CONSENT AGENDA – A. TEMPORARY ON-SALE LIQUOR LICENSE FOR SMSU MUSTANG BOOSTER CLUB FOR FEBRUARY 15, 2008 AT SMSU CONFERENCE CENTER; B. CALL FOR A PUBLIC HEARING FOR A NEW LIQUOR LICENSE FOR TK BRAND LLC DBA TK BRAND STEAKHOUSE ON DECEMBER 17, 2007; C. CALL FOR A PUBLIC HEARING REGARDING FY 2008 WASTEWATER USER RATES; D. CALL FOR PUBLIC HEARING REGARDING FY 2008 SURFACE WATER MANAGEMENT UTILITY RATES; E. CONSIDER RESOLUTION AUTHORIZING ACCEPTANCE OF TRAFFIC SAFETY AWARD AGREEMENT; F. BILLS/PROJECT PAYMENTS; G. BUILDING PERMITS:

Per the request of Council Member Doom item e, which is to consider a resolution authorizing acceptance of traffic safety award agreement and per Mayor Byrnes item b, which is to call for a public hearing for a new liquor license for TK Brand LLC dba TK Brand Steakhouse be removed from the consent agenda.

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

The approval of a Temporary On-Sale Liquor License for SMSU Mustang Booster Club to be used on February 15, 2008 at the SMSU Conference Center.

A public hearing be held at 5:30 P.M. on December 17, 2007 to consider the proposed Wastewater User Rates for 2008.

A public hearing be held at 5:30 P.M. on December 17, 2007 to consider the proposed Surface Water Management Utility Rates for 2008.

REGULAR MEETING – DECEMBER 3, 2007

The following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 58552 through 58734.

All voted in favor of the motion.

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

1.	Holabird Properties	1106	Holabird Circle	Twelve Unit Apartment	\$522,500
2.	Casey & Darcie Young	904	Silvervine Drive	Reroof	\$4,200
3.	Emmet Bakke	614	Kathryn Avenue	Reroof Dwelling	\$7,000
4.	Scott VanOverbeke	303 North Hill	Street	Shed	\$1,000
5.	James Lozinski Construction	1204	Evergreen Avenue	Reroof	\$8,000
6.	Thor's Handyman Service	115	George Street	Replace Door	\$300
7.	Geske Home Improvement Co.	1004	Woodfern Drive	Reside Dwelling, Replace Door & Window	\$9,000
8.	Rick Slagel Construction, Inc.	1504	Westwood Drive	Bathroom Remodel	\$10,000
9.	Brian & Irene Wolf	901	Silvervine Drive	Partial Reside	\$5,000
10.	DI Construction	1405	Carlson Street	Garage	\$18,000
11.	James & Janice King	105 North 7th	Street	Replace Windows	\$1,800

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that changes in the state law now allow for an unlimited number liquor licenses in a city, therefore transfers are no longer required which eliminates the requirement for a public hearing. Mr. Meulebroeck indicated that application from Tim and Lisa Sheehan for an On-Sale Liquor License needs to be considered as a new license and is recommending that this item not be considered until the next regular City Council meeting to allow the council enough time to review the request. Mr. Meulebroeck indicated that the Sheehan's are requesting that the license be effective December 18, 2007. According to information obtained from the State Liquor Control the council could approve this license effective December 18, 2007 and continue until December 31, 2008. Council Member Boedigheimer requested that the Legislative and Ordinance Committee review the City Charter in regard to transfer of liquor licenses.

Council Member Doom wanted to acknowledge that the Marshall Police Department has been awarded First Place in the 2007 Minnesota Safe & Sober Challenge. Doom moved, Ritter seconded, the adoption of RESOLUTION NUMBER 3048, SECOND SERIES and that the reading of the same be waived. Resolution Number 3048, 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.

MN/DOT PRESENTATION ON “HOW ABOUT A ROUNDABOUT”:

Dena Knutson, Keith Voss and Lowell Flatten from MN/DOT were in attendance at the meeting to provide a brief presentation on a Roundabout. MN/DOT has suggested a roundabout at the intersection of Country Club Drive, Minnesota Highway 19/West College Drive and South 2nd Street. A roundabout is a circular intersection with no signals and traffic exits and enters the roundabout only at right turns. Minnesota Highway 19/West College Drive is scheduled for construction after 2012 but the plan could be completed within a year or two according to Keith Voss, program and project engineer with the MN/DOT office in Willmar. Mr. Voss indicated that there is enough space in this area and that the traffic also enters the intersection at different angles which makes it a good spot for a roundabout. Mr. Voss indicated that roundabouts provide for slower speeds, fewer crashes, pedestrian safety and eliminates the red light delays. Dr. Stephen Davis and Shari Schultz were both concerned about pedestrians and were not convinced that a roundabout is safer for pedestrians. Council Member Sanow was concerned about pedestrian safety. Council Member Boedigheimer indicated that he has driven on roundabouts and likes them. There was a concern about truck traffic and if the roundabout would be a single lane or double lane. It was indicated that a roundabout is not set in stone at this time and MN/DOT would continue to gather input and make information available.

MARSHALL AREA CHAMBER OF COMMERCE TRANSPORTATION COMMITTEE FUNDING REQUEST:

Mr. Steve Strutz, Chairman of the Marshall Area Chamber of Commerce Traffic Committee, was in attendance at the meeting to provide a brief presentation on their request of city funds to support the Committee's pursuit of federal and state funding for critically needed transportation projects within and near the City of Marshall. The Marshall Area Chamber of Commerce Traffic Committee has identified four priorities as key to Marshall's future economic and community development which are:

1. An interregional corridor (four lane) highway construction
2. Enhancement of Marshall area commute routes (not included in #1)
3. Marshall area road safety needs
4. Further expansion of Southwest Minnesota Regional Airport

Within these four priorities, they have designated four projects as most urgent and are developing a funding plan for them. The four targeted projects are:

1. Planning and design for expanding Minnesota Trunk Highway 23 to four lanes from Marshall north to U.S. Highway 212.
2. An interchange at the junction of Minnesota Trunk Highway 23 and Lyon County Road 7 at the SW corner of Marshall.
3. An overpass of State Trunk Highway 23 by South Saratoga Street.
4. A pedestrian and bicycle underpass of Minnesota Trunk Highway 23 which connects Southwest Minnesota State University and Marshall Senior High School.

Ritter moved, Boedigheimer seconded, that the approval of \$20,000 for the Marshall Area Chamber of Commerce Traffic Committee be included in the 2008 budget. City Administrator Mike Johnson needs to determine where this will be included in the 2008 budget before the Truth and Taxation meeting. All voted in favor of the motion.

MERIT CENTER BOARD REQUEST FOR LOBBYING ASSISTANCE:

Stan Brewster, Chair of the MERIT Center Committee, reviewed the lobbying assistance that they have received from Ed Cain of Legislative Associates, Inc., for funding

REGULAR MEETING – DECEMBER 3, 2007

stage 2 of the MERIT Training Center. It was indicated that Mr. Cain has completed work that was not approved as part of the original contract. Mayor Byrnes indicated that Mr. Cain should be able to combine his work with the Marshall Area Chamber of Commerce Transportation Committee. Tracy Veglahn from the Marshall Area Chamber of Commerce indicated that Mr. Cain would be in Marshall on Monday and they would allow time for the MERIT Center Committee to meet with him.

Mayor Byrnes called for a 5-minute recess at 7:25 P.M.

ADULT COMMUNITY CENTER – A. APPROVAL OF ANNUAL LEASE AGREEMENT WITH LUTHERAN SOCIAL SERVICES (LSS); B. APPROVAL OF AGREEMENT WITH MARSHALL AREA SENIOR CITIZENS, INC:

Doom moved, Hulsizer 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, 2008 through December 31, 2008 and provides for the City to be reimbursed 20 cents per meal prepared at the Adult Community Center. All voted in favor of the motion.

Council Member Boedigheimer indicated that the monthly fee from the Marshall Area Senior Citizens, Inc., needs to be reviewed and possibly increased. Boedigheimer moved, Doom seconded, that 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, 2008 through December 31, 2008 at a cost of \$550.00 per month. All voted in favor of the motion.

RECEIPT OF PETITION FOR VACATION OF A UTILITY EASEMENT BETWEEN LOT 1, BLOCK TWO OF WILKE-MILLER-BUESING SECOND ADDITION AND LOT 3, BLOCK TWO OF WILKE-MILLER-BUESING FIRST ADDITION:

Glenn Olson, Director of Public Works/City Engineer, reviewed the petition that he received from Mr. Greg Taylor for the vacation of a public utility easement between Lot 1, Block 2 of Wilke-Miller-Buesing Second Addition and Lot 3, Block 2 of Wilke-Miller-Buesing First Addition. Mr. Taylor is in the process of development of properties included in Wilke-Miller-Buesing Second Addition. During the development Mr. Taylor inadvertently began construction of an apartment building over a dedicated public utility easement between Lot 1, Block 2, of Wilke-Miller-Buesing Second Addition and Lot 3, Block 2 of Wilke-Miller-Buesing First Addition. Mr. Taylor is requesting that a new public utility easement be dedicated and the vacation of the public utility easement that is constructed upon. Sanow moved, Boedigheimer seconded, the receipt of the petition for the vacation of a public utility easement between Lot 1, Block 2 of Wilke-Miller-Buesing Second Addition and Lot 3, Block 2 of Wilke-Miller-Buesing First Addition and call for a public hearing to be held at 5:30 P.M. on December 17, 2007. All voted in favor of the motion.

PROJECT Y15 TREE STREET AREA IMPROVEMENT PROJECT – CONSIDER CHANGE ORDER NO. 2 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Ritter moved, Doom seconded, the approval of Change Order No. 2 (Final) with Chad Monson Excavating, LLC for a decrease in the amount of \$290,631.28 and the acknowledgement of the final payment in the amount of \$92,984.94 for Tree Street Area Improvement Project Y15. The change order is a result of the final measurements and quantities. All voted in favor of the motion.

PROJECT X12 (2001-004) SOUTH HILL STREET / EAST MARSHALL STREET RECONSTRUCTION PROJECT – CONSIDER CHANGE ORDER NO. 5 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Boedigheimer moved, Doom seconded, the approval of Change Order No. 5 (Final) with Quam Construction for a decrease in the amount of \$89,924.50 and the acknowledgement for the final payment in the amount of \$6,798.45 for South Hill Street / East Marshall Street Project X12 (2001-004). The change order is a result of the final measurements and quantities. All voted in favor of the motion.

PROJECT X29 (2002-008) EAST AREA SANITARY INTERCEPTOR SEWER (LIFT STATION NO. 3) – CONSIDER CHANGE ORDER NO. 4 (FINAL) AND ACKNOWLEDGEMENT OF FINAL PAYMENT APPLICATION:

Doom moved, Boedigheimer seconded, the approval of Change Order No. 4 (Final) with Quam Construction for an increase in the amount of \$18,071.46 and the acknowledgement for the final payment in the amount of \$103,945.12 for East Area Sanitary Interceptor Sewer (Lift Station No. 3) Project X29 (2002-008). The change order is a result of backhoe rental fee in the amount of \$17,268.98; liquidated damages in the amount of (\$7,254.00) and completed unit price items of work in the amount of \$8,056.48. All voted in favor of the motion.

HEALTH CARE SAVINGS PLAN PROGRAM – A. MEMORANDUM OF UNDERSTANDING WITH LAW ENFORCEMENT LABOR SERVICES, INC., (LELS) LOCAL #190; B. MEMORANDUM OF UNDERSTANDING WITH LAW ENFORCEMENT LABOR SERVICES, INC., (LELS) LOCAL #245; C. MEMORANDUM OF UNDERSTANDING WITH CITY OF MARSHALL NON-UNION EMPLOYEES AND THE CITY OF MARSHALL:

Mike Johnson, City Administrator, indicated that the current HCSP Memorandums of Understanding for each of the three unions and non-union group will expire on December 31, 2007. The LELS bargaining units and the non-union group desire the same employee and employer participation schedules as in the previous agreements. The AFSCME bargaining unit has declined continued participation for 2008-2009. Sanow moved, Ritter seconded, the approval of the Memorandum of Understanding with Law Enforcement Labor Services, Inc., (LELS) #190; the Memorandum of Understanding with Law Enforcement Labor Services, Inc., (LELS) #245; and the Memorandum of Understanding with City of Marshall Non-Union Employees and the City of Marshall beginning January 1, 2008 and terminating December 31, 2009. All voted in favor of the motion.

CONSIDER APPOINTMENTS TO LIBRARY BOARD:

Per the recommendation of Mayor Byrnes, Doom moved, Sanow seconded, and was unanimously approved that Gwen Sturrock and Jane Malo be re-appointed to the Library Board for terms to expire on December 31, 2010. All voted in favor of the motion.

COUNCIL MEMBER COMMISSION BOARD/LIAISON REPORTS:

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

Byrnes No report.

Boedigheimer No report.

Doom No report.

REGULAR MEETING – DECEMBER 3, 2007

Hulsizer Human Rights Commission met but she was unable to attend.

Reynolds No report.

Sanow Marshall Area Transit reviewed the report on the survey conducted by a group from SMSU.

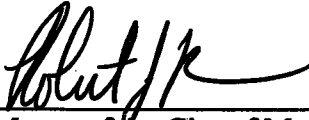
COUNCIL MEMBER INDIVIDUAL ITEMS:

Other items brought forth by the council included: the temporary loading ramp at the airport has been removed; Mayor Byrnes will be in Washington, D.C. on Thursday and Friday, December 6 & 7, 2007.

REVIEW OF PENDING AGENDA ITEMS:

City Attorney Dennis Simpson indicated that a consulting engineer was allowed to inspect the inside of Joe Bot's building and he declared the fire escape and its related attachments to the building as safe to hold itself and safe for an unoccupied building. Mr. Simpson also indicated that he will be meeting with the Truedson's on Tuesday to finalize the Maple Street Alley project. It was indicated that a draft of the dangerous dog ordinance has been completed.

Upon motion by Doom, seconded by Sanow, 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

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 5, 2007

The Truth and Taxation Public Hearing was held on Wednesday, December 5, 2007 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 and Reynolds. Absent: Boedigheimer and Ritter. Staff in attendance at the meeting included: Mike Johnson, City Administrator; Cal Barnett, Director of General Services/City Assessor; and Thomas M. Meulebroeck, Finance Director/City Clerk. There were four 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 2008. 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 17, 2007 meeting.

Mike Johnson, City Administrator, provided to the City Council and others in attendance at the meeting a 35 page document relative to the 2008 Budget and Tax Levy. Included in this document was a recap of the 2008 budgeted revenues and expenditures for the various funds; a list of 2007 accomplishments; a summary of building permits from 1994 to November, 2007; a graph identifying the estimated market values for 1995 to 2007 new construction by class; 2008 issues confronting the city; various graphs, tables and pie charts on the General Fund revenues and expenditures for 1994 to 2008; an explanation on how property taxes are determined; information on property tax class rates in Minnesota for 2000 to 2008; information and graphs on tax capacity and tax capacity rates; state aids; local government aid; and the proposed 2008 Tax Levy.

At this time there were two citizens from the general public in attendance the meeting; therefore in lieu of Mike doing a power point presentation on the document he provided to the City Council they chose to answer the citizen concerns.

Willard Engels expressed a concern with the small number of citizen in attendance at the meeting. Willard was also concerned with the 2008 proposed tax rate of 52.32493% included in the published notice for this meeting. Mike responded to the concern with 2008 proposed tax rate by addressing information from the detailed document that was available to the general public.

Ron Labat was concerned with the budgeted deficit identified on page 7 of the document; the increase in the City Engineer budget from 2007 to 2008; if there were any new positions added; and how much the city spends on consultants.

Mike did indicate that the city will see a \$74,000 reduction in Local Government Aid for 2008 and that the city had a \$55,000 reduction in 2007.

A question was addressed in regard to what will happen to the current library building and is the city going to be incurring some additional costs for the proposed library site? It was

TRUTH AND TAXATION PUBLIC HEARING
DECEMBER 5, 2007

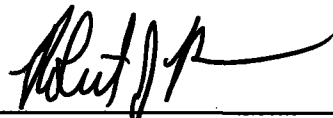
indicated that a final detailed budget has not been completed and that there would be some costs associated with various connections to the facility.

A comment was made that the general public thinks that everything is cut and dried prior to the Truth and Taxation Hearing; therefore why should they attend.

Dr. Tarig and Ameria Fareed who live at 205 B Athens attended the meeting and were questioning a 260% increase on their Truth and Taxation notice. Cal Barnett was directed to address this change with them.

It was also suggested that in some cases the city consider comparing the cost of hiring an employee to contracting for the service.

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



Mayor of the City of Marshall

Attest:



Finance Director/City Clerk

REGULAR MEETING – DECEMBER 17, 2007

The regular meeting of the Common Council of the City of Marshall was held on December 17, 2007 in the Council Chambers of the Marshall Municipal Building. The meeting was called to order at 5:32 P.M. 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; Sheila Dubs, Assistant to City Administrator; Bob VanMoer, Wastewater Superintendent; Thomas M. Meulebroeck, Finance Director/City Clerk; and Jane DeVries, Deputy City Clerk.

The Pledge of Allegiance was recited at this time.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Sanow moved, Doom seconded, that the minutes of the regular meeting held on December 3, 2007 and the minutes of the Truth and Taxation Hearing held on December 5, 2007 be approved as presented and that the reading of the same be waived. All voted in favor of the motion.

RESOLUTION OF APPRECIATION – CALVIN D. BARNETT:

Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3049, SECOND SERIES and that the reading of the same be waived. Resolution Number 3049, Second Series is a resolution expressing the City of Marshall's Appreciation to Calvin Barnett, Director of General Services/City Assessor. Mayor Byrnes read the resolution. Cal took this opportunity to thank everyone for their help and support for the past 36 plus years of employment with the City of Marshall. All voted in favor of the motion.

PUBLIC HEARING – WASTEWATER USER RATES FOR FY 2008

A. 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 2008. 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 4.00% increase in rates for 2008 and 4% increase in rates for each of the next four years will keep the fund stable. Council Member Doom asked if there was any feedback from the industrial users and it was indicated that there was none. Council Member Sanow indicated that the three industrial users that he had spoke to were opposed to this process and are requesting that it be done different in the future. Sanow indicated that he is willing to serve on this committee and that Glenn Olson, Director of Public Works/City Engineer; Mayor Byrnes, and representatives from the residential users and industrial users be included as members of this committee. Reynolds moved, Ritter seconded, that the public hearing be closed. All voted in favor of the motion.

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3050 SECOND SERIES and that the reading of the same be waived. Resolution Number 3050,

Second Series is a resolution Revising the User Rates for Wastewater Service effective January 1, 2008 with a 4.00% increase and that a report by the committee be submitted by July 1st. 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 2008. 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 14% 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 \$2.74. It was indicated that the owner of the property is responsible for the payment of the service and not the renter, therefore the billing is sent to the owner of the property. Doom moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Reynolds moved, Doom seconded, the adoption of RESOLUTION NUMBER 3051 SECOND SERIES and that the reading of the same be waived. Resolution Number 3051, Second Series is a resolution Revising the User Rates for Surface Water Management Utility effective January 1, 2008 with a 14%. All voted in favor of the motion.

**PUBLIC HEARING – VACATION OF A UTILITY EASEMENT IN WILKE-
MILLER-BUESING, LOT 1, BLOCK TWO SECOND ADDITION AND LOT 3,
BLOCK TWO WILKE-MILLER-BUESING FIRST ADDITION– A. CONSIDER
RESOLUTION GRANTING A PETITION FOR VACATION OF UTILITY
EASEMENTS IN THE CITY OF MARSHALL:**

This was the date and time set for a public hearing on the vacation of a utility easement in Wilke-Miller-Buesing Second Addition and Wilke-Miller-Buesing First Addition. Glenn Olson, Director of Public Works/City Engineer, indicated that a petition has been received from Mr. Greg Taylor to vacate a public utility easement between Lot 1, Block 2, Wilke-Miller-Buesing Second Addition and Lot 3, Block 2 of Wilke-Miller-Buesing First Addition. Mr. Taylor is in the process of development of properties included in Wilke-Miller-Buesing Second Addition. During the development of that property Mr. Taylor inadvertently began construction of an apartment building over a dedicated public utility easement between Lot 1, Block 2, Wilke-Miller-Buesing Second Addition and Lot 3, Block 2, Wilke-Miller-Buesing First Addition. Sanow moved, Reynolds seconded, that the public hearing be closed. All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3052, SECOND SERIES and that the reading of the same be waived. Resolution Number 3052, Second Series is a resolution Granting a Petition for Vacation of Utility Easements in the City of Marshall. This resolution provides for the vacation of a public utility easement between Lot 1, Block 2 of Wilke-Miller-Buesing Second Addition and Lot 3, Block 2 of Wilke-Miller-Buesing First Addition. All voted in favor of the motion.

CONSENT AGENDA – A. CHANGE 2008 CITY COUNCIL DATES; B. ANNUAL RENEWAL OF 2008 LICENSES – TRANSIENT MERCHANT LICENSE, ON-SALE LIQUOR LICENSE, SUNDAY LIQUOR LICENSE, OFF-SALE BEER LICENSE, ON-SALE BEER LICENSE, TOBACCO LICENSE, AND TOWING/STORAGE LICENSE; C. AMEND 11/5/07 CITY COUNCIL MINUTES TO REFLECT CORRECT AMOUNTS FOR DENTAL INSURANCE PREMIUM RENEWAL EFFECTIVE 1-1-08; D. SUPPLEMENTING POLICE DEPARTMENT SQUAD CAR PURCHASE AUTHORIZATION; E. BILLS/PROJECT PAYMENTS; F. BUILDING PERMITS:

Per the request of Mayor Byrnes item d, which is supplementing Police Department squad car purchase authorization and per Council Member Sanow item e, which is bills/project payments be removed from the consent agenda.

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

That the three City Council meetings that fall on holidays in 2008 be changed as follows:

<u>Monday holidays</u>		<u>New meeting date</u>
January 21, 2008	Martin Luther King	January 22, 2008
February 18, 2008	President's Day	February 19, 2008
September 1, 2008	Labor Day	September 2, 2008

The approval of the following license renewals for 2008 contingent upon certificates of insurance being received, real estate taxes being paid and appropriate fees being paid.

LIQUOR LICENSE APPLICATIONS (\$4,200 per year)

American Legion	Applebee's Neighborhood Grill & Bar
Best Western/Marshall Inn	Eagles Club
Gambler	Hitching Post Eatery and Saloon
Landmark Bistro	Mariachi Fiesta
Marshall Bowl	Marshall Golf Club
Pappy's	Sam's Place
Varsity Pub	Wooden Nickel

SUNDAY LIQUOR LICENSE APPLICATIONS (\$200 per year)

American Legion	Applebee's Neighborhood Grill & Bar
Best Western/Marshall Inn	Eagles Club
Hitching Post Eatery and Saloon	Landmark Bistro
Mariachi Fiesta	Marshall Bowl
Marshall Golf Club	Pappy's
Sam's Place	Varsity Pub
Wooden Nickel	

OFF-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$90.00 per year)

Ampride West	Casey's General Store
Cattoor Oil/Phillipps 66	County Fair
Freedom Valu Center/Erickson Oil	Hy-Vee Food Store
Hy-Vee Gas Station	La Mexicana
NuMart	Wal-Mart

ON-SALE NON-INTOXICATING BEER LICENSE APPLICATIONS (\$250.00 per year)

Pizza Hut	Prairie Event Center
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TOBACCO LICENSE APPLICATIONS (\$72.00 per year)

American Legion	Ampride Main
Ampride West	Casey's General Store
Cattoor Oil/Phillipps 66	County Fair
Freedom Value Center	Hy-Vee Food Store
Hy-Vee Gas Station	Marshall Golf Club
Marshall Liquor Store	Marshall Tobacco Inc
NuMart	Sam's Place
Super America	Varsity Pub
Wal Mart	

TRANSIENT MERCHANTS LICENSE APPLICATIONS (\$300.00 per year)

Hometown Super Saver

TOWING AND STORAGE LICENSE APPLICATION (\$180.00 per year)

Southwest Towing and Recovery

The approval to amend the dental insurance rates effective January 1, 2008 and that the renewal form be authorized for execution. The monthly renewal rates are \$36.15 per month for single coverage and \$97.35 per month for family coverage.

All voted in favor of the motion.

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

BUILDING PERMITS						
1.	James Roe	506	Windstar	Street	Interior Remodel	\$10,000
2.	Bill Chukuske	400	Sunrise	Lane	Install Windows	\$1,000
3.	John A. Dalsin & Son, Inc.	305 West	Lyon	Street	Reroof	\$362,700
4.	Rick Slagel Construction, Inc.	1126	Clifton	Circle	Finish Basement	\$15,000

Rob Yant, Director of Public Safety, indicated that on December 1st two of the Police Department squad cars collided while attempting to catch a traffic violator. One of these units was one that was supposed to be traded in this month. The cost of the repair for these vehicles is more than the \$2,500 trade-in offered for the unit. Mr. Yant indicated that he contacted Lockwood's and they are not interested in the car in its current condition. Mr. Yant is requesting to not trade in the 2003 Chevrolet Impala and sell the vehicle as surplus property on the State's on-line surplus property program. Because of this request the city would need to pay Lockwood's the \$2,500 in lieu of the trade-in offered for this vehicle. There was concern among the council members with not being informed of the accident. Mr. Yant indicated that he informed Mayor Byrnes and City Administrator Mike Johnson of the accident and that the Lyon County Sheriff Department conducted the accident report. Doom moved, Reynolds seconded, authorization to pay Lockwood Motors \$2,500 to offset the lack of a second trade-in vehicle and that the 2003 Chevrolet Impala be declared surplus property and be sold on the State's on-line surplus property program. All voted in favor of the motion.

Council Member Sanow questioned the payment to Rene Diebold in the amount of \$147.64. Mr. Meulebroeck, Finance Director/City Clerk, indicated that this was a refund for a duplicated payment. Reynolds moved, Sanow seconded, that the following bills and project payments be authorized for payment: ACCOUNTS PAYABLE, Voucher No. 58735 through 58933. All voted in favor of the motion.

APPROVE APPLICATION FOR A NEW ON-SALE LIQUOR LICENSE AND SUNDAY LIQUOR LICENSE FOR TK BRAND STEAKHOUSE:

Thomas M. Meulebroeck, Finance Director/City Clerk, indicated that they have received a request from Tim Sheehan to withdraw his application for an On-Sale Liquor License and Sunday Liquor License for TK Brand Steakhouse and is requesting a refund for the ½ fee of \$2,100 for the Liquor License and the fee of \$200 for the Sunday Liquor License. Sanow moved, Doom seconded, the acknowledgement of the request from Tim Sheehan to withdraw his application for an On-Sale Liquor License and Sunday Liquor License for TK Brand Steakhouse and the approval of a refund for the ½ fee of \$2,100 for the Liquor License and the fee of \$200 for the Sunday Liquor License. All voted in favor of the motion.

RECOMMENDATION FOR PURCHASE OF VOICE COMMUNICATION SYSTEM FOR AVERA MARSHALL REGIONAL MEDICAL CENTER:

Sharon Williams, Vice President Finance and Information Services for Avera Marshall Regional Medical Center, was in attendance at the meeting to review the purchase of a new Voice Communication System. She indicated that based upon individual meetings with an Avera Marshall representative, an Amani representative and each of the Avera Marshall department directors/managers, the numbers and types of telephones in the initial bid from Amani was adjusted to produce a final bid of \$205,500. The committee recommends the Amani Mitel VoIP system for purchase. Their 2008 capital budget included \$275,000 for this project. Wiring for additional telephones, which were identified in the one-on-one meetings, will be necessary; however the combination of the additional wiring and the new Mitel communication system should not exceed the \$275,000 budget. Ritter moved, Reynolds seconded, the approval of the purchase of the Amani Mitel VoIP system in the amount of \$205,500 for Avera Marshall Regional Medical Center. All voted in favor of the motion.

CONSIDER THE REQUEST OF JANE BLOMME FOR A THREE YEAR RENEWAL OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR A BEAUTY SHOP BUSINESS IN AN R-1 ONE FAMILY RESIDENCE DISTRICT AT 807 NORTH BRUCE STREET:

Per the recommendation of the Planning Commission, Doom moved, Ritter seconded, that Jane Blomme be granted a two-year renewal of a Conditional Use Permit for a home occupation to operate a beauty shop business in an R-1 One-Family Residence District at 807 North Bruce Street. This permit was approved with the following conditions:

1. The permit be issued for a three-year period.
2. Business hours shall be between 6:00 A.M. and 10:00 P.M. only
3. Ms. Blomme maintains a current Minnesota cosmetology license.

All voted in favor of the motion.

CONSIDER THE REQUEST OF MICHAEL G. LEE TO REZONE 311 SOUTH O'CONNELL STREET FROM A B-4 SHOPPING CENTER BUSINESS DISTRICT TO A B-3 GENERAL BUSINESS DISTRICT – A. INTRODUCTION OF ORDINANCE AND CALL FOR PUBLIC HEARING:

Glenn Olson, Director of Public Works/City Engineer, reviewed the request of Mike Lee to rezone 311 South O'Connell Street from a B-4 Shopping Center Business District to a B-3 General Business District. The property is currently use as a business office. Mr. Lee intends to construct another office building on the property. Reynolds moved, Doom seconded, the introduction of an ordinance and called for a public hearing on the request to rezone 311 South O'Connell Street from a B-4 Shopping Center Business District to a B-3 General Business District. The public hearing will be held at 5:30 P.M. on January 7, 2008. All voted in favor of the motion.

**PROJECT Y19 / S.A.P. 4205-36 EAST COLLEGE DRIVE SIDEWALK PROJECT
A. CONSIDER CHANGE ORDER NO. 1 (FINAL); B. ACKNOWLEDGEMENT OF
FINAL PAYMENT APPLICATION:**

Ritter moved, Sanow seconded, the approval of Change Order No. 1 (Final) with Thompson Excavating for an increase in the amount of \$5,079.75 and the acknowledgement for the final payment in the amount of \$11,695.15 for East College Drive Sidewalk Project Y19 / S.P. 4205-36. The change order is a result of the final measurements and quantities. All voted in favor of the motion.

**PROJECT Y13 NORTH 3RD STREET SIDEWALK IMPROVEMENT PROJECT
CONSIDER CHANGE ORDER NO. 1:**

Reynolds moved, Ritter seconded, the approval of Change Order No. 1 with D & G Excavating, Inc., for an increase in the amount of \$8,561.28. The change order is a result of the final measurements and quantities. All voted in favor of the motion.

**PROJECT Y14 NORTH 4TH STREET SIDEWALK IMPROVEMENT PROJECT
CONSIDER CHANGE ORDER NO. 1:**

Sanow moved, Reynolds seconded, the approval of Change Order No. 1 with Rogge Excavating for an increase in the amount of \$11,838.40. The change order is a result of the final measurements and quantities. All voted in favor of the motion.

CONSIDER CHANGE ORDER 0454-GC-TWO WITH BLADHOLM FOR M.A.T. BUS GARAGE:

Ritter moved, Sanow seconded, the approval of Change Order No. 0454-GC-TWO with Bladholm Construction, Inc., for an increase in the amount of \$2,445.00. The City's consultant, TSP of Marshall has recommended approval for payment of the work to be completed in accordance with the recommended approval from Western Community Action. There is no increase in contract time associated with this change order. 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. Doom moved, Sanow seconded, the adoption of RESOLUTION NUMBER 3053, SECOND SERIES and that the reading of the same be waived. Resolution Number 3053, 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.

CONSIDER ANNUAL RENEWAL OF TRANSPORTATION AGREEMENT WITH 2008 WITH WESTERN COMMUNITY ACTION FOR TRANSIT OPERATIONS:

Thomas M. Meulebroeck, Finance Director/City Clerk, reviewed the Transportation Agreement for 2008 with Western Community Action for Transit Operations. The change in this contract from the year 2007 is in Section II A.5, which reflects a change in the insurance requirements; a change in Section II B.2, which reflects the City's projected share of cost in a new vehicle to be \$11,700; and the addition of Section II C.7, which is an Extension Clause. Reynolds moved, Sanow seconded, the proper city personnel be authorized to enter into the Transportation Agreement for 2008 with Western Community Action for the Transit Operations. All voted in favor of the motion.

RESOLUTION REALLOCATING BUDGET AMOUNTS FOR 2007:

Thomas M. Meulebroeck, Finance Director/City Clerk indicated that in 2007 the City of Marshall's pay plan was adjusted and the necessary payroll changes were made which impacted the current expenditures in relationship to the budget, therefore the 2007 budget expenditures are being recommended to be amended along with some revenues that have been recorded in excess of the original budget. There were also some other activities that occurred in 2007, therefore budget amendments are being recommended for these as well. Ritter moved, Boedigheimer seconded, the adoption of RESOLUTION NUMBER 3054, SECOND SERIES and that the reading of the same be waived. Resolution Number 3054, Second Series is a resolution Reallocating Budget Amounts for Fiscal Year Ended December 31, 2007. All voted in favor of the motion.

APPROVAL OF 2008 PARTNERSHIP AGREEMENT WITH MARSHALL MUNICIPAL UTILITIES:

Reynolds moved, Boedigheimer seconded, the approval of the Partnership Agreement for 2008 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 2008. A summary of the agreement is as follows:

MMU payment in lieu of taxes	\$808,369
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	\$515,369

(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 Fees. All voted in favor of the motion.

RESOLUTIONS FOR PROPOSED 2008 CITY BUDGET – A. APPROVAL OF PROPOSED 2008 PROPERTY TAX LEVY; B. ADOPTION OF 2008 PROPOSED BUDGET:

Boedigheimer moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3055, SECOND SERIES and that the reading of the same be waived. Resolution Number 3055, Second Series is a resolution Approving 2007 Tax Levy, Collectible in 2008. This resolution provides for a tax levy as follows:

General Fund	\$ 2,739,006
Library	507,748
PERA Employer Contribution Special Levy	12,000
Debt Service – Storm Sewer Improvement Bonds	217,340
Debt Service 2002 "A" Airport Improvement Bonds	204,681
Debt Service 2002 "B" Parkway Improvement Bonds	29,381
Debt Service 2004 Aquatics Center Certificates	57,104
Debt Service 2005 Finance Department Certificates	27,169
Debt Service 2005 "A" G. O. Public Improvement Bonds	85,177
Debt Service 2006 "B" G. O. Public Improvement Bonds	33,215
Debt Service 2007 G. O. Public Improvement Bonds	133,916
Debt Service 2007 G. O. Equipment Certificates	116,038
Debt Service 2008 G. O. Equipment Certificates	50,000
Economic Development Authority	121,500
TOTAL LEVY	<u>\$4,334,275</u>

All voted in favor of the motion.

Doom moved, Reynolds seconded, the adoption of RESOLUTION NUMBER 3056, SECOND SERIES and that the reading of the same be waived. Resolution Number 3056, Second Series is a resolution Adopting a Budget for 2008. This resolution provides for General Fund revenues of \$10,450,996 and expenditures of \$10,450,996 and of which the revenues will be supported with a tax levy of \$3,246,754. All voted in favor of the motion.

PERSONNEL COMMITTEE RECOMMENDATIONS – A. APPROVAL OF 2008 WAGE SCHEDULE; B. APPROVAL OF 2008 LABOR AGREEMENT WITH AFSCME, COUNCIL NO. 65; C. APPROVAL OF 2007 LABOR AGREEMENT WITH LELS, INC., (POLICE SUPERVISORS), LOCAL NO. 245; D. APPROVAL OF NON-UNION EMPLOYEE PROPOSAL FOR 2008:

Per the recommendation of the Personnel Committee Reynolds moved, Ritter seconded, the approval of the 2008 Wage Schedule for the Full-time and regular part-time employees. The schedule reflects a 3.00% adjustment from 2007. The schedule also provides for no change to the Police Sergeant job classification wage rates due to no approved labor agreement with LELS for 2008. All voted in favor of the motion.

Reynolds moved, Ritter seconded, the proper city personnel be authorized to enter into the 2008 Labor Agreement with AFSCME. Other than date changes in the agreement, the only changes from 2007 to 2008 is a 3.00% wage adjustment to Appendix "A" and the addition of gloves to the items eligible for the clothing allowance. All voted in favor of the motion.

Reynolds moved, Ritter seconded, the proper city personnel be authorized to enter into the 2007 Labor Agreement with the Police Supervisors LELS #245. Other than date changes in the agreement, the only changes from 2006-2007 is a wage adjustment to Appendix: A: (modification as adopted in the 2007 Amended Compensation Plan) and in Appendix "B" Equipment List. This list parallels the same list that was approved in the Police Officers Union agreement for 2007-2008. The Union is not interested in accepting the City's 2008 proposal at this time. All voted in favor of the motion.

Reynolds moved, Ritter seconded, the approval of non-union employee proposal for 2008. With the previously adopted insurance contributions for health, dental, life/ADD and Long-term Disability, the only remaining item for Council consideration is the wage schedule adjustment for 2008. With the adoption of the Wage Schedule at 3.00%, this essentially establishes the non-union wage rate for 2008. All voted in favor of the motion.

It was the general consensus of the Council that City Hall offices would close at 3:00 P.M. on Christmas Eve, December 24, 2007, and that the employees would use their accrued time.

AUTHORIZATION TO REQUEST A CONTRACT FOR AUDITING SERVICES:

Thomas M. Meulebroeck, Financial Director/City Clerk, indicated that proposals were received on December 7, 2007 for auditing services for the City of Marshall. He indicated that he along with Council Member Boedigheimer reviewed the proposals and have discussed Abdo's proposal with Kyle Meyers, audit partner, and have also discussed their services with the City of New Ulm, Hutchinson and Elk River who have Abdo perform their audit services. He also indicated that Eide Bailly's proposal was the lowest but they were not comfortable recommending their services due to the low number of hours in comparison to the others and they only have one member listed on their proposal that is a licensed CPA in Minnesota. Boedigheimer moved, Doom seconded, that the proper city personnel be authorized to request a formal contract from Abdo, Eick & Meyers, LLP for auditing services for 2007 through 2010. All voted in favor of the motion.

FUNDING DISCUSSION ON CHAMBER TRANSPORTATION COMMITTEE AND MERIT CENTER LOBBYING:

Council Member Boedigheimer indicated that the Chamber Transportation Committee met earlier today to discuss lobbying efforts by Ed Cain. Council Member Boedigheimer indicated you are not going to get any money out of Washington, D.C. or the state unless you lobby for it. Mr. Cain indicated that he would continue to lobby for the City of Marshall at the Federal level at a fee of \$1,500 per month for the calendar year 2008 and will lobby at the state level for 6 months at no additional fee. At the December 3, 2007 meeting the council approved \$20,000 for the Marshall Area Chamber of Commerce Traffic Committee be included in the 2008 budget. Boedigheimer moved, Sanow seconded, that the \$38,000 for lobbying by Ed Cain be paid for out of the "429" Revolving Fund for 2008. Mr. Cain will provide the City of Marshall a monthly written report on the lobbying efforts. All voted in favor of the motion.

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

COUNCIL MEMBER COMMISSION BOARD/LIAISON REPORTS:

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

- Byrnes EDA will be meeting on Tuesday, December 18th; Regional Development Commission met last Thursday.
- Boedigheimer Airport Commission - the UPS loading ramp that was at the airport has been removed; Lyon County Enterprise Development met but was unable to attend; M.E.R.I.T. Center met earlier; Police Commission has completed an eligibility roster and background checks are in the process of being completed.
- Doom Marshall Community Services Advisory Board met last week; Planning Commission minutes are included in the agenda packet.
- Hulsizer Human Rights Commission met this evening; Library Board met last Monday.
- Reynolds Hospital Board met earlier this evening and discussed the new phone system.
- Ritter Housing Commission met but was unable to attend; EDA will meet on Tuesday.
- Sanow Cable Commission meeting was cancelled.

COUNCIL MEMBER INDIVIDUAL ITEMS:

Council Member Hulsizer requested the council to clarify in which year the annual contribution of \$250,000 for the proposed new library would start. In April the Council approved \$1 million from the Municipal Liquor Store reserves and was hoping that the first installment would take place in 2007. Finance Director/City Clerk Thomas Meulebroeck indicated that the city could designate \$250,000 from the Municipal Liquor Store reserves this year and the money would be given when it was needed for the construction costs.

REGULAR MEETING – DECEMBER 17, 2007

REVIEW OF PENDING AGENDA ITEMS:

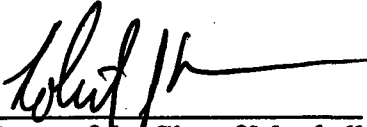
City Attorney Dennis Simpson indicated that the easements have been filed for the Maple Street Alley easement.

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

Doom moved, Reynolds seconded, to go into closed session at 7:20 P.M. pursuant to Minnesota Statute 13D.05, Subd.3(a). All voted in favor of the motion.

The Council came out of closed session at 8:00 P.M.

There being no further action it was the general consensus of the council that the meeting be adjourned at 8:02 P.M.



Mayor of the City of Marshall

ATTEST:



Financial Director/City Clerk

REVIEW OF PENDING AGENDA ITEMS:

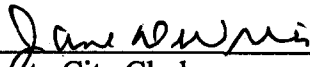
Council Member Sanow will attend the Senior Center Commission meeting and Council Member Boedigheimer will attend the Planning Commission meeting. A meeting needs to be scheduled with Glenn Olson, Mayor Byrnes and Michael Johnson in regard to the Airport Zoning Board.

Upon motion by Ritter, seconded by Boedigheimer, the meeting was adjourned at 7:45 P.M. All voted in favor of the motion.



Mayor of the City of Marshall

Attest:



Deputy City Clerk